

Report

DEFENDING DEMOCRACY: WHY CANADA SHOULD ADVOCATE FOR PRESS FREEDOM IN INDIA

161/180

India's
Ranking
in the
World
Press
Freedom
Index.



MAY 3RD, 2023

JusticeForAllCanada.org
Info@JusticeForAllCanada.org

Table of Contents

- 3 Introduction
- 5 Recommendations
- 15 Recent Relevant Events
- 17 Conclusion
- 18 Works Cited

Author: Save India From Fascism Campaign

Cover Page Illustration: Suvajit Dey

INTRODUCTION

The ruling right-wing government in India has applied an increasingly restrictive approach towards journalists and media outlets, resulting in India's fall in rank in the World Press Freedom Index from 150 to 161 since Prime Minister Narendra Modi took office in 2014, under his Bharatiya Janata Party (BJP). This report presents a concise overview of the current situation, focusing on recent developments contributing to abuses against journalists and media workers in India and Indian-occupied Kashmir.

Reporters Without Borders (RSF) warns that press freedom in India is facing a crisis. Violence against journalists, politically partisan media, and media ownership are key issues contributing to censorship and human rights violations. **Each year, the country's ranking falls further in the World Press Freedom Index, an annual ranking of countries compiled and published by RSF since 2002 (India is currently at 161 out of 180 countries).**

India's media landscape is extensive, but the concentration of ownership only belongs to a few large companies at the national level and even fewer dominating the regional level. Politically, current Prime Minister Narendra Modi is critical of journalists and prefers a direct relationship with his supporters.

Journalists who criticize the government face harassment and attack campaigns from Modi supporters. While Indian law is theoretically protective, these journalists typically face charges of defamation, sedition, contempt of court, and endangering national security.

The Indian press depends on advertising contracts with local and regional governments, allowing the central government to impose its narrative. The majoritarian narrative imposed by the BJP attempts to erase India's pluralistic and diverse cultural heritage and impose a homogenized version of Hinduism on the country.

This narrative has been widely criticized for promoting a narrow and exclusionary vision of Indian identity that excludes many of the country's minority groups, including Muslims, Christians, Sikhs, and others. As a result, the diversity of Indian society is not reflected in the mainstream media. Moreover, safety is a significant concern for journalists. India is one of the most dangerous countries for journalists: an average of three or four journalists are killed in connection with their work every year.

Canada recognizes freedom of the press as a fundamental right enshrined in international human rights law, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Canadian government has a long-standing commitment to press freedom, both domestically and internationally;

- Canada co-chairs the 50-member Media Freedom Coalition, which advocates for media freedom and the protection of journalists. Canada and Botswana previously co-hosted the Global Conference for Media Freedom in 2020. The event engages thousands of journalists, media executives, and government representatives on a global scale to discuss the challenges facing the media industry and to develop strategies for promoting press freedom.

- Canada has established programs such as the Journalists for Human Rights initiative, which supports the training of journalists in developing countries, and the Digital Citizen Initiative, which provides funding for digital literacy and media literacy projects.
- The Canadian government has spoken out against attacks on press freedom in other countries. In 2018, following the murder of journalist Jamal Khashoggi, the Canadian government imposed sanctions on 17 Saudi nationals believed to be involved in the killing. This action sent a message that Canada would not tolerate attacks on free expression and the safety of journalists.
- Canada has provided funding for international organizations that promote press freedom and advocate for the safety of journalists. In 2019, Canada provided \$2M to support UNESCO's Global Media Defence Fund, which aims to strengthen media freedom worldwide by providing legal assistance, advocacy support, and emergency assistance to journalists and media workers in need. In 2020, Canada provided CAD \$1.8 million to support the "Media Freedom Coalition" (partnership of like-minded countries and international organizations promoting media freedom and the safety of journalists).

Furthermore, during his opening remarks at the UNESCO World Press Freedom Day conference on May 3rd, New York Times Publisher A.G. Sulzberger said about India;

"In India, authorities have raided newsrooms and treated journalists essentially as terrorists."

RECOMMENDATIONS

Given Canada's growing bilateral trade and economic relationship with India, it is crucial that the government advocates for the protection of press freedoms in India. As outlined in Canada's Indo-Pacific Strategy, Canada and India share a commitment to democracy and pluralism, as well as a rules-based international system and multilateralism.

Press freedoms are essential to these values and are protected under international human rights law. It is in Canada's interest to advocate for the protection of free speech in India as part of its efforts to promote common interests and values, including democracy, pluralism, and human rights.

1. Call for the immediate release of any journalists who have been unjustly detained or arrested for their reporting. The Universal Declaration of Human Rights, to which India is a signatory, states that everyone has the right to freedom of opinion and expression, which includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media.

Below: RSF tracks journalists worldwide killed or arbitrarily detained for their work in real time. Between 2020 and 2023, ten journalists in India and Indian-occupied Kashmir were imprisoned for their journalistic work. As of today, they are still in detention:

MANAN GULZAR DAR

PHOTOREPORTER /
PHOTOJOURNALIST

Arrested as part of a conspiracy case in which India says militant groups were plotting to take action.

DATE OF DETENTION
10/10/2021 - Ongoing

WORKED AT
The Guardian, Pacific
Press photo agency



NILESH SHARMA

EDITORIALIST

Arrested after a complaint was lodged he spread malicious information about the ruling state Congress party.

DATE OF DETENTION
02/03/2022 - Ongoing

WORKED AT
Indiawriters.co.in



AASIF SULTAN

JOURNALIST

Held under preventative detention law
(Public Safety Act).

DATE OF DETENTION
24/08/2018 - Ongoing

WORKED AT
Agence Kashmir



ABDUL AALA FAZILI

EDITORIALIST

Arrested and re-arrested under the
UAPA for publishing an article titled “The
Shackles of Slavery Will Break”.

DATE OF DETENTION
17/04/2022 - Ongoing

WORKED AT
The Kashmir Walla



ANAND TELTUMBDE

EDITOR / WEB-EDITOR

Arrested under false charges and judicial persecution against him by the Maharashtra police.

DATE OF DETENTION

14/04/2020 – Currently on bail.

WORKED AT

Indian Express, Economic and Political Weekly, Tehelka



FAHAD SHAH

CHIEF EDITOR

Arrested for publishing “anti-national content.”

DATE OF DETENTION

06/03/2022 - Ongoing

WORKED AT

The Kashmir Walla



GAUTAM NAVLAKHA

EDITORIALIST

Under house arrest for human rights and civil rights work for marginalized religious communities.

DATE OF DETENTION

14/04/2020 - Ongoing

WORKED AT

Newslick



IRFAN MEHRAJ

MEDIA DIRECTOR

Arrested by the National Investigation Agency, for extensively writing about human rights violations in Kashmir.

DATE OF DETENTION
20/03/2023 - Ongoing

WORKED AT
Wande Magazine



RUPESH KUMAR SINGH

INVESTIGATIVE
JOURNALIST

Arrested by Jharkhand Police under false charges.

DATE OF DETENTION
17/07/2022 – Ongoing

WORKED AT
Janchowk, Media Vigil



SAJAD GUL

TRAINEE REPORTER

Arrested under the Public Safety Act (PSA) after posting a protest video.

DATE OF DETENTION
05/01/2022 - Ongoing

WORKED AT
The Kashmir Walla



2. Urge the Indian government to uphold its obligations under international law and protect journalists' rights to operate freely and without fear of reprisal.

The International Covenant on Civil and Political Rights (ICCPR), ratified by India in 1979, is a binding treaty recognizing the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds (Article 19).

This right is essential for the functioning of a democratic society and is integral to the enjoyment of other human rights. Given that India has ratified the ICCPR, it is legally obligated to protect and promote the rights enshrined in the covenant. This includes the right to freedom of expression and press freedom.

However, reports of attacks and intimidation against journalists in India indicate a failure to fulfill these obligations. Therefore, the Canadian government must demand that India uphold its obligations under international law and take necessary measures to protect journalists' rights to operate freely without fear of reprisal.

3. Call for an independent investigation into any attacks on journalists and ensure that those responsible are held accountable. The UN General Assembly has called on all states to prevent violence against journalists and to ensure accountability for such acts, including through impartial investigations and bringing perpetrators to justice.

International human rights organizations, such as Amnesty, have documented several cases of attacks on journalists in India, including physical assaults, harassment, and arbitrary detention, often perpetrated by state actors or their supporters. In February 2021, Delhi police arrested freelance journalist Mandeep Punia while covering a farmers' protest, and charged him with assault, obstructing public servants, and criminal intimidation.

Siddique Kappan, a journalist with the Malayalam news portal Azhimukham, was arrested in October 2020 while on his way to cover the Hathras gangrape case in Uttar Pradesh state (19-year-old Dalit woman who died after being gang-raped by four men). Kappan was charged under the Unlawful Activities (Prevention) Act and falsely accused of having links with a banned organization. His arrest was widely condemned by press freedom organizations and human rights groups, who called for his immediate release. Kappan was subjected to physical and mental torture in custody. He was released two years later.

Considering such state-sponsored censorship and anti-journalist abuses, the Canadian government must conduct an independent investigation into attacks on journalists in India, and demand accountability for those responsible. This would be supported by the UN General Assembly, which has repeatedly called on all states to prevent violence against journalists and ensure accountability for such acts.

4. Argue for repealing Indian state laws that are used to silence and intimidate journalists, such as the sedition law. The International Commission of Jurists has criticized India's sedition law as incompatible with international human rights law and recommended its repeal.

The sedition law in India has been used to suppress free speech and silence dissenting voices, including journalists (refers to Section 124A of the Indian Penal Code). The law, which criminalizes any act that is deemed to be promoting disaffection against the government, has been used by authorities to arrest and harass journalists who have reported on sensitive issues. According to a report by Amnesty International, at least 11 journalists were charged with sedition in India in 2020.

The use of the sedition law has been criticized by several human rights groups, including the International Commission of Jurists (ICJ). In a 2016 report, the ICJ stated the sedition law was incompatible with international human rights law and recommended its repeal. It argued that the law has been used to stifle legitimate dissent and criticism, and that its broad and vague wording allows for arbitrary and abusive interpretation by Indian authorities.

Similar concerning laws that have also been used to target journalists in India include:

- **Unlawful Activities Prevention Act (UAPA)**, allows prolonged detention without charge or trial. In recent years, several high-profile cases of journalists and activists have been arrested under the UAPA, including Sudha Bharadwaj, Varavara Rao, and Gautam Navlakha.
- **Information Technology (IT) Act**, which criminalizes online expression and has been used to arrest journalists for their social media posts.

5. Review and strengthen Canada's Magnitsky sanctions regime to include Indian officials responsible for human rights abuses against journalists.

The Canadian government has a Magnitsky sanctions regime in place to address human rights abuses globally. This would allow our government to impose sanctions, including asset freezes and travel bans, on foreign individuals responsible for gross human rights violations, such as torture, arbitrary detention, and extrajudicial killings.

Given the evidence of attacks on journalists in India, including those perpetrated by state actors, the Canadian government should consider reviewing and strengthening its Magnitsky sanctions policy to include Indian officials responsible for such abuses.

This would send a clear message that Canada won't tolerate any abuses against journalists and provide a mechanism for holding perpetrators accountable. Additionally, this would align with Canada's commitment to prevent suppression of free speech, and allow minority groups to advocate for themselves without fear of reprisal.

6. Request that the Standing Committee on Foreign Affairs and International Development undertake a study on the state of press freedoms in India, with the aim of identifying and addressing cases of abuse against journalists.

This study should specifically focus on the challenges faced by journalists and media organizations in India, including restrictions on press freedom, attacks on journalists, and government censorship. The study should also examine the impact of these challenges on democracy and human rights in India. The study should include consultations with Canadian and Indian journalists, civil society organizations, and government officials.

It should also analyze international norms and standards on press freedom and compare India's record with other countries in the region and around the world. Based on the findings of the study, the Canadian government should consider ways to support press freedom in India, including diplomatic efforts, capacity building for journalists and media organizations, and support for civil society organizations working on press freedom issues.

The Canadian government should also use its international platforms, including the United Nations and the Commonwealth, to raise concerns about press freedom in India and advocate for reforms to protect and promote this fundamental human right.

RECENT RELEVANT EVENTS

State-sponsored Restrictions on Freedom of Expression and Assembly: Human rights groups, particularly Amnesty, have implicated Indian authorities for imposing unlawful and politically motivated restrictions on freedom of expression and assembly. This has led to a broader crackdown on dissent and emboldened Hindu nationalist government supporters to threaten, harass and abuse journalists critical of the BJP government. Amnesty's India office was itself targeted by Modi's government, forcibly shutting down its operations in 2020. Kashmiri journalists have also been particularly targeted by the Indian government.

Journalists Arrests and Crackdowns on Dissent: In March 2021, the Indian government arrested Irfan Mehraj, a reporter from Jammu and Kashmir, in connection with a "terror funding case." Amnesty International termed Mehraj's arrest "a travesty and yet another instance of the long-drawn repression of human rights."

New Rules for Digital Media: In January 2021, the Indian government proposed new rules for digital media, called the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, which would ban content the government judges to be "fake or false."

Takeover of Media Outlets: Indian media takeovers by allies of the Modi government are "symptomatic of a larger malaise" and pose threats, according to New Delhi-based historian Mukul Kesavan. India's last major independent TV broadcaster, New Delhi Television (NDTV), was acquired by billionaire businessman and open Modi supporter, Gautam Adani. This takeover of NDTV by Modi's ally is part of a much larger trend, where most media houses become defenders of the Hindu nationalist government by selling the majoritarian populist agenda. Mukesh Ambani, another of Modi's billionaire allies, acquired Network 18 in 2014, NDTV's biggest competitor. He has since become the boss of more than 70 outlets nationwide, with a combined weekly audience of at least 800 million viewers. Human rights experts have warned that if this trend continues, the future of Indian democracy remains grim.

BBC Documentary and Censorship: In February 2021, India's tax authorities raided the BBC's offices in Delhi and Mumbai, accusing the British broadcaster of evading taxes. The raid took place less than a month after the BBC released a documentary critical of Modi and his responsibility for anti-Muslim violence that left more than 1,000 dead and tens of thousands displaced in Gujarat state in 2002. India's government banned the documentary from airing in India and used emergency laws to force Twitter and YouTube to remove clips. Pro-government media outlets cast doubt on the BBC's credibility. India's foreign minister, S. Jaishankar, questioned the timing of the documentary release, and alleged that the documentary was part of an attempt to "shape a very extremist image" of India and its prime minister. The Press Club of India said the raid was a "clear-cut case of vendetta."

CONCLUSION

As a democratic country subscribed to international legal standards, Canada must demonstrate greater solidarity with journalists and media outlets facing persecution and threats in India, under the complicit Modi-led BJP regime.

The Canadian government can draw inspiration from actions taken by the United States and the United Kingdom.

The US has previously issued statements condemning the Indian government's treatment of journalists and press freedom. In 2020, the UK government urged India to protect media freedom and the safety of journalists.

Additionally, the European Union has raised concerns about press freedom in India, particularly regarding the revocation of Kashmir's special status and the arrest of journalists in the region.

JusticeForAllCanada.org

Info@JusticeForAllCanada.org

#JusticeForAllCanada



WORKS CITED

A.G. Sulzberger delivers 2023 World Press Freedom Day keynote address. Editor and Publisher. (2023, May 3). Retrieved May 3, 2023, from <https://www.editorandpublisher.com/stories/2023-world-press-freedom-day-keynote-address,243491>

Admin. (2022, November 4). Abdul Aala Fazili. Prisoners of Conscience in India. Retrieved May 3, 2023, from <https://pocindia.org/abdul-aala-fazili/>

Amnesty to halt work in India due to government 'witch-hunt'. The Guardian. (2020, September 29). Retrieved May 3, 2023, from <https://www.theguardian.com/world/2020/sep/29/amnesty-to-halt-work-in-india-due-to-government-witch-hunt>

Crouch, E. (2022, April 11). Kashmiri journalist Aasif Sultan granted bail, then re-arrested under preventative detention law. Committee to Protect Journalists. Retrieved May 3, 2023, from <https://cpj.org/2022/04/kashmiri-journalist-aasif-sultan-granted-bail-then-re-arrested-under-preventative-detention-law/>

Digital News Report 2021. Reuters Institute for the Study of Journalism. (n.d.). Retrieved May 3, 2023, from <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2021>

Digital News Report 2021. Reuters Institute for the Study of Journalism. (n.d.). Retrieved May 3, 2023, from <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2021>

Gautam Navlakha. USCIRF. (2023, May 3). Retrieved May 3, 2023, from <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/gautam-navlakha>

Global Affairs Canada. (2022, February 10). Minister Joly participates in third global conference for media freedom. Canada. Retrieved May 3, 2023, from <https://www.canada.ca/en/global-affairs/news/2022/02/minister-joly-participates-in-third-global-conference-for-media-freedom.html>

Human rights defender Anand Teltumbde released on bail. Front Line Defenders. (2022, December 9). Retrieved May 3, 2023, from <https://www.frontlinedefenders.org/en/case/human-rights-defender-anand-teltumbde-released-bail>

Human rights in India. Amnesty International. (n.d.). Retrieved May 3, 2023, from <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>

Hussain, B. (2021, November 13). Arbitrary arrests tear apart journalists' families in Kashmir. Voice of America . Retrieved May 3, 2023, from <https://www.voanews.com/a/arbitrary-arrests-tear-apart-journalists-families-in-kashmir-6311644.html>

India. Reporters sans frontières. (2023, March 22). Retrieved May 3, 2023, from <https://rsf.org/en/country/india>

International Covenant on Civil and Political Rights. OHCHR. (n.d.). Retrieved May 3, 2023, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights#:~:text=Article%2019,-1.&text=Everyone%20shall%20have%20the%20right,3>

NDTV takeover signals end of pluralism in India's leading media. RSF. (n.d.). Retrieved May 3, 2023, from <https://rsf.org/en/ndtv-takeover-signals-end-pluralism-india-s-leading-media>

Siddique Kappan: Indian journalist released from jail after two years. BBC News. (2023, February 2). Retrieved May 3, 2023, from <https://www.bbc.com/news/world-asia-india-64494426>

Tiwari, V. (2022, March 4). Chhattisgarh journalist arrested for 'spreading fake news' about Congress. TheQuint. Retrieved May 3, 2023, from <https://www.thequint.com/news/politics/chhattisgarh-journalist-nilesh-sharma-arrested-for-spreading-fake-news-about-congress>

TOTAL OF VICTIMS OF ABUSES. Reporters Without Borders. (n.d.). Retrieved May 3, 2023, from https://rsf.org/en/barometer?type%5Bemprisonnement%5D=emprisonnement&exaction_victimes_pays%5B138%5D=138&genre%5Bhomme%5D=homme&genre%5Bfemme%5D=femme&annee_start=2020&annee_end=2023&statut_exaction%5B_en_cours%5D=en_cours#exaction-victimes

Yadav, S. (2023, April 3). With raids, arrests and hostile takeovers, India Press Freedom continues to decline. NPR. Retrieved May 3, 2023, from <https://www.npr.org/2023/04/03/1167041720/india-press-freedom-journalists-modi-bbc-documentary#:~:text=Press-,Press%20freedom%20in%20India%20has%20declined%20under%20the%20Modi%20government,compiled%20by%20Reporters%20Without%20Borders.>