

DROPPING PRESS FREEDOM IN INDIA: THE TIMELINE AND PECULIAR INDIAN ISSUES

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ABSTRACT

Darkness is one word that can aptly describe a state that fails to incorporate press as a vital part of its functioning. No civilized society can survive without the press in this 21st century. The Indian context reports the press as the fourth pillar of our Constitution. Having said this, there has been a trend of worsening press freedom in India, if we have to rely on facts and data from the recent past. If these trends hold good, then it is indeed a death knell rung to the Indian Democratic state as a whole. This paper seeks to analyse as to whether, the trend and the magnitude of concern and the alarm bells rung are indeed justified besides trying to analyse the reasons for the same, if the concerns pass the justification test. Following the same, the authors seek to present the peculiar Indian situation with issues that are exclusive to the Indian front, that plays a major role in this worsening trend. At length, the paper would examine the plausible, possible, and potential socio-legal takeaways and suggestions for reversing this toxic trend in the Indian context by inducing the paradigm shift needed for the same.

Research Question: Is there a growing trend of worsening press freedom in India as presented by various global and national entities/opinions? Are these statistically justified? If so, what are those peculiar Indian reasons contributing to the same?

SIGNIFICANCE AND CONCERN?

“Freedom of expression in particular, freedom of the press guarantees popular participation in the decision and actions of the government, and popular participation is the essence of our democracy”

- Corazon Aquino³⁰²

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³⁰² Maria Corazon Cojuangco Aquino, 11th President of the Republic of the Philippines.

The aforementioned quote holds good in the contemporary era too, particularly to the media and the press. Popularly equated as the fourth pillar of a democracy, the 21st century has brought to the forefront increased, multiple fold responsibilities for press and media courtesy of the changing times, political atmosphere, and polarities. For an effective press, the Right to freedom of expression is the most universally accepted right. This, read in an extended form, constitutes the right to freedom of press. Furthermore, this freedom of expression and the freedom to receive and impart information are corollary to one another. Freedom of opinion completes this cycle. Thus, the essential symbiosis of all of these rights ensures a sound media and press and are essential for the survival of the free press theory that was developed in the 18th century and stands in sharp contrast to the communist and authoritarian theory of press. Freedom of publisher with no active curbs on the import or export of media messages and information across the national frontiers is the key principle of this theory³⁰³. The same has been put to use in all those completely democratic countries. Journalists are given full autonomy and the state ought to be open to criticisms and encouragement of the same. This is the ideal form of press and freedom expected ought of a perfect global arena and democratic nation states like India.

This being said, the importance of the same in contemporary times has been felt not from the responsibilities it carries but rather from a declining curve of press freedom in the Republic of India. The Freedom of freedom of speech and expression contained under Article 19(1)(a) of the Indian Constitution³⁰⁴ is turning obsolete with every passing day. Various reasons have been attributed to this declining curve of press freedom in India which raises serious concerns and in turn vouches for its importance. The authors shall try to paint a picture on this trend and examine the timeline of the same before moving forward with the reasons for this trend.

THE TIMELINE OF DECLINING FREEDOM IN INDIA

The 21st century has been a century of sharp contrasts. While the modern veil or the new century did bring in the cue for freedom and rights to people in general such as the Right to Information Act in 2005³⁰⁵, press freedom on the other hand has not seen any such

³⁰³ Siebert. F.S., The authoritarian theory of the press. *Four theories of the press: The authoritarian, libertarian, social responsibility, and Soviet Communist concepts of what the press should be and do*, 9-38. (1956)

³⁰⁴ The Constitution of India, 1950.

³⁰⁵ The Right to Information Act of 2005 (No. 22 of 2005 dated 15th of June, 2005).

developments. The second half of the 2010s has been the worst hit pertaining to the same. From Kashmir to Kanyakumari, active restrictions have been placed on the process of collecting, processing, and disseminating information though there might not be a statutory backing for the same. India ranks 142nd in the Global Press Freedom Index released for the year 2020 by renowned Reporters Without Borders Organization³⁰⁶. A quick fact, India was ranked 80th out of the 139 countries that were surveyed, when RSF released its first report in the year 2002³⁰⁷. The authors aim to analyse this horrifying trend in the past three years to ascertain the happenings that have contributed to this drastic fall of press freedom in India.

Year 2018

2018 saw a series of journalist killings and will probably go down as one of the worst years in modern history when it came to sustainability of journalism. A total of six journalists were killed across various fronts³⁰⁸. This, indeed, came as a shock to the journalist community and the international community at large, since it was only in the previous year, journalist cum activist, Gauri Lankesh was brutally shot to death and the same had sent shock vibes across the whole globe. Thus, the alarm bells were sounded and the international community, for the first time, started condemning the Indian framework and requested for a revamp of the existing framework.

Yet again, India dropped two positions in the World Press Freedom Index, that had been released by the renowned Reporters Without Borders Foundation as it slipped down to the 138th position³⁰⁹ from the 136th position³¹⁰ it had held in 2017, among the listed 180 nation states. Furthermore, in a first, the RSF (*Reporters sans frontiers*) organization issued an incident report to the Republic of India³¹¹, expressing grave concerns over the growing crimes against journalists. Apart from the cold-blooded murders, the report was also vocal about the various crimes that were shaking the very roots of journalism in India. This was

³⁰⁶ Reporters Without Borders, World Press Freedom Index, (2020), available at : <https://rsf.org/en/ranking/2020#>

³⁰⁷ Reporters Without Borders, World Press Freedom Index, (2002), available at <https://rsf.org/en/ranking/2002>

³⁰⁸ Rahul Awasthi, *India fifth on list of countries where journalists were killed in 2018*, THE TELEGRAPH, (Dec. 19, 2018), available at: <<https://www.telegraphindia.com/india/india-fifth-on-list-of-countries-where-journalists-were-killed-in-2018/cid/1679349>>, last accessed on 12th June, 2020

³⁰⁹ Reporters Without Borders, World Press Freedom Index, (2018), available at: <https://rsf.org/en/ranking/2018>

³¹⁰ Reporters Without Borders, World Press Freedom Index, (2017), available at: <https://rsf.org/en/ranking/2017>

³¹¹ *RSF issues warning to India in first World Press Freedom Index Incident Report*, REPORTERS WITHOUT BORDERS (Jul. 04, 2018), available at: <<https://rsf.org/en/news/rsf-issues-warning-india-first-world-press-freedom-index-incident-report>>, last accessed on 12th June, 2020

based on the Abuses and Environment indicators of the organization, which had been showing a constant negative dip. The Secretary General of the Organization Mr. Christophe Deloire had written a letter to the Prime Minister of India, Hon'ble. Mr. Narendra Modi, explaining as to why the incident report was issued and urged the Prime Minister's office to take stock of the worsening conditions of press freedom in India. An excerpt from his letter read as follows:

"...in the first six months of 2018, at least as many reporters were killed as for the whole of 2017, while hate speech directed toward journalists has increased massively, causing serious concern for their safety".

Thus, this lies as substantive proof for the dire Indian situation of rapidly worsening press freedom and he had in no way tried to soften the blow while presenting the same.

Year 2019

The year 2019 saw heights of atrocities against the conduct of journalism in the Indian state. The Right to freedom of speech of Indian journalists were severely interfered by the State Factors. For instance, one Mr. Qazi Shibli, a journalist operating from the disputed, now Indian Union Territory of Jammu and Kashmir was detained under the Public Safety Act³¹² for tweeting an official Government Order pertaining to the excessive deployment of security troops and forces across the valleys³¹³. The aforementioned PSA Act is a highly controversial Act which has draconian provisions for crackdown on anti-state activities in the UT of Jammu and Kashmir. Under the Act, a detainee can be detained for two years without holding of trial proceedings at a competent court. Furthermore, under Section 13(2) of this Act, the law enforcement authority need not elucidate the detainee on the reason for his/her detention. Thus, the booking of a 'journalist' under such a repressive Act, often accused for its role in political vendetta, spoke volumes about the critically dropping levels of press freedom in India. The Thakur Foundation Report on the title, 'Getting Away With Murder'

³¹² The Jammu Kashmir Public Safety Act, 1978 (Act No. VI of 1978 dated 8th of April, 1978).

³¹³ Fazil Khan, *250 Journalists Remained Imprisoned Worldwide In 2019 For Their Reporting; 2 In India: Report*, NEWS 18, (Dec. 16, 2019), available at: <<https://www.news18.com/news/india/250-journalists-remained-imprisoned-worldwide-in-2019-for-their-reporting-2-in-india-report-2426051.html#:~:text=New%20Delhi%3A%20At%20least%20250,organisation%20that%20promotes%20press%20freedom.>>, last accessed on 26th June, 2020

published in mid-December of 2019³¹⁴, had serious repercussions on the polity, report had a half a decade case study period where in it analysed the attacks on journalists between 2014-2019 and the effective justice delivery in these cases. The study revealed shocking insights, exposing the alarming levels of ineffectiveness of the currently existing laws and legislations in cracking down cases that involved callous attacks on journalists. There were nearly 200 reported serious attacks on journalists during this period and 40 murders. 21 of these murders were directly traced back to their profession. It was further reported that in these five years, there had not a single conviction by the Courts of India pertaining to these 21 cases.

An excerpt from the study reads as follows,

“While attacks on media persons involved in field reportage demonstrates a disturbing hostility and mistrust towards the media, the targeted attacks on journalists for investigative stories reveals the arrogant power and entitlement of the assailants, secure in their confidence that they enjoyed a great degree of impunity.”

Takeaways such as the above-mentioned ones indeed sends a cold shiver down our spines.

Year 2020

This year added on to the increasing woes for journalism in India. With COVID-19 continuing its onslaught all over the nation, press freedom stooped down to an all-time low in India. The dilemma between containing fake news spread and restricting press freedom has once again come to the fore front. A detailed report³¹⁵ produced by Rights & Risks Analysis Group, an Indian Think-tank, analysed those issues such as state interventions, threats, arrests, lodged F.I.R.s, notices sent, so on and so forth against 55 journalists amidst the COVID-19 and Great Indian lockdown. Furthermore, the report went on to state that “India had indeed become the riskiest place for the journalists in the world”. Adding on to

³¹⁴ Geeta Seshu and Urvasi Sarkar, *Getting Away With Murder*, THAKUR FAMILY FOUNDATION INC., (Dec. 2019) available at: <<https://www.thakur-foundation.org/report-on-attacks-on-journalists-in-india-2014-2019.pdf>> last accessed on 25th June, 2020.

³¹⁵ India: Media’s Crackdown During COVID19 Lockdown, Rights and Risks Analysis Group, (Jun. 15 2020), available at: <<http://www.rightsrisks.org/wp-content/uploads/2020/06/MediaCrackdown.pdf>>

the same, the acts from law enforcement agents have also surged. The Mumbai city police went on to pass an order³¹⁶ wherein it was stated that,

“Prohibits any person inciting mistrust towards government functionaries and their actions taken in order to prevent the spread of the Covid-19 virus and thereby causing danger to human health or safety or a disturbance to the public tranquillity”

Any person found in violation of the same was liable to be booked under Section 188 of the IPC. Ultimately, this stripped the rights of the journalists to question the government and hence triggered a series of concerns from the international community. The latest of this anti-press freedom stance in India was the F.I.R. lodged against Ms. Supriya Sharma, the executive editor of one of India’s leading e-news platform Scroll for a critic published in the site on the scarcity of food in the village of Domari, courtesy of the COVID-19 pandemic³¹⁷. As a woman retracted from the statements she had given earlier, the law enforcement of Uttar Pradesh has filed a F.I.R. under relevant sections of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, of 1989³¹⁸ and Sections 269 and 501 of the Indian Penal Code of 1860³¹⁹. This act of the Uttar Pradesh police has been sharply criticised by various entities and individuals. Notable ones from the international arena include Reporters Without Borders³²⁰, Committee to Protect Journalists³²¹, condemning the act of a criminal investigation against a journalist. Justice Madan Lokur was quoted stating, *“It is very unfortunate. The freedom of the press, free speech and expression are under threat”*³²².

³¹⁶ Sukanya Shantha, *Mumbai Police Issues Gag Order, Declares Criticising Government a Crime*, THE WIRE, (May 27, 2020), <<https://thewire.in/rights/mumbai-police-gag-order-section-144>>, last accessed on 20th June, 2020.

³¹⁷ Akshay Deshmane, *UP Police Files FIR Against Scroll Journalist For Report On Modi's Adopted Village*, HUFFINGTON POST, (Jun. 19, 2020), <https://www.huffingtonpost.in/entry/up-police-fir-against-supriya-sharma-for-report-on-modi-adopted-village-in_5eebf3f5c5b6d397fe8cf963>, last accessed on 20th June, 2020.

³¹⁸ The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (ACT NO. 33 OF 1989 dated 11th of September, 1989).

³¹⁹ The Indian Penal Code of 1860 (Act No. 45 of 1860 dated 06th of October, 1860).

³²⁰ RSF, *journalists criticise FIR against Scroll.in's Supriya Sharma, call it 'attempt to intimidate'*, INDIA CIVIL WATCH, (Jun. 19, 2020), <<https://indiacivilwatch.org/rsf-journalists-criticise-fir-against-scroll-ins-supriya-sharma-call-it-attempt-to-intimidate-scroll-in/>>, last accessed on 20th June, 2020.

³²¹ Amy Gunia, *'A Clear Intimidation Tactic.' Press Watchdog Urges India to Drop Investigation Into Journalist Over COVID-19 Reporting*, THE TIME, (Jun. 19, 2020), <<https://time.com/5856163/india-press-freedom-covid-19/>>, last accessed on 20th June, 2020.

³²² Sreenivasan Jain, *Press Freedom Organisations Condemn Police Case Against Scroll Journalist*, NDTV, (Jun. 19, 2020), <<https://www.ndtv.com/india-news/pm-narendra-modi-constituency-press-freedom-groups-condemn-fir-against-scroll-journalist-supriya-sharma-2248921>>, last accessed on 20th June, 2020.

Thus, the detailed analysis of the aforementioned developments till this date paints a callous picture as to how the state and other factors have magnanimously contributed to the worsening state of press freedom in India. Keeping the same as a base, we shall move forward to the examine the ground reality in India and compare the same with the globally established laws such as the laws of Sweden to understand the legal flaws for the worsening state of press freedom in India.

THE INDIA V. SWEDEN PICTURE

Scandinavian countries are indeed the global leaders when it comes to preserving the Right to Freedom of Press and Free Information. For instance, in a nation like Sweden which ranks fourth in the 2020 World Press Freedom Index with a score of 9.25, there exists a constitutionality anchored right to public information, called the principle of transparency and access to official documents. The purpose is to promote control by citizens of activities of official institutions³²³. Access can be restricted by law according to certain identified interests, but the principle is extensive and understood to be a prerequisite for citizen control of public bodies. Secondly, everyone has the right to communicate information and intelligence on any subject whatsoever for the purpose of publication³²⁴. The notable elements in The Freedom of the Press Act of Sweden³²⁵ include: the extent to which the approach differentiates between media and non-media speech; strong protection provided to media sources; rights of access to information held by public authorities; special procedural protections for mediated speech, which in practice mean courts have only a minor role in determining the limits of speech about the level of detail about speech in the Constitutional Acts themselves³²⁶. Strong protection for media speech is achieved through unusual conventional roles. In particular, Swedish courts had a minor role, the limits of what can be said in papers, leaflets, radio shows and on CDs were not decided in courtrooms, but they were decided through public debates. Politicians and publishers are considered as the key actors and not the lawyers. The Acts in the Fundamental Law of Freedom of Sweden set out a

³²³ Gustafsson Karl Erik, *Newspapers and Democracy: International Essays on a Changing Medium*, The Press Subsidies of Sweden: A Decade of Experiment in Smith, Anthony (ed.) Cambridge, MA: MIT Press, 104-111 (1980)

³²⁴ Swedish Broadcasting Authority, *Dagspressens ekonomi 2014* [The Economy of the Swedish Daily Press]. Stockholm: SBC., 215-219 (2015)

³²⁵ The Freedom of the Press Act (1949:105 dated 1st of January, 1950).

³²⁶ Barendt Eric, *Freedom of Speech*, 2nd ed. Oxford: Oxford University Press (2005).

list of offences, such as treason, official secrets, national security, sedition, hate speech and defamation. The categorical list is intended to make restrictions more predictable. It means that, for the vast majority of media content, civil damages claims can only arise where the conduct would amount to one of the listed criminal offences. To a large degree, in practice, plaintiffs can only sue in defamation and confidential information. When such laws were introduced, parliament took the view that commercial communication could be regulated. Where communication's purpose is commercial, it has been understood to fall outside constitutional free speech protection. In this way, a distinction has been drawn between editorial and commercial content. Whereas in India, no such distinction is present. Media has a constitutionally recognised role; it is normally seen as the third estate in Sweden and published speech is very unlikely to result in liability. One Mr. Thomas Bull has compared seven western countries' constitutional approaches to free speech and noted various ways in which the Swedish position is particularly strong for media speech³²⁷. Taking that as the corner stone of our comparison, we find that Indian laws are pretty orthodox and stringent when it comes to the freedom of press³²⁸. Apart from this contention, we come to a shocking conclusion that laws do not suffer only an intrinsic failure, but the failure is initiated by numerous peculiar reasons exclusive to the Indian front. These reasons indeed do not find a place in the yardstick comparison with the global arena. Analysing these takeaways, and reasons, exclusive to the contemporary Indian arena, becomes the need of the hour.

WHY IS THE LAW FAILING?

The above picture of the Indian-Global comparison would not be complete if we fail to understand that, those exclusive issues we have been talking about, has had a huge say on the 'enforcement' factor. This includes those exclusive conflict of interests that have a collective impact of the law enforcement agencies and present a dilemma to these members of the law enforcement. After all it is man who enforces written law with/without the interception of divinity. In these below mentioned perspective, the authors shall be analysing the exclusive reasons with a specific case studies from the most atrocious infringements of journalists'

³²⁷ Bull, Thomas, Constitutional Identity – A View from Sweden, *Retfoerd Nordisk juridisk tidsskrift*, 147, 10-23 (2014).

³²⁸ Aalberg, Toril & Curran, James, *How Media Inform Democracy: Central Debates, How Media Inform Democracy: A Comparative Approach*. New York: Routledge, 3-7(2012).

rights that have been reported in the afore presented timeline of ours and compile our takeaways based on the same.

HYPOCRISY OF THE LAW ENFORCEMENT AND EXTREMIST NATIONALISM

Extremist nationalism is dangerous to press freedom and indeed seeks to blind the masses from the reality. This combined with hypocrisy of those in the power and authority have presented a rather bleak picture to the freedom of press freedom in the Indian state and this precisely has been one of the many reasons for poor the poor enforcement of laws protecting the journalists. This combined with the imposition of restrictive and draconian laws on journalists have indeed played a major role in discerning press freedom across India. Let us understand this narrative with the example of the now, Union Territory of Jammu and Kashmir³²⁹.

Case Study- The Jammu Kashmir Ordeal

The name Jammu Kashmir is verily rooted in the heart of Indian citizens. Indians consider it as a matter of profound pride when they claim Jammu Kashmir as their own and this nationalism also goes on to impact free press immensely according to a study published by one Mr. Furquan Ameen Siddiqui on the title '*Threats to Journalists in India: Journalism in the Age of Intolerance and Rising Nationalism*' which was published by the Reuters Institute and the University of Oxford³³⁰. This being said, this northern front of India has been one of those regions on the whole face of earth, that has seen bloodshed on a daily basis. Journalism and media coverage is undeniably the last thing, one would want to be involved in, in such battle-hardened regions. Indian journalists have their lives at stake at every other moment, reporting ground zero from J&K³³¹. Historically, there has always been a three-faced conflict, between the foreign sponsored terrorists, Indian forces, and separatists in the region. The Indian Government stands for its sovereignty over anything and everything, resonations with the views of the Indian polity. Thus, the government is often forced to restrict and

³³⁰ Siddiqui, F.A., *Threats to Journalists in India: Journalism in the Age of Intolerance and Rising Nationalism*, Reuters Institute Fellowship Paper, University of Oxford, available at: <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/201808/Threats%20to%20Journalists%20in%20India%20Journalism%20in%20the%20Age%20of%20Intolerance%20and%20Rising%20Nationalism.pdf>. (2017)

³³¹ Bilal Hussain, *Press Freedom in Kashmir: Local and International Journalists Under Pressure*, THE DIPLOMAT, (Mar. 12, 2020), <<https://thediplomat.com/2020/03/press-freedom-in-kashmir-local-and-international-journalists-under-pressure/>>, last accessed on 20th June, 2020.

clampdown on press in these areas to prevent the spread of misinformation and eradicate the possibility of rioting and stone pelting which is pretty common in the valleys. However, this crackdown on reporting does cross the established protocols and several international covenants and standards many a times.

Recent developments in the valley, following the revocation of the special status granted to the state and the bifurcation of the state have indeed been horrendous in nature. Jammu Kashmir had indeed slipped to the stone age as a result of the communications blackout imposed on the region in the pretext of curbing anti-nationalist activities³³². The journalists were the hardest hit in this regard. One story in particular, seems to have shaken the whole veil of press freedom in India. This is the story of Qazi Shibli, the resident editor of the online news website *The Kashmiriyat*, as reported by the Committee to Protect Journalists³³³. Mr. Shibli was detained by the J&K police on the 25th of July for merely reporting the presence of large battalions of troops on the social media platform Twitter. The police, however, went on to charge him under the Public Safety Act which included charges in the F.I.R. which read as follows,

*“waging war against the Union of India,
creating fear and panic among common people,
being deeply involved in disrupting the peaceful atmosphere,
seeking to motivate the people to work for seceding the state of Jammu and Kashmir from the union of India.”*

What followed next was even more dreadful. His family was not informed about his whereabouts, they had to travel from place to place, city to city, from Kashmir to Agra jail, from Agra jail to Varanasi jail in desperate attempt to trace the location of his detention. To the extent, his sister concern website, Anantnag had to upload an article titled “Our editor has been arrested, please help us find him” in a futile attempt to trace him. Only after 9 months, he was released from the Bareilly jail, in Uttar Pradesh. Following his release, he quoted as follows, “All the walls and bars (in the jail) were white. White used to be my favourite colour, but I was so tired of it that I wanted to see something other than white, and it was

³³² Firdosi, M., STEM on Hold: The Impacts of the Internet Shutdown in Jammu and Kashmir.

³³³ Kunal Majumder, Kashmir’s news media faces existential crisis amid restrictions, arrests, Committee To Protect Journalists, (Sep.24, 2019), <<https://cpj.org/2019/09/kashmirs-news-media-faces-existential-crisis-amid/>>, last accessed on 20th June, 2020.

three months later that my clothes arrived and I finally saw something that was not white.³³⁴”
This is the ordeal, of a journalist, kept in solitary confinement for reporting from ground zero.

The above painted picture with a special reference to Kashmir portrays the hypocrisy of the officials with a tinge of nationalism and restrictive laws contributing to the fall of press freedom in India. This, the authors believe is not Mr. Shibli’s confinement but the death knells ringing for the confinement of free press in India.

RIGHT WING ACTIVISM

Severity of right-wing activism in India is indeed becoming toxic with every passing day in India. The same, coupled with various other additional factors have contributed immensely to the dangerous resurgence of the Authoritarian theory of press in India. The British used the same, in the 1900s to clamp the Indian freedom struggle. This theory was developed during the late Renaissance where in truth is the product of a few wise men and hence, the mass media needs to be directly controlled. This is the oldest theory of the press which declares governmental control over the press. Furthermore, the media is not permitted to print or broadcast anything whatsoever, that undermines the established authority or creates to existing political values. This theory only has as much freedom as the national leadership at any particular time. Media are not allowed to enjoy independence and there must be perfect government according to this theory. The government is allowed to censor the news that would be broadcasted. Non-democratic countries in regions of Africa, Latin America and Asia follow this theory³³⁵.

Case Study- From the eyes of Gauri Lankesh

Though existent since time immemorial, their toxicity to the press freedom in particular came to the forefront in the year 2017, following the callous murder of Ms. Gauri Lankesh in broad daylight, in the metro city of Bangalore. Ms. Gauri was the editor of a Kannada weekly tabloid, *Lankesh Patrike*. She was a staunch critic of the right-wing ideologists in India. She

³³⁴ Saqib Mugloo, *In Bareilly jail, I was the guardian of all Kashmiris, says journalist Qazi Shibli after 9 months of detention under PSA*, FIRSTPOST, (Apr. 29, 2020), <<https://www.firstpost.com/india/in-bareilly-jail-i-was-the-guardian-of-all-kashmiris-says-journalist-qazi-shibli-after-9-months-of-detention-under-psa-8310161.html>>, last accessed on 20th June, 2020.

wrote extensively on the same in her own established weekly *Gauri Lankesh Patrike* too. She was received with an intense amount of hatred by right wing activists in India. She was met with a series of criticism on various online and social media platforms. This was followed by constant protests against her in an attempt to distort her reporting and views. Violent protests such as the one taken forward on the 19th of February 2015, by protesters belonging to Hassan Zilla Brahmin Sabha, a right-wing unit based out of Karnataka, stand as a proof for the same. This was then followed by inflicting judicial pressure on her by filing suits of defamation on her publications. One such famous suit for defamation was filed by Pralhad Joshi, sitting MP and Union Minister for Parliamentary Affairs, Coal and Mines, in the year 2008. Though the suit went against Ms. Gauri, critics were always suspicious about the course of the suit. Critics and Ms. Gauri herself went on to claim that Mr. Pralhad Joshi and others had struck a deal and arrived at a compromise with the others to disguise what was fair news as a defamatory piece of article. She was subjected to extreme badgering and cornering from the right-wing community right from her early days as a journalist. The last nail in the coffin was her brutal murder on the 5th of September 2017, after repeated life threats from right wing activist groups. She was shot to death near her house by a duo, who managed to flee the scene after committing the heinous crime.

EXTENDED READING: ESCAPISM FROM THE STATE

As her murder continued to spark widespread outrage and condemnation from India and the global arena, the statement of then United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein brought in the angle of the role of the state in aiding these extremist right wing activists. This role has not been in the form of active support but then through the dormancy that the state observes when it has to comment on an issue or ensure that something as fundamental as press freedom is ensured. He observed as follows, "*India's most vulnerable groups were being harassed or denied protection by the state instead of being seen as allies in building a more inclusive society*"³³⁶ This state of denial, wherein India has been constantly denying allegations about the worsening state of press freedom has contributed greatly to the rapid spike in the crimes committed against the media fraternity.

³³⁶ HT Correspondent, *UN rights commissioner criticises India over Gauri Lankesh murder, handling of Rohingya refugees*, HINDUSTAN TIMES, (Sep. 12, 2017), <<https://www.hindustantimes.com/india-news/un-rights-commissioner-criticises-india-over-gauri-lankesh-murder-handling-of-rohingya-refugees/story-dqE2wc3Jb7iNxBPE9P9vLL.html>>, last accessed on 20th June, 2020

As stated above, this state of denial is as a result of all those close-ended responses India provides to allegations from the international community and notable critics. Instances from the recent past such as the Indian Government shunning UN High Commissioner for Human Rights' concern³³⁷ over the clampdown on freedom of expression in India few other nations in the Asia-Pacific region, in light of the coronavirus crisis, stands as proof for the government relying on escapism to address the issues. India had shunned and rubbished the same along with 11 other nations, stating the reason for these restrictions as, "To contain the spread of harmful misinformation and falsehoods that guide segments of the public to disengage themselves from crucial, science-based information and policies enacted by relevant government agencies, thereby worsening the spread of COVID19, represents a clear and present danger to public health³³⁸" The authors do believe that it is indeed the press that is doing a commendable job at ground zero in combating the spread of misinformation along with those frontline warriors and yet again the Government has succumbed to escapist methods, where it has targeted the press instead of those miscreants. Such blanket bans and escapism can never be solutions and both the former and latter are toxic to press freedom.

EXTENDED READING: SOCIAL MEDIA AS A TOOL OF CLAMPING FOWN THE VOICES

The presence of extremist Right-wing activists has increased multiple fold on social media platforms, posing a threat to free speech of journalists in India. Online badgering and heckling of journalists has become quite common. Recent developments such as journalist Rana Ayyub, subject to the most atrocious and disgusting badgering online, which included death threats and even morphed photos of hers posted online, saw the UN experts intervening and taking hold of the situation³³⁹. Personal attacks and character assassination on these platforms have become normalized and this trend seems to have an extremely concerning

³³⁷ *UN rights chief alarmed by clampdown on press freedom in India*, THE EXPRESS TRIBUNE, (Jun. 04, 2020), <<https://tribune.com.pk/story/2235529/3-un-rights-chief-alarmed-clampdown-press-freedom-india>>, last accessed on 20th June, 2020

³³⁸ *Press Trust of India, India, 11 Other Nations Dismiss UN Human Right Chief's Remarks On Press Freedom*, NDTV, (Jun. 06, 2020), <<https://www.ndtv.com/india-news/coronavirus-news-india-11-other-nations-dismiss-un-human-right-chief-michelle-bachelets-remarks-on-press-freedom-2241604>>, last accessed on 20th June, 2020.

³³⁹ *Zeenat Saber, The perils of being a journalist in Modi's India*, ALJAZEERA, (Jun 14, 2018), <<https://www.aljazeera.com/indepth/features/perils-journalist-modis-india-180614103115577.html>>, last accessed on 20th June, 2020.

negative trend on the freedom of journalism. The toxicity in this case not only concerns a journalist's public life but has an immense impact on the personal lives of those involved in the noble job.

RELIGIOIN AND JOURNALISM

Religion has indeed been an integral part of the Indian polity since time immemorial. Religion has had a huge say on a lot of other sectors and indeed influences mainstream media a lot. The staunch ideology of a majoritarian religion in India has influenced various sectors in the negative way. Religion and Right-wing activism go hand in hand in the Indian context. Since the same has been discussed elaborately in title 7, the authors shall refrain from discussing the same in detail. However, one must be aware that the same exists and hence this title is presented as an extended reading.

THE NEED OF THE HOURS REFORMS

Having discussed at length about the trend of a growing trend of diminishing press freedom in India and the reasons for the same, the important takeaways and suggestions from the above presented data is as follows,

- Immediate consensus across political borders for a fool proof legislation, entailing the rights of journalists.
- Apart from legislative reforms, change in mindset of Indian polity, is the need of the hour.
- Journalists/media persons/collection agents/techies of the sector must be given blanket protection from being booked under oppressive state laws and Union laws such as the Unlawful Activities Prevention Act, so on and so forth for allegations pertaining to their official work³⁴⁰.
- Judicial permission must be mandated to proceed in cases against journalists, involving the use of those aforementioned laws and legislations.

³⁴⁰ Shakir Mir, *Use of UAPA Against Journalists is Last Nail in Coffin for Press Freedom in Kashmir*, THE WIRE, (Apr. 26, 2020), <<https://thewire.in/media/use-of-uapa-against-journalists-is-last-nail-in-coffin-for-press-freedom-in-kashmir>>, last accessed on 21st June, 2020.

- Heckling and online badgering of journalists ought to be clamped down with an iron hand by the law enforcement authorities, in case of complaints received, at the earliest.
- Adequate protection must be granted to those vulnerable journalists whose lives are at threat.
- The State and Central Intelligence Bureaus must be authorised to include journalists in their ambits to assess their threat concerns.
- Activism against journalism, in any means whatsoever, needs to be condemned by those in power.
- The Republic of India, as a nation must be cautious enough to step away from the veil of escapism and embrace global viewpoints from notable entities, as constructive criticism.

CONCLUSION

It is rightly said, it is not illiteracy but the foolishness of the literate, that presents a problem to the Indian nation. We as members of the legal fraternity have an intrinsic duty vested in us to prevent India from stepping into an autocratic state with an illusion of democracy. The fall of media, the fourth pillar of our Nation, would be more than enough to initiate this change. The trend is indeed concerning and to reverse the same, strengthening of the existing legislations is a must, as presented above. Incorporating the said suggestions might not be enough to push India right to the top of the Global Press Freedom Index in a fortnight, yet, it is crucial and vital to start the paradigm shift at the earliest to prevent further worsening of the existing state of affairs.

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