

Disappeared: Media Freedom



**Free Speech In Jammu and
Kashmir 2019-24
A Status Report**

Free Speech Collective



Introduction

On Sept 18, 2024, the union territory of Jammu and Kashmir (J&K) goes to the polls in three phases, the first time in a decade, and the first following the down-grading of the state in 2019.

In August 2019, in the midst of an unprecedented shut down of all communication, Jammu and Kashmir lost its special status with the abrogation of Art 370 of the Indian Constitution. It also lost its statehood on October 31, 2019, when the National Democratic Alliance (NDA)-led Parliament passed the Jammu and Kashmir Reorganisation Act and created two union territories – Jammu and Kashmir in the west and Ladakh in the east. This drastic move, which came as a bolt from the blue, had a severe impact on democratic freedoms and free speech.

In our report (News Behind the Barbed Wire: Kashmir's Information Blockade, Sept 2019) on the ban in communication post the abrogation of Art 370, we [wrote](#) : “In overt terms, the communication ban seems to be a drastic form of collective punishment, ostensibly to curb the potential of some “miscreants” to foment trouble in the wake of the abrogation of Article 370. But it is also a covert new strategy where the free flow of information from diverse sources is restricted, and a one-dimensional state-controlled narrative is disseminated. When there is an information vacuum, citizens are kept in a state of uncertainty and anxiety with little or no means to reach out to their families or friends. Consequently, the situation is not as normal as the government claims.”

In the first two years after the abrogation of Art 370, [more than 40 journalists](#) in Kashmir had either been called for a background check, summoned or raided; they are being forced to present themselves to explain their stories, social media conduct and even general movement. Surveillance of their daily lives and movements, including of their family members is another form of intimidation.

Journalists have been charged under the draconian Unlawful Activities (Prevention) Act, 1967 (UAPA) or the Public Security Act (PSA) or the Indian Penal Code. In 2022, the National Crime Records Bureau registered a 17.9 per cent increase in UAPA cases, the majority from Jammu and Kashmir.

At least six journalists faced charges under the draconian UAPA. Of these, four were arrested and also faced separate charges under the Public Security Act (PSA). Another four journalists were detained for a day and released in connection with a UAPA case. While two journalists charged under the UAPA were released on bail, one of them continues to remain in custody. One journalist who was detained under the PSA, continues to be behind bars.

Award-winning journalists and those pursuing professional work abroad have been stopped from flying out of the country, others have had their passports impounded, with no reasons cited. A request filed on March 15, 2024, by the Free Speech Collective under the Right to Information (RTI) law, asking for year-wise, district-wise and profession-wise information on the number of passports cancelled, revoked, impounded or surrendered in Union Territory of Jammu and Kashmir and Ladakh was rejected. There is no data in the public domain about this serious violation of the right to mobility.

Meanwhile, print media struggles to survive, heavily dependent on government advertising and suffused with opinions and news reports [tailored](#) to pro-government narratives. Newspaper archives, the repository of the history of the Kashmiri people, [disappeared](#) overnight: Greater Kashmir, Rising Kashmir, Kashmir Reader, as well as the pre-2019 digital archives of many other Urdu and English-language papers were also partially or completely expunged. The erasure of a meticulous record of human rights violations including enforced disappearances, custodial murder and torture, molestation and sexual violence feeds into the narrative of “all is well” being promoted by the centre.

Self-censorship has become a survival tool, as journalists and media houses prioritise their safety and livelihoods. Bland stories fill the newspapers, even as political stories or investigations are eschewed. Writing anonymously, sharing bylines with journalists from big media houses in Delhi or overseas has become a strategy to get the stories out while remaining safe. Personal security has forced several journalists to move out of the profession, out of the Valley, and even out of the country. Many choose to remain silent and out of the spotlight, just to survive. This silencing and exodus of critical voices has left a discernible void in the media scene in Jammu and Kashmir.

Amidst the hurly burly of electioneering in the Union Territory of Jammu and Kashmir, several disquieting questions remain: Have things returned to 'normal' in the last five years? Have the past five years brought peace and the promise of a 'Naya Kashmir' to this troubled land? How well-informed will voters be as they exercise their franchise? How democratic will the exercise be for the media in Kashmir? Can journalists carry out on-the-ground reportage with access to their sources, and without favour or fear of repercussions?

The following is Free Speech Collective's recap on the status of freedom of speech and expression in J&K over the last six years (with major instances culled from news reports, government policies and orders, police action and the testimonies of journalists and citizens shared anonymously). It is part of the FSC endeavour to map freedom of expression in states that go to the polls (read our earlier reports [here](#) and [here](#))*.

Free Speech In Jammu and Kashmir: When media freedom was disappeared

July 25, 2019: Journalist and editor of the news website, The Kashmiriyat, [Qazi Shibli](#) detained under the Public Safety Act (PSA), for tweeting about the deployment of additional troops in Jammu and Kashmir.

Aug 4, 2019: All internet, mobile and telephone connections were cut in an unprecedented communications blockade across the state of Jammu and Kashmir.

Aug 5, 2019: Imposition of Section 144 of the Code of Criminal Procedure (CrPC) in large parts of Srinagar, banning assembly of four or more persons.

Massive deployment of forces on the streets, with multiple checkpoints every few metres. Journalists unable to move around, get in touch with sources or get any information from them. Threatened for using cameras, photojournalists were unable to provide any visual record of the people's response in the first few weeks.

Not a single independent news report emanated from the Valley for at least a week. Broadcasts from outdoor broadcasting vans of some private television channels were sent out. Some journalists managed to send reports stored on pen drives to news outlets outside the Valley through trusted colleagues or passengers flying out of Srinagar.

Aug 6, 2019: Newspapers suspended publication. The Kashmir Times Srinagar edition was suspended indefinitely. Other leading newspapers, including "Rising Kashmir" and "Greater Kashmir" were suspended for a few days. On restarting publication, self-censorship was more than evident, with most of them preferring to publish soft stories on lifestyle and health.

Aug 11, 2019: The Executive Editor of *Kashmir Times*, Anuradha Bhasin filed a petition in the Supreme Court to immediately relax all restrictions on mobile, internet and landline services and the strict

restrictions on freedom of movement of journalists and media personnel in Kashmir and some districts, of Jammu in order to enable journalists to practise their profession and exercise their right to report, in furtherance of their rights under Articles 14, 19(1)(a) and 19(1)(g) and 21 of the Constitution of India as well as the Right to Know of the residents of the Kashmir valley.

August 12, 2019: Government sets up a media centre with four computers for journalists. Journalists allowed to send dispatches through a government-controlled communication system amidst heavy surveillance and monitoring, including signing in and maintenance of a record of the over hundred journalists using the overstretched resources.

August 14, 2019: Irfan Amin Malik, a journalist at Greater Kashmir, was picked up from his residence in Tral and released the next day.

September 1, 2019: Peerzada Ashiq was summoned by Kothi Bagh police station and asked to reveal his source of a story he had written.

September 1, 2019: Journalist Gowhar Geelani stopped from travelling to Germany at the Indira Gandhi International airport in Delhi. Geelani was [travelling](#) for an eight day training programme with German broadcaster Deutsche Welle in Bonn. Geelani said that the immigration officer told him that they had instructions from 'higher-up' officials not to allow him to fly out because of the "prevailing situation in Kashmir".

October 14, 2019: Kashmiri human rights activist Bilal Bhat was stopped from travelling to Malaysia at the Delhi international airport. His visa was stamped "cancelled without prejudice" and no reason was ascribed for the cancellation. Bhat was travelling to attend the seventh Asia Pacific Urban Forum (APUF-7) organised by the United Nations Economic and Social Commission for Asia and the Pacific (UN-ESCAP).

October 2019 (date unspecified): Zahid Rafiq, a Srinagar-based journalist who had worked with *The Hindu* and *Tehelka* magazine, was not allowed to fly for a teaching fellowship at Cornell University. Rafiq had no cases or charges pending against him. He has not been allowed to travel so far.

November 30, 2019: Bashaarat Masood of *The Indian Express* and Hakeem Irfan of the *Economic Times* were summoned to the infamous counterinsurgency Special Operations Group headquarters known as "Cargo" and asked to reveal the sources for their news reports.

December 17, 2019: News portal journalists Azaan Javaid of The Print and Anees Zargar of News Click were beaten up by police in Srinagar while covering a protest.

December 23, 2019: Bashaarat Masood of *The Indian Express* and Safwat Zargar of [scroll.in](#) were stopped and questioned by police at Handwara while they were on an assignment.

February 8, 2020: Naseer Ganai, senior correspondent of *Outlook* magazine and Haroon Nabi of Current News Service, a local news agency, were summoned to the police counter-insurgency headquarters in Srinagar and questioned for reporting a statement of the J&K Liberation Front, a banned organisation and asked to reveal the email address through which the statement was sent.

April 13, 2020: Detention of journalist Qazi Shibli revoked, during the decongestion of prisons across the country in the context of COVID-19.

May 15, 2020: Kashmir media policy released by the J & K administration via an office order. Ostensibly to lay down the criteria for the media's eligibility to obtain government advertisements, its

“larger aim is to make media a mere carrier of the “news” that the government intends to disseminate, and to prevent it from peddling “fake” news and indulging in “anti-national” activities.”

October 14, 2020: Mobile services restored for postpaid accounts.

January 10, 2020: A three-member bench of the Supreme Court, headed by Chief Justice N. V. Ramana and comprising B R Gavai and R Subhash Reddy, held that an indefinite suspension of internet was illegal and that the right to the internet was part of freedom of speech and expression under Art 19 (1) (a) of the Indian Constitution. In an order on the petition filed by Kashmir Times Executive Editor Anuradha Bhasin and Congress leader Ghulam Nabi Azad, the Court did not order the lifting of internet restrictions. However, it directed the J&K administration to review all restrictive orders within seven days and laid down directions for internet shutdown orders to ensure that such measures do not violate constitutional limits for protecting fundamental rights, including the setting up of a review committee.

January 24, 2020: 2G internet access to whitelisted sites was allowed. The ban on high-speed internet services continued.

April 11, 2020: Mushtaq Ahmed Ganai, reporter for the *Kashmir Observer*, was beaten by police in Bandipore, when he was reporting from the field during the lockdown. He was **arrested** on charges of disobeying a public servant under Sections 188 and 269 of Indian Penal Code (IPC) and released on bail after two days in custody.

Gowhar Ali Wani, an independent journalist from north Kashmir’s Handwara district was threatened by the SHO of Villagam police station for ‘roaming around with a camera’.

April 18, 2020 : Masrat Zahra, photojournalist, Srinagar, case registered on charges of UAPA for allegedly “uploading anti-national posts with criminal intention to induce the youth and promote offence against public tranquillity.” Earlier, she was summoned to the cyber police station but after journalist protested, the summons were dropped. However, a case was registered against her under section of 13 UA(P) Act and 505-IPC in Cyber Police Station, Kashmir Zone.

April 19, 2020: Peerzada Ashiq, senior correspondent of *The Hindu*, was summoned by police in Anantnag district to explain alleged inaccuracies in a report he had filed on the permission granted by the Jammu & Kashmir (J&K) administration to the families of two dead militants in Shopian to exhume their bodies from the graveyard where they were buried. He was charged with Sec 505 of the Indian Penal Code.

April 22, 2020: Police file an FIR (first information report) against Gowhar Geelani under the UAPA for allegedly glorifying terrorism in Kashmir valley.

August 16, 2020: high-speed internet connections for postpaid mobile phones were restored in Ganderbal in Kashmir region and Udhampur in Jammu region, in view of district polls in these areas in November.

July 30, 2020: Journalist Qazi Shibli detained under Section 107 of the CRPC (security for keeping the peace in other cases). Released on August 17, 2020.

February 5, 2021: 4G internet was restored in the entire union territory.

April 7, 2021: The J& K Police issue a directive banning live coverage of encounter sites and law-and-order situations.

September 9, 2021: [Raid](#) on residences of four journalists, Hilal Mir, Shah Abbas, Azhar Qadri and Showkat Motta. The four were detained for a day in connection with a UAPA case lodged a year before.

October 22, 2021: Manan Dar, photojournalist, Srinagar, arrested on charges under the UAPA. He secured bail on 04.01.2023, after the Additional Sessions Judge Shailender Malik [said](#) that the National Investigation Agency (NIA)'s "accusation against the accused does not appear to be cogent and true."

January 5, 2022: Sajjad Gul, trainee reporter, The Kashmir Walla, is arrested in Bandipora district on charges of terrorism under the Unlawful Activities (Prevention) Act (UAPA). He had posted a video on Twitter of a protest in which demonstrators shouted anti-Indian slogans.

January 17, 2022: J&K administration took control of the Kashmir Press Club on grounds of a potential law and order situation, days after it kept its re-registration on hold and said that the club ceased to exist as a registered body. In a [statement](#) of protest, the elected body of the Kashmir Press Club said the aim of the government was to shut down the club and "stifle the voice of journalists in Kashmir". (On August 12, 2024, an Executive Body comprised of "nominated" journalists announced that a renamed Press Club of Kashmir would once again function with "the help of the administration. [Questions](#) have been raised about the lack of due process in setting up this administration-backed entity.)

February 4, 2022: Fahad Shah, Editor, The Kashmirwalla, arrested in Pulwama, under the Unlawful Activities (Prevention) Act (UAPA) over a report of an encounter in Pulwama, published in his news portal. He was granted bail by a special National Investigation Agency court on February 26, after 22 days in custody. Some hours later, he was re-arrested in another case related to alleged provocation of riots. He secured bail on March 5, 2022, but was arrested in yet another case for allegedly causing rioting, attempted murder, abetment, printing or engraving defamatory matter, and public mischief.

On March 11, 2022, he was charged under the UAPA after the Special Investigative Agency filed charges against him and Abdul Aala Fazili, a PhD scholar at the University of Kashmir and a fellow of Maulana Azad National Fellowship, who had written an article entitled 'The shackles of slavery will break' for The Kashmirwalla in 2011, which the agency alleged was "highly provocative and seditious" and amounted to "narrative terrorism". Fahad Shah was finally released on bail on November 17, 2023.

Fazili continues to remain in jail.

October 18, 2022: Sana Irshad Mattoo, a photojournalist from Srinagar, who was awarded a Pulitzer as part of a Reuters team that covered the Covid-19 pandemic, was stopped from travelling to the US to receive the award by immigration authorities at Delhi airport. No reason was given for the deboarding and her passport was merely stamped 'Cancelled without Prejudice' by immigration authorities at Delhi airport. A statement from the Network of Women in Media India said that her [image](#) captured the dedication of a medical team that took on the challenging task of vaccinating Bakarwal or nomadic tribes, constantly on the go, and was displayed in many international publications.

March 20, 2023: Irfan Mehraj, Editor, *Wande Magazine*, was arrested in Srinagar on charges of UAPA. The National Investigation Agency (NIA), in a tweet, said the arrest took place due to Mehraj's collaboration with the Jammu Kashmir Coalition of Civil Society (JKCCS), an organisation directed by jailed human rights activist Khurram Parvez. Parvez, also the chairperson of the Asian Federation

Against Involuntary Disappearances (AFAD) and an [internationally renowned](#) human rights activist, was arrested on November 22, 2021 on charges of terrorism under the UAPA.

November 19, 2023: Seven Kashmiri students of Sher-e-Kashmir University were arrested on charges under the UAPA for allegedly celebrating the victory of Australia over India in a cricket world cup tournament and raising 'Jeeve Jeeve Pakistan' (Long Live Pakistan) slogans. The charges were dropped after their parents apologised and the students submitted an undertaking.

November 19, 2023: A division bench of the High Court of Jammu and Kashmir and Ladakh comprising Chief Justice N. Kotiswar Singh and Justice MA Chowdhary quashed the detention of Sajjad Gul, detained since January 16, 2022 and noted that the grounds of detention nowhere mention that the detenu had uploaded any false story or that his reporting was not based on true facts. The judges criticised the tendency of authorities to detain persons for simply being the critics of the government, terming it as an abuse of the preventive detention law. Sajjad Gul, pen name of Sajjad Ahmad Dar, was under detention under the Jammu and Kashmir Public Safety Act on grounds that his tweets and statements promoted enmity and were prejudicial to maintenance of public order and security of the State.

December 11, 2023: The Supreme Court unanimously upheld the power of the President to abrogate Article 370 in August 2019.

In a tweet [welcoming](#) the decision, Union Home Minister Amit Shah said :”After the abrogation of Article 370 the rights of the poor and deprived have been restored, and separatism and stone pelting are now things of the past. The entire region now echoes with melodious music and cultural tourism.”

Jan 30, 2024: The Supreme Court said that orders of the Review Committee established for overseeing internet shutdown directions issued by Jammu & Kashmir authorities are required to be published. The court was hearing petitions filed by the Foundation for Media Professionals that sought the state's compliance with the Supreme Court's guidelines in the Anuradha Basin judgement.

February 27, 2024: Aasif Sultan, Reporter, Kashmir Narrator, who had been arrested on August 27, 2018 from Srinagar, on charges under the UAPA, was released on bail. He was immediately re-arrested in an older case of violence inside jail in 2019 on charges of rioting and unlawful activities (IPC and UAPA).

July 10, 2024: Newspaper proprietor and businessman Tarun Behl, arrested under the Official Secrets Act for allegedly circulating a “secret” document related to the withdrawal of security cover of certain protected persons in the Union Territory. The owner of two newspapers, his properties were also raided by J&K police on July 12, 2024.

September 14, 2023: Majid Hyderi, a freelance journalist and commentator on news channels was arrested from his residence in Srinagar and booked under the PSA. He is in Jammu jail since then.

In Conclusion: Can the Ballot Promise Press Freedom?

While these incidents highlight the pressure maintained by the state to quell any dissent or adverse news coverage since 2019, political parties have promised freedom to journalists to operate in a free environment in their manifestos ahead of the long-awaited legislative assembly elections.

But given the restricted scope of the powers after the J&K reorganisation Act 2019 and two major amendments curtailing the powers of elected government, the situation is unlikely to see any major shift.

It must be noted that the previous governments led by National Conference, Peoples Democratic Party alongside Congress was often marked by hostilities with press. During Omar Abdullah government in 2009-2014, the press and people had its share of challenges and censorship. Following the public protests over months over the killing of teenager Tufail Mattoo in June 2010, the National Conference-Congress government-imposed curfew and banned mobile telephony SMS facility. Also, it banned the cable news channels and stopped advertisements to publications seen critical by the government.

Likewise, when Kashmir saw massive protests over the killing of iconic Hizbul Mujahideen commander Burhan Wani in July 2016, the Mehbooba Mufti-led government conducted raids on newspaper printing houses. It was followed by blanket ban on the *Kashmir Reader* on October 2- Gandhi Jayanti.

In the face of these past examples and given the increasingly repressive atmosphere in which the media operates since the abrogation of Article 370, there is little hope that the new government will offer a space for the media to operate freely.

* *In some instances, names of journalists have been kept out to protect their privacy and that of their families. If any instances have not been recorded, please write in to freespeechcollectiveindia@gmail.com and we will update our report.*

* *Cover cartoon courtesy of Suhail Naqshbandi (2019)*

Free Speech Collective
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