



INDIA

THE STATE CLOSES IN

The victory of the Bharatiya Janata Party-led National Democratic Alliance (NDA) for a second term with a thumping majority in the May 2019 general election appeared to be a validation of hyper-nationalism that dominated India's electoral campaign and had serious implications for freedom of expression in the country. A polarising narrative that had begun to take form since the BJP-led government's first term now solidified. Derogatory terms – 'sickular', 'libtard', 'newstrader', 'presstitute' – for liberal or secular voices, or indeed anyone who questioned the government began to dominate social media and even mainstream news channels. This vilification included journalists and media houses considered to be "anti-government".

Soon after coming to power in May 2019, the government amended two repressive laws - the Unlawful Activities (Prevention) Amendment Act, 2019 (UAPA) and National Investigation Agency Act (NIA) – that have direct implications for the media. The amendment to the UAPA conferred greater powers on the central government while the hawkish NIA empowers it to take over cases within the purview of states, which weakens the devolution of powers in the federal structure. The amendment to the UAPA can be used to infringe upon freedom of speech and expression and has contributed to a high

level of self-censorship in the country.

On April 18, Kashmiri photojournalist Masrat Zahra and a few days later, journalist and author Gowhar Geelani were slapped with the UAPA for posting work on Facebook, while down south in Telangana state, N Venugopal, a senior journalist and editor of Telugu monthly journal *Veekshanam* was implicated under the UAPA for his alleged support to the banned Communist Party of India (Maoist) party.

Dealing a body blow to an empowering tool for journalists was an amendment in July 2019 to the Right to Information Act, 2005. The RTI (Amendment) Bill 2019 dilutes the power and autonomy of the Central Information Commissioner and the State Information Commissioner by amending the salaries and tenures of the information commissioners. Journalists have produced several landmark investigative stories by accessing information under RTI and weakening the Act could directly impact the power of such exposés in future.

A major legal amendment in keeping with the BJP's political mandate was the scrapping of Article 370 and Article 35A of the Indian Constitution that gave special status to Jammu and Kashmir, and the passing of the Jammu and Kashmir Reorganization Act which split the state of Jammu and Kashmir into two union territories (UT of J&K and UT of Ladakh) and was



Police personnel stop members of the Communist Party of India from burning an effigy representing union home minister, Amit Shah in Hyderabad on February 27, 2020. The minister was accused of stoking communal violence which led to numerous shutdowns and restrictions on access to information throughout India.

CREDIT: NOAH SEELAM / AFP

THE BRUTAL VIOLENCE IN NORTH-EAST DELHI WHICH CONTINUED FOR 72 HOURS, INCLUDED ARSON, LOOT AND ATTACKS WHICH LEFT 53 PERSONS DEAD AND OVER 200 INJURED.

channel news program, was beaten when he refused to hand over his phone. Yousuf said he had police permission to report but as he stepped out, police asked for his phone, and when refused he was beaten. The phone was smashed and his press card taken away.

Ujwal Roy and Sarabjeet Singh, from Asia News International (ANI), were also assaulted by police for covering the same protest. Zee News camera person Jaideep was assaulted and his camera damaged. Asianet News reporter Dinesh R and video journalist Wasim Sayeed were also attacked for covering the students' protest. Mathrubhumi News reporter Arun Shankar and cameraperson Vaishakh Jayapalan were attacked as they covered police attacking students. The police also destroyed their video camera.

The December attacks against journalists were still being taken stock of, when the Jawaharlal Nehru University (JNU) in Delhi came under brutal attack allegedly by the student wing of the BJP in early January 2020. Over a dozen journalists from prominent media houses covering the event were harassed and heckled by mobs and even detained by the police.

Scroll.in's Rohan Venkataramakrishnan was recording the attacks taking place at the university when several right-wing activists shouted, surrounded, shoved and hit him on the head. Aaj Tak and India Today's reporter was similarly attacked breaking his mic and calling him 'Naxali' and 'Jihadi'. The mob attack was in the presence of the police. The Hindu's reporter, Siddharth Ravi, was asked to leave once he identified himself as a journalist; Ayush Tiwari from digital news portal *NewsLaundry* was surrounded by the mob demanding that he chant "Bharat Mata ki Jai" ("Hail Mother India", a nationalist slogan).

After the students' protest erupted out of the campus and onto the streets, civil society activists and members of the public also joined in. Zee News reporters Jitendra Sharma, Neeraj Gaur and camera person Qamar Khan covering the protest, were also among those attacked by the protesters. The dubious role of police came to light as journalists reported of detention by the police. While Sanjay Jha of the Telegraph and SK Pande, a senior journalist and president of Delhi Union of Journalists (DUJ) were violently attacked, others such as Rajesh Kumar, Parthiv Kumar, Shivesh Garg, Arvind Singh were forcibly taken away to an unknown destination. Basant Kumar of *NewsLaundry* was also detained by the police in Delhi as he was covering an event.

Several states like Karnataka, Gujarat, Meghalaya, West Bengal, Tripura, Arunachal Pradesh, Assam and Delhi were clamped down with Section 144, which prohibits assembly of more than four persons, as well as internet shutdowns to restrict news flow on anti-CAA agitation.

Ismael Zoarez, a reporter with Kannada newspaper Vartha Bharati, was caned by Karnataka police while reporting police brutalities against anti-CAA protesters. Identifying him as a Muslim, police threatened to 'tear off his beard'. Mubashir Khurram, a journalist with Siasat was detained by Hyderabad police while covering a flash protest against the CAA. The Hindu corresponded, Omar Rashid, was detained and tortured for

preceded by a complete communication shutdown. (See page 16)

Another controversial piece of legislation passed on December 12, was the Citizenship Amendment Act (CAA) that fast tracks citizenship to persecuted religious minorities from Afghanistan, Bangladesh and Pakistan. The persecuted communities include Hindu, Sikh, Christians, Parsis and Buddhist, but the Act excludes Muslims. The passage of the CAA unleashed a string of protests by students and common citizens across the country against its violation of the provision of a secular Constitution.

COVERING PROTESTS

Harsh clampdowns on protests against the CAA left several students injured in Jamia Millia Islamia in Delhi. Over two violent days, ten journalists and photojournalists covering the student protests were beaten by the police despite identifying themselves as press, and many had their phones and cameras damaged. Shaheen Abdulla, associate creative editor of Delhi-based digital news platform Maktoob was 'mercilessly beaten by a group of ten policemen; he was not spared despite showing his press card. **BBC journalist Bushra Sheikh** was pulled by her hair and hit with a baton while her phone was taken away and broken. The same day, Shariq Adeel Yousouf from Pal Pal News, a YouTube

DEROGATORY TERMS — ‘SICKULAR’, ‘LIBTARD’, ‘NEWSTRADER’, ‘PRESSTITUTE’ — FOR LIBERAL OR SECULAR VOICES, OR INDEED ANYONE WHO QUESTIONED THE GOVERNMENT BEGAN TO DOMINATE SOCIAL MEDIA AND EVEN MAINSTREAM NEWS CHANNELS.

two hours before being released by Uttar Pradesh police after his editors intervened. His Kashmiri identity became suspect with the police, who repeatedly asked him where the other Kashmiris were hiding and threatened that they would tear off his beard and thrash him. Seven journalists from major Malayalam channels were detained by the Karnataka police as they came to Mangalore city to cover the news of death of two anti-CAA protestors. Their live reporting from the scene was disrupted, despite showing their press cards and accreditation. The journalists were made to sit inside a police vehicle, some on the floor, for over four hours. Their phones and cameras were also confiscated and they were allowed to leave only after being detained for seven hours.

MAYHEM IN THE CAPITAL

As the date for the hotly-contested election in the state capital Delhi, scheduled for February 8 neared, the city witnessed a vicious and polarised campaign between those protesting against the CAA and those in favour of it. After the Aam Aadmi Party swept back into power, the polarisation intensified. What followed on the second day of a visit from US president Donald Trump on February 23 was unprecedented violence along communal lines. The brutal violence in north-east Delhi which continued for 72 hours, included arson, loot and attacks which left 53 persons dead and over 200 injured. Journalists reporting on the conflagration once again came under attack and were prevented from recording the unfolding violence, polarised on religious lines.

Republic in Peril, a report by the Committee Against Assault on Journalists, chronicles 18 journalists attacked as they were covering the riots that erupted in February. The journalists came under attack not only for carrying out their profession, but also on the basis of the media house they represented and sadly, also on the basis of their religious identity. Electronic journalists with their large cameras faced great difficulty in recording the incidents without being noticed as journalists. Attackers even went as far as shooting: Akash Napa, representing JK24x7 News, was shot at by a mob while he was reporting the riots in the Maujpur locality in Delhi. NDTV's Saurabh Shukla and Arvind Gunasekar were surrounded by a group of CAA supporters as they were filming a religious place being vandalised and burnt at Gokulpuri. The two were brutally punched and kicked amidst chants of “Jai Shri Ram” (Glory to Lord Ram) insisting that Gunasekar delete all the footage from his phone. After Shukla was forced to insist that both of them were Hindus, they were let go, but only after deleting the footage from Gunasekar's phone. Gunasekar also lost three teeth and a lot of blood due to the beating. CNN News18's Runjhun Sharma, who was reporting along with Shukla and Gunasekar, was also heckled by the rioters demanding that the journalists reveal their religious identity. As the mob became aggressive, Sharma narrates ‘they folded their hands and pleaded to let them go’. Indian Express reporter Shivnarayan Rajpurohit found himself surrounded by the mob, his spectacles removed and crushed, his phone taken away, his diary thrown into a heap along with some items which were set ablaze. Telling him that he had been allowed to survive only

because he was Hindu, they asked him to leave immediately. Anindya Chattopadhyay, of the Times of India, was taken

aback when a group of men approached him and offered to put a tilak (vermillion mark of an upper caste Hindu) on his forehead saying, ‘this would make his work easier’. But as he took pictures of a building set on fire, they chased him and repeatedly asked if he was a Hindu and threatened that they would take off his pants to confirm (circumcision is considered to be a sign of being Muslim). After much pleading they let him go.

Mobs also threatened to thrash Anvit Srivastav, a reporter with Hindustan Times, if he did not prove his religious identity, insisting on some religious symbol like a sacred thread or pendant. They refused to identify him with his ID card until others intervened and let him go. His colleagues Soumya Pillai and Fareeha Ifthikar were surrounded by a mob and chased away. Sushil Manav from Janchowk had it worse. The mob let go only after they stripped him to identify he was a Hindu, forced him to chant Hindu hymns and beat him with rods. Hindustan Times photographer, Sanchit Khanna, covering the riots at Karawal, saw his motorcycle set ablaze by a mob. Another group cornered him and deleted the pictures he had taken of the violence.

Women journalists shared their accounts of not being spared by the mob. NDTV reporter Mariyam Alavi was hit on her back while reporting on the attacks. In a poignant testimony, independent journalist Ismat Ara said: “I was scared they would catch and harass me for being a journalist, molest me for being a girl, and lynch me for being a Muslim if they found out my identity”.

Tanushree Pandey from India Today was held by her waist and shoulders by a crowd of ten men who demanded that she put off her camera before pushing her away. Sreya Chatterjee, of News X, faced a hostile situation when a mob stopped her from reporting and threatened to beat all reporters she was with as they were Hindus and should not record these events. Parvina Purkayastha, a reporter from *Times Now*, was shaken as a group of men approached her with wooden sticks to beat her until she pleaded with them to let her go. *Scroll.in*'s Vijayta Lalwani was heckled by a group of men chanting “Jai Shree Ram” and “Bharat Mata ki Jai” threatening them not to take videos or photographs.

The International Federation of Journalists (IFJ) and its affiliates the Indian Journalists Union (IJU) and National Union of Journalists India (NUJ-I) condemned the violence against the media and demanded compensation for the injured journalists as well as damaged equipment. The Press Council of India, the Press Club of India, and Indian Women Press Corps (IWPC) also strongly condemned the role played by the police which amounted to a direct assault on press freedom. No action has been initiated against any police personnel, nor has there been an apology from the concerned department or ministry, rather the home minister praised police for successfully containing the riot and not allowing it to spread beyond a 3km radius.

HARASSMENT AND ATTACKS

In addition to the attacks on close to 40 journalists from December 2019 to February 2020 in Delhi alone, other attacks also took place across the country during the period.



Protesters shout slogans during a demonstration against India's new citizenship law in Allahabad on December 19, 2019. Indians defied bans on assembly in cities nationwide as anger swelled against a citizenship law seen as discriminatory against Muslims, following days of protests, clashes and riots that left six dead. Credit: SANJAY KANOJIA / AFP

Alarming, the perpetrators in several cases were allegedly police personnel themselves. Amit Sharma, a journalist with News 24, was brutally beaten and abused by railway police when covering news of train derailment in June 2019 in Dhimanpur, Uttar Pradesh. "I was locked up, stripped and they urinated upon right into my mouth," Sharma had said. Sharma was subsequently released after several journalists protested at the police station.

In Guwahati, Assam police personnel entered the office of a private TV news channel, Prag News, and beat up its staffers without provocation.

In November, authorities barricaded entry routes toward one of the Valley's renowned shrines Hazrat Naqashband Sahib in Srinagar's downtown area and denied permission to devotees to offer annual traditional mass prayer (Khojje Digar) there. When journalists reached the location, a police official held freelance photojournalist Muzamil Mattoo by his neck and assaulted him. Srinagar-based reporters Anees Zargar and Azaan Javaid were roughed up by the police on December 7 when they went to a neighbourhood in Srinagar to cover stone-throwing protests. Police and paramilitary forces were deployed around the protest site and as the reporters were leaving, police snatched their phones and beat them up. The police ordered an inquiry into the assault and the reporters submitted their testimonies, but action is yet to follow. Javaid was berated by senior police officers when he went to collect his phone and was removed from a police WhatsApp group, formed by the police to keep journalists posted as means to deprive him of access to news.

On March 4, two video journalists Qayoom Khan and Qisar Mir were stopped from carrying out their professional duties in south Kashmir's Pulwama. Their camera and mobile phones were snatched by a police official and returned after five hours. The journalists said work stored on their equipment was erased by police. Besides brute force, the authorities in India also used other forms of harassment and intimidation. Senior journalist Peerzada Ashiq who reports from Kashmir for The Hindu was summoned by the Jammu and Kashmir police on September 1 to

Srinagar's Kothibagh police station. There he was questioned and pressured to reveal the source of a story about mass arrests in the valley. Quoting official documents, he had reported that a total of 3,200 persons, including 1,500 youth, were arrested in the first three weeks of August 2019. He was once again summoned and questioned over a news report, which the police termed as "fake news" and filed a first information report (FIR) against him on April 20, 2020.

Basharat Masood, Srinagar bureau chief at Indian Express, and Hakeem Irfan, who reports from Kashmir for the Economic Times, were both summoned to the counter insurgency headquarters of the police in Srinagar on November 30. They were grilled by police officials about their stories and asked to divulge their sources and also asked how they got the official document about the internet shutdown in the Valley. On December 23, Basharat Masood and Safwat Zargar of news website Scroll.in were stopped by the police at Handwara in Kupwara district of Kashmir while on assignment. They were taken to the office of the superintendent of police, Handwara, where they were questioned and accused of increasing provocation through their reporting.

Senior journalist Naseer Ganai, of *Outlook* magazine, along with journalist Haroon Nabi were summoned to the police's counterinsurgency headquarters in Srinagar on February 8. There they were grilled for reporting a statement issued by the separatist group the Jammu and Kashmir Liberation Front, and were asked to reveal the email ID from which they had received the statement. Their phones and laptops were also seized.

The principal correspondent with New Indian Express was slapped by a senior police officer for recording an incident of police highhandedness in Bangalore, Karnataka. Attacks on journalists were also perpetrated by local mafia and goons, many of whom were supported by local politicians.

Pratap Patra, of *Samaj* Daily, was attacked by sand mining mafia for covering news on illegal sand mining in Balasore, Odisha. Similarly, Gopal Chatterjee, a correspondent with *Anand Bazaar Patrika*, in West Bengal was allegedly attacked by sand mining



Movement restrictions were imposed by authorities in Jammu and Kashmir following India's revocation of Article 370 and Article 35A of the Indian Constitution, removing the special autonomy of Jammu and Kashmir. The controls severely impacted media's ability to report.

mafia when crude bombs were thrown at his residence.

Two journalists in Tumkur, Karnataka, were attacked and their cameras smashed by employees of a pharmaceutical company for reporting on environmental hazards created by the company in the locality after a boiler burst in the factory leading to sickness amongst children and elders. Supporters of self-styled god woman, Radhe Maa, kidnapped and attacked local journalist Jitendra Sharma for asking some questions in a press meet she held in Panipat, Haryana.

Three journalists from Andhra Pradesh, Nagarjuna Reddy, Avula Manohar of Mahaa News and N Dolendra Prasad, editor of Telugu weekly Zaminryot, were attacked in three separate incidents. The attacks were by the members of legislative assembly (MLA) and their supporters for writing on their corrupt practices.

On March 5, M Karthi, a reporter with Tamil magazine *Kumudam*, was attacked by supporters of the state politicians, against whom the reporter had published reports. The Indian Journalist Union (IJU) condemned the assault and said that it "...reveals the growing intolerance by the political establishment against critical reporting". In Arunachal Pradesh, Tongam Rina, associate editor of the *Arunachal Times*, was trolled for an article she wrote on the alleged rise in wildlife hunting in the State during the lockdown. From threats over the telephone to morphed photographs in Facebook, the harassment in April 2020 was unrelenting. Rina earlier faced a murderous attack in 2012, when she was shot in her office by masked gunmen. In a step back in the struggle for accountability, files pertaining to the shooting are now 'untraceable', thus impeding her fight for justice.

In Bihar, Pradeep Mandal, a reporter with Hindi daily *Dainik Jagran*, narrowly escaped when shot at by two miscreants. The two attackers are suspected to be the traffickers against whom Mandal had reported and who police subsequently arrested.

Most shockingly, displaying complete ignorance of the duties of the press especially during the government-imposed Covid-19

lockdown, many journalists were attacked by police for 'non-compliance of the lockdown'. Navin Kumar, from Aaj Tak News was beaten as he was reaching his office in Noida Delhi. His car keys were taken away, he was pushed inside a van and his wallet and purse were taken away. He was beaten inside the van as people gathered to see what was happening. Ravi Reddy, bureau chief of The Hindu was verbally abused and forcefully pushed inside the car. Andhra Jyothi's political bureau chief, Mendu Srinivas, and Mohammed Hussain, a reporter with Siasat, faced similar hostility when returning from work during the lockdown.

In most of the cases, the journalists have filed a First Information Report (FIR), the first step in activating due process of law. In several cases, arrests have been made, especially of attacks by mafia and goons. However, complaints of assault by state machinery and the police has been left to linger with prolonged investigation.

JOURNALISTS KILLED

During the year, several journalists met an untimely death, but it has not always been possible to conclusively link their deaths to their profession. In some cases however, it emerges that the deceased journalists paid the ultimate price for journalism. The brutal murder of K Satyanarayana, a journalist based in Andhra Pradesh, was initially made out as an internal feud. However, the history of his reporting work for the last 20 odd years and the threats unleashed by the newly-formed government in the state suggests a direct link to his profession. Six suspects were arrested but were released on bail within the month. The MLA's name, which was included in the FIR, has been removed by the police. The Press Council of India dropped the proceedings after getting a report from State Chief Secretary and Director General of Police. A writ to initiate a probe with the Central Bureau of Investigation (CBI) has been filed by Satyanarayana's brother 'as he has no faith of a fair investigation' by the state government.

Another journalist from Madhya Pradesh, Chakresh Jain

UNDER THE GARB OF RESTRICTING 'FAKE NEWS' OVER SOCIAL MEDIA, INTERNET SHUTDOWNS BECAME A WAY FOR THE GOVERNMENTS, BOTH CENTRAL AND STATE, TO RESTRICT NEWS NOT JUST IN KASHMIR BUT IN OTHER STATES TOO.

was doused with petrol and killed by local Janpad Panchayat administration official Aman Choudhary and two accomplices. IFJ condemned the brutal attack and sought thorough investigation into the killing and justice for the family. Kerala journalist K Mohammed Basheer died after being accidentally run over by a car driven by a senior administrative officer in an inebriated condition. As the investigation is still dragging its feet, the suspended IAS officer was reinstated as joint secretary in the health department by the Kerala government.

JOURNALISTS DETAINED

In the reporting period several journalists were taken into custody for varying periods of time. Doddipalya Narasimhamurthy, an independent journalist and secretary of the Bengaluru-based Gauri Media Trust – formed in the name of journalist Gauri Lankesh who was murdered in 2017– was arrested on charges filed against him in 1994 accusing him of being a 'Naxalite'. Revathi P, chief executive officer of Mojo TV in Telangana, was arrested over a six-month-old case which seemed to have been ramped up to stop her from protesting against the hostile take-over of her channel by people close to the ruling political party of Telangana State. Mojo TV was reportedly resented by the Chief Minister for airing controversial programmes and there were efforts over the preceding six months to curb editorial independence. In a similar move, Ravi Prakash, CEO of news channel TV9 and founder of the online Tolivelugu, was arrested in a case of financial fraud. However, staff of Tolivelugu say that the arrest was a consequence of his refusal to take down two controversial interviews.

A few days before the announcement of the abrogation of Article 370 in August 2019, Qazi Shibli, editor of website Kashmiriyat, was asked to report at the police station and not allowed to return home. He was booked under the Public Safety Act (1978) for posting articles and tweets in his website giving details of army movements in the state. He was released after nine months, on April 23. Aasif Sultan of Kashmir Narrator, arrested in August 2018 under the UAPA, continues to be denied bail and kept in detention.

When Irfan Malik working with a daily *Greater Kashmir* from south Kashmir's Tral was picked from his residence in a midnight raid on August 14, due to the complete communication shutdown, the media community was unaware of his detention until his parents travelled more than 40 kilometres to convey the news to journalists in Srinagar. He was released from custody after journalists lodged a protest with government officials during a presser, but no reason was given for his arrest.

VIRTUAL UNREALITY

Placing physical obstacles in gathering news, especially by police and their supported vigilante groups on one side of the balance was one thing, but what tipped the scale was unprecedented internet shutdowns. The past year's shutdown in Kashmir was witness to the longest internet shutdown in any democracy.

After a blackout of 213 days, in January the government restored internet in J&K, but internet access was allowed only after the internet protocol and Media Access Control (Mac) was paired, thus exposing the user to online surveillance. Mobile internet is restricted to 2G, and the low speed also restricted

sharing videos and pictures including accessing online news.

Under the garb of restricting 'fake news' over social media, internet shutdowns became a way for the governments, both central and state, to restrict news not just in Kashmir but in other states, including the North-East. In complete contradiction to the democratic vision that India upholds, the country topped the list of global countries that practice internet shutdowns. Globally, 67 per cent of all documented internet shutdowns were reported from India bringing down along with news transmission, the economy as well with an estimated loss of INR 2.45 crore every hour. (See pg xx)

In a direct clampdown of news, the Ministry of Information and Broadcasting on March 6 banned two news channels – Asianet News and Media One – for coverage of the Delhi riots. It said the channels 'highlighted the attack on places of worship and siding towards a particular community' and that the channels 'seem to be critical toward Delhi police and RSS [Rashtriya Swayamsevak Sangh, a Hindu nationalist body]'. The IJU termed the ban "a brazen attack on press freedom and the citizen's right to information" and stressed that "...deeds and not words will give confidence to both the media and the people." After major protests, the ban was lifted after 48 hours.

REGULATION AND CONTROL

The country saw a phenomenal growth of digital media in the past year, but the growth went hand in hand with curbs. In August last year, the Cabinet brought digital media ventures under a Foreign Direct Investment (FDI) cap of 26 per cent, which until then enjoyed no restrictions. FDI caps have so far been applicable only to print media (26 per cent) and news broadcast television companies (49 per cent). The restrictions are viewed by media ventures as an 'effort to regulate the content at digital news outlets'. In addition to the 75 per cent reduction in FDI, the clearance is to be sought by the government which the other media outlets are exempted. In November, the Ministry of Information and Broadcasting came up with the draft Registration of Press and Periodicals (RPP) Bill (2019), which by repealing the earlier Registrar of Newspapers of India, introduced several clauses that are ambiguous yet authoritative.

The bill also includes registration of publishers of news digital media without clearly defining 'digital media'. In November, the government introduced the Personal Data Protection Bill (2019), which purports to provide protection of personal data of individuals by establishing a Data Protection Authority. However Section 35 of the bill concentrates power in the hands of the central government and specifically makes it a party, judge and adjudicator, without any checks and balances. Another form of control of independent media houses was to slap them with charges of financial irregularity.

The intolerance of the ruling dispensation to critical reporting is well demonstrated in the case of the news channel, NDTV 24x7. In the most recent incident, in August 2019 the Central Bureau of Investigation (CBI) charged NDTV promoters leading journalists Radhika Roy and Prannoy Roy, for violating FDI rules for allegedly routing foreign funds between 2004 and 2010 through 32 shell firms set up in several tax haven countries. The IT department, alleging money laundering of Rs 405 crore (USD 53million), in 2007 had sought reassessment of tax returns. In a big relief to the channel, the Supreme Court turned down

THE RECENT LOCKDOWN PUT IN FORCE FROM MARCH 24 TO TACKLE THE COVID-19 OUTBREAK IN INDIA HAS HIT MEDIA HOUSES ALREADY REELING UNDER FINANCIAL CRISES,

the request in April 2020 as the matter was settled several years back. However, two days later the Union Finance Minister slapped a fresh notice of tax reassessment under specific clause dealing with foreign assets. The battle against persecution for the channel's fearless reporting will be a prolonged one.

Controlling the narrative in the Kashmir Valley preceded the abrogation of Article 370 and the communications blockade. The pressure on media was intensified when owners and a publisher of prominent publications (Fayaz Kaloo, of *Greater Kashmir* and *Kashmir Uzma*; Haji Mohammad Hayat Bhat, of *Kashmir Reader*; and Rashid Makdoomi, of *Greater Kashmir*) were summoned by India's counter-terror National Investigation Agency (NIA) to its headquarters in New Delhi in July where they were questioned for a week. This was preceded by the arrest on June 24, of the 62-year-old editor of the Urdu daily *Afaaq*, Ghulam Jeelani Qadri, in a midnight raid from his home. Qadri was falsely shown as absconding in a 28-year-old case registered under Terrorist and Disruptive Activities (Prevention) Act. He was granted bail by the court. Likewise, pending cases against editors and owners of publications were excavated post August apparently aimed at sustaining pressure on media.

INTERNATIONAL IMAGE MANAGEMENT

The past year witnessed heavy-handed steps by the government to manage its international image, characterised by brooking no criticism. Aatish Taseer, an Indian born foreign correspondent for *Time* magazine, was stripped of his Overseas Indian Citizenship (OIC) 90 days after a scathing cover story called *Divider-in-Chief* on the Prime Minister. Taseer was stripped of his citizenship for allegedly concealing the fact that his father was of Pakistan origin, an allegation denied by Taseer as his father's Pakistan origin is clearly stated in all his official documents. In a more recent incident, the Ministry of External Affairs (MEA) received a complaint from a private individual asking for the immediate deportation of *Wall Street Journal* South Asia bureau chief, Eric Bellman, for alleged "misreporting on Delhi riots, particularly in the matter of the killing of Intelligence Bureau officer Ankit Sharma." However, no action was taken on this request.

In January, Amazon's founder, chief executive officer and president, Jeff Bezos, returned after a three-day visit in India with not a single senior government official engaging with him. His request for a meeting with the prime minister was turned down. The 'perceived' snub was apparently due to the Bezos-owned *Washington Post* articles critical of several of the Modi government's policy decisions, especially on the recent developments in Jammu and Kashmir.

JOBS LOSSES, PAY CUTS

As news media struggled to stay alive amidst government crackdown, several news media outlets downed their shutters for lack of resources and changing readership behaviour.

Daily News and Analysis (DNA) announced closure of its print editions in Mumbai and Ahmedabad promising to set up its digital venture. Similarly, *Deccan Chronicle* shut down five editions in Mumbai, Bengaluru and Kolkata. The staff – reduced from 100 to less than five – was reportedly not paid for six months.

Six months into its existence, *Tiranga TV*, a channel owned by congress leader Kapil Sibal and his wife closed shop in July.

Nearly 200 employees were abandoned without six-months' worth of salary. Senior journalist, Barkha Dutt has sued the company for the arbitrary closure seeking compensation. Digital news portal *Scroll.in*, retrenched 16 of its staff soon after the elections in May 2019. Two months' pay was offered as severance before seeking their resignations.

On the regional front, *Cauvery News* closed down in Tamil Nadu in October. No prior notice was offered to the 146 employees. Instead, one month's salary was promised citing financial difficulties and the promise that the operation would go digital. Staff were not allowed to enter the office. Employees went on a week-long strike until the management promised to pay salaries and hold talks. It is still unverified whether all the employees were honoured with due wages.

Following the internet shutdown in J&K in August, fledgling news websites functioning out of Kashmir were forced to suspend their operations. This led to a loss of revenue and drastically dipped their online rankings. Many journalists, especially those working in digital portals of newspapers lost their jobs and salaries were cut. *Greater Kashmir*, *Rising Kashmir* and *Kashmir Reader* were among the prominent local papers which laid off staff and reduced salaries of working journalists amid this frustrating situation. Salary cuts ranging from 20 to 40 per cent were arbitrarily made across the board.

Jobs with media houses have not only become unpredictable, journalists laid off rarely challenge their retrenchment in court. Added to this are changes in labour laws governing journalists that will further deter them from approaching the court.

Amidst severe criticism from trade unions, the government on August 8 passed the Code on Wages and introduced the Code on Occupational Safety, Health and Working Conditions Bill (2019) (OSHWC), which together merged 44 labour laws. While the amalgamation of various acts under the two codes has been criticised to have been drawn favouring companies rather than the labour force, it is equally damaging for working journalists. Two laws enacted to protect working journalists - the Working Journalists and Other Newspaper Employees (Conditions of Service) And Miscellaneous Provisions Act (1955) and Working Journalist (Fixation of rates of wages) Act (1958) – stand to be subsumed under OSHWC. Instead of amending existing laws applicable only to print journalists, the code dropped Section 3(2) of the Working Journalists Act that safeguarded retrenchment of working journalists in print media. If the bill gets passed and the Working Journalists Act is repealed, journalists will lose safeguards against arbitrary retrenchment, a recurring phenomenon in media houses.

The IJU joined the nation-wide protests and together with the Confederation of Newspapers and News Agencies Employees' Unions and met the Labour Minister and made a submission before the Standing Committee of Parliament.

The recent lockdown put in force from March 24 to tackle the Covid-19 outbreak in India has hit media houses already reeling under financial crises. Soon after the announcement, people across the country suspended buying print papers for several reasons, including fear of infection, suspension of transport services and resident societies refusing entry to newspaper vendors.

Although the government asked all states to allow uninterrupted operation of print and electronic media, the Maharashtra government announced suspension of newspaper services until March 31. Printing and distribution were resumed



Journalists protest the ongoing communications blockade in Kashmir after 100 days without the internet in Srinagar on November 12, 2019.

from April 1. But the damage was done. As circulation dipped, loss in advertising revenues followed closely, leading to layoffs and salary cuts.

Sakal Media Group, Maharashtra's leading media group laid off 15 senior employees, mostly from the editorial division. This, despite an order from the Maharashtra government asking employers not to lay off workers or cut their wages during the lockdown. A public interest litigation against the job losses and pay cuts was filed in the Supreme Court on April 16 by the National Alliance of Journalists and others.

Another large media house, The Indian Express, sought 'sacrifices' from the staff of a 'temporary' salary cut of up to 30 per cent. Alongside, predicting enhanced news viewership, Arnab Goswami, the editor of Republic TV and president of the News Broadcasters Federation, has appealed to the advertising fraternity to stand by them. The Indian Newspaper Society has asked the government for an urgent stimulus package for print industry. The coronavirus outbreak and the consequent lockdown will deeply impact an already battered economy and this certainly does not augur well for the media given the impending revenue losses through advertisements.

STICKY FLOORS AND GLASS CEILINGS

The extent of job losses among women journalists and media personnel is not available but given existing biases the picture might not be pretty.

A 2019 quantitative study by *NewsLaundry* in partnership with UN Women, Gender Inequality in Indian Media, finds skewed gender representation in leadership positions. The study also notes that in print media there are fewer articles published by women writers and coverage of gender issues continues to stagger. However, digital media records better presence of women (35 per cent) as compared to print media (English: 25 per cent and Hindi: 17 per cent). This has direct impact on women's bylines. Digital media has 40 per cent compared to English newspapers with 27 per cent and Hindi newspapers with 5 per cent. According to the study, television news channels have a

low appearance of women (16 per cent in English; 8 per cent in Hindi). In the face of adversities and insecurities with online threats and trolling, 2019 also saw remarkable quality in the reporting by women journalists, many of whom are independent journalists.

Low representation of women in the media workforce could be a reflection of the respect they receive in publishing/media houses. The #MeToo movement that took the entire nation by storm was joined by senior journalists exposing an unsafe environment. The lack of institutional mechanisms of redress for survivors of sexual harassment at the workplace was revealed in a study released on March 8 by the Network of Women in Media, India (NWMI) and Gender at Work. The survey of 456 media women working in print, electronic, radio and online media found that over a third (36 per cent) of all respondents reported having experienced sexual harassment at their workplaces. Of the respondents who experienced sexual harassment at work, more than half (53 per cent) did not report it to anyone. Of those who approached the internal committee with a complaint, 70 per cent were not "completely satisfied" with the outcome. The study also highlighted the importance of awareness in prevention of sexual harassment. Respondents who said their organisation did not have a mechanism to deal with sexual harassment, almost half (47 per cent) had faced sexual harassment. Given the lack of faith institutional mechanisms, it is no surprise that women took to social media to make disclosures about sexual harassment.

SILENCE AFTER THE STORM

The wave of disclosures of sexual harassment in the media and entertainment industry in India in September and October 2018 was met with fierce push-back from men who had been named. The year saw defamation – both criminal and civil – being used against journalists to silence them. Many of the women who called out their harassers using the hashtag #MeToo were embroiled in lengthy and costly legal cases. The most high-profile was the case of criminal defamation filed by journalist



A motorist in Chennai rides past graffiti painted on a road to raise awareness about the government-imposed lockdown and the preventative measures against the coronavirus on April 13, 2020. CREDIT: ARUN SANKAR / AFP

turned politician MJ Akbar against Priya Ramani, the first woman journalist to publicly accuse him of predatory behaviour amounting to sexual harassment. The case is ongoing in Delhi, with Ramani having had to travel from another city several times in the year to attend court hearings.

Poet and filmmaker Leena Manimekhalai who was slapped with a criminal defamation case by Tamil film director Susi Ganesan in 2018, was also extensively 'slut shamed' on social media and had her character dragged through the mud. Repeated court hearings have forced her to miss the very first screening of her new documentary. Journalist Surabhi Vaya faces a civil defamation of Rs 100 million crore (USD 6.4million) for her post on social media accusing painter and film maker Pravin Mishra of assault.

A civil defamation suit for INR 50 million (USD 3.2million) was filed by an artist Subodh Gupta against an anonymous Instagram account, Scene and Herd. In the case of Subodh Gupta, the Delhi High Court's order of September 2019, restraining the account from further postings, ordering removal of all posts related to Gupta as well as seeking identification of the 'defendant' in a sealed envelope. Responding to the court direction to take down 18 news articles on the subject, Google said that such action would have a "chilling effect on free speech." The Indian Journalists Union had filed an application to implead in the matter as the case raised questions of public importance, including the need to have extensive discussions on sexual harassment in a free, frank and responsible manner in the public domain and in the media, without threat of litigation that can have a chilling effect on such cases. It argued that journalists cannot be prevented from reporting on allegations against public figures merely because the source of the information is anonymous. Although the judge was not inclined to implead IJU in the case, he agreed there can be no de-indexing of news reports based on a private notice by the plaintiff, Subodh Gupta. An out of court settlement was reached in February 2020, but it is clear that such retaliatory lawsuits deter women from speaking out and naming their harassers.

Attempts to obliterate women's voices by the filing of 'take down' notices to prevent media houses from covering cases of sexual harassment continued through the year.

Tejasvi Surya, contesting as a BJP candidate for Lok Sabha elections from Karnataka's Bengaluru South, obtained a temporary injunction order barring 49 media outlets including newspapers, television channels and social media platforms from publishing news about alleged sexual harassment that he considered "false or malicious". The High Court set aside the gag order in April 2019, but the trend continued.

In February 2020, several articles about complaints of alleged molestation made against lawyer Soumya Dasgupta, son of BJP MP Swapan Dasgupta and journalist Reshmi Dasgupta 'disappeared' from the online space, in response to legal notices. The reluctance of women speaking out about sexual harassment to disclose their identity because of fear of retaliation and further victimisation by powerful perpetrators is not unfounded, since reporting stories of sexual harassment seemed to have once more been trumped by concerns over lawsuits.

THE LEGAL GAG

Besides the stress of facing criminal charges and/or huge amounts of money claimed as damages, defamation charges not only distract journalists in dealing with the litigation, they are often filed in a city where the journalist does not reside. Besides with little support from the publishers for whom they work, journalists tend to slip into self-censorship.

News channel National Live's head, Ishika Singh, and editors Anuj Shukla and Anshul Kaushik were arrested in June 2019 for airing 'defamatory content' against Uttar Pradesh (UP) Chief Minister Yogi Adityanath. The channel broadcast a video of a woman who claimed she wanted to marry the chief minister. In the same context, another freelance journalist Prashant Kanojia was arrested a day later for uploading the video on Twitter. The police not only arrested the journalists, but also sealed their office on grounds of illegal operation. Relevant sections for cheating and fraud were slapped against them. Kanojia was arrested from his home in Delhi, from where he was taken to Lucknow in UP. The Nation Live journalists were arrested from Noida, a township more than 500 km from Lucknow.

In another clampdown on investigative reporting, the UP government filed an FIR against Pawan Jaiswal, a journalist with

THE CORONAVIRUS OUTBREAK AND THE CONSEQUENT LOCKDOWN WILL DEEPLY IMPACT AN ALREADY BATTERED ECONOMY AND THIS CERTAINLY DOES NOT AUGUR WELL FOR THE MEDIA GIVEN THE IMPENDING REVENUE LOSSES THROUGH ADVERTISEMENTS.

Hindi *Jansandesh*. Jaiswal had shot a video showing children sitting on the floor and eating rotis with salt at a primary government school in Mirzapur. After the video blew the lid over the UP government's flagship mid-day meal scheme, the Block Education Officer filed a complaint against Pawan, and two others, including a representative of the local village head accusing them of "criminal conspiracy to defame the UP government."

In similar outrage over the government's image, police in Uklana district of Haryana police filed an FIR against Anop Kundhu of STV Haryana News, for showing spoiled wheat lying in the open at the centre of the Food & Supplies Department. The FIR followed a complaint registered by a department official claiming the news to be "false" and accusing Kundhu of "spoiling the image of the department and the official."

One more instance of overreach was the FIR filed against Vishweshwar Bhat, the editor-in-chief of Vishwavani. This pertained to a report published against Nikhil Kumaraswamy, a film star as well as son of then Chief Minister H D Kumaraswamy, who lost elections to an independent woman candidate.

Individuals filing defamation charges against journalists and media houses are bad enough, but when governments issue gag orders, the matter is more than serious. In Andhra Pradesh, the government that came to power after the May 2019 state elections, issued a government order (GO) in October. The order empowers departmental secretaries 'to lodge complaint and file defamation cases' against publishers and editors. The order notes that it is to deter print, electronic and social media from 'tarnishing the image of government and government officials by spreading 'false, baseless and defamatory news with malafide interest'.

There was a hue and cry from journalists union and the Press Council of India took suo moto notice of it. The order stands deferred as the Andhra High Court, where it was challenged, had sent it back to the PCI to adjudicate. On a similar note, the Rajasthan government also passed a law - Rajasthan Court Fees and Litigation (Amendment) Bill (2020) by voice vote in March, purportedly to make it affordable to move the court for defamation. While members of opposition parties called the law unnecessary as it would only overburden the courts with cases, journalists feared this could be easily used against them. The Act is likely to instil fear in local stringers and reporters who are likely to self-censor.

One of the most overwhelming impacts of the coronavirus was the plight of migrant labourers, who were abandoned by their labour contractors without any support as a 21-day lockdown was announced by the prime minister with a mere four-hour window. This sent everyone in a tizzy of shopping and hoarding eatables for three weeks, and trying to reach their homes.

In its submission to a public interest litigation the union government made it appear that the panic among the migrant labourers was due to spread of "fake news" and sought the court's direction that 'no electronic/print media/web portal or social media shall print/publish or telecast anything without first ascertaining the factual position from the government, 'as it will harm the entire nation'. Although the Supreme Court denied the centre's call for prior censorship and reinforced holding free discussion on the pandemic, it directed the media to 'refer and publish official version of developments'.

The court also ordered for imposition of Section 54 of the

Disaster Management Act (2005) that provided for punishment extendable up to one year imprisonment to anyone who circulates false news and imposition of section 188 under Indian Penal Code to be pressed against those who disobey the orders of the government.

A day after the court's order, Uttar Pradesh's government filed cases under sections 188 (disobedience to order) and 505(2) statements creating or promoting enmity, hatred or ill-will between classes) and section 66D (cheating by personation by using computer resource) of the IT Act of the Indian Penal Code against Siddharth Varadarajan, founding editor of news portal The Wire. The objection was to an article published on March 31 which referred to the chief minister holding a religious ceremony despite the call for lockdown. The Editors Guild of India commented that such cases filed against the media are 'acts of intimidation'. A protest statement signed by more than 3,500 journalists, academics and human rights activists, expressed shock at the action of the UP government and police in filing criminal charges for an "entirely factual story on Covid-19 and religious events". "This attack on media freedom, especially during the Covid-19 crisis, endangers not just free speech, but the public's right to information," the statement said.

Given the polarised narrative over the Covid-19 crisis, vilification of minorities and open Islamophobia in many sections of the media, especially the electronic media, it is all the more important for independent journalism to flourish. Sadly, the credibility of the media has taken a nosedive and making it all the more critical for journalists to introspect and for unions to put sharp focus on IFJ's Global Charter of Ethics for Journalists.

FAR TO GO

While 2019 may have shown drastic reduction in the number of journalists killed as compared to the previous year, the press freedom situation continued to deteriorate. Attacks against journalists increased, along with an impunity that does not bode well for the future.

A positive step was the state government's introduction of the bill in November in the state of Chhattisgarh - Chhattisgarh Protection of Mediapersons Bill. This is the second state, after Maharashtra, which passed the Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Bill (2017). The Chhattisgarh Bill, in the process of incorporating suggestions offered by several journalists, was welcomed by journalists. Unfortunately, the bill ignores citizen journalists who are at the frontline gathering news and therefore vulnerable to attacks. In a welcome move, member of parliament and national spokesperson of congress, Rajeev Gowda, brought up the matter of journalists' safety in the parliament in March seeking a law to ensure safety of journalists, which is a long-pending demand by journalists' unions. It remains to be seen whether the move finds support in the parliament.

Safety of journalists while reporting will be a major concern in the coming year, given the volatile political situation, exacerbated by job losses, salary cuts and hazards of reporting a public health crisis. Addressing these vulnerabilities will be a major challenge for those committed to protecting press freedom in India.