

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

FREEDOM OF PRESS AND CENSORSHIP IN JAMMU & KASHMIR

AUTHORED BY: CHINAR THAKUR

PhD research scholar, Department of Political Science, Panjab University, Chandigarh

Keys Words: freedom of press, censorship, Jammu and Kashmir,

Abstract

Freedom of press is an essential factor for functioning of any democratic country. Mass media is popularly known as the 'fourth estate' of democracy and it does need freedom to be able to perform its duties of watchdog of government and provider of information to its audience. All democratic governments provide freedom of speech and expression to its citizens, including the news agencies but the government also reserves right to curtail this right on grounds of protection of sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. Censorship is used by the government in times of emergency. Indian government also implements censorship. But whether, censorship was justified or not is debatable. This paper has attempted to conduct content analysis of four newspaper- Daily Excelsior (published from Jammu), Greater Kashmir (published from Srinagar), The Tribune (Chandigarh edition) and The Indian Express (Delhi edition) from July, 2016. July, 2016 was a turning point in politics of Kashmir when we also saw use of censorship by the government itself in the Kashmir division. The content analysis of these particular newspapers helped to draw out reasons of government used censorship to avoid spread of rumours and misinformation in already turbulent times. It also helped in gauging the reaction of news agencies who opposed the government's measure to ban the newspapers. The inferences made from the content analysis helped to arrive at the subjective nature of censorship and its appropriateness in any circumstances.

INTRODUCTION

Freedom of press vs. censorship or freedom of press vs. needs of the nation has become a highly contested issue world over, due to the rise of internet and digital platforms for communication and disseminating news. The supporters of freedom of press argue in favour of it for the open exchange of ideas and the challenging of established norms and power structures. It is essential for public education and proper functioning of any democratic government. Whereas, the critics argue that

unregulated speech can lead to social unrest and violence. This debate touches on fundamental questions of rights, responsibilities, and the nature of democracy. Finding a balance between protecting free expression and preventing harm remains a significant challenge for policymakers and society as a whole. Interpretation depends on what side are you standing. Digital platform are prone to fake news and misinformation but it is frequently noticed that newspapers are also banned from printing. The 'why' and 'what' question of censorship are completely subjective. What form of media should have been banned: electronic or print? Why was there a need to impose a ban? Such questions depict the relative nature of truth. This paper attempts to contextualize the debate of freedom of press and censorship in the events taking place in Jammu and Kashmir in 2016. It tries to ascertain whether banning the newspapers was needed or not through the content analysis of newspapers of 2016: Daily Excelsior, Greater Kashmir, The Tribune and Indian Express.

PRESS: FROM NATIONAL STRUGGLE TO PRESENT TIMES

Since its birth, the Indian press has played a multi faceted role with a profound and far reaching impact on Indian society. It has evolved into an integral tool of political socialization and most importantly, a tool to strengthen the roots of freedom of speech in our society. Indeed, the birth of print media in India is to be credited to the British. 'Bengal Gazette' was the first newspaper to be established in India by James Augustus Hickey in 1780. But the success of Indian independence struggle would not have been possible without the contribution of the press. Initially, the newspapers were engaged in disseminating only official information and communications. The print media was mostly English language based, catering to the needs of colonial administration. It is only mid 19th century onwards that India started witnessing new trends. Socio religious reform movements started which led to the emergence of struggle for political independence too. The Indian press participated vigorously in fighting against our social evils and foreign authority. It affected a wide range of audience even with its limited and elite circulation. Over the time, vernacular language based newspapers emerged which helped in spreading the ideas of social reforms and political independence from the British to the masses. The demand and support for ideas like widow remarriage, child marriage, banning of sati, evils of caste system, etc was circulated through press. These newspapers also served as a platform for discussion and analysis of the exploitative policies of the British state. They helped in political mobilization and uniting a diverse country like India against the highly organized force of the British. 'The Hindu', 'Amrita Bazar Patirka', 'Harijan', 'Kesari', 'Maratha', 'Bande Mataram', 'Young India', 'Mook-nayak' and many others have been integral part of our freedom struggle. The role of press became even more important after the year 1947. It became a dynamic factor in fostering a sense of national

identity and unity, inspiring the Indian population to take part in nation building in their own unique ways. It also served as a watchdog that held the government accountable at all steps of policy formulation and implementation, even in turbulent times of emergency of 1975-77. It has been instrumental in platform for spreading social movements on women rights, climate change, anti corruption movement, human rights abuses, etc. The Indian press has served as a voice of dissent, a platform for social reform, and a crucial pillar of democracy which has shaped the Indian narrative in all aspects.

The researcher has specifically chosen newspapers for analysis in the context of censorship. In the age of internet and social media, it may be said that the newspapers are losing their relevance. It is true to a large extent as world over, the circulation of newspapers is on a decline but India presents a different picture. There were 1,18,239 registered publications amounting to circulation of 43,00,66,629 in India in 2017-18 (Press of India, 2017-18)¹. Print media can be considered more reliable than forms of electronic media like television. Chandan Mitra remarked in 2009, “Over the past five years, print media has become much more responsible than before, whereas electronic media tends to go over the top because of this intense competition to be the first with the news. There is this need to break news with a new angle every 15 minutes. In the process, there is also this unsubstantiated news, rumors, highly exaggerated reports in electronic media, especially as you have something as dramatic and sensational like the Mumbai terrorist attacks.”². Print media can also be considered more reliable than newly emerging social media. Social media consists of unsubstantiated voices and opinions which often lead to spread of false news creating chaos. Social media has the capacity to strengthen democratic ideals but it can also fall prey to commercial and criminal interests spreading false news and opinions³. The print media also has larger coverage in rural areas where digital media is quite limited.

CONTROLLING THE NARRATIVE: MEANS OF CENSORSHIP

Article 19(1) (a) of the Constitution of India accords freedom of speech and expression to the media also. It reads as “All citizens shall have the right to freedom of speech and expression.”⁴. There have been landmark judgments in favour of protecting the freedom of press in India. Chief Justice, Patanjali Shastri observed that the press should be free to print and publish without any

¹ ‘Press in India’ reports are prepared by Office of Registrar of Newspapers for India.

² RANGANATHAN & RODRIGEUS, INDIAN MEDIA IN GLOBALISED WORLD, 58 (2010).

³ Ibid.

⁴ M. LAXMIKANTH, INDIAN POLITY, 85 (7th ed. 2024).

state interference⁵. The Supreme Court held that the people have the right to know information regarding everything that is done by the administration⁶. The Supreme Court also observed, “Freedom of the press is both qualitative and quantitative. Freedom lies both in circulation and in content”⁷.

But, the freedom of speech and expression comes with various restrictions such as interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. These interests are either in favour of the nation or the society. Indian press has been subjected to many forms of force by government and private agencies, especially censorship. Censorship has been used frequently by the government and India ranked 159 out of 180 countries in World Press Freedom Index⁸ in 2024. India’s ranking has only been falling since many years. The most famous incident of censorship in India is of 1975, when Indira Gandhi declared emergency and suspended civil liberties. The government tightened its control on Indian mass media. Radio and television were already government owned and operated. The government withdrew its advertising support from many newspapers including The Indian Express and The Statesman. A large share of revenues of Indian newspapers comes from government advertising, giving a leeway to the government to manipulate the press. The government also merged four privately-owned Indian news agencies. It cut off teleprinter services. The government immediately took control of the press, expelled several foreign correspondents and withdrew accreditation from many Indian reporters.

In simple words, censorship can be defined as a means to suppress public communication that maybe considered objectionable or sensitive by the government. It is conducted through various methods by the government directly or other controlling bodies. For example, the government can censor through the means of Criminal Code of Procedure⁹ or through Press Council of India¹⁰ which lays a self responsibility on the media to self regulate and work according to press ethics

⁵ [Romesh Thappar v. State of Madras](#), (1950) S.C.R. 594.

⁶ [Prabhu Dutt v. Union of India & Ors](#), (1982) S.C.R. (1)1184.

[State of U.P. v. Raj Narain & Ors](#), (1975) S.C.R. (3)333.

⁷ [Bennett Coleman & Co & Ors v. Union of India & Ors](#), (1973) S.C.R. (2)757.

⁸ WPMI is published by Reporters Without Borders (RSF). It is being published since 2002 and is an annual ranking of countries on the basis of extent of freedom given to news organizations and journalists.

⁹For example, Section 95 of the Cr.P.C which allows forfeiture of certain content/ publications. Under this section, the State government can punish for printing anything harmful to the state in any newspaper, book or document.

¹⁰ Press Council of India is a statutory and quasi-judicial body which was established under the Press Council Act, 1978. It acts as the self-regulatory body for the press.

and public interest¹¹. Government defends its acts of censorship in name of preventing disharmony and spread of rumours or misinformation so that stability and security of the state can be maintained. Indeed, digital media has been a victim of fake news which has raised a question on potential impact of unregulated speech on public order and national security. But censorship has been prone to misuse. It has room for interpretation and is very subjective in its application. Critics argue that the vague definition of censorship has been used by the government for political motives and to silence dissent and criticism, many a times legitimate forms of speech and expression. Governments and political leaders often seek to control the narrative through censorship, intimidation of journalists and activists, and the enactment of laws that restrict freedom of expression.

CONTEXTUALIZING JAMMU AND KASHMIR OF 2016

2016 was a very unfortunate year for the state of Jammu and Kashmir¹² since the beginning. January 2016 witnessed two tragic events: Mufti Sayeed's death on 7th January 2016 and Jaish-e-Mohammad attack on an Indian Army base in Pathankot, Punjab on 2nd January 2016. There was outrage in the country and there were no hopes of reconciliation with Pakistan due to the Pathankot attacks. It is this environment in which Mehbooba Mufti assumed the office of Chief Minister on 4th April 2016. There was no respite of her as in coming few months; the Kashmir valley was again engulfed in agonizing turmoil. On 8th July, 2016, 22 year old Burhan Wani was killed in an encounter by security forces. Killing of militants is very common in Kashmir but Wani was a symbol for Kashmiri freedom struggle. He was born in Jamaat-e-Islami family in Tral in South Kashmir, which is a stronghold of guerilla militants. He dropped out of school at fifteen years of age and joined Hizbul Mujahideen. He was a social media icon for the youth of Kashmir and his media campaign was a rage among the partially educated and unemployed youth of the state.

The valley erupted over Wani's death. Thousands of people attended his funeral and in coming days, angry mobs attacked police stations and security installations. Shops were forced to shut down. Stones were pelted at army and police forces. Anti-India graffiti were painted wherever possible. The police was not able to handle the protestors with barricades, tear gas or water cannon, leading to use of the controversial 'pellet guns'. Also known as 12 bore pump action gun, they were first used in Kashmir in 2010 and were highly criticized immediately at national and international platform. They are tagged as non lethal guns because they do not lead in death of the

¹¹ We are focusing only on those means which affect the newspapers specifically

¹² Jammu and Kashmir was a state in 2016. It became a union territory only in 2019.

targets. India's laws on crowd control outline that pellet guns should be used only in dire circumstances, from a distance of at least 50 meter aiming at lower body. When used from a short range, the pellets do not get enough time to disperse. Short distance coupled with high velocity makes these guns extremely dangerous, being able to damage bones, tissues and many body organs. And they did prove to be lethal as they were being used in proximity. Around 50 people died, 6,000 were injured, 20 people were partially or fully blinded and 4,000 policemen wounded in just one month¹³.

Pellet guns and their injuries were continuously in news. The newspapers were full of tragic and heart wrenching stories of victims. Their socio economic sufferings were highlighted along with their physical trauma. The police and CRPF claimed that they were left with no other option when faced by violent protestors. They used pellet guns only when all other methods like lathi, teargas, grenades, etc fail to control the crowd. According to security forces, the number of protestors kept increasing day by day. They were violent which made it difficult for the forces to follow the guidelines. Instead of moving in one direction, pellets spread in an approximate diameter of 6 meters. They are around 600 in number in single shot and it becomes difficult to fire below abdomen. Bystanders also get injured along with the protestors. Most of the injuries are never intended by the forces¹⁴. But the protestors asserted that they become violent only in retaliation. In such circumstances, bystanders were also injured and they also held great resentment against the forces' use of pellet guns. Kashmir was boiling again through the months of later half of year 2016. The union and state governments appeared unprepared as they had been in 2010¹⁵. Funerals of guerrillas became spots for protests, with number of people in attendance increasing with each funeral. Women also started participating in the protests in increasing numbers. For the first time in Kashmir's political history, Kashmiris attacked the security forces during cordon and search operations, for the guerrillas to escape.

The volatile environment of Jammu and Kashmir was an opportunity for mass media, specifically press to play the role of impartial observer. But did the press play its part? Did the government let the press exercise its freedom of speech without any fear? All such questions can be answered through the content analysis of newspapers of 2016.

¹³ RADHA KUMAR, PARADISE AT WAR, 322 (2018).

¹⁴ D.A. Rashid, *In High Court, Govt. justifies use of pellet guns, calls it 'modern method' of crowd control*, GREATER KASHMIR, Sept 7, 2016, at 1.

¹⁵ RADHA KUMAR, PARADISE AT WAR, 323 (2018).

CONTENT ANALYSIS: REFLECTIONS FROM NEWSPAPERS

The 21st June, 2016 edition of *Greater Kashmir* ran on first page, “It was unprecedented. It was outrageous. The raid on Greater Kashmir Printing Press at Rangreth during the dead of the night of past Friday—and subsequent raid on some other newspaper printing presses—wasn’t only about gagging press in a blatant show of state’s power and might in the form of its police force, some of whom barged into the GK Press to seize its copies and arrest the employees. It was about brazen disregard to the Fourth Estate which has been functioning in the State in trying circumstances. It was also about muzzling the voice of the voiceless.... The way this raid came, it became clearer that the State lacked a democratic way to approach things—the same State which, instead of encouraging truthful reporting from ground, paved way for rumour-mongering with the imposition of complete information blackout..... Truth, as it is, has to be told. Today, no civilized nation cracks down on press because there are other means to tell and know this truth.....”¹⁶ Greater Kashmir had published after a gap of 4 days. From 17th June, 2016 to 20th June, 2016, there was a ban on newspapers being published from Srinagar. There was no affect on newspapers published in Jammu. All the local newspapers from Kashmir and Kashmir editions of national newspapers were banned from printing. Ironically the regional newspapers of Jammu did not carry any relevant news reports on this particular issue but the national newspapers editions from other stories did not miss any day to report to its audience about the censorship taking place in Kashmir. Different news reports across the newspapers had many themes.

First, *there were reports on events of how censorship was imposed. On 17th July, 2016, The Tribune* read “The police, meanwhile, raided newspaper offices late last night and seized copies of Urdu and English dailies, including the Srinagar edition of The Tribune, even as these were being printed. Employees and drivers of vehicles carrying the newspapers were detained. They were later let off, said media houses. Editors and owners called it an attack on the freedom of the press. Holding a protest in the afternoon, they apologised to the readers. Official sources said the curbs would remain in force for the next two days”¹⁷. *Indian Express* also reported on similar lines- “For the first time in the Valley, printing presses were raided, printing machines stopped and their staff reportedly detained as the J&K government sought to enforce a complete information blockade.... Apart from Greater Kashmir, Urdu dailt Kashmir Uzma, the Kashmir edition of Chandigarh based Tribune, is printed at the press(of Greater Kashmir)”¹⁸

¹⁶ Fayaz Ahmad Kaloo, *No gag is civilized*, GREATER KASHMIR, July 21, 2016, at 1.

¹⁷ *I more dead in media clashes; media gagged*, THE TRIBUNE, July 17, 2016, at 1.

¹⁸ Bashaarat Masood, *Newspapers presses raided, editors say staff held*, July 17, 2016, at 1.

Second, *this incident of censorship was not illegal but directed by the government. Indian Express* reported in the same article “We are not seeing this for the first time, but it is for the first time that they (the government) have officially banned newspapers from publishing- said Rising Kashmir Editor-in-Chief Shujaat Bukhari.”¹⁹

Third, *there were reports on how censorship adversely affected the civilian population and government officials too.* On 18th July, 2016, *The Tribune* ran news report as, ““There is no news about what is happening in the south (Kashmir) and north (Kashmir), so one has no idea what is the situation today,” said Bashir Ahmad, a volunteer at the SMHS Hospital. The clampdown on information has not only impacted the civilian population of the region but also government and police officials”²⁰

Fourth, *there were editorials on how censorship in only furthering the distance between people of Kashmir and rest of the country. Indian Express* had an editorial on the issue of censorship which blamed the government for putting a ban on printing till 19th July and tagged it as a reason for separateness from rest of the country and also questioned the Indian democracy when authoritarian regimes are also not resorting to it. “It is not the media that manufactured the anger. While Pakistan has no doubt played a big role in fanning the flames of this anger, it built up over years because of the failures of successive governments in addressing it, Being in denial over this, and blaming the media instead is not going to make it go away.”²¹

Fifth, *there were also editorials on how not imposing censorship would have facilitated the government. The Tribune* carried an opinion article by the editor, “The authorities’ zeal may have been misplaced in equating the inflammatory potential of social media and channels with that of locally printed newspapers. Newspapers have a social contract with the state predicated on the grant of several concessions. A newspaper can take an extreme and irresponsible stand only to its own peril.... At least the sight of newspapers being delivered provides some semblance of normality, however perfunctory and transient. The printed word, even if published under the watchful eye of the state, could have been a counterfoil to wild rumours that sweep the streets during such times.”²²

Sixth, *there were also news reports that censorship is directed from the Central government, signaling on forceful nature of the New Delhi. Indian Express* ran an editorial, “Before going into the ‘why’ of the clampdown, one should ask ‘who’ decided on the ban.... Grapevine has it that the PDP has the largest number of sympathisers among the local journalistic community.

¹⁹ Ibid.

²⁰ Azhar Qadri, *In turbulent Kashmir, no one has answer*, THE TRIBUNE, July 18, 2016, at 13.

²¹ *Living in denial*, THE INDIAN EXPRESS, July 18, 2016, at 12

²² *A Valley without news*, THE TRIBUNE, July 19, 2016, at 8

Therefore, the party ideally should have been the last to annoy the local media. But compulsions inherent in relations with New Delhi, ruled by the uncompromising BJP this time, have probably forced the PDP to toe the line.”²³

A detailed content analysis of two newspapers: Daily Excelsior (published in Jammu) and Greater Kashmir (published in Srinagar) will help to draw out differences between the reporting by the two. This exercise would help in ascertaining whether censoring the press was needed or not. Daily Excelsior was quite neutral in its reporting in comparison to other newspapers, many a times tilting in favour of the government. The 16th July, 2016 edition of *Daily Excelsior* read “Though the Centre was satisfied with handling of situation in the Kashmir valley by the State Government as well as para-military personnel and police, it has once again reiterated the directive to ensure that no innocent was harassed. At the same time, it has stressed for restoration of complete normalcy in the Valley at the earliest.”²⁴ The newspaper ran many reports which stressed how government is forced to use violence against the people in spite of its best efforts to establish normalcy in the state. There was another story with lines like “patrol party of security forces was attacked by a mob with stones at Delina in Baramulla district this morning, injuring three security personnel, the official said. In retaliation, security forces opened fire in which three civilians were injured.”²⁵. On 17th July, 2016, *Daily Excelsior* reported, “A mob tried to storm an Army camp today in Bandipora district, shattering the day-long fragile peace in curfew-bound Kashmir”²⁶. The same edition had another story which read as, “As there was no let up in the protests even after 10-day of violence in the wake of Hizbul Mujahideen commander Burhan Wani's death, the Home Ministry of India has rushed 20 more companies of para-military Central Reserve Police Force (CRPF) from New Delhi and some other States to the Kashmir valley to keep protests under check, help in restoration of normalcy and ensure smooth pilgrimage of Shri Amarnath ji shrine in South Kashmir Himalayas”²⁷.

In juxtaposition, Greater Kashmir reported in manner which highlighted the problems, needs and wishes of the local people of Kashmir. “Two youth were killed in fresh firing by forces in Kashmir areas on Friday.... Prayers not allowed at Jamia Masjid”²⁸. Daily Excelsior reported on how many soldiers are killed while Greater Kashmir reported how many locals were killed. Greater Kashmir also reported on any calls and messages given by the separatist leaders while the other news did

²³ Hilal Mir, *Why Kashmiri media is muzzled*, THE INDIAN EXPRESS, July 20, 2016, at 15.

²⁴ Sanjeev Pargal, *Home Minister reviews Kashmir situation, yatra arrangements*, DAILY EXCELSIOR, July 16, 2016, at 1.

²⁵ *2 killed, mobs defy restrictions*, DAILY EXCELSIOR, July 16, 2016, at 1.

²⁶ *Mob tries to storm army camp in Bandipora, 3 injured*, DAILY EXCELSIOR, July 18, 2016, at 1.

²⁷ Sanjeev Pargal, *2000 para-military troops rushed; more may follow*, DAILY EXCELSIOR, July 18, 2016, at 1.

²⁸ Abid Bashir & Khalid Gul, *Bloodbath continues*, GREATER KASHMIR, July 16, 2016, at 1.

not. The 16th July, 2016 edition of *Greater Kashmir* reported, “Hurriyat Conference (G) chairman Syed Ali Geelani, Hurriyat Conference (M) chairman Mirwaiz Umar Farooq and Jammu and Kashmir Liberation Front (JKLF) chairman Muhammad Yasin Malik on Friday extended call for protests and complete shutdown till Monday evening.”²⁹ *Greater Kashmir* also attempted to humanize the protestors. It reported on number of people injured and killed by pellet guns every day. It used pictures, tables and personal accounts to highlight the plight of victims of pellet guns. One of the story read, “Unaware of losing vision in both her eyes, 14-yr-old Insha craves to go home”³⁰

Greater Kashmir also portrayed through its reports and editorials that there was excessive use of force in the streets of the valley. In comparison to the security forces, *Greater Kashmir* reported on the inherent urge of the people to help each other in dire circumstances. There were reports on help for the people of Kashmir from within the state³¹ and from outside too³². Other newspapers did not have such reports at all.

Even, *The Tribune* had many articles and news reports which highlighted that the policies of the government are just being counterproductive for itself. On 16th July, 2016, *The Tribune* had an editorial which highlighted that the Hindutva policy of BJP will not resonate with Kashmiris and the alliance of PDP with BJP will only worsen the situation. It read, “The choice facing the Modi government is stark: save Kashmir by giving it the leeway to develop its own cultural and religious mix or continue to force its Hindutva philosophy on an unwilling people. Kashmiris cannot remain indifferent to the war cries of the Hindutva brigade in the rest of the country... it took Ms Mehbooba more than four days to react publicly to what amounted to an internal emergency following the death of a militant turned-hero in the public imagination, the media savvy Burhan Wani, despite the goading of her political rival, Omar Abdullah, to take the lead. She could not displease her basic constituency ranged on the other side of the fence as stone throwers and violent protesters while having to take care not to upend New Delhi.”³³ This editorial stressed upon the fact that the national and state government cannot work in unison.

Thus, there are many differences evident in the reporting of various newspapers but it cannot be ascertained which one of these give a better clarity. Newspapers have a double duty. They have

²⁹ *Resistance camp extends shutdown for 72 hours*, GREATER KASHMIR, July 16, 2016, at 1.

³⁰ *Why are my eyes bandages*, GREATER KASHMIR, July 16, 2016, at 1.

³¹ *Braving curfew, firing, Anantnag youth join hands to provide succor to injured (Khalid Gul)*- *Greater Kashmir* (pg3)- 16th July, 2016; *Spirit of Kashmir*- *Greater Kashmir* (pg 4)- 16th July, 2016

³² *Protest march in Kolkata against Kashmir killings*- *Greater Kashmir* (pg 3)- 16th July, 2016

³³ *Nihal Singh, Modi's Kashmir Dilemma*, THE TRIBUNE, July 16, 2016, at 12.

to provide information to its audience but it also has the burden of making sure to check the spread of fake news by miscreants. It should be able to stop its own misuse so that they do not go against the interest of the society. Were the newspapers in Kashmir violating their code of conduct? Were they spreading misinformation? Were they hurting the government's efforts to establish normalcy? All such questions cannot be answered objectively. Only an attempt can be made on part of both the actors- newspapers and government to maintain a balance between freedom of press and unregulated speech which can harm national peace and stability.

CONCLUSION

In conclusion, the debate over freedom of press and censorship in India needs careful approach. It is a necessary tool for the government to keep a check on the miscreants and avoid any verbal threats to the unity of the country. It is a very helpful tool for the government but it does have subjective connotations and it is difficult to ascertain whether a particular act of censorship by the government was done in the right spirit or not. It can lead to self-censorship and can limit people's right to know, free flow of information and exchange of ideas in society. It is a complex task to balance individual liberties with norms of society. It is imperative for India to confront the challenges of censorship with a commitment to upholding freedom of expression and fostering a society that values diverse perspectives and open discourse. Censorship is an ever evolving concept with its unique challenges and opportunities. The challenges require a multi-faceted approach through legal reforms, education and awareness initiatives, international collaboration, and support for diverse voices.

IJLRA