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## THE COST OF TRUTH- INVESTIGATIVE JOURNALISM AND THE RAPHAEL SATTER CASE

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### ABSTRACT

The practice of investigative journalism comes at a great sacrifice to a journalist's physical, mental and emotional health. This is because they have to dive deeper while uncovering different challenging issues such as legal threats and violence. The focus of this review is on Raphael Satter's case where he revealed a cyber espionage case in India. He was subsequently punished in an extreme manner whereby he lost his Overseas Citizen of India (OCI) status. This loss serves as a warning – there is an escalation in the utilization of bureaucratic restrictions and punitive actions by the state to silence journalists.

This article aims to examine the extremely high level of impunity in India wherein investigative journalists become victims of sedition, defamation, harassment, legal intimidation, and other forms of abuse. It examines the impact that the Unlawful Activities (Prevention) Act (UAPA) and Information Technology Acts have upon journalists' freedom. The study also demonstrates coverage that involves the radical deterioration of the situation of internationally known reporters, Julian Assange and Jamal Khashoggi, to draw attention to the issue of lack of freedom for investigative journalists. What's most astonishing is that journalists continue to defend press freedom through advocating for legal changes, the global community's support, and protection of independent media. The proposed argument in this paper is that there is a need for strong institutional and societal support against the lashing of reporting journalism from press freedom by the governments and global intervention for such hostile regimes. Journalists continue working in unfriendly environments, and that makes it more essential to protect democracy, for journalists form the last bastion against authoritarian rule and disinformation.

**Keywords:** Press Freedom, Media Suppression, Whistleblower Protection, Government Crackdown on Media, Sedition, Media Ethics & Truth, Government Censorship, Authoritarian Control on Media.

## Introduction

Imagine a world where speaking the truth could cost you everything - your job, your reputation, or even your freedom. Journalism has long been seen as the backbone of democracy, a force that holds power to account. It is more than just reporting. But with that power, comes risk. One such instance can be seen in the Raphael Satter Case, which will be discussed subsequently in this paper.

*“Journalism is storytelling with a purpose. It is a discipline of verification, a pursuit of truth, and a means by which people receive the information they need to be free and self-governing.”*<sup>1</sup>

Since ancient times, journalism has been perceived as the fourth part of democracy, keeping an eye on abuse of power, corruption, and deception. A free press guarantees that citizens are educated, the government remains responsible, and democracy operates smoothly. Nevertheless, in recent times, IJ, especially within powerful governments and institutions, has faced severe opposition. *“Journalists and whistleblowers, including activists who use the Right to Information law, have played an indispensable role in exposing corruption in India. In the past few years, the country has been hit by a series of scandals, including allegations of the misuse of funds when India hosted the 2010 Commonwealth Games, and the 2011 telecommunications bribery case known as the 2G Scam, which made Time magazine’s “Top 10 Abuses of Power” list, second only to Watergate in the U.S. Corruption by police and other government institutions makes daily headlines.”*<sup>2</sup>

## The Perils of Investigative Journalism in India

Those journalists who have reported cases of corruption in Indian politics have borne severe consequences ranging from losing employment opportunities and suffering legal persecution to extreme cases of violence. Many have had sedition and defamation cases opened against them, faced intimidation, and even offline/online threats. Although there is a freedom of speech and expression guarantee in the constitution, India has been facing constant distress in regard to journalistic freedom. Journalists and media organizations that target corruption, misuse of power, and even fraud commonly face backlash from other influential people. The

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<sup>1</sup> Kovach, Bill & Rosenstiel, Tom, *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect* (2001).

<sup>2</sup> Committee to Protect Journalists (CPJ), *Impunity, Lack of Solidarity Expose Indian Journalists to Attack*, Global Investigative Journalism Network (2023).

use of legal instruments like the Unlawful Activities (Prevention) Act (UAPA) and the Information Technology Act is alarming as they tend to limit the scope of investigative journalism. The structure of ownership within media has not helped either. The increasing number of politically affiliated business conglomerates owning news media organizations leads to the loss of autonomy for newspapers and television channels which ultimately results in the dilution of liberal editorial policies and independence. The consequence is that journalists who value the truth more than their jobs are increasingly outnumbered, and marginalized, and made to self-censor.

### **The Fight for Press Freedom**

Despite these challenges, many reporters continue to risk their careers and lives to expose corruption, standing as the last line of defense for transparency and accountability. Their resilience underscores the urgent need to safeguard press freedom, reinforce legal protections, and foster an environment where journalists can work without fear.

### **The Raphael Satter Case**

IJ aims at uncovering truths behind the workings of the government and Indian organizations and has succeeded in many cases. But the journalists behind such investigations face harsh treatment from the Government. The aftermath is diabolical.

In the case at hand, the Washington-based journalist, Raphael Satter, who is an Overseas Citizen of India (OCI), exposed the New Delhi based IT Firm, Appin, which is allegedly involved in cyber espionage activities. The report suggested that Appin had evolved from an educational startup into a significant "hack-for-hire" operation, targeting sensitive information globally. Following the publication, Satter faced defamation lawsuits and threats from individuals associated with the company. India's Ministry of Home Affairs, later accused Satter of producing work that 'maliciously' harmed the reputation of India. Due to these claims, Satter's Overseas Citizen of India (OCI) was revoked which barred him from visiting India where his family lives. He has challenged this decision in the Delhi High Court which will be heard next on May 22, 2025.

The Withdrawal of Overseas Citizen of India (OCI) status from Raphael Satter draws attention to India's growing contempt over journalists who reveal sensitive details. This event is part of

larger scale pattern where reporters covering stories of corruption or government incompetence suffer inordinate reprisals. Where do we go from here? What can be done to overturn the decision while protecting the freedom of the press?

Satter has already turned to the Delhi High Court to contest the decision with the next hearing on the calendar for May 22nd, 2025. For Satter's appeal to succeed, he must have the support of journalists, press freedom organizations, and legal professionals. The government riding roughshod over citizenship law's is a nadir that foreign correspondents working in India will inevitably suffer if the court sustains the revocation.

In addition, the employment of citizenship as a means of silencing the press must be confronted. The state's jurisdiction ought not to extend to the cancellation of legal residency on the basis of journalistic activity as that undermines democracy and the principles of international human rights. Such cases must be legally proved to violate Indian constitutional rights and international norms relating to freedom of expression. Since Satter is in Washington, he could take advantage of US diplomatic pressure to influence India's decision. The U.S. government, media, and Congress should encourage India to change its position and ensure that journalists are not targeted for doing their jobs. Furthermore, international bodies like RSF, CPJ, Amnesty, and HRW ought to pick the case up and call for India's condemnation on the violations of freedom of the press. In the past, international pressure has served to retract unjust actions taken against journalists. A well-coordinated campaign should bring attention to Satter's case which might prevent the Indian government from employing such tactics against other journalists in the future.

The case needs to be covered by the independent media. It is the responsibility of Indian and international publications like The Wire, Scroll, The Caravan, The Washington Post, and The Guardian and to ensure that the topic does not become stale. If attention is neglected, the government may perform actions under opaque circumstances which would become a danger for other journalists. Activism on social media platforms also deserves a place in journalism. There are ways to mitigate the effects such as using hashtags #JusticeForSatter and #PressFreedomInIndia. Public petitions and campaigns as well as those by journalists can compel those in power to respond. An increased protection of journalists in India Satter's case is just another one of those where journalists have been subjected to intimidation, surveillance, and legal threats in India. The more systemic problem is that India does not possess robust

institutional safeguards for investigative journalism. There is a strong and pressing need for these legal reforms which guarantee protection from retaliation, defamation suits, sedition inquests, and penalization concerning citizenship. The establishment of an independent body to regulate the press with judicial oversight could assist in avoiding these scenarios. India does have press councils but those effectively lack any power which is properly able to counter government overreach. Strengthening journalist unions and networks offering legal assistance would enhance the guarantee of representation for those journalists that are being subjected to government retaliation.

### **The Progression of Sedition and its Interrelation with Journalism**

The change in definition of “sedition” reflects the change in the perception of power and dissent which in itself is a much larger issue. The act of violence or rebellion towards a state has undergone a tremendous change; it is not simply reduced to critiquing or asking changes to be made to the system. This change is especially pertinent in the case of journalism which has served for centuries as a guardian of unmitigated authority.

In the past, the curbing of sedition had the singular goal of silencing specific groups to avoid rebellion. In the Monarchical days of England, it was used to suppress revolts and anyone who stood against the so-called God given rule was silenced. With the expansion of the printing press and then mass media, the ability to form public debate changed rapidly. The written word became powerful to mobilize the populace, instigate ideas, fight corruption and bring about reforms. Governments understood the necessity of fueling public interaction and came up with new ways to control it – rather than banning rebellion, they decided to eliminate its triggers.

*“This change, from the rebellious disorder itself to the mere incitement or promotion of discontent, is obviously legally significant but is also significant in that it reflects the development of advocacy journalism and acknowledges its ability to challenge and alter the way authority is expressed within a society. Journalism’s success in advocating for a better society by inciting discontent has resulted in moving culpability from the perpetrators of rebellion to those who are arguing for change.”<sup>3</sup>*

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<sup>3</sup> Jolyon Sykes, *A Tradition of Sedition: Journalism for the Public Benefit*, CiteSeerX, page 7.

## Sedition Laws as a Means of Suppression

In today's society, sedition laws are executed to restrict acts of free speech under the pretense of protecting national security. These laws have been exploited across the globe to criminalize dissent, imprison journalists, and silence activists. Merely critiquing corruption, governance, or recognizing the need to question official narratives can be classified as "incitement," which is a heavy charge for a person to bear.

India, for one, is witnessing an increasing number of cases in which state journalists are booked under sedition laws for publishing critical reports about the state. In America, the first amendment ensures free speech, however, government whistleblowers and journalists are constantly undermined legally and institutionally for exposing the evils of state which is called "working for the government." The case of Raphael Satter, a cyber journalist who investigated alleged traces of cyber-espionage by India, illustrates the story of a journalist today. Even though he had valid reasons to write, he was never the same after being served with defamation actions, having his Overseas Citizen of India (OCI) status canceled, perceived to be punitive by many.

The Supreme Court and the High Courts have upheld and also have failed to protect the journalists in many cases.

The Supreme Court bench, in a recent ruling, held that journalists must have the freedom to express their opinions and criticisms against the Government and that criminal cases should not be filed against them merely for their writings perceived as criticisms against the Government.

*"In democratic nations, freedom to express one's views is respected. The rights of the journalists are protected under Article 19(1)(a) of the Constitution of India," the bench of Justice Hrishikesh Roy and Justice S V N Bhatti said "Merely because the writings of a journalist are perceived as criticism of the government, criminal cases should not be slapped against the writer."*<sup>4</sup>

In the landmark case of *Indian Express Newspapers v. Union of India* [1985] 2 SCR 287, the Supreme Court struck down excessive taxation by the Indian government imposed on

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<sup>4</sup> Stanley Carvalho, *SC Steps in to Protect Journalists*, Deccan Herald (Feb. 19, 2023)

newspaper companies, which was seen as an indirect method to control the press.

However, in the *Tehelka case*, Tehelka, an investigative journalism outlet, conducted a sting operation exposing corruption in India's defense deals. The journalists faced retaliation, police harassment, and lawsuits, and their organization was forced to shut down. The case showed that whistleblower journalists can still face institutional backlash, despite legal protections.

India is the so-called largest democracy in the world and yet, it fails to uphold the rights of journalists. Journalists must be given a strong guarantee, besides these laws, that would assure them of their safety. Article 19(1)(a) of the Constitution exists in name but not in practice. It is systematically eroded by legal crackdowns, threats, and violence. They are what the public have now as a means of transparency. The government is said to be transparent but they are clever enough to fabricate the truth, often deceiving the citizens. Journalists serve as the last line of defense against government misinformation, holding those in power accountable. Yet, instead of protecting them, the state increasingly targets, silences, and punishes them.

The Whistleblower Protection Act of 2014 and the Right to Information act (RTI) of 2005 was meant to foster transparency and accountability in India. In principle, these laws afford an elaborate legal shield alongside crucial government information, which journalists require to expose corruption, misuse of authority, and ineptitude. The practical application, however, suggests both pieces of legislation have been fettered by considerable government obstruction, procrastination, and vengeance upon users of the laws.

### **The Equivalence of Words and Actions Poses a Grave Threat**

What is particularly concerning regarding the contemporary use of sedition law is taking it a step further and equating words to actions. Journalistic coverage, for instance, is necessary to publish stories of interest and drive social change. Calling it seditious conflates criticism with crime. This shift serves a double purpose: stifles healthy discourse while fostering fear that leads to self-censorship.

Governments can keep a business-as-usual approach and avoid dealing with underlying reasons for discontent because they have criminalized dissent. Instead of addressing issues, they focus their attention on the dissenters and punish them for bringing the issues to light. This not only damages democracy, but also erodes the justice and accountability system, which in turn the

results in the deterioration of the institutions that are supposed to protect and avail the public's right to information.

### **The Global Pattern**

It is a global pattern now, suppressing journalism. Journalists from across the world face challenges for revealing the truth against authoritarianism.

The founder of WikiLeaks, Julian Assange who is an Australian journalist, was accused of espionage by the U.S. government after the 2010 leaks, where he published confidential information in the public interest. It gained international attention when he leaked classified U.S. military documents and diplomatic cables exposing war crimes, human rights violations, and secret government dealings. He was only released in 2024.

Jamal Khashoggi's case is a stark remainder of the threats that journalists face worldwide. He was a Saudi journalist and he wrote extensively about human rights violations, political repression, and corruption in Saudi Arabia. He was assassinated in 2018 on the approval of Crown Prince Mohammed bin Salman.

Many journalists start self-censoring due to fear of retaliation. The field of journalism will soon meet its end if all that the journalists get for acting in public interest is cruel retaliation.

### **Future of Journalism**

Despite the growing dangers, IJ is not disappearing. It is in fact evolving. In the digital age, where information spreads faster than ever, authoritarian regimes may find it increasingly difficult to suppress the truth entirely. Independent media outlets, whistleblower platforms, and international collaborations like the Panama Papers and the Pegasus Project show that investigative journalism is adapting to these new threats.

IJ is the only effective method we have now for exposing the Government. It is the last defense against unchecked power. What is the future of IJ going to look like if those journalists who are brave enough to oppose authoritarianism meet such fated ends, both in their careers and worse, their lives? When journalists are silenced, it's not just their careers at stake; it's our right to know, to question, and to hold leaders accountable. Press freedom isn't just about reporters. It's about all of us. One cannot call a nation democratic and liberal if one is treated harshly just



for unveiling the truth. The concept of a democratic nation is a lie when the most important characteristic of it, i.e., freedom of speech, is blatantly denied. Democracy seems only to be an illusion now.

*“As journalists face new challenges every day, including violence and threats to their lives, and given India’s vast media landscape, India would do well to emulate countries such as Norway that prize their democracy and freedom of expression. In 2022, Norway set up a special commission to conduct comprehensive reviews on conditions of freedom of speech and look specifically into safeguarding journalists and come up with ways to curb fake news and hate speeches.”<sup>5</sup>*

Public support is very crucial in fighting against government suppression. The concept of crowd funded journalism would help journalists finance their reporting with the help of the public. This is a way for them to stabilize their career in journalism. This concept also allows the journalists to create content outside the mainstream media scope. The public can also help by boycotting biased media and support independent outlets.

## Conclusion

The rescission of Raphael Satter's OCI status is troubling enough for IJs to understand its implications: that reporting on sensitive issues in India may cost an individual immense suffering personally and professionally. But remaining silent is also not an alternative. There might be a way through the legal struggles, media attention, international outrage, and enhanced protections for journalists to override the decision and establish a standard for freedom of the press, which is the more important hope.

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<sup>5</sup> Stanley Carvalho, *SC Steps in to Protect Journalists*, Deccan Herald (Feb. 19, 2023)