

World Press Freedom Day May 3

PRESS FREEDOM AND FREE SPEECH IN 2018



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Media freedom continued to deteriorate in the first four months of 2018 in India.

The January-April period has seen three killings and 13 attacks on journalists, defamation cases that came to trial, a sedition case against a journalist and a clear push by both state and central government and the judiciary, through regulatory policy as well as judicial orders, to curb free speech. There were also around 50 instances of censorship, and more than 20 instances of suspension of Internet services, as well as the take down of online content.

Kolkata Scribes Take Out Rally Protesting Against Violence



Print screen DailyHunt

Category	No. of instances
Killings	03
Attacks	13
Arrests/Detention	03
Threats	05
Sedition	01
Defamation	07
News and film censorship	50
Govt policy (State & Centre)	08
Judicial orders	02
Privacy related	06
Contempt case	02

Journalists continue to be vulnerable.

The Hoot's [2017 report](#) had documented the murder of three journalists which could be clearly linked to their journalism. In the first four months of 2018 as well, three journalists were killed in connection with their reporting, judging by what initial investigations show.

In 2017 we had documented 46 attacks on journalists and media workers. Between January and April 2018, there have been 13 attacks already all across the country, three of them in West Bengal.

Killings

In two separate incidents, three journalists were killed when they were mowed down by vehicles. On March 26, two *Dainik Bhaskar* journalists, Navin Nishchal and Vijay Singh, were killed when their bike was hit by an SUV in Bhojpur, near Patna, Bihar. Police said the vehicle was driven by a villager leader Mohammad Harsu. He was arrested. Initial reports [said](#) that a heated argument between Harsu, husband of a former panchayat mukhia, and the reporters over a news report had preceded the 'accident'. However, the investigation is not complete.

A day later, a television reporter Sandeep Sharma was [mowed down](#) by a truck in Bhind, Madhya Pradesh. Sharma, who had done a sting operation on a sand mining mafia in Bhind, had told police that he had received threats to his life. The driver, Ranvir Singh, was arrested.

The killers

Village head and relatives	2
Sand mining mafia	1

A Hoot investigation of the state of media freedom from January 1 to April 30, 2018, reveals that a range of actors, from politicians, businesspersons, members of Hindu right wing organisations, the police and paramilitary forces, government agencies like the film certification board, the Union Information and Broadcasting Ministry, different state governments, lawyers and even media organisations, have acted to undermine freedom of expression.

Attacks

There were 13 attacks on journalists in the first quarter of the year. In five of these instances, there were targeted attacks against journalists investigating or writing about an issue. In at least six instances, the perpetrators were either members of Hindu right wing organisations or the police. An unidentified assailant hurled a petrol bomb at the residence of *Shillong Times* Editor, Patricia Mukhim. The latter said that she was targeted for a range of writings about issues that troubled society. Her most recent articles criticized rampant and illegal mining in Meghalaya.

Perpetrators of other targeted attacks included the timber mafia. Mob violence was sponsored by party workers of both the BJP and the Trinamool Congress, Hindu extremists and the police. In one instance, the Delhi police molested a woman journalist covering a student protest. They later apologized, stating that they mistook her for a student!

- Jan 1, 2018 , Mumbai, Maharashtra : Protesters [snatch](#) Republic TV reporter Shravan Sen's camera
- Jan 7, 2018, Ahmedabad, Gujarat: A Facebook post by Damayantee Dhar who reports for The Wire [records an attack](#) on herself and another reporter from the Ahmedabad Mirror on January 7 by a "mob of 15-20 dalit men" headed by Keval Rathod.
- Jan 23, 2018, Athiabari, Meghalaya: Timber mafia [attack](#) journalist Biplab Dey
- January 31, 2018, Meerut, Uttar Pradesh: Journalist [assaulted](#) by mob of Hindu Yuva Vahini activists
- Feb 14, 2018, Kolkata, West Bengal: Senior journalist Navalkant Sinha [assaulted](#) by Hindu Samhati workers in Kolkata
- Feb 22, 2018, Vijayawada, Andhra Pradesh : Payment scuffle, hostel management attack student and Journalists of a [news channel](#)
- March 10, 2018, Assam-Mizoram border: Assam police thrashes Mizo journalists. Emmy Lawbei, journalist with a television channel, was [beaten up](#) by the police though she showed her identity card to them.

- March 24, 2018, New Delhi: Delhi Police Officer [molests](#) female Journalist; Police said they mistook her to be a student!
- March 25, 2018, Malappuram, Kerala: journalist N C Shareef, was [beaten up](#) [locked up and assaulted](#) by the Areekode police. Police claimed they didn't know he was a reporter
- April 1, 2018, Khowai District: [Tripura TV journalist](#) Anup Debbarma, severely assaulted by a BJP worker
- April 9, 2018, Alipore, West Bengal : Photojournalist Diplab Mondal covering Bengal panchayat poll violence alleges [Assault](#) by TMC Goons
- April 17, 2018, Umpling, Meghalaya: [Petrol bomb attack](#) on residence of Shillong Times editor Patricia Mukhim
- April 20, 2018, Siliguri, West Bengal: TMC workers [assaulted](#) journalists when they went to Chayanpara in Siliguri to cover a scuffle between workers from TMC and the Bharatiya Janata Party (BJP)

The Attackers

Delhi police	01
Hindu right wing orgns.	02
TMC workers	02
Unidentified assailants	02
Owners of private hostel	01
Assam Police	01
Kerala police	01
BJP workers	01
Dalit lawyer, activists	01
Timber gang	01
Total	13

Threats and harassment

Journalists were at the receiving end of threats from those identified as members of Hindu right wing organisations in three out of five instances. In another case, a television journalist received death threats from unidentified persons following the channel's coverage of the Kasganj violence. In one instance, personnel of the CRPF accosted a tribal journalist in Dantewada, Chhattisgarh.

In serious cases of online harassment, intimidation and death threats, journalists were trolled and their personal details shared on social media. A woman journalist found that her Twitter account was compromised by fake messages and morphed pictures were circulated. Journalists filed police complaints but no arrests have been made.

Threats and harassment

CRPF	01
Unidentified persons	02
Temple trust office-bearers	01
RSS workers	01
Hindu right wing	01
BJP leader	01
Lawyer	01
BJP supporters	01
Total	09

(CRPF: Central Reserve Police Force)

Arrests and detentions

While journalists in the field were subjected to mob attacks, others were picked up by police when they went to cover protests, as in the [case](#) of two journalists from Kerala reporting on a 'caste' wall in a village. While restrictions on foreign media continued with the denial of visas to Australian journalists who had earlier [done a story](#) related to Gautam Adani, two foreign journalists were [detained](#) by Kerala police for covering a Valentines's Day celebration in a college. Other instances of arrests and detentions were for social media posts that satirized or were critical of politicians and political leaders.

Arrests and detention

Kerala police	02
Assam police	01
Goa police	01
Total	04

As protests raged over the rape of minors and violence against marginalized communities, dalits and students, the climate for free speech reflected both an intolerance for dissenting viewpoints and a crackdown on civil rights. Apart from the dangerous attacks on journalists, others were harassed and their personal details shared online, they were threatened and [became victims of fake news](#) as hate messages attributed to them went viral.

The judiciary, hitherto a reassuring protector of free speech, sent mixed signals as different courts ordered gags on media coverage, fined and [penalized](#) media houses for violating the law on disclosure of the identity of minor victims of sexual assault, and took up petitions alleging contempt of court.

In February, in a written [reply](#) to a question in the Rajya Sabha, Union Minister of State for Home Hansraj Ahir said that in 2017, there were 15 attacks on journalists in which 26 people were arrested. Between 2015-17, there were 90 attacks on journalists and 108 people were arrested, the minister said, referring

to data compiled by the National Crime Records Bureau (NCRB) for the last three years.

The figures are at complete variance with The Hoot's own research as the [‘THE INDIA FREEDOM REPORT: Media Freedom and Freedom of Expression in 2017’](#) recorded a verified number of 46 attacks on journalists. The minister also said that the Home Ministry has no information on whether any organisation or organisations were responsible for the attacks on media persons.

But, as the above findings of The Hoot show, the perpetrators are only too well known.

Sedition

On April 30, journalist Kamal Shukla was charged with sedition by the Katwali police station in Chhattisgarh's Kanker district for sharing a cartoon on social media on the rape of a minor girl in Kathua in Jammu and Kashmir, allegedly [lampooning](#) the country's judiciary and government on Facebook.

Shukla, editor of Bhumkaal Samachar and active in highlighting fake encounters in the area, is also head of the Patrakar Suraksha Kanoon Sanyukt Sangharsh Samiti which has campaigned for a law to protect journalists. He was booked for sedition on the basis of a complaint filed by a Rajasthan resident.

Defamation

Proceedings continued in five cases of defamation even as gags on the publication of the news reports were lifted in two cases - that of Jay Amit Shah against The Wire and that of Arindam Chaudhari against *Caravan* magazine. The case brought by *Rising Kashmir* editor Shujaat Bukhari against *Manushi* editor and commentator Madhu Kishwar, went to trial.

A defamation case was filed by Fatima Nafees, mother of Jawaharlal Nehru University student Najeeb Ahmed, who has been missing since October 2016, against certain media houses for labeling her son an "ISIS sympathizer".

In another case, Congress leader Jagdish Tytler threatened to file a criminal defamation case against the creators of a sting video that purportedly linked him to the 1984 anti-Sikh riots. Tytler, who said his images were morphed, submitted a memorandum to the Home Ministry stating that he has registered a police complaint.

Policy curbs and censorship

Amidst these developments, the Union and state governments announced policies that would curb media freedom.

The most active censoring agency was clearly the Ministry of Information and Broadcasting (I&B), which announced several policy measures (and rolled back only one) to monitor the content of print, broadcast and online media.

In January, it announced that it has widened the ambit of district monitoring committees to cover the monitoring of content of private FM channels and Community Radio Stations (CRS) in addition to TV channels.

In April, the I&B Ministry announced fresh guidelines for penal action against accredited journalists who spread fake news but this sparked a furore and was withdrawn after the Prime Minister's Office intervened. However, it was followed up with the setting up of a committee comprising bureaucrats and members of the Press Council of India and the News Broadcasters Standards Authority to regulate online content.

Reports that the Ministry planned to radio-tag journalists who visited government offices were denied by the Ministry, but the news website which reported this stood by its report.

Censorship

Censorship of news, broadcast, online media and film continued unabated. There were more than nine instances of news being censored, including curbs on news-gathering itself by various state governments and the Centre. These included restrictions on the movement of journalists in government offices and the legislative assemblies, threats of penal action for news that allegedly contained 'harsh words' and even ostensible guidelines from the National Investigation Authority on the duties of a journalist!

Censorship	
Censorship – Film	26
Censorship – News	12
Censorship – Music	06
Censorship- Online media	03
Censorship –Broadcast	02
Censorship-Art	01

More than 20 films ran into trouble with the Central Board of Film Certification (CBFC) while news was censored nine times. Both feature films and documentaries continued to languish between the CBFC, the Film Certification Appellate Tribunal (FCAT) and the courts.

Even court orders certifying films for commercial release and a name change did not ensure safe passage, as in the case of *Padmavat*, where members of the Rajput Karni Sena managed to get the governments of Rajasthan, Madhya Pradesh and Gujarat to ban the film in these states. The producer of the film

Unfreedom chose to exhibit his film on an online video streaming platform to circumvent the censorship when his film was denied a certificate by the CBFC.

Who censored films

CBFC	22
Rajput KarniSena	02
MIB	01
Telangana government	01
Lawyers	01
MIFF	01
BJP Minister	01
SGPC	01
Total	29

Who censored news

MIB	01
Telangana government	01
Delhi High Court	01
District Magistrate, UP	01
NIA	01
Goa police	01
Former judge	01
Dalit activist	01
Total	09

Who censored broadcasts

MIB	01
Total	01

Who censored online media

Media House	01
*Congress-I	01
*Reliance Industries	01
Total	03

(*No official confirmation)

Who censored music

Punjab government	01
Chennai police	01
Hindu Right wing religious groups	01
Muslim social organization	01
Lawyers	01

Total	05
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Singer [Sona Mohapatra](#) filed a written application at Santacruz police station late on April 30, stating that she received a threat allegedly from Madariya Sufi Foundation, asking her to remove a new music video from all communication mediums for being “vulgar, hurting and insulting Islamic religious sentiments.”

Other censorship included the take down of content allegedly satirizing the speech of the son of Reliance Industries Chairperson Mukesh Ambani from [online news sites](#), the takedown of videos of [Congress-I](#) President Rahul Gandhi and the [termination](#) of the services of a journalist for tweeting about fake news spread by the media house.

However, an order by the News Broadcasters Standards Authority to Zee Television to apologise for, and take down, a video of a programme calling scientist and poet Gauhar Raza anti-national, has not been [complied](#) with, marking yet another setback to media freedom.

Internet shutdowns

The Internet continued to be at the mercy of local district administrations and state governments, as internet services were suspended for varying periods due to protests or the outbreak of violence. While 2017 saw 77 shutdowns, this year there were shutdowns in 25 instances, seven of which were in Jammu and Kashmir.

The most absurd of the shutdowns was in Srinagar when the authorities suspended internet services over rumours that Pakistani cricketer Shahid Afridi would address a gathering at the Jama Masjid.

Rajasthan and Uttar Pradesh, with four instances each, recorded internet shutdowns as district administrations suspended internet services during the nationwide *bandh* called by dalit organisations against the Supreme Court's ruling on the Scheduled Castes and Tribes (Prevention of Atrocities) Act. In West Bengal, internet services were suspended following violence during the Ram Navami celebrations.

Internet related censorship	
Internet shutdowns	22
Internet takedowns	02
Internet related arrests	05
Total	29

Internet shutdowns continued to be imposed through Section 144 as a law and order measure.

Internet Shutdowns

Sr No	Date	State	Agencies	Reason given by authorities
1	Dec 31, 2017-Jan 2, 2018	Rajasthan	Kota district administration	Hindu Mahasabha call to perform puja on January 1 at a cenotaph situated on Tiger Hill over Jait Sagar Lake, Bundi city
2	Jan 3, 2018	Aurangabad, Maharashtra	Maharashtra state Home department	Violence after Bhima-Koregaon
3	Jan 4, 2018	Kolhapur, Maharashtra,	Kolhapur acting district collector Nandakumar Katkar	Violence after Bhima-Koregaon
4	Jan 8, 2018	Badgam, Jammu and Kashmir	J & K government	Security reasons after encounter between government forces and militants in Chadoora area of district Badgam
5	Jan 9-11, 2018	Anantnag, Jammu and Kashmir	J & K government	Shutdown and protests in Anantnag and Kulgam over militant and civilian killings
6	January 24, 2018	Shopian, Jammu and Kashmir	J & K government	Protests following killing of two militants and teenage boy in Chaigund village of south Kashmir's Shopian district.
7	Jan 25-26	Entire Kashmir valley	J & K government	Pre-Republic Day security measures. Normal practice to suspend internet services on R-Day and August 15, but this is the first time these services were withdrawn a day earlier.
8	January 28, 2018	Kasganj, Uttar Pradesh	R P Singh, Kasganj District Magistrate	Citing 'communally charged atmosphere'
9	February 10, 2018	Parts of Rajasthan	District officials	Internet services were suspended to check "rumour-mongering"
10	February 10, 2018	Bhopal, Madhya Pradesh	District officials	Internet services were suspended to check "rumour-mongering"
11	Feb 10-11, 2018	Firozabad, Uttar Pradesh	District officials	Bharat bandh call by caste-based groups reservation in education and jobs, following nationwide protest by dalit groups against the alleged dilution of the SC/ST (Prevention of Atrocities) Act by the Supreme Court
12	February 18, 2018	Tonk, Rajasthan	Additional district magistrate, Lokesh Kumar Gautam	Clash between two communities
13	March 1, 2018	Bandipur, Uttar Pradesh		
14	March 20, 2018	Bhagalpur/ Banka, Bihar	District administration	Group clashes in neighbouring Nathnagar, resulted in discontinuance of internet service in Banka
15	20-Mar, 2018	Sagar, Madhya Pradesh	District Collector Alok Kumar Singh, Bhagalpur	Following communal tension after posting of offensive content online.

16	March 29th, 2018	Bundi, Rajasthan	District Collector	Internet services were shutdown in Bundi city amid fears of communal tension, on the 30th March after 8 pm ahead of Hanuman Jayanti celebrations.
17	March 31st, 2018	Kolkata, West Bengal	Kolkata Police	Clashes after Ram Navmi celebrations
18	April 2, 2018	Alwar, Jaipur, Bharatpur and Barmer, Rajasthan	Rajasthan Police	Violence and death of one person in firing in Rajasthan's Alwar city due to the ongoing Bharat Bandh.
18	April 2, 2018	Chandigarh, Punjab	Punjab State Government	Mobile Internet services suspended to control rumour-mongering ahead of the protests for Bharat Bandh
19	April 3, 2018	Meerut, Uttar Pradesh	Uttar Pradesh district administration	Internet service suspended as a precautionary measure, following the violent protests against Supreme Court's ruling on SC/ST Act.
20	April 3, 2018	Some districts of Rajasthan	Rajasthan Police	Violent protests against Supreme Court's ruling on SC/ST Act.
21	April 10, 2018	Firozabad, Uttar Pradesh	District administration	Violence after Bharat Bandh call
22	April 11, 2018	Kulgam, Jammu and Kashmir	J & K government	Closure of all schools and colleges in Kulgam and suspension of Internet services in south Kashmir areas.
23	April 15, 2018	Phagwara, Punjab	Punjab government	All mobile internet services, SMS services and dongle services in territorial jurisdiction of Kapurthala, Jalandhar, Hoshiarpur and SBS Nagar districts suspended.
24	April 20, 2018	Srinagar, J&K	J & K government	Apprehension of violence following rumour of Pak cricketer Shahid Afridi's address at Jama Masjid
25	April 20, 2018	Rajouri, J&K	J & K government	Apprehension of violence after death of youth in suspicious circumstances

Apart from fears of regulation of online content, a Citizen Lab-Indian Express study revealed that websites of a range of groups, including human rights groups, NGOs, feminist groups and LGBT groups had been blocked with Netsweeper software.

The firm filtered content for ISPs in ten countries and at least 12 ISPs in India utilized its services. 'A testing period between August 2017 and April 2018 saw "the highest number of blocked unique URLs" - 1,158 out of 2,464 - in India,' the report said.

Privacy, Aadhar, Surveillance

In a blatant move to curb any further investigations into the misuse of Aadhar, the Unique Identification Authority of India (UIDAI) filed an FIR against the

reporter and editor of *The Tribune* newspaper for their reports on the Aadhaar data leak reports. In the midst of concerns over Cambridge Analytica and Facebook's breach of data, the Indian Government issued two notices to the two companies and given them time till May 10 to furnish a reply.

However, the government's own surveillance of citizens is still a matter of concern. In March, the Information & Broadcasting Ministry wrote to the Telecom Regulatory Authority of India (TRAI) to get all Direct To Home (DTH) operators to install a chip in new set-top boxes, which can give data about channels watched by the viewers and their duration.

Judicial orders

While the Bombay High Court lifted the gag on media coverage of the Sohrabuddin case trial, the Delhi High Court imposed a ban on media coverage of the bribery case of former district judge I. M. Qudussi. The Delhi High Court also took up suo moto notice of the disclosure of the identity of child victims of sexual assault by media houses, imposed a Rs 1 lakh penalty on 13 prominent media houses, and issued notices to other websites.

In the wake of the Loya judgment, though not expressly stated as such, the Supreme Court allowed a writ seeking contempt of court proceedings against comments or opinions expressed in the media allegedly critical of its judgments.

In favour of media freedom

Despite the ominous number and range of attacks on freedom of expression, the ongoing struggle to resist these curbs does yield results. In April, an injunction on the publication of a book on yoga guru and businessperson Baba Ramdev by Priyanka Pathak-Narain and published by Juggernaut Books, was lifted by a district court in Delhi.

In January, the Bombay High Court lifted a gag order on media coverage of the Sohrabuddin trial following a petition filed by nine journalists and the Brihanmumbai Union of Journalists.

Complete data at [The Hoot: Media Freedom Tracker Jan 1- April 30, 2018](#)

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