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Media Censorship after The Jammu and Kashmir Reorganization Act, 2019: A Case Study in Kashmir

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ABSTRACT

Freedom of expression has always been emphasized as an essential basis for the democratic functioning of any society. The democratic credentials of any State are judged by the extent of the freedom of Press/Media enjoys. It provides comprehensive and objective information of all aspects of the country's social, political, economic and cultural life. The press is the fourth pillar of Democratic Nation that is ensured by its constitution; hence it is considered as the most important institution in the society.

Article 370 of the Indian Constitution guaranteed the special status of erstwhile State of Jammu and Kashmir, was abrogated on August 5, 2019. The Government of India introduced the Jammu and Kashmir Reorganization Act-2019 on August 6, 2019 and converted the State into two Union Territories viz Jammu and Kashmir and Ladakh. Simultaneously Article 35 A empowering the Legislature to define the permanent residents of Jammu and Kashmir was also nullified. While going through the process of Abrogation, complete communication blackout was set in motion thus making people more curious particularly the ones affiliated with Communication Departments be that Print or Electronic media.

Therefore, the present study aims to trace out various Censorship laws being imposed on regional media in Jammu and Kashmir post Abrogation period. This Research will also determine whether the restrictions which are being imposed on media organizations in J&K are constitutionally valid or not. It also aims to analyze the status of regional press. The researcher conducts intensive interviews with Government officials, judicial experts and conduct survey among the journalists and Media managers to analyze various narratives on ground reality that is relevant to the study.

Keywords: *Censorship, Kashmir, Media, Laws, Article 370, Freedom of press*

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I. INTRODUCTION

Censorship is formally used to maintain order of the state. Historically it has been used to uphold public morals and to control opposition. It is said that Censorship was first used in Rome in 443 BC. In 300 AD China introduced its first Censorship law (Newth, 2010).

Traditionally Government censors' newspapers, books, magazines prior to their publication to cross check questionable content. A common ground for censorship is maintenance of an orderly state; whereas, the underlying motive is to keep public ignorant of the Information that can potentially threaten authorities.

To curb free information dissemination, the Licensing Act of 1662 was introduced in Britain that remained in the field until 1665. Moreover, in Germany, press was effectively curbed through not only censorship but also through trade restrictions and unavailability of printing paper. The public demand for a free press, soon gained momentum in European Countries.

Caso (2008) asserts that censorship is an abuse of powers "to forbid speech, writing, and images they considered a threat to their authority or contrary to divine law"

Irum Saeed Abbasi (2015) Media Censorship is a universal phenomenon that has been imposed on media houses for centuries. The main aim of Censorship is maintenance of an orderly state. The information which has potential to threaten authorities is barred from dissemination.

Akram al-Bunni (2008:100) says that the Syria 2001 Press Law 'tightens the legal restrictions on form of expression' and was 'tailored to the interests of the ruling elite'. Those who violate the Press Law can be imprisoned for one to three years and fined from 500,000 to 1 million Syrian pounds (\$10,000 to \$20,000). In modern era internet plays a vital role for media outlets so for their information reach out is concerned. But authorities have come up with different Internet surveillance apparatus to cope up with the situation. Hence Censorship in contemporary times is imposed on both online and offline mode of communication which bars journalists and other persons affiliated with media organizations to work freely.

India

Madan Singh Chaudary says India's press laws have deep connection with British rule period. The first press regulatory measures can be traced back to 1799 when Lord Wellesley imposed pre-censorship on newly established news publishing industry. In 1835 the Press Act was passed with the aim to have full vigil over print media houses in India and to censor the content being published.

On June 18, 1857 the Government passed the Gagging Act, which among various other things

introduced compulsory licensing for the owning or running of printing presses. Press and Registration of Books Act in 1867 is the only legislation with regard to regulation of press in the Country which continues to remain in forces till date.

However, on 26th of January when Indian Constitution was established it did not only provide preservation of media organizations, but expressly under Article 19 (1) (a) provide right to freedom of speech and expression and of free press. However no right can be absolute, hence reasonable restriction have been imposed on the Right to freedom of speech and expression Under Article 19 (2). Example if it goes against security of the state, if it creates any threat to the friendly relations with foreign states. Restrictions may also be imposed on freedom of speech and expression if such right is misused and has potential to likely disrupt public order. Where Sovereignty and integrity of the country gets compromised the restrictions may be imposed.

Gautam Bhatia (2017) Censorship is exercised through legislation such as Section 95 of Code of Criminal Procedure (Crpc) which declares certain publications forfeited and search warrants can be issued in this regard, if any newspaper, any book or any document wherever printed appears to the State Government that it contains any content which is prohibited and punishable under section 124A, section 153A, section 153B, 292, 293 or section 295A of the Indian Penal Code.

The rights are given to State Governments with respect to Censorship, but cannot be exercised against media organizations without any reasonable ground. Section 124A of the Indian Penal Code (IPC) also criminalize sedition by way of words either spoken or written or by signs or by visual representation which brings or attempts to bring hatred or contempt towards the Government.

Kashmir

Laxmi Murthy, Geeta Seshu (2019) Independent media in the Kashmir valley starts growing up in the 1990s. According to data provided by the Department of Information and Public Relations (DIPR) English dailies made their presence in the valley in mid 90s with Greater Kashmir becoming a daily in 1995.

Over the next two decades, almost 100 publications were registered 20 among were widely circulated. Over last few years a bulk of online news and features media also emerged. At present according to official data, there are 414 newspapers in Jammu and Kashmir, 242 operating from Jammu and 172 in Kashmir. In Kashmir only there are 60 Urdu and 40 English Newspapers. There are 100 dailies and the rest are weeklies. But the media organizations have

been facing severe restrictions from time to time in terms of publication, circulation and even in terms of page numbering. Ever since the uprising of 2008 the media in Kashmir remains under surveillance. According to official reports, the Director of Information and Public Relations (DIPR) controls the advertising budget, amounting to about Rs 40crore annually.

Advertising from the central Directorate of Advertising and Visual Publicity (DAVP) had ceased during the unrest of 2010 when several newspapers refused to toe the official line. Media houses then became heavily dependent on advertisements from the J&K DIPR (Press Council of India, 2017), which suspended advertisements to two major English dailies in February 2019. The media community was outraged, and even published blank front pages as a mark of protest. In 2019 alone after Abrogation of Article 370, the press in Kashmir could not properly function as severe restrictions were imposed on its publication and circulation. Even printed copies were retained by the authorities. The online edition was totally stopped for almost five months due to internet suspension.

Bukhari Sujhaat (2012) while the press is fairly free in most parts of India, in the areas that are riddled with conflict; it has been the worst victim of the laws that are otherwise meant to deal with the political dissent. Apart from political activists and other civilians, the media has also become a victim of the PSA.

Article 370 granted special status to Jammu and Kashmir, and Article 35A empowered its legislature to define “permanent residents” of the state, and accord them with specific rights and privileges. Both provisions were fundamental to the people of Jammu and Kashmir as they used to enjoy special status and had full faith in it so far as future determination is concerned. For the ruling party Bharatiya Janata Party (BJP). This provision never had any positivity in it and was an obstacle to the integrity of the Country.

On 5 August 2019, Union Minister Amit Shah moved the statutory resolutions abrogating Article 370, with the Jammu and Kashmir Reservation (Second Amendment) Bill, 2019, and the Jammu and Kashmir Reorganization Bill, 2019 to downgrade the state into two union territories, Jammu and Kashmir and Ladakh. It was passed in the Rajya Sabha on the same day, and in the Lok Sabha on the day after. Three days later, it obtained the presidential assent.

Kashmir has witnessed internet shutdowns 180 times since 2012, and 54 times before the last ban in 2019 alone. In 2019, however, not only were mobile networks shut down, but broadband was also cut off, along with landlines and cable. In today’s Kashmir, independent journalists are hindered from doing their work, and the basic democratic right to information has been denied to citizens. Particularly, independent Kashmir media seems to have been targeted

aggressively and is being silenced and rendered powerless. Intelligence agencies and police have summoned and questioned several other journalists about the source of reports filed after August 5. This has created an atmosphere of fear among local reporters and editors.

II. REVIEW OF LITERATURE

A literature review is a comprehensive summary of previous research on a topic. The literature review surveys scholarly articles, books, and other sources relevant to a particular area of research. An evaluation of the available literature in particular or chosen topic is called Literature review. Researcher could acquire an in-depth knowledge about the subject he is researching. It integrates already existing research with the work of a researcher in any particular topic or subject. It also indicates that researcher has learnt new things from others and that research is starting point of new ideas. It also gives credibility to the researcher for the work.

Objectives of the Review of literature: Literature review synthesizes the information into a summary, critically analyses the information gathered by identifying gaps in current knowledge and presents the literature in an organized way. It helps to discover relevant research methodology i.e., methods and approaches that have been successful in similar studies. It also assists in the identification of survey instruments for which the psychometric properties have been established. It validates current arguments based on previous experiential findings, (Alethea Wint, 2018).

Joel Simon (2014) the executive director of the Committee to Protect Journalists², warns that we can no longer assume that our global information ecosystem is stable, protected, and robust. He has conducted a study with the title *The New Censorship: Inside the Global Battle for Media Freedom (Mexico)*. The study found that “Journalists are being imprisoned and killed in record numbers”. He also observed that online surveillance is annihilating privacy, and the Internet can be brought under government control at any time. Journalists are increasingly vulnerable to attack by authoritarian governments, militants, criminals, and terrorists, who all seek to use technology, political pressure, and violence to set the global information agenda. Simon found that journalists under threat from all sides in Mexico. Therefore, he proposed ten key priorities; including combating the murder of journalists, ending censorship, and developing a global free-expression charter to challenge the criminal and corrupt forces that seek to manipulate the world's news.

² The committee to Protect Journalists is an American independent non-profit, non-governmental organization based in New York. It aims at promoting press freedom and defends the rights of journalists.

S. Saleel Indraneel's (2016) study says that media is such a powerful industry which can make or break the Governments by influencing the people. The researcher has conducted the study with the title *The role and accountability of the media in the Indian Democracy- A critique*, aiming to identify the rights of the media and to assess the limitations imposed upon the rights of the media in India. The researcher has followed the analytical and critical method in his research. He discussed about various forms of censorship in Indian context including media and film censorship and assimilated its positive and negative aspects in Indian Legal system. Researcher feels that the Class Dominant theory³ of media influence prevails. According to this theory the Bureaucrats, the rich and the powerful people control the media corporation. It is these people from the executive or the legislature pressurize the media to impart information or withhold the information. So ultimately the actual information is curtailed and not being provided to people. It ultimately leads to media censorship.

Daniel Bekele (2009) offered a historical analysis of press law in Ethiopia and examines the extent to which the current legal framework for freedom of expression and press freedom complies with constitutional guarantees and international human rights conventions. His research uncovers the emergence of press freedom in Ethiopia as well as its traditional foundations well before 1991 and the international covenants. The research also shows that how laws have been repressive and restrictive which are inconsistent with international standards. The thesis, therefore, documents the history of printing and press work in Ethiopia starting from the early traditional foundations to demonstrate freedom of expression as an indigenous concept and the birth of free press in Ethiopia at the beginning of the 20th century and the emergence of press restrictive laws in the 1930's. The methodological approach employed for this research was mainly library and archives-based research. Materials consulted included historical literature, press and media archives, law reports, legislation and regulations, international human rights law and jurisprudence and comparative human rights case law.

Teresa Joseph (2000) strives to analyze the nature of the coverage of the human rights situation in Kashmir by the Indian press. In order to enable a comprehensive analysis, the researcher has restricted to a content analysis of three English language newspapers over a period of three months. According to the study, the nature of the coverage of the situation by the Indian press is juxtaposed against the actual situation in the Kashmir Valley, as depicted by alternate media sources because of censorship legal provisions.

³. Class dominant theory believes that the media reflects and projects the view of minority elite. <https://www.cliffsnotes.com/study-guides/sociology/contemporary-mass-media/the-role-and-influence-of-mass-media>

Seiz Eser (2014) studied freedom of press in Turkey after experiencing an uprising in the Country. The researcher has conducted both critical policy analysis and case study. The researcher studied various press and journalism related laws governing in the Country. Eser found that ethical side of journalism in Turkey have been in danger and under threat. He further found that Journalists are enforced to follow certain path which is not giving them a chance to work as freely as media persons are supposed to do. Hence it curtails their press freedom.

Shameek Sen (2014) analyses the theoretical basis of the international human right to freedom of speech and expression, and the restrictions imposed thereon in the form of censorship. Shameek says that freedom of speech and expression is a fundamental right while as censorship is a process of imposing checks by direct or indirect mode. The researcher has found that considering the oft-repressive nature of censorship, it can frequently be seen that it has an evil effect on the unhindered expression of thought and ideas.

Nayeem Showket (2017) traces the historical perspective, current scenario and restrictions on Kashmir press, through its different phases of existence. He explored the literature related to the title 'Kashmir in media: An overview'. The researcher established that the press in Kashmir have gone through tough phases over the period of time and indicates that Kashmir has been witnessing a continuous surge of local press since few decades to continuously counter the narrative of national media. The study concludes that Kashmir press does not enjoy the freedom as enjoyed by others.

III. METHODOLOGY

Research methodology is a way to systematically solve the research problem. It may be understood as a science of studying how research is done systematically, according, (Kothari, 1985). Essentially, the procedures by which researcher goes about the work of describing, explaining and predicting phenomena are called research methodology. Researcher has formulated the following research questions and objectives based on the nature of the study.

Research Questions

1. What could be the reason behind censorship by the Government on media in Kashmir immediately after abrogation of Article 370?
2. What type of laws being imposed to curb the freedom of press and media people in Kashmir in the study period?
3. How the media managers and journalists faced challenges while performing their duties?

4. What is the status of telephone and Internet communication services in Kashmir after abrogation of Article 370?
5. How censorship impacted on news dailies in curtailing its shape, size, tone and content?

Research Objectives

1. To know Government's strategy in imposing censorship on print media post abrogation of Article 370 in Kashmir;
2. To know various legal perspectives in imposing media censorship in Kashmir;
3. To trace out the challenges of media managers and journalist in the line of performing their duties;

To estimate the impact of suspending communication services like telephone and internet on media people after the commencement of The Jammu and Kashmir reorganization Act, 2019 in Kashmir;

Method

Research methods are the various procedures, schemes and algorithms used in research. All the data collection methods used by a researcher during a research study are termed as research methods. They are essentially planned, scientific and value-neutral. They include theoretical procedures, experimental studies, numerical schemes, statistical approaches and others. Research methods help the researcher collect samples, data and find a solution to a problem. Its aim is to give the work plan of research.

Based on the objectives, the researcher has adopted survey and interview as data collection methods. To know the perspectives of Government official and legal professionals on media censorship, the researcher has conducted personal interviews. He conducted survey among media managers and journalists to estimate the impact of unavailability of communication services. Survey research is a specific type of field study that involves the collection of data from a sample of elements drawn from a well-defined population, Babbie, E. R (1990). A "survey" can be anything from a short paper and pencil feedback form to an intensive one-one to one in-depth interview, Fowler, F. J. (1988).

Aim of the study:

The study is aimed at investigating the level of freedom of the print media in Kashmir. This study has explored the challenges that media professionals practically go through and face in the process of carrying out their profession post abrogation of Article 370. It also has identified existing laws which impact on the print media freedom in Kashmir.

Theoretical framework:

Several theories have been framed in parlance with mass media from time to time. Gatekeeping theory and the Authoritarian theory come close to the present study. Authoritarian theory was developed in the 16th and 17th century in England. The Authoritarian Theory is operationalized as strict control of content by the media organisations. It says that it is necessary to control the media to protect and prevent people from threats through any form of communication be it information or news. Press is the instrument to enhance the power of Government and Government authority has every right to control the media.

While as gatekeeping is the process of selecting, and then filtering, items of media that can be consumed within the time or space that an individual happens to have. This means gatekeeping falls into a role of surveillance and monitoring data. These gatekeeping decisions are made every day to sort out the relevant items that audiences will see.

The idea was first posited by Kurt Lewin (1890-1947), a German psychologist and pioneer in social psychology. He developed his concept in his quest to understand the human behavior and its important consideration of total life space (looks this up, it's a very interesting concept in social psychology). He focused more on personal perception and how a person worked to understand their own world (physical, mental and social) through frequent conversation and acknowledgement of memories, desire, and goals. He coined the word called "Gate keeping" in his studies. At first it was widely used in the field of psychology and social psychology and later moved to the field of communication as mass communication because a specific area of study (largely due to the advent of mass publication technology). Now it's one of the essential and foundational theories in communication studies.

Kasper Welbers (2018) Gatekeeping theory addresses how the news messages that circulates throughout society are selected and shaped.

Sampling

The process of selecting a sample of the population for a research study is called sampling. It is the technique of choosing a representative subset of the population. Sampling makes research more precise and efficient. It regulates the generalizability of the research findings. Researcher has adopted non- probability purposive sampling technique for the present study. Purposive sampling is selected on the base of specific qualities and characteristics. Mass media researchers frequently use non-probability sampling, particularly in the form of available samples, Wimmer & Dominick, (2003).

Research tool of the study:

The researcher has developed two interview schedules to draw the information from the Government Official and lawyers. When the researcher approached Information Officer (Commissioner) at Srinagar, the officer has reluctant to provide the interview. He also prepared a questionnaire of five-point scale as a research tool for data collection from the selected medial managers and journalists. The researcher has adopted the Likert scale.

A Likert Scale is a type of rating scale used to measure attitudes or opinions. With this scale, respondents are asked to rate items on a level of agreement. For example: Agree, Strongly agree, Strongly Disagree, Neutral

Operational definitions

- **Media Censorship**

Media censorship can be understood as a tool to curtail or minimize the freedom of media organizations. The reason behind the censorship may vary from one place to another. Media censorship laws may not be the same in different Countries or States. The censorship is imposed on the media as per the need and ground situation of that particular geographical area.

- **Kashmir Conflict**

The expression conflict cannot be precisely defined. In wide sense it may mean a clash on a point of law or fact. A conflict between the two parties may arise either on legal or political grounds. Kashmir conflict seems so difficult because over past several decades not a single resolution was adopted by the parties to dispute.

- **Freedom of Speech and expression**

Freedom of speech and expression may mean not be barred from expressing one's view, comments, opinion or suggestions. In simple terms it can be defined as the right of an individual to speak publically without any interference from the Government, subject to laws against libel, incitement to violence or rebellion, etc.

- **What is Variable?**

Variable is the empirical counterpart of a construct or any concept. Variables are important because they link the empirical world with the theoretical; they are the phenomena and events that are measured or manipulated in research.

Types of Variables:

Variables are classified in terms of their relationship with one another. There are different kinds

of variables independent and dependent variables.

- **Independent Variables**

Independent variables are systematically varied by the researcher. An independent variable in one study may be a dependent variable in another. Also, a research task may involve examining the relationship of more than one independent variable to a single dependent variable. In the present research due to censorship non-availability of newspapers is independent variable. Another example of independent variable in this study is the communication blackout post abrogation of Article 370 in Kashmir.

- **Dependent Variables**

Dependent variables are observed and their values are presumed to depend on the effects (influence) of the independent variables. In other words, the dependent variable is what the researcher wishes to explain. The impact of not having the newspaper is dependent variable in this research study. Whereas the ill effects of communication blackout in Kashmir is dependent variable.

Data Collection

The Researcher approached 32 media managers and Journalists. Questionnaire was distributed among them. A total number of 13 responses were collected from the respondents. Likewise researcher approached 15 legal background persons. Only 6 responses were collected. To get the Government version with regard to censorship on print media in Kashmir post Abrogation of Article 370, the Researcher approached some Government Officials, but all the officials refused to comment upon these questions. On August 6, 2020 the researcher visited the office of Directorate of Information and Public Relations (DIPR); Srinagar to conduct an interview with Dr. Sehrish Asgar Directorate of information officer, the concerned officer was not available because she was out of station for some official assignment. While interacting with the Administrative officer (name withheld) of the said office, the very officer refused to utter a single word.

Limitation:

The researcher intended to analyze the content of regional newspapers published during August and December 2019. Due to non-availability of newspapers in a given period of time post abrogation of Article 370, he confined to only interview and survey.

The researcher has only focused on Kashmir region because of geographical distance and road blockade.

IV. DATA ANALYSIS

This study has aimed at analyzing the data with regard to censorship on media in Kashmir post Abrogation of Article 370 collected from the media managers, journalists and legal background people. The researcher distributed questionnaire among the first group and conducted interview with legal background people. Researcher also approached Government official, but the officials out rightly refused to respond citing personal reasons.

Legal background respondents

Article 19 1 (a) of the Indian Constitution deals with Right to freedom of speech and expression, although there are positive restrictions on this right as well under Article 19 2. This right is granted to every single citizen of the country without any discrimination. Every citizen has a right to seek remedy if his right gets violated. This right has to be exercised positively and in the interest of the Country and general public as well.

As far as the case of Kashmir is concerned this right seems not operative in a way it should have been. As Kashmir has been witnessing bad situations whereby Government imposes restrictions to curb any untoward from its happening, but at the same time these restrictions cannot go beyond the reasonability. Majority of the legal persons who were interviewed by the Researcher with regard to the status of Constitutional right of freedom of speech and expression in Kashmir particularly post abrogation of Article 370 don't agree that this Right prevails in Kashmir post Abrogation of Article 370.

Advocate Zahoor Ah, having experience of 9 years in the Court of law says, "Article 19 1 (a) of the Indian Constitution (Right to freedom of speech and expression) has not been fully implemented in erstwhile state of Jammu and Kashmir. Media houses have been time and again deprived of this very Article. We are not able to express our views despite the fact that Article 19 1(a) is very clear that freely we have been given right to express our opinions and convictions, but unfortunately as far as the erstwhile State of Jammu and Kashmir is concerned we don't find anything here to be called as free expression which has been enshrined as a fundamental right under the constitution.

Post Abrogation of Article 370 the Censorship on print media in Kashmir has been intensified. The operation of print media organizations in Kashmir was suspended for a long time even media managers, journalists were summoned to police stations for reporting on ground situation in Kashmir. The censorship issue is prevailing in every Country almost, but the way it has been imposed in Kashmir is totally unique and different. There is no specific law which talks about censorship on print media, but some other provisions are there in IPC (Indian Penal

Code) which lay down that certain information cannot be disseminated like the information which likely can cause tranquility, public disorder, disharmony or which has tendency to compromise with the security and Sovereignty of the Country.

Does the existing law justify the censorship on print media post Abrogation of Article 370 in Kashmir? Majority of the respondents disagree with this.

Zubair Ahmad (Advocate) says, the curbs are just limitations of not disseminating the anti-National news, anti-social or any information that can insight violence. The limitations or curbs would have been justified had they been discussed with the different stakeholders. There must have been the public participation while coming up with the new media policies or other provisions which hampers the media from its proper or independent operation. Censorship is no problem if it is imposed in a proper way, but here in Kashmir it is used as a tool to suppress the media people from carrying out their profession which can never be justified in any part of the world.

Some of the respondents say, the censorship on Kashmir media is not justified at all. There are several types of censorship prevailing in Kashmir example of the photojournalist Masrat Zehra who was booked under draconian law "UAPA". Ashiq Ahmad a renowned Journalist of Hindustan Times he was booked under F.I.R. Gowhar Geelani a top ranked Journalist was also booked under F.I.R, so by this way you are stopping the Journalist from speaking the truth.

Development and Censorship cannot go hand in hand. Media plays a vital role in Kashmir with regard to overall development, once media is curtailed or being censored there are very less chances of getting developmental information which directly or indirectly affects the process of development. Some of the respondents say that Development and Censorship are two different things; hence censorship on media cannot determine or affect the process of development in Kashmir.

J&K High Court Advocate (Aamir Ahmad Dar) says, there is no relationship between the censorship and the development in general, but the spirit of journalism has been buried seven feet down to earth. Censorship is only meant for the matters of sensitive issues like sedition and printing Anti National information or news.

One of the J&K High Court Advocates (Name withheld) says, of course after the abrogation of Article 370, we were not able to send our wards to schools as communication was totally banned, restrictions and curfew was in place for almost five months. So, when there is no communication for months together, how can Government come to the grass root level? To check out the development projects and other works underway. Even the ongoing work for

developmental projects was suspended in the middle. See the conditions of roads; we still have the roads which dates us back to 80's. So where is development? There is no proper Government in Kashmir for a long now. Had there been proper elected Government, then it would have been possible for them to look after the problems of local people and to take care of developmental works. So, when the Government is run by bureaucrats they will come up with the policies which shall please and their masters and be included in the good books.

Frequent suspension of internet services is one of the main issues discussed in Kashmir. Although under Article 21 of the Indian Constitution every citizen has a Right to Life, this simply doesn't mean to survive, but it also includes to live with dignity and to have access to every facility including technology. Right to vote, Right to give an opinion and other rights enshrined in the Constitution. Since Kashmir has been exception to this right, because most of the times people are not able to be connected with the outer world due to internet suspension. Media organizations are not able to work properly, because we know that modern world is connected via internet, but Kashmir media has survived with traditional means. Whether this internet suspension, particularly after the Abrogation of Article 370 help the Government in achieving their goal or not, majority of the respondents out rightly say that it doesn't help the Government at all, even it gives birth to more problems.

Advocate Qazi Athar says, how come it can help the Government, by logic I don't think so. It doesn't serve any purpose. Government claims that suspension of internet helps them in maintaining law and order situation in Kashmir and also helps in containing the untoward behavior of such elements which create threat to the security and Sovereignty of the Country. Let me be very clear if it actually helps in that, so why there is no change on ground? If there is actual change on ground post Abrogation of Article 370, why internet is still barred? So, these are only hollow claims the reality on ground is totally different.

One of the senior High Court Advocate (Name withheld) says, yes, of course it helps the Government in just one way I.e., to curb the truth from being forwarded to the world; by snapping internet services the world is not able to know the ground realities of this region which is the ultimate motive of the Government.

As media is known to be the fourth pillar of Democracy and is said to be the most important element of generating public opinion. Media is the only means whereby people get the information about the latest happenings across the globe. Everyone has the right to know the new developments going all around. In contemporary world the internet is playing a vital role for media organizations to receive the content across the Globe and helps in dissemination. But

the situation with Kashmir media is totally different because of restrictions on it put by the Government authorities and censorship in place makes it difficult for media organizations to operate independently which is the basic right of media fraternity. The ongoing restrictions or censorship on print media in Kashmir particularly post Abrogation of Article 370 has made people suffer in different ways. Every citizen has a right to know what is going around him, as this right is the species of the right to speech and expression provided by the Article 370 of the Indian Constitution. Post Abrogation of Article 370 people couldn't get any kind of update by any means of communication as the Union Government announced strict curfew across the Kashmir soon after the decision of Abrogation was taken. Media organizations couldn't operate because of inaccessibility to their office and ban on circulation of newspapers. This move of the Government not only violated the Right to freedom of speech and expression, but also gives rise to many other problems due to complete blackout.

Advocate Mansoor sofi says, a lot of challenges I did encounter with post abrogation of Article 370, I was not even able to make a single phone call to my ailing relatives, who just live within the radius of 3 Kilometers from my residence. In modern world where people are attempting to have 4d, 5d calling, but here in Kashmir we were not able to make a simple phone call. I couldn't contact my siblings for months together who are doing their job in the foreign countries. This made us suffer very badly. I have a right guaranteed by the Constitution to have knowledge about my friends, family, relatives near and dear ones. But for months together I didn't know their whereabouts. This is infringement to the fundamental right under Article 21 of the Constitution. I couldn't access any local news because of intense restrictions on the media and people. I also faced mental and physical weakness because of getting caged for five consecutive months. I was also economically drained out, as I couldn't continue with my profession because of complete closure of all establishments in Kashmir post Abrogation of Article 370.

Kashmir media was banned from publishing any news; even circulation of newspapers was barred. This is a punitive action against media organizations in Kashmir. By doing so, nobody was able to know what is going all around. We felt like we belong to medieval ages. Everyone suffered and faced challenges post Abrogation of Article 370 in Kashmir. There cannot be such kind of gross violations to fundamental rights anywhere in the world like we the people of Kashmir do experience.

Advocate Azra says, we were not having any information around us post Abrogation of Article 370. You know what and how National media is portraying about Kashmir. As media is known to be the most important element of generating public opinion. Once the media shows us

differently, it is obvious that people from other States will respond to such reporting accordingly which results in maligning the image of Kashmir. Do you think we can have the challenge bigger than that?

Particularly post Abrogation, when every means of communication was blocked, the National media got an opportunity to show Kashmir in a way at their own will. As there was no local media operating which could at least counter that fake narrative of the National media.

I used to get newspapers every morning, but unfortunately I couldn't get the same for almost five months because of strict restrictions, curfew and ban on newspaper circulation. So I was not able to know what is going around even at my native place. I was unable to attend my office, hence I couldn't gain a single penny for months together making me deprive financially. I felt mental trauma because of being caged within four walls for so long. In short post Abrogation period was full of challenges.

Post Abrogation of Article 370, the local or regional media organizations didn't only experience the problem of Censorship or restrictions, but also had to change the tone of reporting and the ways they adopt pre-Abrogation period. Government came up with new media policy whereby media organizations are told what and how to report. Particularly the content which print media organizations do carry shall be cross checked by the Authority to cross check the issues of fake news and authenticity. Intervention in the operational mechanism of media organizations by the Government is also a gross violation to Right to freedom of speech and expression and of press. The independence of the regional media has been compromised by way of imposing censorship on it and intervention in the affairs of media fraternity. Numbers of journalists were booked under different laws for reporting the on ground situation in Kashmir. This created a tremendous pressure on media organizations hence they had to change the voice or the ways of reporting. There is a great shift in the voice of regional media between the two "Pre and the post Abrogation period"

Majority of the respondents say that the voice of regional media has been silenced post abrogation of Article 370, citing the reason of unavailability of newspapers for a long time, ban on circulation of newspapers and booking several journalists post Abrogation period.

Advocate Munaza says, the voice of local media has been silenced completely, as we used to watch Gulistan News Channel which operates in J&K, it used to show case the reality on ground for many years. But after 2010 political unrest in Kashmir which consumed hundreds of lives. This channel was banned for a long time. Once restored the tone of this news channel was somehow changed. But post Abrogation of Article 370. We can easily observe tremendous

change in their voice. Same is the case with print media organizations of Kashmir. Due to tremendous pressure from the Government the Kashmir media is not able to carry on their work independently.

Advocate (name withheld) says, regional media is not able to operate independently. They are being served with dictations by the authorities as to what shall they publish and what not. I don't feel anywhere in the World media houses will be facing this much of brunt from the Authorities as Kashmir media is experiencing now. Obviously the voice of Kashmir media has been murdered I must say. There is a hell change in the way of reporting between the two I.e. pre and post Abrogation period

Advocate Zahoor Ahmad says, there is a hell of change in the voice of regional/local media after Abrogation of Article 370. Normally I used to see our media houses run on cruses, but post Abrogation of Article 370 I don't even see them walking on the roads. You may see the newspapers pre and post Abrogation period and you will definitely witness how badly the voice of regional media has been curbed/silenced. There used to come editorials on different issues concerned with Kashmir issue, but post Abrogation of Article 370, you won't be able to see a single such editorial.

Government officials

To get the Government version with regard to censorship on print media in Kashmir post Abrogation of Article 370, the Researcher approached some Government Officials, but all the officials refused to comment upon these questions. On August 6, 2020 the researcher visited the office of Directorate of Information and Public Relations (DIPR); Srinagar to conduct an interview with Dr. Sehrish Asgar Directorate of information officer, the concerned officer was not available because she was out of station for some official assignment. While interacting with the administrative officer (name withheld) of the said office, the very officer refused to utter a single word. With smile on his face, he replies "If you want me to be out of this office, then I have no objection to respond, if not please don't ask then. We are under tremendous pressure from the higher authorities. I assure you not a single Government official would like to deliberate on this issue. Thank you,"

This clearly shows how much of censorship is prevailing in Kashmir, not only on Print media, but on Government officials as well. The person who serves the Government is unable to say a single word about Censorship post abrogation of Article 370 denote the bad conditions of media in Kashmir.

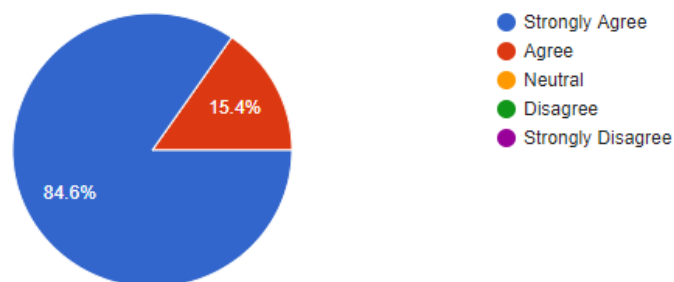
Media managers and journalists

Internet suspension has caused so many inconveniences to the people in Kashmir. Especially to those who are doing online business and particularly students of the Valley have suffered tremendously so far as their educational activity is concerned.

General public and those affiliated with media organizations have also faced so many problems due to internet suspension post abrogation of Article 370 with regard to information consumption and news dissemination. Media people were not able to gather information from their reliable sources because of no communication and non-availability of internet, Figure 1.0 shows that 84.6% of the respondents from media background firmly say that internet suspension post Abrogation of 370 has disturbed daily activities of the people in the Valley. 15.4% of the respondents also observe the same.

Internet blockade after 5th August 2019 in the Kashmir valley has disturbed the daily activity of information gathering and dissemination.

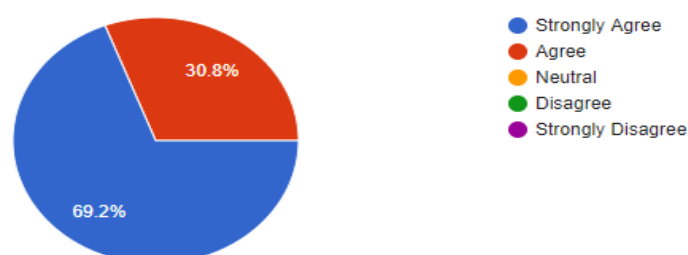
13 responses



Post Abrogation of Article 370 the Government has intervened in the affairs of Journalistic work which has made it Impossible for media people to work independently. Figure 1.1 shows that 69.2% of the respondents strongly agree and 30.8% do agree that Government has intervened in the Journalistic duties in the Valley post Abrogation of Article 370.

Government has intervened in the journalistic duties of media people after removing the special status of Jammu and Kashmir.

13 responses

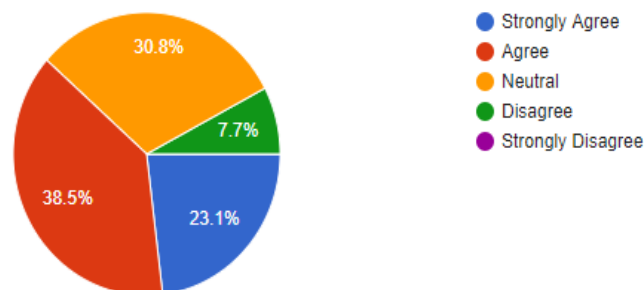


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development has been the key issue in Kashmir for a long. Due to bad situation prevailing in Kashmir since very long there has been no improvement in developmental works in Kashmir. The health sector, education, tourism is yet to be upgraded in Kashmir. Frequent Censorship on media is believed to be one of the main reasons hampering overall development in Kashmir. Respondents from media background have different thoughts with regard to this issue. Figure 1.2 explains 23.1 % strongly agree that frequent censorship on media has hampered the process of overall development in Kashmir. 38.5% agree while 30.8% are neutral and 7.7% disagree.

Frequent media censorship in Kashmir have hampered the process of over all development of Kashmir.

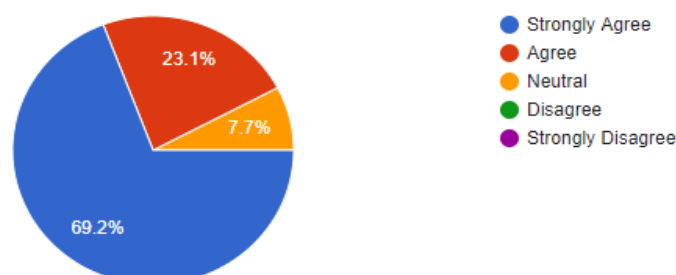
13 responses



There has been a great shift in the voice of media between the two “Pre and the post Abrogation period” in Kashmir. The Government has come up with new media policy after enactment of The Jammu and Kashmir Reorganization Act, 2019. This policy expressly serves the terms of dictation as to what and how media organizations shall carry the content. Due to extreme pressure from the authorities the media fraternity is left with just one option i.e. to abide with this new media policy otherwise they may face legal trial or bad consequences. Figure 1.3 shows 69.2% of the respondents strongly agree that voice of Kashmir media has been silenced after the commencement of The Jammu and Kashmir Reorganization Act, 2019 .23.1% also agree and 7.7% were neutral.

The voice of the regional media of Kashmir has been silenced after abrogation of Article 370 and brought the J&K Reorganization Act-2019.

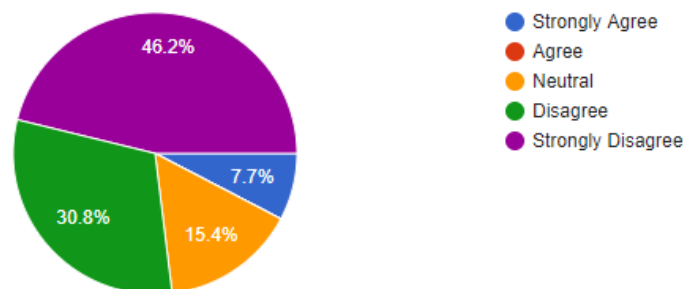
13 responses



Whether censorship laws in Kashmir is justified or not, it has been a debate over a long period of time. Although certain provisions are there in the Constitution that imposes positive restrictions on the freedom of speech and expression and of the press under Article 19 (2). But in Kashmir the censorship imposed on media go beyond the Constitutional restrictions. Journalists have been booked under the laws meant for something else which cannot be justified. Media has to be free and independent, once it is curtailed or barred from independent nature such restrictions or laws cannot be justified. In figure 1.4 46.2% of the respondents out rightly disagree that Government rules and laws imposed for censorship are constitutionally valid .Where as 30.8% disagree. So a total of 76% say that Censorship laws in Kashmir are not justifier neither legally valid. 15.4% are neutral where as 7.7% strongly agree with the fact that the censorship laws in Kashmir are justified and legally valid.

Government rules and laws applied for imposing censorship on media in Kashmir are legally justified.

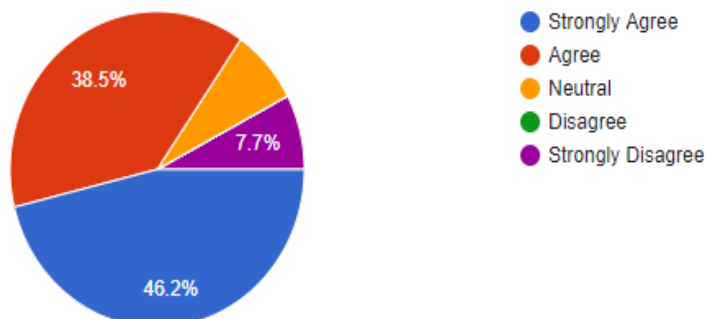
13 responses



The right to freedom of speech and expression is guaranteed under Article 19 1 (a) of the Constitution of India. The status of this right in Kashmir has not been so good as compared to other states of the Country. The imposition of frequent restrictions on people in so many ways has compromised the Freedom of speech and expression in Kashmir particularly post Abrogation of Article 370. Soon after the Abrogation of Article 370 severe restrictions were imposed, a complete communication blackout was imposed. It has led to violation of the Constitutional right “The right to freedom of speech and expression” Figure 1.5 indicates that 46.2% of the respondents strongly agree that the right to freedom of speech and expression has been hampered in Kashmir post Abrogation of Article 370. While 38.5% also agree and 7.7% strongly disagree with this and 7.6% are neutral.

The constitutional right of freedom of speech and expression has been curtailed in Kashmir after J&K Reorganization Act-2019 was formulated.

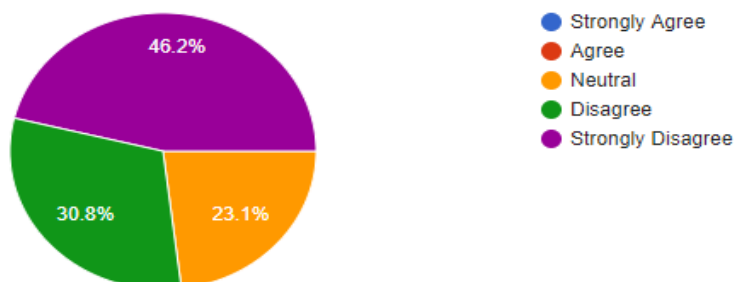
13 responses



As we live in a conflict zone which has consumed lakhs of lives till date. The most challenging situation for Government has been the civilian causality during gunfights in Kashmir. As soon as the encounter rages at any place in Kashmir, youth start protests and resort stone pelting in retaliation hundreds of human lives lost in last several years near encounter sites. While responding to the question whether imposition of media censorship and internet suspension post Abrogation of Article 370 has improved this particular situation and protected human loss during encounters and protests .Figure 1.6 shows 46.2% strongly disagree ,30.8% disagree where as 23.1% are neutral. So 77% of respondents believe that Abrogation of Article 370 and imposition of media censorship didn't help in minimizing the human loss during protests and encounters in Kashmir.

Imposing media censorship and banning Internet in Kashmir after 5th August 2019 have helped minimizing human loss in protests and encounters.

13 responses

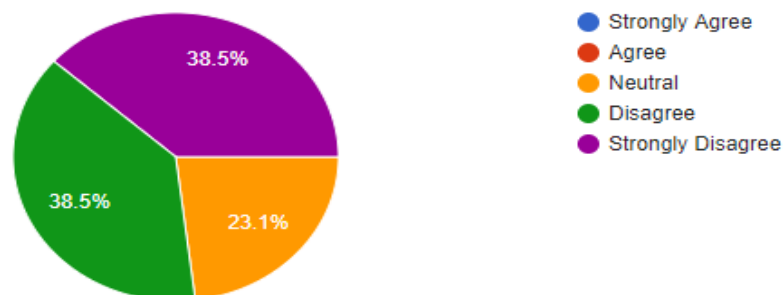


Law and order situation has always been a great challenge for Government and the security grill in Kashmir. As Kashmir has witnessed tremendous protests and killings during since 1949, but post 2010 uprising the violent protests have intensified making Government chart out different plans and policies to curb these protests and contain law and order situation in Kashmir. Somehow Government has managed to control this law and order situation at large

scale, but complete containment is still an open debate. Did imposition of media censorship and frequent internet suspension help the Government post Abrogation of Article 370 so far as law and order situation in Kashmir is concerned? Figure 1.7 indicates 38.5% of the respondents don't agree that it has helped in controlling law and order problem in Kashmir. Other 38.5% also disagree so a total of 77% of respondents believe that law and order situation in Kashmir has not been improved and 23.1% of respondents preferred to be neutral.

Imposing media censorship and banning Internet in Kashmir after 5th August 2019 have helped the Government in controlling law and order situation.

13 responses



V. MAJOR FINDINGS

Majority of the respondents from the legal background believe that the right to freedom of speech and expression has been curtailed in Kashmir post abrogation of Article 370. All the respondents are of the view that censorship laws or provisions prevailing in Kashmir post Abrogation of Article 370 are not justified and have no Constitutional validity citing the reason that there cannot be any kind of unreasonable restriction on people or media as the Constitution guarantees the same. 90% of respondents also believe that the Censorship on media in Kashmir post Abrogation of Article 370 has totally hampered the overall process of development. Frequent internet suspension in Kashmir didn't yield any positive results till date in fact it has increased more problems. The common challenges which the respondents mentioned while having an interview with the researcher are

- Inaccessibility of newspapers for a long period of time post Abrogation of Article 370.
- Economic loss
- Stress
- Mental weakness
- Physical weakness etc.

Majority of the respondents out rightly say that the voice of regional media has been silenced, quoting some examples of Journalists who were detained post Abrogation period. The laws which are meant for rioting, militancy or law and order related issues have been made applicable to media persons as well ,which clearly indicate how media voice gets silenced in Kashmir.

So far as the responses collected from the media background people is concerned. Majority of the respondents do strongly agree that internet blockade post abrogation of Article 370 has disturbed the daily activity of information gathering and dissemination. Post Abrogation of Article 370 the Government has intervened in the affairs of journalistic work which has made it impossible for the media to work independently in Kashmir Absolute majority of the respondents do believe. 77% of respondents believe that Abrogation of Article 370 and imposition of media censorship didn't help in minimizing the human loss during protests and encounters in Kashmir.

VI. CONCLUSION

The study was carried out with a set of objectives to know Government's strategy in imposing censorship on print media post abrogation of Article 370 in Kashmir. To understand legal perspective of media censorship and to trace out challenges of media managers and journalists while performing their duties. The study is limited to print media of Kashmir only and does not include other formats of media. The study has covered the censorship issue from August 5, 2019 to December 2019. The researcher has adopted survey and interview as data collection methods. Researcher has adopted non- probability purposive sampling technique for the present study. Purposive sampling is selected on the base of specific qualities and characteristics. This type of study will help in future for conducting in depth research. The present study will also help in understanding different perspectives of Censorship on print media in Kashmir post Abrogation of Article 370.

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