India

Struggling to Survive

Media freedom in post-pandemic India is facing two kinds of pressure: internal and external. Internal pressure arises from media owners who 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 layoff became evident as journalists began to share letters and messages on social media. Most journalists were reluctant to challenge the latent coercion in the garb of “voluntary resignations” in labour courts given the costs and benefits 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 societies 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 overreach by law enforcement agencies and self-appointed custodians of the law. The central government used its agencies to conduct raids, searches and “surveys” on infrastructure houses. Other tactics included using Multiple First Information Reports (FIRs or police complaints) against journalists for the same offence across states. Many journalists were arrested under the draconian Unlawful Activities (prevention) Act (UAPA) which saw them incarcerated without trial or bail for long periods.

The other front was digital surveillance which 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 public 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 clearance of 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, deplatforming and even violence. Media ownership, in particular, was seen as being in the garb of “voluntary resignation” in labour courts.

Media freedom in post-pandemic India is facing two kinds of pressure: internal and external. Internal pressure arises from media owners who 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 layoff became evident as journalists began to share letters and messages on social media. Most journalists were reluctant to challenge the latent coercion in the garb of “voluntary resignations” in labour courts given the costs and benefits 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 societies 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 overreach by law enforcement agencies and self-appointed custodians of the law. The central government used its agencies to conduct raids, searches and “surveys” on infrastructure houses. Other tactics included using Multiple First Information Reports (FIRs or police complaints) against journalists for the same offence across states. Many journalists were arrested under the draconian Unlawful Activities (prevention) Act (UAPA) which saw them incarcerated without trial or bail for long periods.

The other front was digital surveillance which 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 public 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 clearance of 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, deplatforming and even violence. Media ownership, in particular, was seen as being in the garb of “voluntary resignation” in labour courts.

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.

What’s App has been weaponised by groups owing allegiance to, or being paid by, political parties. This has seen the proliferation of fake news. For example, the fake news forwards have led to riots, violence, and even to deaths, as in the lynching of a vantage suspected by social media to be a kidnapper.

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 societies 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 overreach by law enforcement agencies and self-appointed custodians of the law. The central government used its agencies to conduct raids, searches and “surveys” on infrastructure houses. Other tactics included using Multiple First Information Reports (FIRs or police complaints) against journalists for the same offence across states. Many journalists were arrested under the draconian Unlawful Activities (prevention) Act (UAPA) which saw them incarcerated without trial or bail for long periods.

The other front was digital surveillance which 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 public 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 clearance of 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, deplatforming and even violence. Media ownership, in particular, was seen as being in the garb of “voluntary resignation” in labour courts.

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.

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 7, the Delhi Police had filed multiple FIRs, co-founded 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 of any community) by the Delhi police through a supplementary chargesheet.

In June, FIRs were filed against journalist Saba Naqvi for forwarding a satirical tweet, which had reportedly offended Hindu sentiments.
In 2021, Zuhair 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 the burning of an effigy. 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 about a woman on her show. The spokesperson was subsequently suspended.

In June 2022, Unnati 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 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 separate charges. He was again granted bail but rearrested on March 14, 2022. The Kashmir Walla had published an article by Abdul Ala Fazili, a Kashmiri university scholar, titled “The shackles of slavery will break.” A month later, Fazili and some others were booked under Sections 138 and 134 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 terrorists.

In August 2022, an American journalist of Indian origin, Angad Singh, was denied entry into India and deported to the United States on November 5, 2022. Singh, a documentary producer for Vice News, 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 Artes Gaur 2020. Again, on October 19, 2022, Mattoo, a Reuters reporter who once participated through a video portal for covering the Covid pandemic, was stopped at Delhi’s Indra Gandhi International Airport and prevented from flying to New York for the award ceremony. Like Mattoo, journalist Jashan Hassan was prevented from traveling to Sri Lanka. In 2019, Kashmiri journalist Gowhar Geelani was also 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 February 2023, some journalists were roughed up by marshals in Salt Lake, West Bengal. Another journalist, Sudip Ranjan Roy, of The Times of India, was beaten by the police in Guwahati. In July 2022, Roopesh Kumar Singh, a Jharkhand-based independent journalist, was arrested for his alleged links with Maoists and booked under the UAPA. Singh, a former Special Police Officer (SPO) who had served with the Jharkhand police force, had been working as a freelance journalist. In 2016, Singh had worked for the news website The Wire. His wife, demolishing the popular narrative in India, expressed her disappointment at being barred from the event.

In October 2022, journalist Siddique Kappan, arrested by the UP police on October 5, 2020, was released on bail. Kappan had been picked up while he – like other journalists – was on assignment to cover the rape and murder of a young woman in Hathras, a northern Uttar Pradesh district. The district police had registered a case under charges of conspiracy to cause disturbance in Hathras and booked for sedition under the UAPA. Kappan was also booked for financial crimes under the UAPA. As part of his bail conditions, he had to deposit a bank guarantee that he would not receive any monetary benefit 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 IJF affiliates protested the police action.

In July 2022, Rosepuk Rumar Singh, a Jharkhand-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 Naxal issues. He was transferred to the Dhanbad jail and later to Tinsukia in Assam. 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.” Singh was among 40 journalists whose phones were observed in a database that they were targets of cyber surveillance by the controversial Pegasus phone hacking software. He continues to be in jail.

In August 2022, Wangkhemcha Shamji, the president of the All Manipur Working Journalist’s Union (AMWJU), an affiliate of the IJF, was summoned and harassed by the NIA on the pretext of investigating the role he had played in helping underground journalists. The AMWJU, Editors’ Guild Manipur, and the 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, had been booked by the police in West Bengal for reporting on alleged corruption in the provision of water connections. Affiliates of the IJF, IJU, and NJU-IPJ protested the arrests. The journalists were booked under various clauses relating to “criminal conspiracy”, “sedition”, and “abuse of official position”, among others. They were booked under the I&C Act in January, and the police later said that the “unlawful association” would lead to “severe 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.

In a landmark order passed on May 11, 2022, the Supreme Court put the contentious sedition law on hold and began the Centre’s promised review of the colonial relic and also asked the Union and state governments to register any fresh case invoking the offence.
debated from university examinations for one year. Several journalist organisations including the IFJ, its affiliates, the Editors’ Guild, and online media portals condemned the persecution of the BBC.

On March 20, 2023, Irfan Mehraj, founding editor of Nidum 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 Lakhim Na. The charge was that Jaspal Singh had defamed Na with “wrong posts” on social media. The police arrested Singh on charges of defamation Section 300.

The restrictions on the media in the central hall of Parliament, which were introduced in March 2020 due to Covid, have continued. Singh was arrested based on a complaint filed by the son of a BJP legislator Lakhim Na. The charge was that Jaspal Singh had defamed Na with “wrong posts” on social media. The police arrested Singh on charges of defamation Section 300.

On November 18, 2022, the Government of India released the next draft of India’s proposed Digital Personal Data Protection Bill, the first complete draft to deal with data and privacy (an earlier draft had been tabled in Parliament in 2019 and withdrawn). The Bill has been criticized 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 introduction 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 (NSNC), 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 implications, 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 give working conditions and time-bound revision of wages as per the statutory Wage Board. With the Working Journalists 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 notify them, 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 IFJ on women’s representation or involvement in the trade union in comparison to men, two 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 is 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.

Notably, those, 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 IFJ on women’s representation or involvement in the trade union in comparison to men, two 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 is 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.

Notably, those, three years since introduced.
Targeting 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 **hailed 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.**