CHAPTER II: Indian Press under Siege

2.1 Is there an armed conflict in India?

India’s emergence as a nuclear superpower and its booming economy make many influential countries of the world its friends. Rising India is a force to be reckoned with in the emerging knowledge based economy of the third millennium. The government of India has successfully, to a significant extent, influenced American perspective and has changed the long time held US perception on Kashmir issue. India really has toned down the voice of advocacy even for the UN agreed plebiscite in Kashmir that was settled in January, 1949 with the intervention of the world body during the Indo-Pak war. Even the United States and United Kingdom, once considered being lopsided with Pakistan, have become equivocal on the Kashmir issue, the bone of contention between India and Pakistan. The global powers who can define and redefine an internal armed conflict are keeping mum at the developments of armed violence with regard to secessionist movements in India and the voice of dissent is becoming less and less heard to the international community.
At this juncture, no political boss of India, even by mistake, concedes that there is an armed conflict in any part of the country, either in north eastern India or in Jammu and Kashmir. Internal armed conflict in their way of thinking remains a misnomer. Whatever is happening in the armed violence prone states of north eastern India like Manipur, Nagaland and Assam or Jammu and Kashmir is militancy in the interpretation of the Government of India and sometimes it is branded as terrorism.  

The Government of India is allowing the International Committee of the Red Cross (ICRC) to serve humanitarian activities in Kashmir. The Red Cross is used to provide humanitarian service in armed conflict zones. Is India agreeing with the notion that there is an armed conflict at least in Kashmir? Sharing his views in a two-day Teachers Training Program on International Humanitarian Law (IHL) at Hotel Vishwaratna, Guwahati on August 29-30, 2006 organized by the Department of Mass Communication and Journalism, Gauhati University in collaboration with ICRC, Vincent Nicod, Head, Regional Delegation for South Asia, ICRC avers that the Government of India is allowing the ICRC to serve humanitarian service in

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the prevailing situation in Kashmir and he himself is not very clear about what the prevailing situation in Kashmir would encompass to mean.\textsuperscript{39}

The north eastern part of the country in which not less than 357 communities inhabited, is reeling under the impact of insurgency for almost half a century and the growing ethnic strife has brought about more complexity to the issue. The more to add in this intricate scene is that the prevailing situation of the region is being treated as law and order problem or internal disturbance and not even as a low intensity internal armed conflict. But many social elites of the region do not subscribe the interpretation. They view the armed revolutionaries of the region as a force to be reckoned with and clearly term their struggle as a case of internal armed conflict and prefer a long and everlasting solution by conflict resolution modalities and not by ways and means of controlling law and order. In the prevailing situation, journalists of the region have found themselves in a delicate situation which often rendered them soft targets of violence in times of armed conflict.

Almost all the movements of militant ethno-nationalistic mobilization in the north-eastern region of the country and its environs claim that their

\textsuperscript{39} Op cit, p-5.
ultimate objective is the attainment of sovereignty and freedom for the people seen as suffering unbearable diminution and oppression in the hands of the Indian state. The fact that this part of the country became part of the British India through conquest and annexation between 1826 and 1891 and, later, of the modern Indian state as a consequence of the arrangements that led to the transfer of power on August 15, 1947 and merger of new states to the Dominion of India in 1949, is almost invariably cited as clinching proof that territories and the people of this region were historically never part of India. Since the modern Indian state has never agreed to negotiate on these fundamental issues, the argument goes, the only path left for the people of the region is to wage an armed struggle to regain their lost independence and sovereignty.\textsuperscript{40} The way in which almost two thirds of the state of Jammu and Kashmir came into the Union of India in January, 1949 and remaining fell under Pakistan’s control when a United Nations-brokered ceasefire terminated the first Indo-Pak war; remains unacceptable to some sections of the Kashmiris.

In the north-east, three such movements, with several contending and sometimes co-operating factions within each, are active. They are: (1) the

\textsuperscript{40} Prabhakara, M.S., ‘War’ against Indian state: real victims and outcome, \textit{The Hindu}, June 12, 2008, New Delhi, P-12.
Naga movement in Nagaland, (2) the struggle in Manipur comprising three broad streams: the majority Meitei comprising three or four structurally separate organizations, the Naga that dovetails into the larger Naga struggle to the north, and a highly fragmented Kuki stream that is often accused by others as actually a ‘Made in India’ project; and (3) the United Liberation Front of Assam (ULFA), the youngest and, in its rhetoric, the most uncompromising in its resolve to attain a sovereign and independent Asom.  

Negligence of the remote part of the country by the Centre in the years gone by, regional and political disparity, discrimination of human rights etc. also have aggravated the situation, and now the state of affairs has gone from bad to worse.

The Government of India has succeeded considerably in manufacturing a global perception favorable for it about the armed rebellion in India. However, the ever increasing magnitude of the armed confrontations between government forces and identifiable secessionist outfits in Jammu and Kashmir, North-East India and the Naxalite belt of central, eastern and southern India has made it necessary to reconstruct another insight of the prevailing situation. Dr. Nalini Rajan, Associate

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Professor at the Asian College of Journalism in Chennai has significantly observed: "The wars - fought in Punjab, Jammu and Kashmir, India's North-East, or zones hit by Maoist violence - have claimed far more lives than all of India's wars with its neighbors put together."\(^{42}\)

The Government of India's treatment of the armed rebellion in these regions as a law and order problem, and its failure to contain the same, have brought another second thought to the earlier held pro-India perception. The Central government's proclamation of the disturbed area status to Jammu and Kashmir, Nagaland and Manipur and its subsequent enforcement of the Armed Forces Special Powers Act, 1958 which empowers the Army and para-military forces of the Government of India to almost impunity even when they have committed extra-judicial killings, curtailing the fundamental right to life and personal liberty guaranteed by the Constitution of India to its citizens etc. lend credibility to the perception that there is an armed conflict situation, between the government forces and the armed rebels which the normal laws have failed to tackle. The Government of India's successful endeavor in Mizoram wherein it had brought an amicable solution to the armed rebellion in the state after political dialogue with the armed rebel:

\(^{42}\) Nalini Rajan (ed.), Iron Veils: Reporting sub-conventional warfare in India, Practising Journalism, Sage Publications, New Delhi, p-207.
group - the Mizo National Front (MNF), is a living example of legitimately identifying the secessionist organizations by the Union Government. This is evidently one of the necessary conditions of an armed violence to become an internal armed conflict. The Central government’s peace talk with both the factions of the NSCN in Nagaland, initiatives to bring the ULFA into the negotiating table in Assam, coming to an agreement for Suspension of Operations (SOO) with Kuki militant outfits in Manipur, etc. have explicitly inferred that New Delhi has already accepted that the secessionist armed groups are identifiable and they are not unknown miscreants. Moreover, confrontation between identifiable armed outfits is not a rare incident in Manipur, Nagaland, Assam, Jammu and Kashmir etc.

According to an official source of the Foreign Office of the United Kingdom government, the Islamic militancy in Jammu and Kashmir has claimed an estimated 35,000 people during the period from 1989-1999.\textsuperscript{43} Amnesty International Report on India, 2007 indicated that some 10,000 people had been victims of enforced disappearance since 1989 in Jammu and Kashmir. The Association of the Parents of Disappeared People of the state

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\textsuperscript{42}Fiona Dunlop, The Kashmir Conundrum, \texttt{www.fco.gov.uk} (Foreign Office advisory website of the United Kingdom)
reported that the authorities failed to provide information to the families of the victims about their whereabouts.\textsuperscript{44} The conflict in Punjab claimed 21,443 lives between 1981 and 1993.\textsuperscript{45} The Amnesty International Report on India, 2007 further revealed that the 1984 anti-Sikh riots in Delhi, which followed the assassination of Prime Minister Indira Gandhi by two of her Sikh bodyguards, led to a massacre of nearly 3,000 Sikhs.\textsuperscript{46}

The Naxalite movement began in 1967 as a peasant uprising in the West Bengal Village of Naxalbari, when a group of activists split away from India's mainstream Communist Party. The violent revolution seemed a quainter relic than a threat in the 1990s. However, the Naxalite resurgence began in 2004. The Government of India is saying that 11 of the country's 28 states are now affected in one way or the other by the insurgency.\textsuperscript{47} Ajai Sahni, the Executive Director of the Institute of Conflict Management in New Delhi and a keen observer of the re-emergence of the Naxalites

\textsuperscript{44} CyberGandhi, 'Amnesty International' Full Report on India 2007, http://thereport.amnesty.org/eng/Regions/Asia-Pacific/India


\textsuperscript{47} India's Secret War, \textit{TIME}, Vol. 171, No. 22, 9 June, 2008, Time Asia Ltd., Hong Kong, P-26.
expressed once in the *Time*, one of the largest circulated and most influential newsmagazines of the world, that the conflict between the naxalites and government security forces had killed 837 people in 2007, enough to make it deadlier than the Kashmir conflict for the first time ever.\(^4\)

India's northeast — an isolated region wedged between Bangladesh, Bhutan, China and Myanmar with only a thin corridor connecting it to the rest of India — is also beset by conflicts.\(^5\) According to a news report by the Associated Press (AP) which have been published in many newspapers of the world, including the Guardian (of London), more than 10,000 people have died in separatist violence over the past decade in the region. The region is also home to dozens of separatist groups who accuse the Government of India of exploiting the area's natural resources while doing little for the indigenous people.\(^6\)

All these mean that there is an alarming magnitude in terms of the cost of human lives claimed by the armed rebellion in the country. Besides,


\(^{6}\) Ibid
the biggest news agency of the world - the Associated Press (AP), one of the most reputed dailies of the world - the Guardian (London), a top executive of the New Delhi based Conflict Management alma mater and a faculty member of the country’s prestigious media studies centre have started to brand the prevailing situation in India as a conflict or a war between the regular government forces and identifiable armed outfits within the territory of India. Hence, one may contend that situations of armed conflict are to be found in different parts of the country.

2.2 Armed conflict scene in India:

According to the online report of the Ministry of Home Affairs, Government of India (available till January 22, 2008), militant activities in Jammu and Kashmir, activities of militant groups in some north eastern states and the violence perpetrated by left wing extremist elements in Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Jharkhand, Chhattisgarh and Orissa continue to remain major areas of concern. Left wing extremist violence during the year 2000 witnessed an overall marginal decrease as compared to that in 1999. While Bihar, Jharkhand, Orissa, and Chhattisgarh witnessed a slight increase in left wing extremist violence in
2000 as compared to 1999, Andhra Pradesh, Madhya Pradesh and Maharashtra witnessed a decline in violence during the corresponding period.

**Jammu and Kashmir:**

According to the above report, the State of Jammu & Kashmir has been in the throes of militancy/terrorism for the last 10 years. During this period, more than 24,000 lives (security forces, civilians and terrorists) have been lost and enormous damage has been caused to the psyche of the Kashmiri people and economy of the State. The number of lives lost in the ongoing armed conflict in Kashmir is very high when the same is claimed by Islamic fundamentalists.

The Union Ministry of Home Affairs’ own published data on violence in Jammu and Kashmir shows that only about a third of all terrorists killed there are foreigners, mainly of Pakistan origin. This debunks the claims made by Indian politicians that over two-thirds of terrorists in Jammu and Kashmir are foreigners. Alternatively the same data illustrates that India’s claim of having won a decisive military victory in the Kargil War must be
read against the fact that violence in Jammu and Kashmir actually escalated after the conflict. 51

A cease-fire first announced by the militant organization Hizbul Mujahideen was welcome by New Delhi during Ramzan, starting from November 27, 2000. This peace initiative for the month of Ramzan was part of the Government’s efforts to normalize the situation in the state and to hold talks with all those who were prepared for dialogue. The Ramzan Peace Initiative was extended initially till 26 January 2001 and thereafter until the end of May 2001. But, ultimately the peace initiative could not work.

If we look at the contending views of India and Pakistan on the issue of Kashmir the perceptions are found to be poles apart. In 1994, the Ministry of Foreign Affairs, Government of India released a hard hitting statement which read: “The question or need for ...plebiscite in any part of India, including Jammu and Kashmir, simply does not arise. The people of Jammu and Kashmir have exercised their democratic rights repeatedly, as (have) people in other parts of India.” In a war of words, the then Prime Minister of Pakistan, late Benazir Bhutto quickly retaliated, “Kashmir is the Jugular vein

of Pakistan and the day is not far when it will be a part of this country.” If we do a relative reading at the backdrop of the contrasting perceptions on the issue of Kashmir, resolving the problem on the anvil is becoming next to impossible.\textsuperscript{52}

The challenge of finding a democratic resolution to the Kashmir problem is a great deal more complex than simply reactivating some semblance of electoral processes. This is because there is another very important dimension to the Kashmir question. Whether one chooses to call it the issue of self determination or prefers some more innocuous, less contentious term is really immaterial. The existence and importance of it cannot be denied or downplayed if an abiding solution is to be found to the Kashmir question.

A \textit{modus vivendi} between India and Pakistan on the Kashmir conflict remains desirable in the interests of both a permanent settlement to that dispute and of the subcontinent as a whole. The need for an operational security system in a nuclearised region is equally apparent. Yet, because the two states’ perceptions of the Kashmir issue remain not just distant but thoroughly contradictory and mutually incompatible, the question arises: Is

there any real possibility of such an agreement or even perhaps a lasting understanding on Kashmir? The compulsions of Pakistan’s domestic politics will probably not allow any party or leader in that country to openly endorse any solution that leaves current territorial jurisdiction unchanged. At the same time, India is equally determined that any alteration of existing borders is a non-option and constraints in India’s domestic politics do not permit any serious contemplation of such changes in the country. So the complicated reality seems to be that while it will be difficult to fortify the painfully emerging peace in Indian Kashmir without Pakistan, it will also be difficult to make any progress towards a much-needed compromise solution to the present crisis in Indian Kashmir with Pakistan - unless of course Pakistan’s state-sponsored nationalism radically revises its communally charged, irredentist and thoroughly unrealistic ambitions in Kashmir.\(^5\)

In the recent past no peace initiative has come from the secessionists. However, political leaders of the country are repeatedly appealing to the insurgents to come back in the national mainstream and Government of India’s readiness to negotiate differences amicably through political dialogue has been made known many times. Even though peace proposals

\(^5\) Op cit, P-178.
from the government finds no takers among the proscribed outfits, a section of the Hurriyat Conference which is considered to be pro-militants at least in ideology, welcomed the move and came to the negotiating table recently. The Conference, as a consequence of the above, cracked into two. The moderates came to the negotiating table while the extremists condemned it as a hypocritical means to derail the movement of self determination in Kashmir. Pakistan’s stake in the ongoing armed conflict in Kashmir is manifested by the moderate group of the Hurriyat Conference’s proposed visit to Islamabad in June end of 2008 to discuss about the talk with new coalition government in Pakistan.

North East: North-East India comprises the states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. The North-Eastern States, except Mizoram, have been suffering from militancy for quite some time. Militancy in Nagaland has been there right from India’s independence from the colonial rule. In Manipur, while there was a very low level of militancy in the 1950s, it assumed a more serious character since the mid 1960s. Assam was free from militancy until 1979 and it was only with the agitation on "foreigners’ issue" and subsequent formation of ULFA that the problem assumed serious dimensions. The Bodo problem arose as a
result of neglect and discrimination. In Tripura also, it was the large scale influx of Bengali population into the state in the 1960s that led to the rise of militancy as the indigenous ethnic population felt insecure by the influx. Besides, simmering unrest has been persisting in various parts of the NE which needs to be handled with sensitivity and urgency.

Militant activities of various underground groups and ethnic tensions have disturbed large areas of Assam, Manipur, Nagaland, Tripura and also some areas of Meghalaya and Arunachal Pradesh. The networking amongst various militant groups in the region, reliance on trans-border bases, concerted efforts to arouse aspirations for self-determination among the indigenous people and attempts to subvert the population and gain international sympathy through propaganda about alleged neglect of the region characterize the militancy scene.54 The change from a largely tribal society to a modern society has also contributed to the unrest. Presence of long porous borders has facilitated movement of militants as well as inflow of illegal arms into the region. There has also been large scale influx of

illegal migrants into the country. Some groups have sanctuaries in some of the neighboring countries.

The United Liberation Front of Assam (ULFA) was formed in April 1979, at Rang Ghar, the seat of power of the former rulers of Assam, the Ahoms. It has declared its desire for independence and secession of Assam, from the Indian Union. In the early years of its emergence, the ULFA was viewed as merely an 'extremist wing' of the mainstream students' organization, the All Assam Students' Union (AASU) that led the anti-foreigner agitation in the state and resisted the holding of the state assembly elections that were finally forced through in February 1983 with disastrous consequences. The outfit, however, came into its own following in the signing of the Assam Accord in August 1985 and the formation of the state government by the Asom Gana Parishad, a party formed and led by the erstwhile leaders of the foreigners issue agitation. But the Accord could not work properly. With the dismissal of the AGP government and launching of Operation Bajrang (November 28, 1990-April 18, 1991) and later Operation Rhino (September 1991-May 1996) the Indian administration tried to rigorously crush the outfit, and weakened the strength of the ULFA.

55 Ibid.
After India became independent in 1947 (the Naga territory initially remained a part of Assam) a strong nationalist movement among the Nagas began seeking a political union of the Naga tribes, and some extremist elements in the movement demanded outright secession from the Indian Union. This movement led to a number of violent incidents, and in 1955 the Indian army was called in to restore law and order in the Naga dominated areas of Assam. In 1957, after an agreement was reached between Naga leaders and the Indian government, the Naga Hills district of Assam and the Tuensang frontier division to the northeast were brought together under a single unit directly administered by the Indian government. Despite the agreement, unrest continued in the form of non-cooperation with the Indian government, non-payment of taxes, sabotage, and attacks on the army. Another accord reached at the Naga People's Convention meeting of July 1960 resolved that Nagaland should become a constituent state of the Indian Union.

Nagaland achieved statehood in 1963, and a democratically elected government took office in 1964. Rebel activities continued, however, increasingly assuming the form of banditry and often motivated more by tribal rivalry and personal vendetta than by political aspiration. Ceasefires
and negotiations did little to stop the insurgency, and in March 1975 presidential rule was imposed on the state. Although leaders of the underground agreed in November 1975 to lay down their arms and accept the Indian Constitution, a small group of hard-core extremists continued to agitate for Naga independence. The strongest rebel group of the state came up in the form of the National Socialist Council of Nagaland (NSCN). Established on March 31, 1980, NSCN broke into two factions - one led jointly by Isaac Chishi Swu, a Sema tribe of Nagaland and Thuingaleng Muivah, a Tangkhul from Manipur (NSCN-IM) and the other led by S S Khaplang, a Pangmi Naga from Myanmar (NSCN-K). Though cadres of the groups have been killing each other in factional fights since the parent organization was split, the aim and objective of the two factions remain to liberate Naga areas of India and Myanmar in order to form a separate and independent Nagaland and to maintain a separate identity of the Nagas.

In Tripura, the National Liberation Front of Tripura and the All Tripura Tiger Force militants, in an attempt to cleanse Tripura of Bengalis, have been engineering mass killings and mass exodus of non-tribal population. The biggest human tragedy in the state was caused by the riot in June, 1980 when tribal extremists killed more than 1000 Bengalis. The
conflict between tribes and non-tribes in the state has affected more than 2,27,000 people. The Dinesh Singh Committee Report (1980) says that nearly 35,000 non-tribal houses and 11,000 tribal houses were gutted in the conflict. The tribes lost property worth Rupees 44 million and non-tribes lost four times more. And as a result of the riot, 1,90,000 people were displaced. The armed conflict scene of Manipur and its ramifications will be separately dealt with in the third chapter.

2.3 Freedom of press in India: a legal perspective

The Constitution of India under Article 19(1)(a) guarantees freedom of speech and expression to every citizen of the country and this fundamental right encompasses the freedom of the press. The issue of freedom of the press predictably had come up before the Constituent Assembly and there was some controversy whether specific mention should be made of freedom of the press and whether the expression “freedom of speech and expression” includes the press or not. Dr. B R Ambedkar explained the position as follows:

"The press is merely another way of stating an individual or citizen. The press has no special rights which are not to be given to or which are not
to be exercised by the citizen in his individual capacity. The editors of a press or the manager are all citizens and, therefore, when they choose to represent any newspaper they are merely exercising their right of expression and in my judgment no special mention is necessary of the freedom of press at all."

The Constitution under its Article 19(2) also puts some reasonable restrictions on the right to freedom of speech and expression in the interest of the sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, decency or morality, incitement to an offence, contempt of court and defamation. The reasonable restrictions are applicable to the freedom of the press as well. The freedom of the fourth estate of democracy has been limited by the First Amendment of the Constitution of India in 1951 while the freedom of the press and expression is guarded by the First Amendment of the US Constitution in 1791 which specifically lays down that this freedom be in no way abridged by laws.

The First Amendment of the US Constitution came up so that the press can serve the governed and not the governors. The government's power to censor the press was abolished so that the press would remain forever free to censure the government. Only a free and unrestrained press
can effectively expose deception in government. And paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell. In revealing the workings of the government that led to the Vietnam War, the newspapers notably did precisely that which the founding fathers of the US Constitution hoped and trusted they would do. In covering the armed conflicts in Iraq and Afghanistan also, the American media, to a considerable extent, did a balanced reporting. The inhuman torture of Iraqi prisoners in Guantanamo Bay and humiliation of Saddam Hussein just before his execution are covered by and large by the American media with utmost balance and impartiality.

It is not that Indian leaders are not aware of the US First Amendment or of Thomas Jefferson’s famous declaration when he said, “Where it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter”.56 The first Prime Minister of Independent India Pundit Jawaharlal Nehru once echoed similar views. He said: “I would rather have a

completely free press, with all the dangers involved in the wrong use of that freedom, than a suppressed or regulated press.”\textsuperscript{57} However, the Government of India did not always respond to such sentiments when making laws, though every now and then a judge could be heard paraphrasing them as did Justice Patanjali Sastri when he said the following,

"Freedom of speech and of the press lay at the foundation of all democratic organizations, for without free political discussions no public education, so essential for the proper functioning of the processes of popular government, is possible." (Romesh Thapar v State of Madras, 1950, SCR 594).\textsuperscript{58}

2.4 Professional hazards faced by journalists in India:

The World Press Freedom Review of 2006 done by the Vienna based International Press Institute (IPI), observes that India is still one of the very few examples of a deeply rooted democratic system in Asia. However, laws are still regularly passed that pose threats to press freedom and to journalists who report on illegal activities or on sensitive religious issues. These journalists are regularly attacked and harassed by local leaders or independent political and religious groups. The killing of two journalists this

\textsuperscript{57} Ibid.

\textsuperscript{58} Op. cit, p-255.
year in India and physical attacks on many others is clear proof that
tolerance is far from being widespread and press freedom is not always
respected as a universal right and a higher value in Indian society.\textsuperscript{59}

Reports of illegal activities were also the reason behind the deadly
attack on Marathi journalist Arun Narayan Dekate. Dekate, a correspondent
for the Marathi daily \textit{Tarun Bharat}, was ambushed by four unidentified men
as he was riding with a friend on a motorcycle on June 8, 2006. He was hit
with rocks and died of his injuries two days later in a hospital in Nagpur. He
had recently written articles about illegal gambling in Takalghat, some 30
kilometers from Nagpur. Investigative journalist Prahlad Goala was also
murdered in Assam in a mysterious situation.\textsuperscript{60}

In January, 2005, journalist Kamlesh Paikra was forced to flee his
house in Chhattisgarh following death threats against him. He lost his job as
a consequence. He had been subjected to constant harassment by police and
the Salwa Judum (Peace March) militia because of his reports on the
naxalites. The International Federation of Journalists (IFJ) had also earlier
reported that in April 2005, police warned Paikra of dire consequences after
he refused to reveal his sources. Harassment by the Salwa Judum militia.

\textsuperscript{60} Ibid
began after he critically reported about the burning of about 50 houses in
Mankeli village by Salwa Judum activists. In December 2005, after helping
a delegation of politicians visit Mankeli village, Paikra started receiving
death threats and decided to flee.\textsuperscript{61}

According to a report of Paris based international organization of
journalists, Reporters Sans Frontiers, police threatened another Chhattisgarh-
based journalist, Lakshman Singh Kusram, at the beginning of January 2005
after reporting in a local publication that a security personnel had beaten
women. Members of the Salwa Judum movement were also behind the
attack on journalist Afzal Khan on 15 November of the same year in
Chhattisgarh. After being publicly accused, together with two other
journalists, by Salwa Judum leaders of criticizing the movement, Afzal Khan
was summoned by Salwa Judum leaders and Special Police Officers, who
assaulted him resulting in fractures to his hand and head injury, the
International Federation of Journalists reported.\textsuperscript{62}

On February 8, 2005 the office of the Mumbai- based TV Channel
Zee was ransacked by members of the Shiv Sena party, following a satirical
skit broadcast by the channel about the Thackeray family, which leads the

\textsuperscript{62} Ibid
party. On February 19, members of the right wing Shivaji Brigade ransacked the office of *Loksatta* in Maharashtra because the newspaper had not published any article on the occasion of Shiv Jayanti, the anniversary of the warrior king Shivaji, the IFJ reported. The mob destroyed computers, files and office furniture and beat up two employees.63

Government officials, who do not wish to see their activities exposed, also regularly harass the media. This was the cause of the attack on staff members of CNN-IBN TV channel on March 7, 2005 in Uttar Pradesh, after the TV channel aired a story about the assets of a former Uttar Pradesh Chief Minister, who was under a Central Bureau of Investigation (CBI) probe. Four persons surrounded the CNN-IBN vehicle, dragged the driver and the attendant out, and beat them up. The vehicle was also set on fire. Before the attack, the politician had served CNN-IBN a legal notice stating that the TV reports on him were distorted and asking CNN-IBN to pay approximately US$2,270,000 in damages.64

The Communist Party of India – Maoist which has been waging a guerrilla war since 1980, and 32 other pro-Maoist groups in the state of Chattisgarh, in central India, could seriously affect the journalists' efforts  

63 ibid  
64 ibid
to report on issues of public interest. An ordinance of the state government proclaimed that journalists can be jailed for up to three years for covering the Maoist rebellion. The Reporters Sans Frontiers (RSF) reported that at a press conference on 5 September to present the new ordinance, officials threatened to arrest journalists who interviewed Maoists and shut down or confiscate the property of media outlets seen to be supporting the rebels.\textsuperscript{65}

In 2004, Dilip Mohapatra, editor of the Oriya newspaper \textit{Aji Kagaj} in Orissa, was found dead on 9 November on a highway near Bhagirathipur with his hands and legs tied with plastic tape and his skull smashed. Mohapatra had been reported missing on the previous day. Reports say that Mohapatra's murder could have been connected to recent writings in his newspaper exposing the timber and narcotics mafia of the region. Elsewhere, some 20 journalists were injured on 1 November when supporters of Kerala Industries Minister P.K. Kunhalikutty attacked media personnel covering his arrival from Saudi Arabia at Karipur Airport in Kozhikode (formerly Calicut) in Kerala. The journalists were stoned and beaten by supporters of the minister, upset at what they perceived as an "aggressive stand" taken by journalists on the alleged abuse of a woman by the minister.

\textsuperscript{65} www.rsf.org
The Hindu reported that the following journalists sustained injuries in the incident and had to be taken to hospital: Asianet correspondent V.M. Deepa and cameraman K.P. Ramesh, Indivision correspondent Baiju Unnikrishnan, Kairali correspondent Shailesh, Jeevan TV correspondent Ayyappadas and cameraman Suresh, NTV correspondent Sajeev C. Warrier, Surya TV reporter Jayan Komath, the New Indian Express photographer N.P. Jayan and Kerala Shabdham reporter Koyamu. The vehicle of the Malayalam TV channel, India Vision, was badly damaged in the attack. In a related incident, on 31 October, 2004 supporters of Kunhalikutty staged a protest in response to media coverage. During the protest the Cochin and Kozhikode offices of India Vision were stoned and the vehicles of the TV channel were ransacked.

On the same day, the Kozhikode bureau chief of the New Indian Express, M.P. Prashanth, was manhandled by a group of men, allegedly belonging to the Indian Union Muslim League (IUML) and Youth League, near the local India Vision office. Prashanth, who was injured in the face and back, was attacked while covering the march of the Youth League and the IUML who protested critical media coverage of Kunhalikutty. The camera

equipment of *Deshabhimani* photographer Praveen was also smashed in the tussle. Sajid Rashid, editor of evening daily *Mahanagar*, was attacked twice in a week, on 24 and 28 August, in Mumbai and Malvan respectively, after writing extensively against the so-called "triple talaq". The "triple talaq" is a controversial procedure where a Muslim husband can divorce his wife by saying the word "talaq" three times. The editor had received threats earlier and he had reported to local police about it. However, the latter did not take any step to ensure his safety. The newspaper has also been attacked many times before because of its independent editorial line.

Freelance journalist Sanjay Arya of Chirapatla village in Madhya Pradesh, was jailed on 21 October, 2004 under falsified charges after he investigated government corruption and failures in the public health and education systems. Ayra's investigations were instrumental in local campaigns to enforce accountability from the local administration as per an IFJ report. After several unsuccessful bribery attempts, he reportedly received threats to stop his investigative reports and eventually was arrested under pressure from local authorities.

The 2001 attack on the Parliament House of India left fourteen people dead, including five of the attackers. Vikram Singh Bisht, a cameraman for
the Asian News International, suffered a bullet injury while covering the attack and his injury had left him paralyzed from the waist down. Later, he died in January 2003 when he fell from his wheelchair. On 29 January, 2003 journalist Krishna Kumar of *Nakeeran* was arrested by police from his home in connection with the killing of a young woman in the late 1990's. Members of staff at the newspaper office claimed that the journalist was innocent and that it was another example of police harassment after the paper had printed articles highlighting police brutality. Another journalist associated with the newspaper, Sivasubramanian, has been in prison in neighboring Karnataka since November 2001. The journalist is accused of assisting Veerappan.

On 11 April, 2003 the editor of *Nakeeran* R R Gopal was arrested for "illegal possession of firearms" and "sedition." Sources said the editor's arrest was yet another attempt by police to cover up their inability to find Veerappan. Plainclothes police officers arrested Gopal in Chennai as he was leaving his office. They claim to have found a gun on his possession as well as leaflets published by the Tamil Nadu Liberation Army, a banned separatist group. He was interrogated throughout the night. Dozens of journalists were barred from the police building and police refused to speak
to them. Gopal was finally released from his incarceration on December 20 after spending over eight months in prison.

On 4 March, 2003 a bomb was set off near the office of the Nepalese newspaper *Sunchari Samachar* in Siliguri in West Bengal. The Times of India's Siliguri correspondent said the blast might have been linked to the newspaper's coverage of the situation in the Darjeeling Gorkha Autonomous Hill Council region. Press freedom organizations condemned the blast fearing that it might well compel journalists in the region to censor themselves. On 18 September, Parmanand Goyal, a journalist and Kaithal Unit president of the Haryana Union of Journalists was shot dead in front of his family after being called out of his home. According to information obtained by IFJ, Goyal's son has claimed that his father's violent murder was preceded by unknown visitors telling the reporter to cease publishing articles criticizing the police and Haryana Chief Minister Shri Om Parkash Chautala. Goyal's son has also asserted that police refused to register a first information report on the threat as requested by the family.

On 7 November, 2003 the Tamil Nadu Assembly passed a resolution ordering the arrest and imprisonment for 15 days of six journalists, including a publisher, for allegedly lowering the prestige of the state legislature and its
speaker. The charges were made against five journalists of *the Hindu*. An editor of Tamil daily *Murasoli* was also charged with slander. According to the Tamil Nadu Assembly the article published by the newspapers "cast a slur on the Chief Minister's action in the Assembly." Based on information provided to IPI, after a resolution sentencing the journalists was adopted in the House, Speaker K. Kalimuthu issued arrest warrants against Editor N. Ravi, Executive Editor Malini Parthasarathy, Publisher S. Rangarajan, Chief of Bureau V. Jayant, and Special Correspondent Radha Venkatesan of *the Hindu*. The editorial entitled "The Rising Intolerance" was based on an article written by Jayant, and Venkatesan, who was abroad at the time the arrest warrant was issued. The Assembly took offence at the article in *the Hindu* and, following an order by Kalimuthu, sought the arrest of S. Selvam, editor of *the Murasoli* for publishing the translated version of the editorial in *the Hindu*.

In March, 2002 there was an attempt to put severe restrictions on media under the new Prevention of Terrorism Act passed after much opposition, by a joint session of Parliament. But the Indian media led by the Editors Guild of India strongly opposed the draconian provisions which would have enabled the police to demand notes and sources for any story on
terrorism and made it mandatory for journalists to tell the police about any information taken from suspected terrorist organizations.

Death stalked journalists even in states considered to be free of armed conflict. In Uttar Pradesh, Paritosh Pandey, crime reporter of the Hindi newspaper *Jansatta*, was shot dead at his home on April 14, 2002. He was writing fearlessly about the dominance of gangs in Lucknow. Ram Chander Chaterpatti, editor of a local newspaper, *Poora Sach*, in Haryana, was shot four times by an unidentified assailant outside his home in Sirsa on October 24. He died a month later in a Delhi hospital. Chaterpatti was reportedly targeted by a religious sect, Dera Sacha Sauda, following his reports about the sect's illegal activities, including a sex scandal. He had received several threats from the group.

There are still various other kinds of pressures that the media continues to feel. The intolerance of the ruling establishment was in full flow when Time magazine published a report from its bureau chief Alex Perry on the state of health of the Indian Prime Minister. The ruling politicians and officials launched a full scale smear campaign against the media and Perry was described as a dangerous alien having multiple passports. He was summoned for interrogation to the Foreigners Regional Registration Office
in New Delhi. Indian newspapers which had reported on the content of Perry's report were also subjected to pressure.

On July 31, 2000 V. Selvaraj, a journalist with the Nakeeran was shot dead. Within 45 minutes of the murder, eight suspects were caught by police on the road between Perambadur and Chennai. The police were not able to uncover the motive for the brutal murder. However, the editor of the newspaper said that the murder was "a warning to those who fight to reveal the truth". He also noted that it was a "calculated and cold blooded murder". Although it is unlikely that there is a connection between the two incidents, the murder occurred on the same day of the kidnapping of the Kannada film star Dr. Rajkumar by Veerappan, the Tamil bandit. The kidnapping provoked riots in Karnataka and the offices of four Tamil newspapers were ransacked by crowds in Bangalore.

In Kolkata, on 10 August, 2000 twenty employees of the department of information of the state government attacked a group of journalists while they were covering an event inside the administration building. The civil servants, members of a union affiliated to the CPI-M, criticized the journalists for "supporting" the representatives of another labor union. During the attack, at least twelve reporters were injured and their
professional equipments were confiscated or damaged. A journalist with the *Times of India* was hit in the face. The attack was not the first one on journalists by the supporters of the CPI-M. On August 13 of the same year, CPI-M supporters attacked a group of journalists who were covering the municipal elections in Barrackpore. The journalists had gone to the city because of rumors that a fraud had been committed during counting of votes. The journalists were attacked by a group of Left activists while they were still in the building where the counting was taking place. During the incident, cameras were smashed, and police detained three CPI-M activists. The attack was condemned by the then West Bengal Chief Minister Jyoti Basu on the following day.

2.5 Freedom of press in Jammu and Kashmir:

“In the embattled northwestern state of Jammu and Kashmir, press freedom is under attack. Local reporters covering the decades-old secessionist movement there routinely face legal harassment, physical assaults, abductions and the threat of assassination. They work under a state of siege: news offices resemble bunkers, and journalists live in fear of Indian troops, armed separatists and, more recently, counter-insurgency forces. Put simply, there is no freedom of the press in Kashmir today.” That is the main
conclusion of the Committee to Protect Journalists (CPJ) report of 1995, which documents dozens of cases of intimidation, arbitrary detention, physical assault and murders of local Kashmiri reporters. ⁶⁷

In October, 1999 the office of *the Uqab* in Srinagar was bombed. One female staff member of the newspaper was injured. On November 23, militants reportedly threw a grenade at the home of Jeelani Qadri, editor of the daily newspaper *Afaaq*. Qadri and his family members were not injured in the attack but the home was damaged extensively.

Four journalists were murdered in Kashmir in 2000, two of them as a direct result of the separatist movements. Another murder of a journalist took place on August 10, 2000 when Pradeep Bhatia, a photo journalist of *the Hindustan Times*, was killed in a bomb blast in Srinagar. In a cruel and premeditated attack, which took advantage of the fact that the media would descend on the scene of an alleged incident, some media persons went to the State Bank of India after being informed that a group of Kashmiri militants

had attacked the building. As they neared the building, a bomb planted under a vehicle exploded near the bank. At least eleven people died in the bombing, including nine soldiers and two civilians including Bhatia.

In addition to the death of Bhatia, the following journalists were among those seriously injured in the booby trap - Irfan Manzoor, a Zee TV cameraman, whose right foot had to be amputated; Habibullah Naqash, a photographer for the daily newspaper the *Asian Age*; Fayaz Kabuli, a photographer for Reuters; Bilal Ahmed Butt, a cameraman for Asia News International; Muhammad Amin War, a free-lance photographer and I. Tariq of the *Srinagar News*.

Another attack on the broadcast media that highlighted the inflamed tensions existing in the Kashmir region took place on 15 April, 2000. On this day, a landmine exploded close to the government-owned Radio Kashmir, an affiliate of All India Radio, in Srinagar. Authorities blamed the attack on Muslim separatists and said that their objective was the radio transmitter at the station. The attack was not the first in the region that year. In March, 2000 also three grenades were thrown at the television station of Doordarshan in Srinagar.
On 19 January, 2001 Surinder Singh Oberoi, a journalist with the AFP and an RSF correspondent, was assaulted by a police officer in Kashmir. His life was threatened. The journalist had gone to a street near his office, where a bomb had exploded. After arriving at the scene, Oberoi was told to leave as fears of a second explosion existed. G. M. Dar, an officer with police special forces, then ordered the journalist to "go away." He subsequently attacked Oberoi. Following the intervention of other journalists, the police officer stopped his assault. A few minutes later, the AFP correspondent complained to a senior officer about the attack. His attitude angered Dar who, along with other policemen, beat the journalist with rifle butts.

Seventeen (17) journalists were assaulted on 10 May, 2001 by troops from the paramilitary Border Security Force (BSF) while covering a funeral procession for bomb victims. An attack which had occurred the previous day near a security camp at Magam in the Budgam district of Kashmir had left nine people dead. Several people were demonstrating against the attack when the BSF troops started to beating them. The journalists were covering the assault on the demonstrators from a distance when the leading officer ordered his troops to attack them. The soldiers fired their weapons in the air before they started to hit the journalists with their rifles and truncheons.
Allegedly, one journalist with Enadu TV, B. Kumar, was thrown in a nearby river together with several of the journalist’s cameras. Other equipments were destroyed by the troops and the journalists had to be taken to hospital in Srinagar for treatment.

Assaults on the journalists continued in August when employees of the weekly Chattan, published in Srinagar, were attacked by members of the BSF. The attack by the BSF personnel occurred shortly after a grenade was thrown at their position in central Srinagar. After the explosion soldiers entered the Chattan office looking for the perpetrators of the attack. The BSF men started to beat three newspaper employees with their rifle butts and arrested one of them, accusing him of having thrown the grenade. He was released more than 24 hours later but the two others remained in hospital because of their injuries.

Zafar Iqbal, correspondent of the Kashmir Images, was shot and severely wounded by armed gunmen who stormed into his office in broad daylight in Srinagar on May 29, 2002. A few weeks earlier, on April 18, a boy trying to throw a grenade at security forces rushed into the office of the Tribune where the grenade exploded. Luckily no one was injured.
Journalists in Srinagar and other centres of Jammu and Kashmir have to live in fear as armed militants and security personnel keep coming into their offices brandishing weapons in anger over their news coverages. Equally disturbing was the arrest of Iftiqar Geelani, chief of bureau of the Kashmir Times in New Delhi, on charges of violation of the Official Secrets Act. He was also the Indian correspondent of a Pakistani newspaper. Geelani was picked up on June 9, 2002 after a raid was conducted by sleuths of the income tax department. Ironically, the charge against him was that he had information on his laptop computer regarding troop deployment in Jammu and Kashmir which was an official secret.

The draconian Official Secrets Act, a legacy of the colonial rule in India, is rarely invoked against journalists. Geelani argued that the material was from a US government report which was widely available and had already been reported by another Indian newspaper. A group of Delhi journalists in a statement said: "Whatever the merits of the case, we as journalists would urge the government to ensure that any information in Geelani's possession must also be evaluated in the light of his professional requirements as a journalist and any evidence or charge the police have, must be made public." But since the Official Secrets Act allows in camera
trials, the police have not disclosed the details of the charges against Geelani. He was released only in early January, 2003.

The violent separatist war in Kashmir also led to the murder of a journalist on January 31, 2003 when Parvaz Mohammed Sultan, owner and editor-in-chief of the local news agency News and Feature Alliance (NAFA), was shot dead at his office by two suspected separatists. Besides running NAFA, Sultan was also a local correspondent for the Quami Awaaz. The decision of the Jammu and Kashmir state government to stop advertising in the English-language private daily the Kashmir Observer led to accusations in February that the decision was political in nature and was being carried out because the newspaper is suspected of illegally holding fund from abroad that is being used to aid the separatist movement. Editor and publisher of the daily Sajjad Haider is the son-in-law of Maulvi Abbas Ansari, one of the leaders of the All Parties Hurriyat Conference, a separatist alliance, and outside commentators suspect that this is the cause of the allegations regarding the funding.

In late January, 2003 the state government stopped buying advertising space in the newspaper. Some officials told the newspaper's editorial staff that the paper had been crossed off the list of media outlets entitled to such
contracts. Haider objected to the state government's attitude toward his newspaper, and criticized the authorities' delayed payments for official publicity.

Continuing with the spate of attacks in the Kashmir region, on April 26, 2003 assailants exploded a car bomb outside an office complex containing media organizations, including the offices of Doordarshan Television and Radio Kashmir in Srinagar. Five people were killed in the attack. Subsequently, the attackers threw a grenade into the security post outside the building and tried to enter the media offices. A gunfight followed leading to the deaths of the assailants and two security officers. A group calling itself the Al Madina Regiment later claimed responsibility for the attack in phone calls to local media.

Aside from the bombs and targeted shootings there is also a far more insidious form of attack on journalists in the Kashmir region and that is the use of the death threat. On 29 April, 2003 the militant group Tehrik-ul-Mujahideen issued a death threat against the journalists working "against the freedom struggle" in the disputed territory. In a press statement, a senior commander of the outfit, identified as Dr. Abd-ar-Rabb was quoted as saying: "There are seven dailies among the local ones and a well-known
news agency which work at the behest of the Indian (intelligence) agencies and are paid by them. We inform such journalists that they will be killed if they fail to mend their ways." On 9 February, 2006 also the office of the English daily *the Greater Kashmir* in Srinagar was ransacked after the newspaper failed to publish a statement by the Jammu and Kashmir Liberation Front (JKLF). At least 20 JKLF men stormed into the office and demanded to know why the paper had not carried one of their press releases. When the staffers tried to explain their side of the story, the group manhandled them, *the Indian Express* reported. Three employees, including a senior editor, were injured and the newsroom was damaged.

2.6 Freedom of press in Punjab (during the height of Khalistan movement):

Although now almost airbrushed from our collective memory by an epic act of amnesia, the conflict in Punjab claimed 21,443 lives between 1981 and 1993. As the contest between Khalistan groups and the Indian state approached its climax in the late 1990s, the media themselves became a theatre for battle. One key episode pertained to demands by Khalistan groups that newspapers publish a letter written to India's President, R Venkataraman, by Harjinder Singh 'Jinda' and Sukhjinder Singh 'Sukha'.
The two had been convicted for the 1986 assassination of General Arun Vaidya, a commander who had played a key role in the Indian state’s initial offensive against the Khalistan groups. Their 21-page letter explaining the reasons for their actions was dispatched to major Punjab-based newspapers, most of which carried abridged versions on July 27, 1990. One newspaper whose correspondent had received a direct threat to his life, the *Punjabi Tribune*, chose, however, to carry the entire text.  

A subsequent investigation of the media in Punjab by the Press Council of India noted the impact the Punjabi Tribune decision had on other publications within the Tribune group, the state’s largest media chain. The investigation conducted by Jamna Das Akhtar, K Bikram Rao and B G Verghese on the instruction of the Press Council of India, concluded: “The differential treatment of the letter within the Tribune group brought an immediate threat to the *Tribune* (English) and *Dainik Tribune* (Hindi) to comply. The Tribune accordingly carried the full text on July 28, 1990 with an abject apology.”

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Media had to pay the price for the Tribune's editorial surrender. Soon, a gaggle of terrorist groups were issuing material for verbatim reproduction to media outlets, often accompanied by threats. Terrorist repression of the media escalated to a peak in November, 1990, when terrorist groups fighting for the creation of a separate Sikh state, imposed a code of conduct. The guidelines were issued by a Panthic Committee led by Sohan Singh, a one-time government employee, who set up the organization in 1989 as an apex ideological council for the terrorist groups operating in Punjab. The Panthic Code mandated, among other things, the following: 69

The media cease to use words like terrorist, extremist or subversive.

The prefix ‘self-styled’ be omitted from references to ranks of terrorist leaders.

No reference be made to the fact that the Panthic Committee was Pakistan-based.

The term Sant, or Saint, be prefixed before all references to the Sikh fundamentalist leader Jarnail Singh Bhindranwale.

69 Op cit, P-216.
Journalists were to take advice and direction of the local leadership of terrorist groups.

'Memorable punishment' would be meted out to those who defied the code.

Journalists were to 'accept the creation of Khalistan'.

Journalists who had qualms about receiving orders on what words they could and could not use were further tamed by the assassination of a director of the state-run All India Radio, R. K. Talib, on December 6, 1990. Only newspapers with a strong ideological conviction defied the Panthic Code. The Punjab Kesri run by the Hind Samachar group, defied the Panthic Code. Editorial staff and proprietors of the newspaper faced repeated terrorist attacks, and the newspaper eventually had to be distributed under police protection. Even New Delhi-based newspaper organizations with enormous financial, muscle and political influence, notably, displayed no such courage.

After the collapse of independent print reportage on Khalistani violence, terrorist anger focused on the broadcast media. In May 1992, one terrorist group, the Babbar Khalsa International, killed All India Radio
broadcaster R. L. Manchanda. After Manchanda's execution, the organization issued a fresh 10-point code of conduct for the media, which demanded that women anchors cover their heads, prohibited the use of the term atankvadi or terrorist, and sought a phased end to all non-Punjabi-language broadcasting within the state...... Although evidence of collusion with terrorism is hard to come by, one study of the period had pointed to the role of some journalists collaborating with the terrorists while drafting of the Panthic Codes. ⁷⁰

In the meantime, the state administration responded to the terrorist pressure on media by bringing its own legal and constitutional coercive apparatus to bear. Copies of the Tribune carrying a Panthic Committee edict, listing officials who would be punished for failing to use Punjabi in all official communication, were seized by the government on February 2, 1991. Similar action was taken in subsequent weeks against the Indian Express, Ajit and Aaj di Awaz. The Tribune responded by dropping the article in subsequent editions. This was followed by a letter from the Panthic Committee to newspaper editors of Punjab threatening them with execution if they did nothing to resist the censorship. Some newspapers, notably the

⁷⁰ Op cit, P-217.
Times of India, also faced action under the controversial TADA Act for carrying press releases issued by the Panthic Committee. Sarabjit Pandher, the Hindu correspondent of Chandigarh who was covering the state during the height of Khalistan Movement observes that during the violent conflict in Punjab, many media persons are believed to have perished as they were perceived by the militants or by the state to be defying the dictates issued by each side. Recalling the emergency situation during the days of Operation Bluestar, he wrote: "Codes of conduct from the militants have been a regular feature and these have been directing the style and, in some cases, the content of newspaper reports. On the other hand, in an attempt to counter militant propaganda, government has, at times, resorted to imposing censorship. Caught in the crossfire, a young reporter often finds it difficult to cope up with the contentious issues, which may not have very easy answers. Between these two extreme positions, at the limited experience of violent conditions, I have not been able to find a middle path that could be accepted by the warring parties without compromising the basic fundamentals of the profession, nor have any of my able seniors been in a position to draw out one for the benefit of beginners."
On 10 March, 2000 the Punjab authorities withdrew the accreditation of journalist Sukhbir Singh Osan. The journalist worked for a number of different newspapers in India and maintained his own website, which comments on news from the Sikh community. As a result of the withdrawal of his accreditation, Singh was prohibited from accessing official information and he alleged that his phone had been tapped. The sanctions were enforced after the report of a police officer accusing the journalist of being a "terrorist". He received widespread notoriety for an article published in the *Hitavada* that exposed corruption involving a former governor of Punjab and the Indian authorities. Since 1994, the journalist has written a number of articles on the subject of corruption and the violation of minority rights for the Sikh community.

2.7 Freedom of press in North-East:

In the north eastern part of the country reporting conflicts here has become the greatest challenge for the journalists. There have been glaring instances of journalists being targeted, threatened, assaulted and harassed by both the separatist outfits and the law enforcing machinery of the state.
Early in January, 1998 Assamese police beat Avirook Sen, the correspondent for *The India Today* and his wife, Suparna Sharma, a reporter of *The Indian Express*, and briefly detained the couple. On February 7 of the same year Prakash Mahanta, a reporter for the newly founded Assamese weekly *Natoon Somoy* (New Times) was assaulted and detained by the local police. A group of Assamese police officers known locally as the "Black Panthers", led by Superintendent of Police Harmit Singh, raided Mahanta’s house in Nagaon, took him into custody and destroyed furnishings in his home. The police blindfolded Mahanta and beat him with an iron stick while shouting, "We’ll teach you a lesson for writing against the Chief Minister and his wife!" The police also assaulted Mahanta’s mother and wife when they tried to intervene. Mahanta, bleeding severely, was taken to the Nagaon Sadar Police Station. He was charged with unbailable clauses such as aiding and abetting terrorism in Assam and was sent to jail. After three months detention, he obtained bail on the condition that he will appear in person before the local police station every week until the charges are absolved. On May 15, Dhiren Chakravarty and Atanu Bhuyan, editor and executive editor respectively, of the Guwahati-based daily *Ajir Batori*, were woken up in the

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73 Ibid
middle of the night and arrested by the local policemen. They were charged with breach of privilege of the state legislative assembly and its members in an article published two months ahead. They were asked to stand with heads bowed down in the assembly hall as punishment. When they refused to do so they were jailed for 24 hours. Atanu Bhuyan was physically assaulted by unidentified men at his house earlier in the year. The attack is believed to have been instigated by those at the helm of the local government.

On the very next day, Gauhati University campus witnessed an attempt on the life of Hiren Dika, a student and reporter for a local daily *Amar Asom*. He was sleeping when the assailants broke into his room. He was stabbed in the chest and back and his right hand was badly broken. Deka’s bold writings on university issues had apparently provoked the attack. The next in a series of violations of press freedom took place two months later when Ajit Kumar Bhuyan, editor of the Assamese news weekly *Natun Samoy*, was assaulted at his residence by armed men on July 18.\(^{74}\) Bhuyan was threatened, his residence ransacked, and his family members terrorized by about 20 armed men in civilian attire, allegedly as revenge for his newspaper’s criticism of the Indian army in Assam. Military authorities

\(^{74}\) ibid
in Assam however denied responsibility for the attack. The armed men surrounded his house and asked him to come outside and threatened to open fire if the order was not obeyed. Once Bhuyan and his family members were outside the house, the assailters rushed in to ransack the house which was also used as the office of his newspaper.

In a controversial case, Naresh Kalita, news editor of the vernacular daily *Agradoot*, was arrested on February 10, 1999 on charges of aiding and abetting separatist militants.75 A police statement said that he was jailed after the confession of an ULFA militant and that weapons and ammunition were found in his house. On March 4, Kalita was charged under the National Security Act. Many local journalists believe Kalita's arrest was not related to security issues but to an *Agradoot* article which claimed that police vehicles were being used to transport illegally obtained timber to build the Assam Chief Minister's new house. When local journalists gathered outside the Guwahati Press Club on February 15 to protest Kalita's arrest, police detained about fifty protesters on the ground they had failed to obtain permission from the concerned authorities to stage the demonstration. The police also arrested and held two other journalists for three days in February

of the same year. Jitendra Kumar Jain and Anil Mazumdar, respectively managing editor and editor of the weekly Nisha, were kept in detention after they published a report containing controversial issues critical of the local government.\footnote{ibid}

On 6 July, 2000 Parag Saikia, a journalist at the daily newspaper Aji, was assaulted by a local magistrate of Sibsagar in Assam.\footnote{www.rsf.org} According to information gathered by the RSF, the journalist had been summoned by the magistrate and reproached for publishing an article on July 1 about the local authorities' alleged involvement in corruption. The magistrate struck Saikia while he was inside the official building. Subsequently, the journalist was taken to hospital suffering from a number of injuries.\footnote{ibid}

Journalists also face the threat of kidnapping. On 24 June, 2003 the leaders of ULFA abducted journalist Indra Mohan Hakasam, a local correspondent from Goalpara, Assam, working for Amar Assam, an Assamese daily. Towards the end of the year, there were local reports that the militant group had killed Hakasam, but his family has not been provided with proof of his alleged death.
In Assam, on 6 January, 2006 Prahlad Goala, a reporter for the Assamese daily, *Asomiya Khabar*, was murdered in the Golaghat District of the state.\(^9\) He had written a series of articles linking local forestry officials to timber smuggling. He was riding a motorcycle near his home about 260 kilometres away to the east of Guwahati when he was rammed by a truck. When police arrived on the scene, they found he had been stabbed several times. Police arrested forest warden Zaman Jinnah in connection with the death, but he was later released on bail. Local newspapers reported that Goala had received death threats from Jinnah after the publication of his articles.\(^8\)

In Assam, ULFA military chief Paresh Baruah threatened the Guwahati based TV channel NE TV to substantiate proofs for a news in the channel that exposed a 'hidden tie up' between the Assam government and ULFA leaders with regard to the 33rd National Games in 2007, within 30 days to avoid dire consequences. He asked the channel management to prove that ULFA took money from the government. He wanted that NE Television must pack up from the region. The Assam Government led by Tarun Gogoi also decided to go to court for that particular news in the channel. It may be

\(^8\) Ibid
the first incident in India, where a TV channel faced wrath from two opposite poles, the government and a banned outfit, simultaneously.  

Journalists in the north eastern states of India work under threat either from the militants or from the government as the case of Mathew Marak, editor of the daily Achik Mikasal of Meghalaya, evidences. On July 7, 2006 he received a letter containing death threats from militant groups belonging to the separatist Achik National Volunteer Council. The militants said in their threats that Marak had written several reports which were "not correct." The editor had written a series of critical reports against the militants which prompted the threats. It is heartening to note that journalists and common people in Shillong took part in a procession with placards and banners protesting against the attempts by the outlawed militants to throttle freedom of the press. They later submitted a memorandum to the Chief Minister B. B. Lingdoh drawing the attention of the government to the threats received by journalists in the state. Three months earlier, a photo journalist, W. T. Jryne, was assaulted by unidentified gunmen in Shillong. The journalist managed to escape, but suffered injuries. On 17 October, 1999 Pradeep Behera, a

81 Nava Thakuria, Government and ULFA try to muzzle NE Television, Organiser, Nagpur, March 18, 2007, P-19.
senior journalist with the English daily *the Arunachal Times* was assaulted by six unidentified persons armed with lethal weapons who entered his home in the state of Arunachal Pradesh. He was hospitalized, suffering from chest, head and leg injuries. It seems that the attack followed the publication of critical articles on social issues.

2.8 Concluding Remarks: India’s emergence as a nuclear superpower and its booming economy has made many influential countries of the world its friends. Even the United States and United Kingdom, once considered to be pro-Pakistan, have become equivocal on the Kashmir issue. However, the ever increasing magnitude of the armed confrontations between government forces and identifiable secessionist outfits in Jammu and Kashmir, North-East India and the Naxalite belt of central, eastern and southern India has made it necessary to reconstruct another insight of the prevailing situation. The clashes in Punjab, Jammu and Kashmir, India’s North-East, or zones hit by Maoist violence- have claimed far more lives than all of India’s wars with its neighbors put together. More than 81,000 people have been killed in the armed conflicts between the regular armed forces of the government and identifiable armed groups.
The Central government’s proclamation of disturbed area status to Jammu and Kashmir, Nagaland and Manipur and its subsequent enforcement of the Armed Forces Special Powers Act, 1958 which empowers the Army and para-military forces of the Government of India to almost impunity etc. also lend credibility to the perception that there is an armed conflict situation, between the government forces and the armed rebels which the normal laws have failed to tackle.

The media each day negotiate their way through the exceptionally violent sub-conventional conflicts that have raged through considerable parts of the country over the past decades. More than 95 Journalists have been murdered in India in the past two decades. Furthermore, the major share of the fatality happened to be in the armed conflict torn states of the country. Many physical attacks and other forms of harassments upon journalists by the state and non-state actors are also reported in these regions. These conspicuous instances have clearly proven that tolerance of the state and non-state actors is far from being widespread and the freedom of the press is at stake in the armed conflict affected regions of the country.