World’s Largest Democracy and Right to Freedom of Expression in Media in Kashmir

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Abstract:

Purpose – The purpose of this paper is to generate a link between the democracy and the Freedom of Expression in general and to assess the level of enjoyment of this fundamental right to freedom of expression by the Kashmiri media in particular both for print and electronic. The paper will throw light on the problems that Kashmiri media is witnessing to and the human rights violations, Kashmiri media professionals are facing from many years while reporting the conflict in Kashmir like covering the human rights violations, protests, agitations and other such situations.

Design/methodology/approach – The study is an exploratory one in its design as there are no researches available or done in this area. Therefore, Researcher has analyzed all the related literature available through print and electronic media and also visited some organizations to know about the level of freedom of expression in Media in Kashmir.

Findings – The Study has helped the researcher to know about the different problems Kashmiri media is facing while covering the Kashmir conflict.

Research limitations/implications – There are no researches done in this area and it is always a challenge to work on the Human rights issues in Kashmir Valley

Practical implications – This paper may be helpful in many ways as it will throw light on different aspects of media working in Conflict areas and may help to improving the condition by taking into account different suggestions provided by the researcher.

Originality/value – The study pertains to one of the most contemporary issues of the time. As the study is an exploratory and qualitative in its nature. Therefore, researcher has gone through an intense secondary literature Review for this paper.

Keywords: Freedom of Expression, Kashmir, Conflict, Media, Democracy and Human Rights.

Paper type Research Paper based on Secondary Literature Review.
“This paper represents those professionals who fulfill their professional obligation and strive hard to reach to the victims and disseminate truth to the rest of the world about any kind violation or abuse against the human dignity in all the conflict zones in general and in Kashmir in particular.”

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“A popular government without popular information, or the means of acquiring it, is a prologue to a farce, or a tragedy, or perhaps both”

__James Madison, fourth President of the United States (1809- 1817)

DEMOCRACY:

Democracy, which derives from the Greek word “demos,” or “people,” can be defined as that government in which the power is vested in the people of the state and the primary role of democracy is to protect the human rights of the people irrespective of caste, colour, creed, religion, race, language political status, Social status, etc.

The term Democracy is a familiar to all as right from the childhood we are being taught democracy and its importance in a nation vis-a-vis its people. But the fact is that, it has been talked very often as well as has been misunderstood most. The Famous phrase of President Abraham Lincoln, which every literate individual might have gone through and it has become the most accepted and used definition of Democracy in our curriculums, i.e.; “democracy is government “of the people, by the people, and for the people”. This definition does not seem to be realistic practically when democracy is not ensuring the rights of the people and not serving as the guardian of their freedom.

Throughout the world, democracy is as often a cover for tyranny as it is a protection for liberty. Many countries call themselves “democracies” and have regular elections, yet systematically oppress their own people (Wollstein¹). Therefore, it cannot be called as the real but a fake democracy.
“Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit.”

__Mahatma Gandhi,\

Freedom of expression is the heart and soul of democracy in the world and it forms the basis of democratic rights and freedoms. Democracy and Freedom are often used interchangeably and without Freedom, democracy cannot exist. Democracy in no way can ever be separated from the term Freedom and it is a fact that the first prerequisite for declaring a state as a democratic, is its status of Freedom, i.e. whether its subjects are enough free to exercise their basic inalienable human rights or not.

Therefore, it has been correctly said that, Freedom of expression is the inseparable element of a democratic society. Whether the society is democratic or not can be defined by the factor of independent press and mass media (Youth Media³). Similarly, in a democratic setup it is essential that people should enjoy their legal rights like, Right to freedom, article (19); Right to Life and liberty in all manifestations, article (21) and Right to equality before law, article (14)…. and other rights as guaranteed in Indian constitution as the fundamental rights.

Presence of freedom of expression means guarantee for every individual to write and speak openly without any interferences by the government. Until and unless freedom of expression is guaranteed in a political system, democracy will not be able to bring about equal treatment for every individual and only the people who have an access to power and authority may be able to enjoy democracy (democracy is³).

**Freedom of expression Overview:**

Freedom of expression is simply about expressing opinion freely either in writing or verbally or by other mediums of communication whether at the Individual level or collectively at organisational level without any internal and external pulls and pressures. As for the print media, it is said that a free press is considered as a symbol of free people, for newspapers are agents of the public, which bring to the notice of the people acts of injustice or oppression, or mal-administration that would otherwise have remained hidden away from public knowledge (BHAT, 2012⁴).
The important task rather objective of the media is to act as a watchdog and to keep an eye on the activities that are being carried out from different sides i.e. be from the state or non-state actors that whether the activities are in favour of general public interest or not. Similarly in the contemporary times, it is imperative to mention that along with other issues, it is important for media to actively and freely report on human rights abuses taking place against the people in different parts of the world irrespective of caste, colour, creed, political ideology, religion, etc. As it is rightly said that Media is the fourth estate of democracy after the Executive, Legislative and Judiciary for the reason that it may control the activities of state authorities by collecting and disseminating information in public in order to expose the truth, ensure accountability, and make the international community aware of the ground situation.

**Right to Freedom of Expression with reference to Laws**

Based on John Milton's arguments, freedom of speech is understood as a multi-faceted right that includes not only the right to express, or disseminate, information and ideas, but three further distinct aspects:

- The right to seek information and ideas;
- The right to receive information and ideas;
- The right to impart information and ideas (Wikipedia).

**Indian Constitution**:

Article 19 (1) (a) of the Indian constitution says All citizens shall have the “right to freedom of speech and expression”. “Freedom of speech and expression” means the right to express one’s own convictions and opinions freely by saying, writing, printing, pictures or by any other mode.

Freedom of speech and Expression, which enable an individual to participate in public activities. But it does not confer an absolute right to express without any responsibility clause (2) of Article 19 of the Indian constitution enables the legislature to impose reasonable restrictions by saying that, nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law or prevent the State from making any law so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said
sub-clause in the 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.

**International Instruments:**

There are many human rights which are called as the birth or natural rights as these have been gifted to a human being by the nature and Right to freedom for every individual is one among those human rights. As we know Laws are always made for just cause of humanity while keeping in view public interests and the ultimate objective behind every law is to ensure freedom of every Individual. Looking at the preamble of the United Nations Universal Declaration of Human Rights (UNDHR), “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world.”

In first session in 1946, before any human rights declarations or treaties had been adopted, the UN General Assembly adopted resolution 59(I) stating "Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the United Nations is consecrated".(Human Rights Education Association)

Similarly, The right to freedom of expression is enshrined in Article 19 of the International Covenant on Civil and Political Rights, Article 10 of the European Convention on Human Rights, Article 13 of the American Convention on Human Rights and Article 9 of the African Charter on Human and Peoples' Rights......

- “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

—— **Article 19, United Nations Universal Declaration of Human Rights**
International Covenant on Civil and Political Rights (1966)(article 19)⁵:

The International Covenant on Civil and Political Rights (ICCPR), entered into force in 1976. It elaborates the principles laid out in UDHR and is legally binding on all states who have signed and ratified its provisions. Article 19 of the ICCPR stipulates that:

(1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals."

- European Convention on Human Rights (ECHR)⁹:

  Article 10 of the European Convention on Human Rights (ECHR) provides: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.”

- African Charter on Human and Peoples’ Rights¹⁰

  African Charter on Human and Peoples’ Rights (1981) (article 9) Article 9 of the main African human rights treaty provides for freedom of expression. In November 2000, the African Commission on Human and Peoples' Rights (ACHPR), and Article 19 adopted a joint statement noting the importance of freedom of expression, and the limited protection given to this important right by Article 9 of the Charter. A Declaration of Principles of Freedom of Expression was adopted by the ACHPR in October 2002.

The American Convention on Human Rights, which entered into force in 1978, protects the right to freedom of thought and expression, the right to receive and impart information and for restrictions to be imposed on this right only for limited circumstances, reputations of individuals, national security, public order etc.

**UN Special Rapporteur on the promotion and protection of the right to Freedom of Opinion and Expression**

The Special Rapporteur is mandated by HRC (Human Rights Council) resolution 7/36:

(a) To gather all relevant information, wherever it may occur, relating to violations of the right to freedom of opinion and expression, discrimination against, threats or use of violence, harassment, persecution or intimidation directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information;

(b) To seek, receive and respond to credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these cases;

(c) To make recommendations and provide suggestions on ways and means to better promote and protect the right to freedom of opinion and expression in all its manifestations; and

(d) To contribute to the provision of technical assistance or advisory services by the Office of the United Nations High Commissioner for Human Rights to better promote and protect the right to freedom of opinion and expression.
Right to Freedom of Expression in Media and Kashmir.

“Journalists in Kashmir have been walking on the razor’s edge. By virtue of having to report their own conflict they have faced arbitrary detentions and physical intimidation at the hands of state and non-State actors. While Security forces and intelligence agencies would haul them for covering militant groups’ activities, the militant groups expected journalists to promote the separatist cause. During this risky tightrope walk many of our colleagues fell to bullets that came from both sides”

(Rising Kashmir, 2009).

Kashmir has never been a safe place to work for journalists’ right from the initiation of turmoil in Valley. Media professionals have become targets from different sides of which interest’s media has hampered. Those who want to follow their code of ethics of their profession while disposing off their duties have been attacked time and again. Here few of the past incidents against the media professionals in which many professionals have lost their life have been quoted from different sources.

Chronology of Incidents:

LAHSA KAUL
Director Doordarshan
February 13, 1990
Srinagar

Kaul was allegedly killed by militants on his way to home. The then governor Jagmohan explained the murder on the grounds that Kaul had incurred the wrath of the “terrorists” by broadcasting programs, which the militants thought were “un-Islamic”.

MOHAMMED SHABAN VAKIL

Editor, Al- Safa

April 23, 1991

Srinagar

In April 1991 some unidentified barged into the house of the Al- Safa News paper and shot dead its editor Mohammad Shaban Vakil. The killing is still wrapped in Mystery. Many believe his famous column “Kadva Sach” (The bitter truth) might have entailed his death.

GHULAM MUHAMMAD LONE

Freelancer

August 29, 1994

Kangan

Lone a news paper agent and freelancer who contributed to several publications was killed by a group of masked gunmen when they fired in discriminately inside his house. Lones eight year old son also died in the shootout. Police had said militants killed Lone but his family blames Army.

MUSHTAQ ALI

AFP and ANI

September 10, 1995

Srinagar

Ali, a photographer for Agence France- Presse (AFP) and a camera operator for Asian News International was killed when a “parcel-bomb” addressed to Yusuf Jameel, Srinagar Correspondent for the BBC and Reuters, exploded in his hands on September 7.
GHULAM RASOOL SHEIKH

Editor Rehnuma-e- Kashmir and Saffron times

April 10, 1996

Pampore

Sheikh has written about increase in killings and arson incidents across his home town, Pampore. Family members say a militia group backed by Indian security forces had kidnapped him in March and later murdered him.

ALTAF AHMAD FAKTOO

Doordarshan

January 1, 1997

Srinagar

Faktoo was an anchor for the state owned Doordarshan television station in Srinagar. He was assassinated on January 1 by unidentified gunmen, who used a silencer gun to shoot him. He had received repeated threats. Faktoo had aired pro-government news reports that were critical of the separatist movement.

SAIDAN SHAFI

Doordarshan

March 16, 1997

Srinagar

Shafi was a reporter with “Kashmir File,” a Doordarshan news programme, and “Eyewitness,” a five minute fortnightly news capsule. He was fatally shot on March 16 in an ambush by two gunmen in Srinagar. His personal security guard also was killed in the attack.
PRADEEP BHATIA

The Hindustan Times

August 10, 2000

Srinagar

Bhatia, a photographer for Hindustan Times, was one of at least 12 people killed in a bomb attack on Indian Paramilitary troops in The militant Kashmiri Separatist group Hizb–ul-Mujahedeen claimed responsibility for the attack. However, the spokesman of the outfit Salim Hashmi was quoted in August 11 edition of The Hindustan Times as saying, “We are deeply grieved over the death of a press photographer and injuries to some journalists.”

PARVAZ MOHAMMED SULTAN

News and Feature Alliance

January 31, 2003

Srinagar

Sultan, 36 Editor of the independent newswire service News and Feature Alliance (NAFFA), a local news gathering agency was shot dead by an unidentified gunman. No group claimed responsibility for Sultan’s murder, and many of the leading militants organizations, including Hizb-ul-Mujahideen and also APHC Condemned the murder.

Moreover, State’s information department lost five persons during the conflict. Joint director of information, Srinagar, Syed Ghulam Nabi was kidnapped on October 16, 1992 and tortured continuously for four days. His body was found on October 20, 1992. Earlier, assistant director of information PN Handoo was also killed in a similar fashion on March 1 1990.

Other causalities included a casual newsreader of Radio Kashmir Mohammad Shafi Fariyad and Calligrapher Mohammad Amin Mahajan who was killed by security forces along with his son. The State’s official media lost three of its information officers in a bomb blast, while covering the then governor general KV Krishna Rao’s address on January 26 at MA Stadium, Jammu, in 1995.
ASHOK SODHI
Daily Excelsior

May 11, 2008

Samba
Sodhi, a senior photographer with the Jammu-based English Language Daily Excelsior was killed in cross fire in Samba, Close to the border with Pakistan.

JAVED AHMED MIR
Channel 9 (a local cable channel)

August 13, 2008

Srinagar
Security forces shot and killed Mir while he was covering protests during the resurrected Azad campaign that started over Amarnath Shrine land transfer in June.

The cameraman, who had two other jobs to support his wife and three children, was called from a wedding to cover a growing protest rally on a main road in Srinagar, and was shot in the head while waiting for equipment to arrive from the news channel.

Literature on media restrictions in Kashmir:

News from the Desk:

Although restrictions on the right to freedom of expression on media in Kashmir is not a new thing at the hands of state and non-state actors but it’s also a fact that Kashmir media has witnessed to worst type of restrictions from delivering its duties from year 2008 onwards at the hands of the state authorities. Here researcher has collected the information on the media restrictions in Kashmir from the publications of different news agencies and from stories published in various daily’s, magazines, etc with proper reference in order to provide an overall picture of the lawlessness in the conflict ridden Kashmir valley. Here are few of the news reports given under:
Journalism in Occupied Kashmir, (FRONTLINE KASHMIR, 2011)

Civilized societies do not tolerate attacks on journalists or arrest of editors and writers serving for the noble cause. The sincere journalists are part and voice of the society and they portray the true picture of the society. Unfortunately Kashmiri journalists have been deprived of presenting true political picture of events in Kashmir. It is one of the most unreported regions of the global world. The number of Indian forces present in the Kashmir region is more than half a million. These forces, a symbol of hatred for the Muslim all over Kashmir, erode media freedom and rights of journalists. The Indian forces try to hush up the damaging details of events from the community of journalists. The freedom of expression is still not acknowledged in the occupied Kashmir.

Violence, arrests and censorship in all four corners of India, (Reporters Without Borders, 2010)

Beatings and restrictions in Kashmir In the northern state of Jammu and Kashmir, journalists were subjected to major restrictions from 7 to 9 July, the report adds. Reporters were unable to move about in the summer capital, Srinagar, because the local authorities cancelled their curfew passes. No newspapers were published on 10 July in protest against the restrictions. Members of the Central Reserve Police Force beat 12 journalists covering a demonstration on 6 July 2010.

IFJ Deplores Attacks on Media in Kashmir, (IFJ, 2008).

Newspapers in Srinagar, the capital of Jammu and Kashmir, failed to print for two consecutive days on account of severe restrictions on the movement of journalists and other media employees. Security agencies have compelled local cable news channels to suspend broadcasts or to air only entertainment programs. Fifteen journalists and media workers were reported injured on August 24 in targeted attacks by personnel of the Central Reserve Police Force (CRPF).

Strict curfew silences media in Kashmir, (Reporters Without Borders, 2010)

Very strict curfew enforcement in several cities in Kashmir since 12 September has had a dramatic effect on the free flow of news and information and the ability of journalists to
work. Several local publications and regional TV stations are paralysed because their personnel cannot leave their homes and several reporters have been beaten by police.

The report added that, the main news programmes on the regional TV stations, especially Sen TV, Take 1 and Mouj Kashmir, have been suspended for the past few days. As a result of the curfew, the regional dailies Greater Kashmir, Kashmir Times and Rising Kashmir are no longer being printed in Srinagar. Radio Kashmir had to cancel its morning press review because of the lack of newspapers.

**Killing the truth' in Kashmir, (BBC NEWS , 2010)**

The treatment of local reporters by the authorities is in contrast to that received by visiting correspondents. They have come to be known locally as "embedded journalists" and are accorded full assistance by the state government to move around freely in Kashmir. Local journalists covering the unrest - and living amid it - were banned from moving around during the curfew while permit cards issued to them were cancelled.

**Local media gagged, Delhi journalists facilitated, (The Tribune, 2010)**

“It is ironic that while journalists from New Delhi have been accorded the status of state guests with official vehicles and PSOs at their disposal, the local journalists, including those representing national and international media, have been asked to stay at home,” Inayat Jahangir, Kashmir bureau chief of Daily Excelsior, told The Tribune”.

The report further said that, some journalists, who were in their office before the imposition of the curfew, are still stranded there, as they are not allowed to move out. “It has been 48 hours now that we are stranded in the office without food and water as we are not allowed to move out,” Amrit Pal Singh Bali, who represents PTC news channel, told The Tribune on phone from his office.)

Newspapers have been closed for an estimated total of 30 days since protests intensified in Kashmir in mid-June 2010, with local journalists confined to their homes and others assaulted

CURFEW HOBBLSE KASHMIR MEDIA; JOURNALIST GUNNED DOWN, (IFEX, 2008 ),

A cameraman was killed in the curfew-bound northern Indian state of Jammu and Kashmir, and a near-total news blackout hit the main city of Srinagar last week. Further it added that, according to CPJ, local television news broadcasts were ordered off the air. Cable operators withdrew the remaining Indian and international news broadcasts a few days later in protest, say local news reports.

Police crackdown on Media continues,G K Photographer Arrested, (Greater Kashmir, 2008).

Paramilitary CRPF troopers had detained Aman for more than four hours near ‘Kawdara’ in old city when he was covering a protest demonstration there. The troopers were asking him to delete the photographs he had taken. Aman refused to fallow their dictates. Later Aman called up the Greater Kashmir office and informed the desk. He was released after the intervention of the officials of Police Media Cell. However, the CRPF troopers and policemen had threatened Aman of dire consequences if the photos taken by him get published.

POLICE BEAT LENCEMAN, (Greater Kashmir, 2009)

Police on Friday roughed up a photo journalist working for an international news agency after he objected to a police officer hurling abuses at a group of women protestors, witnesses said,

Miffed the official’s behaviour, the senior photo journalist, ‘tauseef Mustafa’, asked him to mind his language. Mustafa’s objection infuriated the officer and he ordered his men to beat him. As the word about the incident spread photo journalists and videographers took
to the streets and staged a protest.

(This is a copy of that letter which has been sent to the Greater Kashmir office by the state authorities for not to publish certain material, but the Greater Kashmir publish the same letter in their newspaper)

(Greater Kashmir. 2008)
**Recent Events:**

**Date wise attacks on Media and Journalists**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Date</th>
<th>Name of Journalist</th>
<th>Organization</th>
<th>Details of incident</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>July 05-2008</td>
<td>Raashid Wani, Sahara Samay</td>
<td></td>
<td>Raashid Wani, cameraman with Sahara Samay was severely beaten by CRPF near Soura. He spent three days in the hospital.</td>
</tr>
<tr>
<td>2.</td>
<td>August 12-2008</td>
<td>Bashir Ahmad Lone</td>
<td>CNN- IBN Cameraman</td>
<td>Bashir Ahmad Lone’s car was fired at near Lasjan. Raashid wani was also beaten up in the incident. He was also beaten in the incident.</td>
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<td>3.</td>
<td>August 13-2008</td>
<td>Javed Ahmad Mir</td>
<td>A Local cable TV Channel</td>
<td>Javed Ahmad Mir was killed by a bullet from security forces near Bagh-e-Mehtab.</td>
</tr>
<tr>
<td>4.</td>
<td>August 13-2008</td>
<td>Aaj Tak Crew</td>
<td></td>
<td>The Aaj Tak crew was attacked. Their camera was broken when angry crowd attacked him inside the SMHS hospital, Srinagar and people bruised the cameraman.</td>
</tr>
<tr>
<td>5.</td>
<td>August 13-2008</td>
<td>Amin Bhat</td>
<td>NDTV</td>
<td>Amin bhat was injured when people attacked his vehicle at SKIMS.</td>
</tr>
<tr>
<td>6.</td>
<td>August 13-2008</td>
<td>Ishfaq- ul-Hassan</td>
<td>Daily News Analysis (DNA)</td>
<td>Ishfaq- ul- Hassan was thrashed by people near Karan Nagar. He had earlier been stopped by police and was asked to give lift to one of their men. When people saw him carrying a policeman with him, they stopped him and started beating him.</td>
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<tr>
<td>Date</td>
<td>Name</td>
<td>Organization</td>
<td>Incident Description</td>
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<tr>
<td>August 19-2008</td>
<td>Amman Farooq</td>
<td>Greater Kashmir</td>
<td>Photo Journalist, Amman Farooq was beaten up and his arm broken by CRPF at Byepass near Qamarwari.</td>
<td></td>
</tr>
<tr>
<td>August 22-2008</td>
<td>Muzamil Rashid</td>
<td>IBN 7</td>
<td>Muzamil was shooting at Habba Kadal when CRPF opened fire on protestors and then tried to snatch his camera.</td>
<td></td>
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<tr>
<td>August 22-2008</td>
<td>Sheikh Umer</td>
<td>News 24</td>
<td>Sheikh Umer was shooting at haba kadal when CRPF opened fire on protestors.</td>
<td></td>
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<tr>
<td>August 24-2008</td>
<td>Bilal Bhat</td>
<td>Sahara Samay</td>
<td>Bilal bhat along with his team members Jan mohammad, Rashid Mir and Muzaffer were stopped by CRPF at Rambagh. Even though they had a curfew pass, they were thrashed.</td>
<td></td>
</tr>
<tr>
<td>August 24-2008</td>
<td>Jan Mohammad</td>
<td>Sahara Samay</td>
<td>Jan Mohammad along with his team members was stopped by CRPF at Rambagh. Even though he had a curfew pass, he was thrashed. He sustained a fracture in his rib.</td>
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<tr>
<td>August 24-2008</td>
<td>Rashid Mir</td>
<td>Sahara Samay</td>
<td>Rashid along with his team members was stopped by CRPF at Rambagh. Even though he had a curfew pass, he was thrashed.</td>
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<tr>
<td>August 24-2008</td>
<td>Muzaffer</td>
<td>Sahara Samay</td>
<td>Muzaffer along with his team members was stopped by CRPF at Rambagh. Even though he had a curfew pass, he was thrashed.</td>
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</tr>
<tr>
<td>August 24-2008</td>
<td>S. Fayaz</td>
<td>UNI</td>
<td>S. Fayaz was stopped by CRPF near SMHS hospital. Even though he had a curfew pass, CRPF personnel thrashed him.</td>
<td></td>
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<tr>
<td>August 24-2008</td>
<td>Tauseef Mustafa</td>
<td>AFP Photographer</td>
<td>Tauseef Mustafa was sent back from Lal chowk even though he had a curfew pass. The CRPF asked him for curfew pass of his camera and Lens.</td>
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<td>No.</td>
<td>Date</td>
<td>Name</td>
<td>Source</td>
<td>Description</td>
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<tr>
<td>16</td>
<td>August 24-2008</td>
<td>Jehangir Aziz</td>
<td>ETV</td>
<td>Jehangir Aziz was beaten by CRPF near Rambagh.</td>
</tr>
<tr>
<td>17</td>
<td>August 24-2008</td>
<td>Khalid Hussain</td>
<td>IBN7</td>
<td>Khalid Hussain was beaten by CRPF near Rambagh.</td>
</tr>
<tr>
<td>18</td>
<td>August 24-2008</td>
<td>Manoj Koul</td>
<td>ETV</td>
<td>Manoj Koul was thrashed by CRPF near Zero Bridge. He had called DIG operations, CRPF MP Nathanael, who told him that the previous curfew passes would be valid. But as he reached near Old Zero Bridge, CRPF men thrashed him.</td>
</tr>
<tr>
<td>19</td>
<td>August 24-2008</td>
<td>Amin War</td>
<td>Tribune</td>
<td>Amin War was stopped near Bakshi stadium by the CRPF. The CRPF asked him to stuff his curfew passes back in his pockets and beat him up.</td>
</tr>
<tr>
<td>20</td>
<td>August 24-2008</td>
<td>Firdous Ahmad</td>
<td>News-X</td>
<td>Firdous Ahmad was stopped near Bakshi Stadium by the CRPF. The CRPF asked him to stuff his curfew passes back in his pockets and beat him up.</td>
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<td>21</td>
<td>August 24-2008</td>
<td>Amin bhat</td>
<td>NDTV</td>
<td>Amin bhat was stopped near Bakshi Stadium by the CRPF. The CRPF asked him to stuff his curfew passes back in his pockets and beat him up.</td>
</tr>
<tr>
<td>22</td>
<td>August 24-2008</td>
<td>Umer Ganaie</td>
<td>Kashmir Monitor</td>
<td>A Superintendent of Kashmir Police in SMHS hospital thrashed Umer Ganaie. The photojournalist tried to show his curfew pass but the SP tore it apart. He was also beaten up by CRPF outside when a police officer asked them to him.</td>
</tr>
<tr>
<td>23</td>
<td>August 24-2008</td>
<td>Zahoor Ahmad</td>
<td>Greater Kashmir</td>
<td>The local News Papers were not allowed to distribute their copies. Greater Kashmir staff came under assault when Zahoor Ahmad,</td>
</tr>
<tr>
<td>Date</td>
<td>Time of Day</td>
<td>Name</td>
<td>Place</td>
<td>Event Description</td>
</tr>
<tr>
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</tr>
<tr>
<td>24. August</td>
<td>Early morning</td>
<td>Mohd. Iqbal</td>
<td>Greater Kashmir</td>
<td>Mohd. Iqbal, Ghulam Mohammad were stopped early morning at Rambagh and beaten up by CRPF men while they were carrying copies for distribution.</td>
</tr>
<tr>
<td>25. August</td>
<td>Early morning</td>
<td>Ghulam Mohammad</td>
<td>Greater Kashmir</td>
<td>The local News Papers were not allowed to distribute their copies. Greater Kashmir staff came under assault when Mohd. Iqbal was stopped early morning at Rambagh and beaten up by CRPF men while he was carrying copies for distribution.</td>
</tr>
<tr>
<td>26. August</td>
<td>Early morning</td>
<td>Bashir Ahmad Dar</td>
<td>Greater Kashmir</td>
<td>CRPF men thrashed Bashir Ahmad Dar who was going to his editors place with Curfew passes.</td>
</tr>
<tr>
<td>27. August</td>
<td>Early morning</td>
<td>Mohd. Rafiq Magray</td>
<td>Greater Kashmir</td>
<td>CRPF men thrashed Mohd. Rafiq Magray who was going to his editors place with Curfew passes.</td>
</tr>
<tr>
<td>28. August</td>
<td>Early morning</td>
<td>Farooq Ahmad Mir</td>
<td>Greater Kashmir</td>
<td>CRPF men thrashed Farooq Ahmad Mir who was going to his editors place with Curfew passes.</td>
</tr>
<tr>
<td>29. August</td>
<td>Early morning</td>
<td>Majid Hyderi</td>
<td>Greater Kashmir</td>
<td>Majid Hyderi was intimidated at hyderpora after CRPF men checked his I-card and curfew pass. He was abused and was not allowed to go to office.</td>
</tr>
<tr>
<td>30. August</td>
<td>Early morning</td>
<td>Farooq Ahmad</td>
<td>Rising Kashmir</td>
<td>Farooq Ahmad was beaten at Batamaloo while he was carrying newspapers for</td>
</tr>
<tr>
<td>Date</td>
<td>Name</td>
<td>Newspaper</td>
<td>Event Description</td>
<td></td>
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<tr>
<td>August 24-2008</td>
<td>Rahil</td>
<td>Rising Kashmir</td>
<td>Rahil was beaten at Batamaloo while he was carrying News Papers for distribution.</td>
<td></td>
</tr>
<tr>
<td>August 25-2008</td>
<td>Mir Ehsan</td>
<td>Indian Express</td>
<td>CRPF men patrolling the Tehsil Road in Baramulla smashed the front back and lights of the car of Mir Ehsan. They also asked for his curfew pass.</td>
<td></td>
</tr>
<tr>
<td>August 25-2008</td>
<td>Asif Qureshi</td>
<td>Star News</td>
<td>Asif Qureshi was stopped at Hyderpora by CRPF and beaten up. His car was also smashed while he was coming back from airport.</td>
<td></td>
</tr>
<tr>
<td>August 25-2008</td>
<td>Shujaat Bukhari</td>
<td>The Hindu</td>
<td>Shujaat Bukhari’s home was raided by security forces as they were looking for separatist leaders.</td>
<td></td>
</tr>
<tr>
<td>August 29-2008</td>
<td>Hakeem Irfan</td>
<td>Rising Kashmir</td>
<td>The Para military troopers at Rainawari downtown Srinagar beat up hakeem irfan. “You were beaten only because you are a journalist,” Irfan was told by troops.</td>
<td></td>
</tr>
<tr>
<td>August 29-2008</td>
<td>Ishfaq Tantray</td>
<td>Daily Etalaat</td>
<td>Ishfaq Tantray was stopped near Radio Kashmir in Srinagar and beaten up. “You people are responsible for the problems” Ishfaq was told by troops.</td>
<td></td>
</tr>
<tr>
<td>September 8-2008</td>
<td>Sajad Raja</td>
<td>Etalaat</td>
<td>Police cops confiscated all the newspaper supply- Greater Kashmir, Etalaat,Rising Kashmir, Kashmir Uzma etc meant for north Kashmir at Narbal, Sme 15-Kilometers from Srinagar. The cops also destroyed the camera of Sajad Raja and also threatened him.</td>
<td></td>
</tr>
<tr>
<td>September 8-2008</td>
<td>Syed Muzaffar</td>
<td>Srinagar times</td>
<td>He was thrashed by the CRPF.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>September 8-2008</td>
<td>Mukhtar Ahmad</td>
<td>Srinagar Mail</td>
<td>He was thrashed by the CRPF.</td>
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<tr>
<td>40.</td>
<td>September 8-2008</td>
<td>Eight Journalists of different agencies</td>
<td>Different agencies</td>
<td>Around eight photojournalists were thrashed by J-K Police and central Reserve Police Force (CRPF) in the downtown city while covering a protest against the killing of a youth.</td>
</tr>
<tr>
<td>41.</td>
<td>August 24-September 2-2008</td>
<td>For airing the wide-scale protests the Local TV channels were taken off air from August 24 to September 2-2008. The government was forcing the local TV channels to sign an undertaking before resuming.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>September 8-2008</td>
<td>Police seize the copies of greater Kashmir and Kashmir Uzma in north Kashmir Monday morning. The vehicle carrying the newspaper copies were first intercepted by police near Mirgund on Srinagar-Baramulla highway. After the intervention of top police officials, Police men later allowed the vehicle to proceed. However the newspaper bundles didn’t reach the destination before evening due to which the newspapers were not distributed among the readers. No reason has been given by the police for seizure of the newspaper copies.</td>
<td></td>
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</tr>
</tbody>
</table>

**Conclusion:**

From the above literature, one can know what is the level of enjoyment of right to freedom of expression in media in Kashmir, that how information is being curbed to reach to the larger masses. From the above examples, it is evident that Kashmir can not be called as a safe place for the people who belong to this as it is the free flow of information which can take those professionals, who want to serve their profession in true spirit, who want to make the masses aware of the facts and take the people out from darkness towards the light of ground realities. But it is unfortunate that we see that the freedom of expression in media is not being respected in the conflict ridden Kashmir that too within the frame of the World’s Largest Democracy, here we find typical example where we find that law in books is different than law in practice. Looking at the above given instances of violence...
against media professionals and violation to the right to freedom of expression in Kashmir there is a big question mark that to what actually we call the democracy?

In conclusion, researcher would like to say that “Right to freedom of expression” is an inseparable element of “Democracy” and it is necessary to ensure the fundamental rights of every person enshrined in the constitution and international Instruments for the survival of democracy. Democratic Nations remain committed to the values of Human Rights and show tolerance even in the toughest and challenging times of their history. At the end researcher would like to urge that Let us be Democratic about Democracy so that every individual will enjoy the “Right to life” in all its manifestations be in the form of Right to freedom of expression or other rights. Let the researcher end the discussion with this saying,

The promise of democracy is “life, liberty, and the pursuit of happiness.”

_Thomas Jefferson._

End Notes:


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and Fundamental Freedoms as amended by Protocol No. 11. Retrieved from 
http://www.hrea.org/erc/Library/hrdocs/coe/echr.html


11 University of Minnesota. Human rights Library. Retrieved 
from http://www1.umn.edu/humanrts/oasinstr/oas3con.htm


14 (Ibid).


16 Reporters without Borders. (2010, 07 23). Violence, arrests and censorship in all four 
in-23-07-2010,38006.html


18 Reporters Without Borders. (2010, September 17). Strict curfew silences media in 
2010,38398.html (Reporters without Borders, 2010)


