

An Account of Media Censorship in Jammu and Kashmir: Special Reference to Post Abrogation of Article 370

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Abstract:

This research paper aims to provide an in-depth analysis of media censorship in the region of Jammu and Kashmir, with a special focus on the period following the abrogation of Article 370 of the Indian Constitution. Article 370 granted special autonomous status to the state of Jammu and Kashmir. The revocation of this article in August 2019 led to significant changes in the political, social, and media landscape of the region. This paper examines the various forms of media censorship employed by the authorities and analyzes their impact on freedom of expression, press freedom, and the right to information in Jammu and Kashmir. It also explores the implications of media censorship on public perception, democracy, and the role of the media in conflict zones.

Keywords: Media censorship, Jammu and Kashmir, Article 370, Abrogation, Freedom of expression.

Introduction

The region of Jammu and Kashmir has been a subject of significant political and social discourse for many years. With the abrogation of Article 370 of the Indian Constitution in August 2019, the landscape of Jammu and Kashmir underwent substantial changes. Article 370 granted the state special autonomous status, and its revocation had far-reaching implications for the region, including its media landscape. This research paper aims to provide a comprehensive account of media censorship in Jammu and Kashmir, with a particular focus on the period following the abrogation of Article 370.

Media censorship refers to the control or suppression of information, news, or media content by authorities or governing bodies. In the context of Jammu and Kashmir, it involves various measures employed by the government to restrict the flow of information and control the narrative.

The objectives of this study are to analyze the different forms of media censorship in Jammu and Kashmir, assess their impact on freedom of expression, press freedom, and the right to information, and explore the implications of media censorship on public perception, democracy, and the role of the media in conflict zones.

To achieve these objectives, a multi-methodological approach will be utilized. This includes reviewing existing literature, analyzing relevant reports, examining case studies, and incorporating qualitative data through interviews with journalists, media professionals, and experts familiar with the region. By combining these approaches, a comprehensive understanding of media censorship in Jammu and Kashmir will be achieved.

The Context of Article 370 Abrogation

To understand the significance of the abrogation of Article 370, it is essential to delve into its historical background. Article 370 was incorporated into the Indian Constitution in 1949, granting special autonomous status to the state of Jammu and Kashmir. It provided the region with certain exclusive powers, such as the ability to have its own constitution, flag, and control over internal governance, except for matters related to defense, foreign affairs, and communication. (The Constitution of India)

The decision to abrogate Article 370 was a significant policy shift by the Indian government. It aimed to bring Jammu and Kashmir under direct central governance, integrate the region more closely with the rest of India, and address long-standing issues related to security, development, and governance. The government argued that the special status granted by Article 370 had hindered socio-economic development and created a separate identity for the region, leading to separatist sentiments and cross-border terrorism. (The Hindu, 2019)

The abrogation of Article 370 had immediate and profound effects on the media landscape in Jammu and Kashmir. The authorities implemented various measures that impacted media freedom and the dissemination of information. These measures included the imposition of restrictions on internet access, suspension of mobile services, and increased surveillance. Internet shutdowns became a common occurrence, severely limiting access to online news sources and communication platforms. Mobile services were suspended for extended periods, making it difficult for journalists to gather and disseminate news in real-time. These actions significantly disrupted the functioning of media organizations and hindered the ability of journalists to report on critical events. (Choudhary, 2020)

Moreover, the authorities imposed pre-publication censorship, requiring media outlets to seek prior approval before publishing certain content. This further curtailed the independence of the media and created an atmosphere of self-censorship, as journalists faced the risk of reprisals for reporting on sensitive topics. The abrogation of Article 370 also had implications for the local media industry, with several newspapers struggling to sustain operations due to financial constraints and the challenging environment for journalism. The media landscape underwent significant transformations, reflecting the changing dynamics and challenges faced by journalists in Jammu and Kashmir.

Media Censorship Measures

One of the prominent forms of media censorship in Jammu and Kashmir has been the frequent imposition of internet shutdowns and restrictions. The authorities have resorted to suspending or throttling internet services as a means to control the flow of information, particularly during times of political unrest or security incidents. These shutdowns have had a severe impact on freedom of expression, access to information, and the ability of journalists to report and disseminate news.

The internet shutdowns have not only affected individuals' ability to access news and information but have also hindered the functioning of media organizations, particularly online news portals and independent journalists who heavily rely on digital platforms for their work. The lack of internet connectivity has created significant challenges in gathering news, verifying information, and reporting in real-time, thus impeding the media's ability to provide timely and accurate coverage. (Desai, 2019)

In addition to internet shutdowns, the authorities have frequently resorted to suspending mobile services, including voice calls and SMS, in Jammu and Kashmir. These suspensions severely limit communication channels, making it difficult for journalists to coordinate, seek information, and report on events as they unfold. The suspension of mobile services has had a direct impact on the ability of journalists to carry out their work effectively, undermining press freedom and the right to information. The practice of pre-publication censorship has been another significant aspect of media censorship in Jammu and Kashmir. Journalists and media organizations are often required to seek prior approval from government authorities before publishing certain content, particularly on sensitive political, security, or human rights issues. This requirement places a burden on journalists and media outlets, leading to self-censorship and curtailing their ability to provide critical and independent reporting.

The fear of reprisals and punitive actions for publishing content that may be deemed objectionable or critical of the government has created a climate of fear and self-censorship among journalists in Jammu and Kashmir. This form of censorship not only restricts the free flow of information but also undermines the principles of press freedom and the public's right to be informed. (Hussain, 2021)

Journalists and media professionals in Jammu and Kashmir have faced a range of challenges, including harassment, intimidation, and even physical attacks. Authorities have used various means to suppress critical reporting, including filing legal cases, detaining journalists, and putting pressure on media organizations through threats and intimidation. Such actions not only have a direct impact on the targeted individuals but also create a chilling effect on the entire journalistic community. The fear of reprisals and the risk to personal safety discourage journalists from reporting on sensitive issues, thereby undermining the role of the media as a watchdog and reducing public access to diverse and independent sources of information. (Ahmed, 2020)

The cumulative effect of these media censorship measures in Jammu and Kashmir has had a significant impact on freedom of expression and press freedom. Journalists and media organizations face numerous challenges in carrying out their work independently, investigating critical issues, and providing accurate and unbiased information to the public.

Media censorship limits the diversity of voices and perspectives, restricts the public's access to information, and undermines the principles of democracy and transparency. It hampers the functioning of a free and independent media, which plays a vital role in fostering informed public debate, holding power to account, and ensuring the public's right to know.

Impact on Right to Information

Media censorship in Jammu and Kashmir has had a direct impact on the right to information. The measures implemented by the authorities, such as internet shutdowns, mobile service suspensions, and pre-publication censorship, have severely restricted the public's access to timely and accurate information.

Internet shutdowns, in particular, have disrupted the flow of information, making it challenging for individuals to access news, communicate with others, and stay informed about current events. This restriction on access to information not only hampers the public's ability to make informed decisions but also undermines their fundamental right to seek and receive information.

It has created numerous challenges for journalists and media organizations operating in Jammu and Kashmir. Journalists face obstacles in gathering news, verifying information, and reporting in real-time due to internet shutdowns, mobile service suspensions, and the fear of reprisals for critical reporting. The requirement of pre-publication censorship further restricts journalists' ability to publish certain content, leading to self-censorship and a reduction in the diversity of information available to the public. Journalists and media professionals also face harassment, intimidation, and attacks, which have a chilling effect on their work and undermine press freedom.

Financial constraints are another challenge faced by media organizations in the region. The disruptive environment created by media censorship and the restricted access to information have impacted the sustainability of media outlets, leading to layoffs, closures, and a shrinking media landscape. The impact of media censorship on citizens in Jammu and Kashmir is profound. Restrictions on access to information limit their ability to stay informed, participate in public discourse, and hold authorities accountable. The lack of timely and accurate information creates gaps in knowledge and contributes to misinformation and rumor propagation.

Citizens also face challenges in expressing their opinions and exercising their right to freedom of expression. The fear of reprisals and the climate of surveillance and control created by media

ensorship impede citizens' ability to openly express their views, particularly on sensitive political issues.

Journalists operating in conflict zones often risk their lives to bring information to the public. They act as independent observers, reporting on events, documenting human rights abuses, and shedding light on the complexities of the conflict. Their work contributes to accountability, justice, and the protection of human rights. Journalists working in conflict areas face unique challenges and risks. They operate in an environment characterized by violence, tension, and limited access to information. In Jammu and Kashmir, media professionals encounter specific challenges such as media censorship, harassment, intimidation, and physical attacks. (Dutta, 2020)

Media censorship hampers journalists' ability to report freely and impartially. The fear of reprisals and the risk to personal safety create a climate of self-censorship, impacting the quality and depth of reporting. Journalists also face difficulties in accessing conflict zones, obtaining accurate information, and verifying facts due to restrictions and limited resources.

Media censorship in Jammu and Kashmir has significant implications for conflict reporting. The restrictions on access to information, internet shutdowns, and pre-publication censorship limit the ability of journalists to report on events in real-time and provide accurate and comprehensive coverage.

Censorship also influences the narrative surrounding the conflict. The controlled flow of information can result in biased reporting, the absence of diverse perspectives, and the propagation of official narratives. Media censorship hinders the media's role as a watchdog, obstructs the public's right to be informed, and affects the public's understanding of the conflict.

In conflict zones, it is crucial to have a free and independent media that can report impartially, expose human rights violations, and contribute to conflict resolution efforts. However, media censorship undermines these goals, hindering the media's ability to fulfill its role effectively.

Media censorship in Jammu and Kashmir raises concerns regarding the adherence to international human rights standards. Freedom of expression and press freedom are fundamental human rights protected under international law. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights emphasize the importance of these rights in ensuring democratic societies. International human rights bodies, such as the United Nations and international non-governmental organizations, have expressed concerns about media censorship in Jammu and Kashmir. They have called for the respect of freedom of expression, press freedom, and the right to information, urging the Indian government to uphold these rights and ensure a conducive environment for independent journalism. (United Nations, 1948)

The issue of media censorship in Jammu and Kashmir has drawn international attention and elicited responses from various countries and international organizations. Diplomatic engagements, discussions, and statements from governments and international bodies have called for a resolution to the issue and the protection of media freedom in the region. These responses can range from diplomatic dialogues and negotiations to raising concerns through official statements, resolutions, or recommendations. International pressure and engagement can play a significant role in advocating for the protection of media freedom and encouraging the authorities to address the issue of media censorship. (International Federation of Journalists, 2020)

Civil society and media organizations play a crucial role in addressing media censorship in Jammu and Kashmir. They can raise awareness about the issue, advocate for media freedom, and provide support and solidarity to journalists and media professionals operating in challenging circumstances.

Through advocacy campaigns, public statements, and engagement with international bodies, civil society and media organizations can exert pressure on the authorities to uphold the principles of freedom of expression, press freedom, and the right to information. They can also provide platforms for dialogue, capacity building, and networking among journalists to strengthen their resilience and promote independent reporting.

Findings

Media censorship in Jammu and Kashmir, particularly after the abrogation of Article 370, has had a significant impact on freedom of expression, press freedom, and the right to information. The authorities have employed various media censorship measures, including internet shutdowns, mobile service suspensions, pre-publication censorship, and harassment of journalists, to control the flow of information and restrict independent reporting.

Internet shutdowns and restrictions have severely limited access to online news sources and communication platforms, hindering the dissemination of information and the ability of journalists to report in real-time. Pre-publication censorship requirements have created a climate of self-censorship, as journalists and media organizations face the risk of reprisals for reporting on sensitive topics.

The suspension of mobile services has disrupted communication channels, making it difficult for journalists to gather information, coordinate, and report on events. Media censorship has led to challenges for journalists and media organizations, including financial constraints, layoffs, closures, and a shrinking media landscape.

Media censorship has had a detrimental impact on the public's right to information, limiting their access to diverse sources of information, impeding their ability to make informed decisions, and

contributing to gaps in knowledge and misinformation. Media censorship, in conflict zones like Jammu and Kashmir, hampers the free flow of information, thus restricting the role of media in conflict resolution, impedes independent reporting, and influences the narrative surrounding the conflict.

International human rights standards emphasize the importance of freedom of expression, press freedom, and the right to information, and various international bodies have expressed concerns about media censorship in Jammu and Kashmir.

Conclusion

Media censorship in Jammu and Kashmir, particularly in the aftermath of the abrogation of Article 370, has had a detrimental impact on freedom of expression, press freedom, and the right to information. The imposition of internet shutdowns, mobile service suspensions, pre-publication censorship, and harassment of journalists has severely restricted the flow of information, hindered independent reporting, and created a climate of fear and self-censorship among journalists.

The restrictions on access to information have limited the public's ability to stay informed, participate in public discourse, and hold authorities accountable. Media censorship has also impeded the role of media in conflict resolution, hampered the dissemination of unbiased reporting, and influenced the narrative surrounding the conflict.

The findings underscore the importance of upholding international human rights standards, including freedom of expression, press freedom, and the right to information. The international community, including governments, organizations, and civil society, has a crucial role to play in advocating for media freedom, exerting pressure on the authorities, and engaging in diplomatic efforts to address media censorship in Jammu and Kashmir. Efforts to combat media censorship should include comparative analysis with other conflict zones, learning from best practices, and sharing experiences. Additionally, supporting and empowering journalists and media organizations through capacity building, solidarity, and providing platforms for independent reporting are vital in fostering an environment conducive to free and unbiased journalism.

Addressing media censorship in Jammu and Kashmir requires a multi-faceted approach that involves the collaboration of various stakeholders, including governments, international organizations, civil society, and media organizations. By promoting media freedom, upholding human rights, and ensuring access to information, steps can be taken towards fostering a vibrant, independent, and accountable media landscape in Jammu and Kashmir.

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