



MEDIA ETHICS AND HUMAN RIGHTS

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UNIT 1

INTRODUCTION TO MEDIA

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1.1 INTRODUCTION

Media's one of the most important works is to inform the people about the government's day to-day functioning, and the way in which it conducts its administrative business. Not only this, the media being charged with the work of educating the people, ensures that the government is performing that job effectively, to the satisfaction of the people. In addition to this, they are also expected to entertain the people seeking leisure through media. The media also acts as a "watchdog" over the government by rigorously scrutinizing its actions, exposing corruption, and holding public officials accountable for their decisions. This crucial duty often referred to as the "Fourth Estate" ensures transparency and protects the public interest in a democracy, and public leaders get warned in case they happen to deviate from their requisite responsibilities and duties ascribed to them under the rules and regulations, and to act according to the constitutional provisions.

This Unit covers various aspects related media. It begins by defining and understanding media. It then delves into the significance of the Fourth Estate and explores into the development of print and digital media. Furthermore, it discusses the media's relation with democracy and challenges, including attacks to restrict media freedom. Finally, the chapter concludes with a summary of the key points discussed.

1.2 OBJECTIVES

This Unit will help you to understand-

- ❖ The meaning and concept of media;

- ❖ Media as the fourth estate in a democracy
- ❖ Comprehend the role of media in good governance;
- ❖ Development of print and digital media;
- ❖ Analyse the importance of media in safeguarding human rights; and Shed some light on the challenges faced by media.

1.3 MEDIA

The word "media" is the plural of the Latin word *medium*, derived from the Latin word "medius" which means a "middle" or "channel."

Media can be defined as the channels or tools that are used to store, transmit, or deliver information or data. Another definition can be attributed to it as the institutions or organizations that produce and distribute information or entertainment to the people. It is an impersonal means of communication which may be written, visual or auditory or sometimes a combination of these. Through this, messages, information and ideas are transmitted directly to the audience.

In simpler terms, the word 'media' denotes the means of communication with a large number of people through written or printed words or sound and voice or visual images or a combination of these. Media is used to reach and address a large target group or audience. In simplest terms, we can say that the term media refers to the groups that communicate information and news to people. Examples of media: Television, radio, newspapers, magazines, audios and videos as well as movies etc.

By the definition provided above, it can be held that media is an organised means of sharing information through which we can reach a large number of people, quickly, timely, effectively and efficiently. The main characteristics of media can be summed up as:

1. It reaches millions of people in a short time; even instantaneously.
2. Audio media is crucial for illiterate and visually challenged.
3. Visual media can be effective in a multilingual society with illiteracy to a large extent.
4. It is cost-effective and user-friendly.
5. Mostly, media provides one way communication to the receivers. However, these days opinion polls, letters to editors or open columns are some of the methods of making it interactive, but still they are limited.

Freedom of speech and expression is considered the lifeblood of a democratic polity. It also is significant for the functioning of the media. In any democratic society, media is fundamental to political life, and the right to freedom of speech enables the media to work effectively. The purpose of media can be categorized as follows: Inform, Educate, Entertain, Surveillance and Correlation.

Renowned American sociologists Lazars field and Merton held that media performed a status conferral function for society by focusing attention on important people, events and issues. The news media do not limit themselves to just establishing the "salience of certain topics". Research has shown that how the news is presented also has a bearing on what people think about issues and events covered.

1.4 MEDIA AS THE FOURTH PILLAR

Media is called the fourth pillar of democracy. Fourth estate is another name given to the press, or news media. They are called the fourth estate or fourth power because of their stated advocacy roles and their subliminal propensity to define political issues. In the 18th, 19th, and much of the 20th century, it referred to the print news media. Later it began to be used to refer to all news media, including print, broadcast, and digital.

Frequently, the term 'Fourth Estate' signifies the ability of media to influence the system. It presents the press, media and journalists playing a crucial part in society. Several scholars have referred to the media as the Fourth Estate because with the rise of the press and its power to reach every corner of the state, it is considered the fourth pillar of democracy. It refers to the press and news media in its explicit and implicit ability to frame the issues of the day. The term Fourth Estate is attributed to the eighteenth-century English political philosopher and commentator Edmund Burke, who used it in a parliamentary debate in 1787. In his book, *On Heroes and Hero Worship*, the nineteenth-century British historian Thomas Carlyle stated, "Burke said there were three Estates in Parliament; but, in the Reporters' Gallery yonder, there sat a Fourth Estate more important far than they all." (egyankosh.ac.in)

If media closes its eyes the government officials will work according to their whims and fancies, hence media plays a very important and impartial role between government activities and general public, so much so that it is said that the freedom of media is the guarantee of success of republic government. Media plays a crucial role in shaping a healthy democracy and it is considered the backbone of a democracy. Media is expected to function like a mirror that reflects the true and harsh realities of the world. However, a closer look at the functioning and content published details us that media functions like a double-edged sword today.

India is recognized as the place for the largest Media market, with over 82,237 newspapers published in English and other regional languages and more than 900 television channels dedicated to broadcasting news 24/7. However, though television channels owned by private agencies have been permitted to telecast news in India, private radio stations have not been permitted to broadcast news. In addition to all the formal sources of providing public news, there are uncontrolled, unrestricted new media platforms like WhatsApp, Facebook, Twitter, and many more, which pour news from the political, entertainment, and corporate world without any restrictions.

However, it is essential to note that the media's main function is to provide accurate news to its consumers. Among the many challenges, today's media faces the threat of fake news, paid news, or toned news on all platforms, and it goes uncontrolled in New Media platforms.

1.5 DEVELOPMENT OF PRINT AND DIGITAL MEDIA

Media platforms serve as the primary conduits through which information, entertainment, and communication are disseminated and consumed. Over time, these platforms have undergone significant structural transformations, driven by accelerating technological innovation and evolving consumer behaviour. The transition from legacy print media to contemporary digital and mobile environments represents a profound paradigm shift in how content is generated, distributed, and conceptualized.

1. Historiography and Contemporary Dynamics of Print Media

Historically, print media—namely newspapers, periodicals, and books—constituted the foundational framework for information dissemination. The introduction of the movable-type printing press by Johannes Gutenberg in the mid-15th century was a watershed moment in cultural history. By automating text production, this technological breakthrough disrupted the monastic monopoly on manuscript copying, drastically reduced production costs, and effectively democratized literacy and knowledge acquisition. By the 17th century, the nascent newspaper industry began shaping a structured public sphere, maturing by the 19th century into a ubiquitous cultural institution that framed local, national, and international discourse. Concurrently, specialized periodicals emerged to cater to distinct socio-demographic cohorts and intellectual niches, offering deeper analytical commentary than daily sheets. In the 20th century, the hegemony of print was challenged and supplemented by broadcast technologies. The emergence of radio introduced real-time audio transmission, fostering an unprecedented sense of immediacy and collective experience, particularly during crises like World War II. This was soon followed by the mid-century ascendancy of television, which synthesized audio and visual elements into a highly immersive medium. Dominant networks like ABC, CBS, and NBC in the West not only centralized news delivery but also standardized socio-cultural norms through serialized entertainment.

Despite global contractions in print journalism due to digital disruption, the Indian media landscape presents a notable counter-trend. According to the 2022 EY-FICCI Media and Entertainment Report, the print sector in India remains a formidable industrial force, valued at INR 227.2 billion.

This substantial valuation underscores a symbiotic relationship with corporate capital, where advertising revenue accounts for INR 150.8 billion, far outpacing circulation revenue at INR 76.3 billion.

Within this sector, daily newspapers command the vast majority of expenditure (INR 220.5 billion), serving as vital instruments for advertisers targeting India's highly fragmented, multilingual market.

The sustained resilience of print in India can be attributed to incremental increases in regional literacy rates and a persistent cultural perception of printed text as a highly credible, authoritative medium. Consequently, print remains an indispensable component of the strategic media mix, with specialized Sunday supplements successfully capturing affluent, niche demographics through curated lifestyle and long-form content.

2. The Digital Turn: Networked Environments and Mobile Ubiquity

The late 20th century witnessed the inception of the digital revolution, a transformative period catalysed by the commercialization of the internet and the deployment of the World Wide Web in the 1990s. This digital pivot fundamentally altered the architecture of communication. Early innovations, such as electronic mail (email), replaced asynchronous postal correspondence with near-instantaneous data exchange, altering institutional and interpersonal communication workflows.

As legacy news organizations migrated online to construct digital editions, the structural limitations of static text gave way to hyper textuality and multimedia integration—blending text, static imagery, video, and interactive graphics into a cohesive user experience. The late 1990s and early 2000s also hosted the genesis of social networking sites (SNS) like

Friendster and MySpace. While technologically primitive by modern standards, these platforms established the foundational architecture for user-generated content (UGC) and networked virtual communities.

By the 2010s, the convergence of mobile telephony and social computing permanently altered the media ecology. The widespread adoption of smartphones and tablet computers untethered media consumption from stationary desktop environments, establishing a condition of perpetual connectivity. This shift was facilitated by application-based architectures (apps) designed to optimize user engagement and streamline data retrieval.

Simultaneously, platforms such as Facebook, Twitter (now X), and YouTube evolved from peripheral networks into central nodes of global public discourse, characterized by real-time algorithmic feedback loops and participatory cultures. Subsequent platforms further fragmented content modalities:

- **Instagram** institutionalized a highly curated visual economy.
- **Snapchat** introduced ephemeral communication, challenging traditional notions of digital permanence.
- **TikTok** popularized short-form, algorithmically driven video loops that transformed global youth subcultures.

This hyper-networked environment fostered the rise of the "influencer"—individuals possessing significant micro-digital authority who monetize social capital through brand collaborations, thereby blurring the boundaries between peer endorsement and commercial marketing.

Finally, the media ecosystem has been further reorganized by over-the-top (OTT) streaming architectures like Netflix, Hulu, and Spotify. By replacing linear broadcasting schedules with asynchronous, on-demand content repositories, these services have granted consumers unprecedented agency over their media diets, forcing legacy media conglomerates to radically revise their production, financing, and distribution strategies.

Digital Media is the fastest growing media in terms of numbers and revenue in the Indian Media and Entertainment Industry. The growth of digital media has also led to altering the definition of advertising as new innovative and interactive formats of advertising have appeared with the growth of digital media. Formats, revenue models and evaluation of Digital Media advertising is a discipline on its own, but for the purpose of current unit on Media of Advertising, we will briefly discuss the popular formats of Digital Media Advertising. (egyankosh.ac.in)

The Hybrid Model: Combining the Strengths of Traditional and Digital Media In the evolving media landscape, a hybrid model is emerging where traditional and digital media work together to complement each other's strengths. This integration allows for a more comprehensive approach to news consumption, combining the immediacy and interactivity of digital platforms with the credibility and depth of traditional media. As both media forms adapt to the changing demands of audiences, this convergence has the potential to enhance the overall news experience. One of the primary advantages of this hybrid model is the ability to reach a broader audience. Traditional media outlets, such as television stations, newspapers, and radio, have long established brands and a loyal audience base. By embracing digital platforms, these outlets can extend their reach, engaging younger audiences who

primarily consume news online. Many traditional media organizations now have a strong online presence through websites, social media accounts, and mobile apps, enabling them to deliver news on-demand and in real-time. This approach ensures that they remain competitive in a landscape dominated by digital content.

Digital platforms, on the other hand, benefit from the credibility and authority that traditional media brings. Social media and news aggregation sites often struggle with misinformation and sensationalism, as their algorithms prioritize speed over accuracy. By partnering with or referencing established traditional media outlets, digital platforms can enhance the reliability of the content they distribute. Many digital news platforms now rely on traditional media for fact-checked content and investigative journalism, ensuring that the information they present to users is trustworthy and well-researched. The hybrid model also facilitates diverse news formats and personalized content delivery. Traditional media's ability to produce in-depth, long-form stories complements the short-form, instant content available on digital platforms. By offering both types of content, news organizations can cater to different audience preferences, from those who want quick updates on breaking news to those seeking detailed, comprehensive reports on complex issues. Furthermore, the use of multimedia elements, such as videos, podcasts, and interactive graphics, allows traditional media outlets to present their content in more dynamic ways, making it more engaging for digital audiences. Another key benefit of this hybrid approach is the ability to foster a more balanced and inclusive media environment. Traditional media, with its editorial standards and journalistic ethics, ensures that news coverage remains balanced and free from bias. Digital platforms, while more interactive and user-driven, often allow for the amplification of extreme views and misinformation. By combining the strengths of both, the hybrid model can offer more diverse perspectives, help prevent the spread of fake news, and promote a more responsible approach to news dissemination. The hybrid model of combining traditional and digital media offers a promising solution to the challenges posed by the changing media landscape. By leveraging the strengths of both forms, this approach enables news organizations to reach wider audiences, ensure credibility, provide diverse content, and foster informed public discourse. As both media types continue to adapt, the hybrid model will likely become the cornerstone of future news consumption, balancing the need for speed and convenience with the demands for accuracy and depth.¹

The future of media is likely to be shaped by emerging technologies and evolving trends. Artificial intelligence (AI) and automation are becoming increasingly important in content creation, personalization, and distribution. AI algorithms can analyse user data to deliver tailored content recommendations and even generate news articles or creative works. This technology has the potential to enhance user experiences but also raises questions about the role of human creativity and the potential for bias in AI-generated content. Virtual reality (VR) and augmented reality (AR) are also poised to play a significant role in the future of media. VR offers immersive experiences that transport users to virtual environments, while

¹https://www.researchgate.net/publication/390913438_The_Impact_of_the_Evolution_and_Integration_of_Traditional_Media_and_New_Media_on_Communication_and_Society.

AR overlays digital information onto the real world. These technologies have the potential to create new forms of storytelling and interactive experiences, transforming how media is consumed and experienced. Decentralization and blockchain technology are emerging as potential game-changers in the media landscape. Blockchain can provide more secure and transparent methods for content distribution and ownership. Decentralized platforms could challenge traditional media models by allowing creators to maintain control over their work and monetize it directly without intermediaries. As media continues to evolve, ethical considerations will become increasingly important. Issues such as data privacy, misinformation, and the impact of media on mental health will need to be addressed. Ensuring the responsible use of technology and promoting transparency and accountability will be crucial in shaping a media landscape that serves the public interest.

1.6 MEDIA AS WATCHDOG OF HUMAN RIGHTS

The Universal Declaration of Human Rights (Article 19) states, “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. The media have an essential role in the development of the Information Society and are recognised as an important contributor to freedom of expression and plurality of information”.

Freedom of expression has four broad social purposes to serve-(i) it helps an individual to attain self-fulfilment. (ii)it assists in the discovery of truth, (iii)it strengthens the capacity of an individual for participating in decision-making and (iv) it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change.

“All members of a civilised society should be able to form their own beliefs and communicate them freely to others. In a democracy the fundamental principle involved is the people’s right to know. Freedom of speech and expression should, therefore, receive a generous support from all those who believe in the participation of people in the administration” (Indian Express Newspapers (Bombay) Pvt. Ltd. Vs. Union of India). Right to Information is a fundamental human right, crucial to human development, and a prerequisite for the realisation of other human rights: civil and political rights such as the right to life and liberty, freedom of expression and equality before the law; and economic, social and cultural rights such as right to adequate food, right to water, right to highest attainable standard of health and right to education.

Justice Sawant, speaking in a workshop, remarked, “The Right to Information should not be seen as an additional subject, but as a means of availing fundamental rights. Fundamental rights like Article 19(freedom of speech and expression) are declaratory in nature and do not provide any means for their enforcement or implementation. Those who have the means have availed of these rights so far, in the absence of enabling laws” (CHRI & YASHADA, 2005).

In *Hamdard Dawakhana v. Union of India*² the Supreme Court maintained that the freedom of speech involves the right to impart and acquire information. In *Sakal News Papers*³, the Supreme Court admitted that restriction on circulation of newspapers amounts to denial of

²AIR 1960 SC 554.

³AIR 1962 SC 305.

right to information. It was held, “the right to impart and receive information from the electronic media is a part to right to freedom of speech and expression.” In the case of *State of UP v. Raj Narain*⁴ the Supreme Court stated, “The people of this country have a right to know every public act, everything that is done in a public way by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearings”

As an important social institution media plays an essential part in everyday life of modern societies. It has become a cultural practice where people interact with media in one form or the other. The content that media informs, educates, socialises people about gets reflected in their behaviour. It builds perceptions about individuals, groups, classes and communities in societies. Because of this power of media, it has been realised as a tool to create awareness about wrongs and rights of social behaviour and achieve human rights toward an egalitarian-just society.

We can understand the relationship between media and political systems through ‘power’ theories and ‘normative theories of press’. While power theory states how any political system cannot sustain itself on coercion and needs ‘consent’ of people eventually; the normative theory of press describes different systems of media working towards this ‘consent’ in different political structures ranging from authoritarian to democracies.

The Media has universal approach and plays an important role in establishing an accountable and responsive government and equitable society. Sincere execution of development projects, environment protection and safeguarding of interests of deprived sections of society is possible only with the availability of information. The social dimension of right to information has been perceived by the judiciary by recognising that freedom of press is at the core of social and political discourse and a key role player in the process of social transformation. In present times, media being “the accessible, cost-effective and widespread source of information and platform for expression” can perform a vital role in building an informed society.

1.7 SUMMARY

The media’s evolution from print to digital has gone through a drastic transformative journey. From the early days of print media, which democratized knowledge and established foundational communication practices, to the rise of broadcast media that introduced real-time, immersive experiences, each phase has contributed significantly to the media landscape. The digital revolution marked a pivotal shift, with the internet, social media, and streaming services redefining accessibility, interactivity, and personalization. As we move forward, emerging technologies such as artificial intelligence, virtual reality, and blockchain promise to further revolutionize media platforms. These advancements are enhancing content creation and distribution, offering new opportunities for engagement while presenting fresh challenges regarding privacy, misinformation, and ethical considerations. The transition from print to digital not only reflects technological progress but also highlights the evolving ways in which we connect with information and each other. Understanding this evolution is crucial for navigating the current media environment and anticipating future developments. The ongoing

⁴AIR 1975 SC 865.

advancements in media technology will continue to shape our interactions with content, underscoring the dynamic and ever-changing nature of the media landscape.

For any democratic country, freedom provided to the fourth estate is very essential. Freedom of expression provides scope for the free exchange of ideas as media inspires people to think beyond social norms and gives a platform to exchange ideas and thoughts. People who are in power often try to bury the facts from the common man, and in a democratic setup in which the people form for the people and of the people, the media attempts to uncover the truth, thus becoming the voice of the people. It is very important to remember that the media is an autonomous body. It can challenge the Legislative, Executive, and Judiciary decisions, considered the Constitution's primary pillars. Media is considered as a public educator, and the revolutions in communication technology have enabled access to information without restriction. By educating the public, the media impacts practically every element of our public life.

The evolution of media platforms from print to digital underscores a transformative journey that has reshaped how information is shared and consumed. From the early days of print media, which democratized knowledge and established foundational communication practices, to the rise of broadcast media that introduced real-time, immersive experiences, each phase has contributed significantly to the media landscape. The digital revolution marked a pivotal shift, with the internet, social media, and streaming services redefining accessibility, interactivity, and personalization. As we move forward, emerging technologies such as artificial intelligence, virtual reality, and blockchain promise to further revolutionize media platforms. These advancements are enhancing content creation and distribution, offering new opportunities for engagement while presenting fresh challenges regarding privacy, misinformation, and ethical considerations. The transition from print to digital not only reflects technological progress but also highlights the evolving ways in which we connect with information and each other. Understanding this evolution is crucial for navigating the current media environment and anticipating future developments. The ongoing advancements in media technology will continue to shape our interactions with content, underscoring the dynamic and ever-changing nature of the media landscape.

1.8 GLOSSARY

1. **Media** – Channels or tools used to communicate information, ideas, and entertainment to a large audience.
2. **Mass Media** – Forms of communication that reach a wide audience, such as newspapers, television, radio, magazines, and the internet.
3. **Traditional Media** – Conventional forms of media, including print, radio, and television, that existed before digital technology became widespread.
4. **New Media** – Digital forms of communication that use the internet and interactive technologies, such as social media, blogs, websites, and streaming platforms.
5. **Digital Media** – Media content created, stored, and shared using digital devices and technologies.
6. **Social Media** – Online platforms that allow users to create, share, and interact with content and with one another.

7. **Communication** – The process of sending and receiving messages between individuals or groups.
8. **Media Convergence** – The merging of different media technologies and platforms into a single digital environment.
9. **Media Evolution** – The gradual development and transformation of media from traditional forms to modern digital platforms.
10. **Information Age** – The modern era in which information is created, processed, and shared primarily through digital technologies.
11. **Broadcasting** – The transmission of audio or video content to a large audience via radio, television, or the internet.
12. **Print Media** – Media that delivers information through printed materials such as newspapers, magazines, books, and brochures.
13. **Electronic Media** – Media that uses electronic or digital technology to transmit information, including television, radio, and online platforms.
14. **Media Literacy** – The ability to access, analyze, evaluate, create, and communicate information using various forms of media.
15. **Audience** – The people who receive, view, read, or listen to media messages.
16. **Content** – Information, ideas, images, audio, or videos produced and shared through media.
17. **Internet** – A global network that connects computers and devices, enabling communication and access to information.
18. **Multimedia** – The integration of text, images, audio, video, and animation into a single presentation or platform.
19. **Interactive Media** – Media that allows users to actively participate, respond, or influence the content.
20. **Citizen Journalism** – News reporting and content creation by ordinary people using digital tools and social media platforms.

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1.11 SHORT QUESTIONS

1. What is media?
2. Differentiate between traditional media and new media.
3. What is media convergence?
4. Define media literacy and explain its importance.
5. Briefly explain how media has evolved from print to digital platforms.

1.12 TERMINAL QUESTIONS

1. Explain the term 'media', also state its characteristics and purpose.
2. Examine the Roles and Responsibilities of the Press while enjoying the freedom of expression in a multicultural, religious country like India.
3. Explain the significance of coordination between the four pillars of democracy.
4. Describe the types of media and the upcoming trends of media in future.
5. Explain how media acts as a watchdog over government's functions.

1.13 True and False

1. Traditional media includes newspapers, radio, and television.
Answer: True
2. Social media is considered a form of traditional media.
Answer: False

3. Media convergence refers to the integration of different media technologies and platforms.

Answer: True

4. Media literacy is the ability to use, analyze, evaluate, and create media content responsibly.

Answer: True

5. The evolution of media has reduced access to information and communication.

Answer: False

UNIT – 2: CONCEPT AND EVOLUTION OF HUMAN RIGHTS

STRUCTURE

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2.13 TERMINAL QUESTIONS AND MODEL QUESTIONS

2.1 INTRODUCTION

The age-old idea of natural rights, which is predicated on natural law, predates human rights. The modern definition of "human rights" is a very recent development. They originate from post-World War II international accords and charters.

"Human Rights" are defined by the Protection of Human Rights Act, 1993 as the individual's rights to life, liberty, equality, and dignity as guaranteed by the Constitution or

as reflected in international covenants and able to be upheld in Indian courts.

India signed and ratified the Universal Declaration of Human Rights in 1948, which included goals to ensure that human rights be recognized and upheld everywhere. Additionally, the Indian constitution incorporates the essential rights and highlighting the importance of human rights and their subsequent development from 1968 to 1993

India has ratified a number of international treaties pertaining to the defense of human rights, such as:

1. The international convention on the elimination of all forms of racial discrimination
2. The international covenant on civil and political rights
3. The international covenant on economic social and cultural rights
4. The convention on the elimination of all forms of discrimination against women
5. The convention on the rights of the child

On December 18, 1993, India's parliament approved historic legislation known as the Protection of Human Rights Act.

The Paris Principles, which were established in October 1991 to advance and defend human rights in Paris, guided the creation of the National Human Rights Commission (NHRC).

The Paris Principles, which were adopted in October 1991 with the goal of promoting and protecting human rights, guided the establishment of the National Human Rights Commission (NHRC), which was officially endorsed on December 20, 1993 by the UN General Assembly. The work of National Human Rights Institutions (NHRIs) is framed and directed by a set of international standards known as the Paris Principles.

2.2 OBJECTIVES

Protection of Human Rights Act, 1993 have been enacted to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.

The basic idea of human rights law is the outcome of international treaties and conventions. It is based on the principles of international recognition which aims to achieve the following objectives:-

- ❖ To protect human beings from any kind of discrimination and injustice all over the world.
- ❖ To develop individual self-respect.
- ❖ To value human dignity.
- ❖ To promote and develop respect, understanding and appreciation of diversity.
- ❖ To promote democracy, social-justice, friendship and brotherhood to gain unity in

diversity.

2.3 MEANING OF HUMAN RIGHTS

According to section 2(1) (d) of the Protection of Human Rights Act, 1993, "Human Rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

Every human being is entitled to certain rights, which are known as human rights. It seeks to promote independence of thought and opinion, equality, justice, freedom, and peace. It does not discriminate against people based on their economic status, gender, race, or place of birth. Once granted, these rights cannot be withdrawn unless and until they are used illegally or in a

Way that compromises national security Basic rights are mentioned in treaties and declarations that make up international law, which includes human rights. Additionally, each country's domestic legislation has its own set of rights. Some of the jurists have also defined Human rights like:-

- ❖ Definition of human rights by Susan Moller Okin: "Human Rights as a claim to something (whether a freedom, a good, or a benefit) of crucial importance to human life".
- ❖ Definition by Dr. Purohit: "Human rights are the basic values which underlie the human being, born in any part of the world, are equal in dignity and rights".

Human rights are widely recognized as belonging to the category of rights that are inherent, inherited, and bestowed by birth. These rights must be exercised without discrimination, and the state and its subordinate authorities have the responsibility to carry out these duties. As a result, the state protects human rights.

2.4 NATURE AND CONCEPTS OF HUMAN RIGHTS

Human rights include the freedom of speech, equality before the law, and the right to life and personal liberty. When these rights are violated, it is as though a person is not being treated like a human being. These are fundamental rights that are unalienable, ought to be protected by statutes, and should be viewed as a duty to advance human rights. Because human rights encompass a number of other rights, such as political, social, cultural, economic, civil, and social rights, they are also interdependent. These rights are all interdependent and cannot be divided by national laws or by authorities who may choose to uphold one human right while disregarding others. These rights are also recognized

globally.

In the first place, the idea of human rights is predicated on giving people a decent life and fostering their personal development. Without these rights, it would be impossible to provide people with a dignified and high-quality life. As previously stated, human rights are universal, unalienable, and interconnected. These rights are indivisible, which can be further explained as follows: regardless of whether a right is protected by local legislation or not, it is an essential right that cannot be taken away or divided from one another by political order or government action.

2.5 KINDS OF HUMAN RIGHTS:-

We can divide human rights into the following categories:

Civil Human Rights: Include

- “Civil right includes equality among people, right to life, liberty, security etc.
- Right to freedom from slavery and servitude.
- Right to freedom from torture”.

Social rights: Include

- Right to freedom from interference with privacy, family, home etc.
- Right to marry and have family and right to property.
- Right to education healthcare, food clothing, shelter

Economic Rights: Include

- Right to social security
- Right to work and the right to equal pay for equal work
- Right to form trade unions
- Right to rest and leisure
- Right to food, health and adequate standard of living.”

Political Human Rights:

- Rights to life, nationality.
- Right to equality before law and equal protection of law.

- Right to judicial remedies, fair trial and freedom from arbitrary arrest, detention or exile
- Right to freedom of thought, expression, belief, faith, conscience and religion
- Right to freedom of peaceful assembly and association
- Right to take part in government affairs and equal access to public service”

Cultural Rights:

- Right to participate in the cultural life of the community,
- Right to enjoy the art and to share in the scientific advancement and its benefits
- Right to the protection of the moral and material interests resulting from any scientific, literary and artistic production of which the individual is the author
- Right to a social and international order in which the human rights as provided in the Universal Declaration can be fully realized.”

2.6 EVOLUTION OF HUMAN RIGHTS

The concept of human rights has evolved over centuries through philosophical ideas, religious teachings, political struggles, and international legal developments. Ancient civilizations such as those in India, Greece, Rome, and China emphasized values like justice, equality, compassion, and respect for human dignity. Religious traditions, including Hinduism, Buddhism, Christianity, Islam, and others, also promoted principles of fairness, non-violence, and the inherent worth of every individual. Although these early ideas did not explicitly recognize modern human rights, they laid the moral foundation for their development.

During the medieval and early modern periods, important political developments strengthened the idea that rulers should be accountable and individuals should enjoy certain rights. Documents such as the Magna Carta (1215), the English Bill of Rights (1689), the American Declaration of Independence (1776), and the French Declaration of the Rights of Man and of the Citizen (1789) affirmed principles such as liberty, equality before the law, and protection against arbitrary authority. Thinkers like John Locke, Jean-Jacques Rousseau, and Thomas Paine further advanced the idea that all individuals possess natural rights simply by being human.

The twentieth century marked a turning point in the evolution of human rights. The devastating impact of the two World Wars, particularly the atrocities committed during the Second World War, highlighted the urgent need for a universal system to protect human dignity. In response, the United Nations was established in 1945 with the promotion of human rights as one of its core objectives. This commitment was further strengthened by the adoption of the Universal Declaration of Human Rights (UDHR) on 10 December 1948, which proclaimed a common standard of fundamental rights and freedoms for all people

without discrimination.

Since the adoption of the UDHR, the human rights framework has expanded significantly through numerous international treaties, regional conventions, and national constitutions. Rights have evolved beyond traditional civil and political rights to include economic, social, cultural, environmental, and developmental rights. Contemporary human rights discourse also addresses emerging issues such as digital privacy, artificial intelligence, climate justice, gender equality, and the rights of marginalized communities. Today, human rights are recognized as universal, indivisible, interdependent, and essential for ensuring justice, peace, and sustainable development worldwide.

2.7 CHARACTERISTICS OF HUMAN RIGHTS

Human rights have the following characteristics:

Human Rights are Fundamental:- Human rights are vital and therefore essential to ensuring the right to life and dignity, without which they would be meaningless.

Human Rights are Inherent:- Human rights are not provided by any national or international authority. Human rights are provided to all people without interference, but neither a person nor an authority can guarantee them.

Human Rights are universal:- Every person has the right to human rights from birth, and no one can have those rights taken away from them. The term "Human Rights" only implies that because it advocates for equality rather than rights that are exclusive to the wealthier segments of society. It is universal because it does not discriminate based on factors like caste, sex, religion, or place of birth.

Human Rights are Inalienable:- Because they are unalienable, human rights cannot be taken away from anyone at any time. Furthermore, they are independent of an individual's caste, creed, religion, sex, or nationality.

Human Rights are Essential and necessary: Human rights are essential for improving society and guaranteeing human well-being on a moral, physical, social and spiritual level. These rights guarantee the quality rights of each person, while at the same time providing opportunities to achieve the purpose of human life.

Human Rights are Imprescriptible:- It is upto the individual to exercise human rights or not. But human rights cannot simply disappear, they remain, so human rights cannot be defined, they cannot be spoken.

Human Rights are irrevocable:- Human rights cannot be taken away from people because these rights are social values and belong to each person. No government has the right to curtail these rights until a person moves against the government and proves that he violates the norms of society, so human rights cannot be denied.

Human Rights are connected with human dignity: - Human rights are inherent to all individuals by virtue of their innate humanity. There should be no discrimination on any grounds, and everyone should be treated equally.

Human Rights and state power: - The government is responsible for ensuring that human

rights are respected and is also responsible for addressing human rights issues. Therefore, the government has limited authority over human rights, the government must follow the international human rights document. The government does not grant human rights; it only recognizes and protects them. Human rights are inherent rights of all human beings.

Human Rights are not absolute:- In a dynamic social environment, reasonable restrictions, including restrictions on the enjoyment of rights and freedoms, are necessary for maintaining public order, ensuring the rights and freedoms of others.

2.7.1 LIBERTY

According to the Human Rights Act, everyone is entitled to security and liberty. This right guards against arbitrary or illegal deprivations of freedom. When someone is taken into custody or arrested, they are entitled to certain basic rights. They also have the right to a trial that is held without undue delay.

One of the most fundamental human rights is the right to liberty, along with the right to life. All people have the right to liberty, which includes the freedom to move about freely and the freedom from being detained arbitrarily by others. In the past, one of the greatest accomplishments of the common law was the defense of individual liberty. An old common law remedy called the writ of habeas corpus enables someone who is being held to contest the legality of their custody.

A person detained in accordance with a legitimate law is not guaranteed the irrelease by habeas corpus. Both detention for mental health reasons and detention to stop the spread of infectious diseases are permitted by law. The Common orders for counter terrorism purposes; however, the constitutionality of these orders has not yet been examined.

From the French Revolution's clarion call, "Liberty, equality, fraternity, "to the 1948 Universal Declaration of Human Rights (UDHR):-

1. Article 3 ("Everyone has the right to life, liberty, and security of person"), to the 1967 International Covenant on Civil and Political Rights (ICCPR)
2. Article 9 ("Everyone has the right to liberty and security of person"), every declaration of rights includes the right to liberty. Nobody is allowed to be arbitrarily detained or arrested. Nobody may have their freedom taken away from them unless there are legal justifications and procedures followed.

According to Article 21 under Indian Constitution:-Protection of Life and Personal Liberty means:-

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”

Under the provisions of the Constitution of India this fundamental right is available to every person, citizens and foreigners alike. Article 21 deals with two rights:

- Right to life

- Right to personal liberty

The fundamental right provided under Article 21 is one of the most important rights that the Constitution guarantees. The Supreme Court of India has described this right as the ‘heart of fundamental rights’.

The right specifically mentions that no person shall be deprived of life and liberty except as per the procedure established by law. This implies that this right has been provided against the State only. State here includes not just the government, but also, government departments, local bodies, the Legislatures, etc. Any private individual encroaching on these rights of another individual does not amount to a violation of Article 21. The remedy for the victim, in this case, would be under Article 226 or under general law.

The right to life is not just about the right to survive. It also entails being able to live a complete life of dignity and meaning.

The chief goal of Article 21 is that when the right to life or liberty of a person is taken away by the State, it should only be according to the prescribed procedure of law.

Some of the important decisions where in right to have been interpreted:-

1. **AK Gopalan Case (1950):** Until the 1950s, Article 21 had a bit of a narrow scope. In this case, the SC held that the expression ‘procedure established by law’, the Constitution has embodied the British concept of personal liberty rather than the American ‘due process’.
2. **Maneka Gandhi vs. Union of India Case (1978):** This case over turned the Gopalan case judgement. Here, the SC said that Articles 19 and 21 are not water tight compartments. The idea of personal liberty in Article 21 has a wide scope including many rights, some of which are embodied under Article 19, thus giving them ‘additional protection’. The court also held that a law that comes under Article 21 must satisfy the requirements under Article 19 as well. That means any procedure under law for the deprivation of life or liberty of a person must not be unfair, unreasonable or arbitrary. Read the Maneka Gandhi case in detail in the linked article.
3. **Francis Coralie Mullin vs. Union Territory of Delhi (1981):** In this case, the court held that any procedure for the deprivation of life or liberty of a person must be reasonable, fair and just and not arbitrary, whimsical or fanciful.
4. **Olga Tellis vs. Bombay Municipal Corporation (1985):** This case reiterated the stand taken earlier that any procedure that would deprive a person’s fundamental rights should conform to the norms of fair play and justice.
5. **Unni Krishnan vs. State of Andhra Pradesh (1993):** In this case, the SC upheld the expanded interpretation of the right to life.

2.7.2 EQUALITY

Human rights are inherent to our existence as human beings and are not bestowed upon us by any political entity. All people have these fundamental rights, regardless of their gender, race, nationality, ethnicity, color, religion, language, or any other characteristic. They

include the most basic, the right to life, as well as those that are essential to a fulfilling life, like the rights to food, shelter, employment, health care, and liberty.

The first official document outlining fundamental human rights to be universally protected was the 1948 UN General Assembly adoption of the Universal Declaration of Human Rights (UDHR). On December 10, 2023, the UDHR celebrated its 75th anniversary as the cornerstone of all international human rights law. The tenets and fundamental elements of all present and future human rights conventions, treaties, and other legal documents are laid forth in its thirty articles.

The International Bill of Rights is composed of the UDHR and the two covenants, the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social, and Cultural Rights.

Equality and non-discriminatory:- Article 1 of the UDHR states: “All human beings are born free and equal in dignity and rights.” Freedom from discrimination, set out in Article 2, is what ensures this equality.

All international human rights law is compatible with non-discrimination. Each and every major human rights treaty contains this idea. Additionally, it serves as the main framework for two important agreements: the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.

Under Indian Constitution regardless of caste, ethnicity, place of origin, gender, or religion, every Indian citizen is granted a number of fundamental rights under the part three of the constitution. These are the parts of the Constitution that are most beneficial to citizens, according to Dr. B.R. Ambedkar. Given the authority vested in the government in a democracy, the protection of people's rights and freedoms against abuse or intervention by the state is why the fundamental rights are regarded as an essential component of the constitution. The goals of justice, equality, liberty, dignity, and fraternity as stated in the Preamble are attempted to be achieved by these rights.

Right to Equality:- Equal treatment for all individuals is ensured by the right to equality, which forbids legal discrimination based only on factors such as class, ethnicity, religion, gender, or place of birth. Positive and negative equality are both covered by the right to equality; it demands equal treatment and prohibits unequal treatment.

The Right to Equality is contained in Articles 14 -18 under Indian Constitution

Right to Equality under Article 14–

The idea of equality is embodied in Article 14, which mandates that the government guarantee equal rights for all citizens of India and refrain from denying any individual equal treatment under the law. It is everyone's legal right to be treated equally, regardless of gender, nationality, or ethnicity.

Equality under Law-

- This means that no one has any unique rights or benefits

- There is no prejudice in the eyes of the court based on irrelevant factors such as status, position, and so on
- Declares that all individuals, regardless of status or position, are susceptible to the exclusive jurisdiction of regular courts

Equal legal protection under the law-

- It is a logical extension of equal treatment under the law
- It specifies that all individuals inside the legal boundaries shall be afforded equal protection
- This indicates that such security must be provided without regard for favour or prejudice
- This entails fair treatment in identical situations, both in terms of legal rights and duties
- It is the government's affirmative responsibility, which it must fulfill by enacting essential economic and social reforms, to ensure that everyone receives such equitable protection

Right to Equality under Article 15-

According to Article 15, the government must guarantee equal rights to all people and refrain from discriminating against them based only on their place of birth, class, gender, religion, or any combination of these characteristics. Additionally, these citizens must not be subject to any limitations, disabilities, or preconditions. Nothing in this article restricts the country's ability to make special accommodations for women and children.

Equality of opportunity regarding public employment under Article 16-

Article 16 states that a person's religious beliefs, ethnicity, class, gender, ancestry, place of birth, residency, or any combination of these factors should not be used as a basis for disqualification or discrimination in any government occupation or position. It gives Parliament the power to pass laws mandating residency in that state or Union Territory prior to being appointed to or employed there.

Abolition of Untouchability under Article 17-

It is well known that the idea of untouchability is socially constructed and that it discriminates against and denigrates particular under privileged classes based only on their place of birth.

Abolition of Titles under Article 18

Article 18 nullifies all ranks and prohibits the government from granting titles to any individual, whether they are a resident or not. Conversely, those who have served in the armed forces or achieved a degree are not subject to this limitation.

Principles of equality embodies:-

Since no two people are exactly alike, the fundamental tenet of the right to equality is that rather than treating everyone equally, people should be treated equally for characteristics

that are similar and differently for distinctive elements.

There must be a fair classification of people in order to develop strategies that help reduce disparities as much as is practical in order to eliminate them.

2.7.3 JUSTICE

A fundamental component of welfare and peace building is justice. It is a fundamental human value and a need for equity, justice, equality, and respect for the rights of others. In order to achieve socio-economic growth, all parties involved must accept the idea of justice, and all systems produced through this process must be based on both justice and respect for human rights.

Relation between Justice and Human Rights: -Justice is characterized as appreciating variety and confronting social injustice, whereas human rights are the advantages that come with simply being a human. When everyone is treated equally, shares communal resources fairly, and is supported in exercising their human rights, justice is said to exist. Justice states that people should not be subjected to discrimination or have their welfare or well-being restricted because of their gender, religion, age, belief, race, political affiliation, or even sexual orientation.

To be just is to provide each individual what they are due. Fairness and justice are closely related concepts that are occasionally used interchangeably. Justice is defined as the standard of rightfulness, which is the minimal norm that should apply to determine what constitutes right and wrong. Historical evidence has demonstrated that the presence of justice in an administrative system is essential for the survival of a civilized society. With time, the civilizations that lack a just administrative framework disappeared.

The need for justice to be included in the administrative system has grown with time and social advancement, which has made the approach of those in positions of authority more methodical and cautious.

One of the most significant moral and political ideas that lack a consensus definition is justice. The demand for justice takes on significance in particular situations and cultural settings. The idea of justice is evolutionary. It's fascinating to learn how the definition of justice has evolved from ancient Greek civilization to contemporary society.

CONCEPT OF JUSTICE IN INDIAN CONSTITUTION

The Indian Constitution's preamble contains a definition of justice. The Indian constitution's framers made sure that justice was included because they understood how important it was to establish justice in a nation. The concept of justice expressed in the preamble of the Indian constitution is also reflected in Articles 14, 15, 16, and 17. Part III of the constitution, which grants every citizen fundamental rights, incorporates all of these articles.

The Indian constitution contains provisions pertaining to "Equal Justice and Free Legal

Aid" in article 39A which grant every citizen the right to receive pro bono legal assistance from court officers. No one can be refused free legal representation. In order to guarantee that no citizen is denied the opportunity to obtain justice because of their financial situation or other disabilities, the State must ensure that the operation of the legal system is founded on justice, equal opportunity, and free legal aid.

Distributive justice is defined in Indian Constitution Articles 38 and 39. Fair resource distribution to those who need it is known as distributive justice.

The basic objective behind the concept of justice is:-

- a. To guarantee that citizens and companies have efficient access to justice and to improve judicial collaboration in civil and criminal cases, including training for judges and other legal professionals.
- b. To advance the idea of justice based on the rule of law, which includes judicial cooperation, mutual recognition, mutual trust, and the independence and impartiality of the judiciary.
- c. To strengthen the power of fundamental rights, democracy, and the rule of law.

Types of justice: - Indian Constitution deals with three types of justice as follows:-

1. Social Justice
2. Economic Justice
3. Political Justice

The three different forms of justice are interconnected. It is impossible to obtain one without other two. Only in the presence of economic and . All three forms of justice are upheld by the Indian Constitution's part III, which addresses equality through articles 14 and 15.

Social Justice

The idea of social justice emerged during the 19th-century industrial revolution. Various institutions define social justice differently. While some define it as equality of status among individuals, others define it as the equitable and comprehensive distribution of goods among people for economic growth.

More good for more people is what social justice entails, and those who are unequal should be treated equally. In the Kesavananda Bharati case, the Supreme Court ruled that social justice is a component of the Indian constitution's basic structure. Social justice is the availability of equal social opportunities for each person's personal growth without any form of caste, sex, or race-based discrimination. These differences should not deprive anyone of the social conditions required for their development. Social equality is the foundation of the idea of social justice. Only in a society where there is no man-on-man exploitation can social justice be upheld. The Indian Supreme Court ruled in S.R. Bommai v. Union of India that social justice and judicial review are two fundamental aspects of the constitution.

Economic Justice: -The Indian constitution envisions socio-economic justice as included under the Directive principles of state policy. Economic justice is in some ways a component of social justice itself.

To achieve economic justice, one must ensure economic equality, opportunity, and removal of financial barriers. It is consistently carried out under the auspices of social justice. All members of society should have equal access to the economy in order to achieve economic justice. Individuals should not be treated differently based on their financial situation.

Nobody should be denied a chance because of their financial situation. Any person's lack of opportunities shouldn't be attributed to his or her financial situation. The goal of economic justice is to end poverty by increasing the nation's wealth and resources and allocating them equally to all those who contribute to its creation.

Political justice: - A system devoid of political arbitrariness is referred to as political justice. Political equity ought to be a feature of how the government operates. A person's political status should not be used against them; rather, they should be treated equally with all other citizens. All people should be subject to the same laws, regardless of their political status.

However, above three forms of justice are interconnected. It is impossible to obtain one without the other two. Only in the presence of economic and political justice can social justice be achieved. All three forms of justice are upheld by the Indian Constitution's part III, which addresses equality through articles 14 and 15.

2.8 SUMMARY

Humans have equal rights and dignity from birth. These are moral assertions that, independent of caste, color, creed, place of birth, sex, cultural differences, or any other factor, are unalienable and intrinsic in every person by virtue of their humanity alone. These assertions are made in the framework of what is now called human rights. The terms inherent, fundamental, basic, natural, and birth rights are occasionally used to refer to human rights.

Human rights are inherent to our existence as human beings and are not bestowed upon us by any political entity. All people have these fundamental rights, regardless of their gender, race, nationality, ethnicity, color, religion, language, or any other characteristic. They include the most basic, the right to life, as well as those that are essential to a fulfilling life, like the rights to food, shelter, employment, health care, and liberty.

The first official text outlining fundamental human rights to be universally protected was the 1948 UN General Assembly adoption of the Universal Declaration of Human Rights(UDHR). On December 10, 2023, the UDHR will celebrate its 75th anniversary as the cornerstone of all international human rights law. The tenets and fundamental elements of all present and future human rights conventions, treaties, and other legal documents are laid down in its thirty articles. The International Bill of Rights is composed of the UDHR and

the two agreements, the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social, and Cultural Rights.

The Indian Constitution's preamble contains a definition of justice. The Indian constitution's framers made sure that justice was included because they understood how important it was to establish justice in a nation. The concept of justice expressed in the preamble of the Indian constitution is also reflected in Articles 14, 15, 16, and 17. Part III of the constitution, which grants every citizen fundamental rights, incorporates all of these articles.

Human rights are defined as "those minimal rights, which every individual must have against the State, or other public authority, by virtue of his being a member of human family,' irrespective of any consideration." This definition highlights the essence of human rights. The Human rights are described as "rights derived from the inherent dignity of the human person" in the 1948 Universal Declaration of Human Rights (UDHR). Since a written constitution is the fundamental law of the state, human rights that are protected by one are referred to as "fundamental rights."

Human rights are the fundamental freedoms that every person has just by virtue of being a member of the human race. All people have it by nature, regardless of their ethnicity, religion, language, sex, color, or any other factor. Human rights are defined as "the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India "in the Protection of Human Rights Act, 1993.

Human rights are fundamental freedoms that are vital to a person's growth as a person. These fundamental rights, known as DPSPs and Fundamental Rights, are safeguarded by the Constitution. The importance of fundamental rights has increased, and they are directly able to be upheld in court. Almost all of the rights outlined in the UDHR (Universal Declaration on Human Rights) are covered in Parts III and IV of the Indian Constitution, as can be seen by carefully examining these two sections.

The judiciary has also made significant advancements, such as easing the "locus standi" rules so that anyone else may petition the court in place of the impacted parties. After the supreme court's interpretation of the citizen's fundamental rights, rights like the right to privacy, the right to a clean environment, the right to free legal representation, the right to affair trial, and others are now included in the list of rights.

2.9 GLOSSARY

1. UN-United Nations
2. UDHR-Universal Declaration on Human Rights
3. LOCUS STANDI-The *right of a party to appear and be heard before a court.*
4. ICCPR-International Covenant on Civil and Political Rights

5. NHRC-National Human Rights Commission

2.10 SAQS

1. What do you understand by the term "human rights"?
2. Mention any two key characteristics of human rights.
3. How did ancient civilizations contribute to the development of the concept of human rights?
4. What is the significance of the Universal Declaration of Human Rights (UDHR), 1948?
5. How has the concept of human rights evolved in the contemporary era?

2.11 MCQS

1. Human rights are best defined as:
 - a) Rights granted by the government to selected citizens
 - b) Rights enjoyed only by people of democratic countries
 - c) Rights inherent to every human being by virtue of being human
 - d) Rights available only to adults
2. Which of the following documents is regarded as the foundation of the modern international human rights framework?
 - a) Magna Carta (1215)
 - b) English Bill of Rights (1689)
 - c) Universal Declaration of Human Rights (1948)
 - d) French Declaration of the Rights of Man and of the Citizen (1789)
3. The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations in:
 - a) 1945
 - b) 1946
 - c) 1948
 - d) 1950
4. Which of the following historical documents first limited the arbitrary powers of the King of England?

- a) American Declaration of Independence
- b) Magna Carta
- c) Charter of the United Nations
- d) Constitution of India

5. In the contemporary era, the scope of human rights has expanded to include:

- a) Only civil and political rights
- b) Only economic rights
- c) Environmental rights, digital privacy, and climate justice
- d) Only voting rights

Answers: 1.C 2.C 3.C 4.B 5.C

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2.13 TERMINAL QUESTIONS AND MODEL QUESTIONS

1. Discuss the developments taken place in the evolution of Human Right, since the Universal Declaration of Human Rights 1948 was adopted.
 2. Define Human Rights. Discuss various principles of Human Rights.
 3. Give a detailed note on the Evolution of Human Rights in modern times.
-

UNIT 3

MEDIA AND HUMAN RIGHTS AWARENESS

UNIT STRUCTURE

3.1 INTRODUCTION

3.2 OBJECTIVES

3.3 CONCEPT OF HUMAN RIGHTS AND MEDIA

3.4 MEDIA AND HUMAN RIGHTS PROTECTION

3.5 ROLE OF MEDIA IN HUMAN RIGHTS AWARENESS AND PROTECTION

3.6 FREEDOM OF SPEECH AND EXPRESSION

3.7 FREEDOM OF PRESS

3.8 LAW OF DEFAMATION

3.8.1 JOURNALISTIC DEFENCES UNDER LAW OF DEFAMATION

3.9 OFFICIAL SECRETS ACT, 1923

3.10 CONTEMPT OF LEGISLATURE

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3.18 SUGGESTED READINGS

3.1 INTRODUCTION

The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation.⁵ Human rights encompass those rights and freedoms that are inherent to all human beings regardless of nationality, race, religion, gender, language, or any other status. These rights include civil, political, economic, social, and cultural rights, and their protection requires effective institutions, legal frameworks, and public awareness. Among the various institutions that contribute to the protection of human rights, the media occupies a unique and indispensable position. Through the dissemination of information, investigation of wrongdoing, facilitation of public

⁵ <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>

discourse, and monitoring of governmental actions, the media functions as a powerful instrument for safeguarding human dignity and democratic values.

In a diverse nation like India, where millions of voices compete to be heard, the media becomes the bridge between citizens and the state. Through debates, editorials, interviews, and investigative reports, it amplifies concerns that might otherwise be ignored issues such as rural distress, women's safety, environmental degradation, or the rights of marginalized communities.⁶ It informs citizens about government policies, exposes human rights violations, promotes accountability, and creates awareness regarding legal and constitutional rights. The role of media has expanded significantly with technological advancements and the emergence of digital communication platforms. Newspapers, television channels, radio broadcasting, online news portals, and social media platforms collectively shape public opinion and influence policy-making processes.

A functioning and reliable media depends on respect for freedom of expression. A fundamental principle of democracy is the freedom of expression. It guarantees that people may talk, share, and argue over ideas. Through the exercise of this fundamental right, people and groups are free to discover and disseminate knowledge that is significant to them without fear of retaliation or the formation of knowledgeable citizens and voters is supported by freedom of speech through the media and public discourse.⁷ In India, freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution. However, this freedom is not absolute and is subject to reasonable restrictions under Article 19(2). The constitutional framework seeks to strike a balance between individual liberty and societal interests such as public order, national security, morality, and the protection of reputation.

The concept of freedom of the press, although not expressly mentioned in the Constitution, has been recognized by the judiciary as an integral component of freedom of speech and expression. A free and independent press is often regarded as the fourth pillar of democracy because it acts as a watchdog against governmental excesses and helps ensure transparency and accountability.⁸ The relationship between media freedom and human rights protection is therefore both profound and inseparable.

This unit examines the role of media in the protection of human rights, the constitutional guarantee of freedom of speech and expression, the constitutional restrictions imposed upon this freedom, and the significance of freedom of the press in a democratic society.

3.2 OBJECTIVES

After going through this unit, you should be able to:

- ❖ Describe the role of a constitutional framework;
- ❖ Discuss the need and importance of the Freedom of Speech and Expression;
- ❖ Describe the law of defamation;
- ❖ explain the various journalistic defences available on defamation and libel;
- ❖ Describe Official Secrets Act and its criticism; and
- ❖ Explain some important constitutional provisions on parliamentary privileges

⁶ <https://www.pahujalawacademy.com/the-role-of-media-in-a-democracy>

⁷ <https://www.ijnrd.org/papers/IJNRDTH00220.pdf>

⁸ <https://ijarsct.co.in/Paper18776.pdf>

3.3. CONCEPT OF HUMAN RIGHTS AND THE MEDIA

Human rights are rights inherent to all human beings by virtue of their humanity. They are universally recognized and protected through international instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966).

The Universal Declaration of Human Rights recognizes freedom of opinion and expression as a fundamental human right. Article 19 of the Declaration provides that everyone has the right to freedom of opinion and expression, including the freedom to seek, receive, and impart information through any media regardless of frontiers.⁹

Media serves as an important mechanism through which these rights are realized. Access to information empowers individuals to participate effectively in public life, demand accountability, and seek remedies against violations of their rights. In this sense, media is both a beneficiary of human rights and a protector of human rights.

The relationship between media and human rights may be understood from two perspectives. First, media itself enjoys certain rights, including freedom of expression and press freedom. Second, the media can raise awareness of human rights issues, expose violations, and empower people to take action.¹⁰

3.4. MEDIA AND HUMAN RIGHTS PROTECTION

Historically, the press has played a significant role in social and political transformations. During the struggle against colonial rule in India, newspapers such as *Kesari*, *Young India*, and *Harijan* were instrumental in mobilizing public opinion against oppressive policies. Leaders such as Mahatma Gandhi recognized the press as a powerful tool for political education and social reform.¹¹

Following independence, the Indian media continued to contribute to democratic governance by highlighting issues relating to poverty, inequality, discrimination, corruption, and violations of civil liberties. Investigative journalism has often exposed abuses of power and compelled authorities to undertake corrective measures.

Globally, media has played a significant role in exposing atrocities, documenting war crimes, and drawing international attention to humanitarian crises. The reporting of events such as apartheid in South Africa, the Vietnam War, and ethnic cleansing in various parts of the world demonstrates the ability of media to influence public opinion and governmental action. With the advent of digital technology, human rights violations can now be reported anonymously and securely, making it easier for witnesses to come forward and share what they know. This has enabled a more accurate picture of the worldwide scale and scope of human rights violations.¹² Social media platforms facilitate rapid dissemination of information, citizen journalism, and global awareness campaigns. Movements for social

⁹Universal Declaration of Human Rights, 1948, Art. 19.

¹⁰ <https://www.humanrightscareers.com/issues/whats-the-role-of-the-media-in-protecting-human-rights/>

¹¹M.K. Gandhi, *An Autobiography: The Story of My Experiments with Truth* (Navajivan Publishing House, Ahmedabad, 1927).

¹² <https://jfjustice.net/leveraging-digital-technology-to-further-the-human-rights-agenda/>

justice increasingly rely upon digital communication technologies to mobilize support and demand accountability.

3.5. ROLE OF MEDIA IN HUMAN RIGHTS AWARENESS AND PROTECTION

A. Creating Awareness of Rights

One of the most important functions of media is educating people about their rights and responsibilities. Many individuals remain unaware of constitutional protections and legal remedies available to them. Media bridges this information gap by disseminating knowledge regarding laws, government schemes, judicial decisions, and public policies.

Awareness is a prerequisite for the exercise of rights. Citizens who are informed about their rights are better equipped to challenge violations and seek legal protection. Educational programs, documentaries, public service announcements, and news reports contribute significantly to human rights awareness.

B. Exposing Human Rights Violations

Media plays a crucial role in uncovering and publicizing violations of human rights. Investigative journalism often reveals instances of:

- Police brutality;
- Custodial torture;
- Extrajudicial killings;
- Human trafficking;
- Child labour;
- Forced labour;
- Gender-based violence;
- Communal violence; and
- Discrimination against marginalized groups.

By bringing such violations to public attention, media generates pressure on authorities to investigate allegations and hold perpetrators accountable. Public exposure often serves as a catalyst for legal reforms and policy changes.

C. Acting as a Watchdog

The watchdog function of media is fundamental to democratic governance. Through investigative reporting and critical analysis, media monitors the actions of government officials, public institutions, and private corporations.

A human rights-based approach to social protection requires transparency, accountability and accessibility to be an integral part of the design of policies and programmes. However, policy makers often do not consider whether social protection programmes enable or hinder human rights; focusing instead on issues such as cost effectiveness, distributional impacts and work incentives.¹³ Corruption, abuse of power, and maladministration frequently result in

¹³ <https://socialprotection-humanrights.org/framework/principles/ensure-transparency-and-access-to-information/>

violations of human rights. Media scrutiny helps deter such conduct by exposing wrongdoing and informing citizens about governmental performance.

D. Facilitating Public Participation

Democracy requires informed and active participation by citizens. Media provides a platform for discussion and debate on issues of public importance. Through newspapers, television debates, radio discussions, and digital forums, citizens can express their views and engage in democratic processes.

Political and public participation rights play a crucial role in the promotion of democratic governance, the rule of law, social inclusion and economic development, as well as in the advancement of all human rights.¹⁴ Media facilitates communication between citizens and policymakers, thereby contributing to responsive and accountable government.

E. Providing a Voice to Marginalized Groups

Historically marginalized communities often face barriers in accessing political and legal institutions. Media can help overcome these barriers by amplifying their voices and highlighting their concerns.

Issues relating to women, children, persons with disabilities, indigenous peoples, minorities, and economically disadvantaged groups receive greater attention when reported by the media. Such coverage promotes social inclusion and contributes to the realization of equality and non-discrimination.

F. Influencing Public Policy

Media influences public opinion and policy-making processes. Public campaigns conducted through media have led to significant legislative and administrative reforms.

For example, extensive media coverage of crimes against women, environmental degradation, and corruption has often resulted in public pressure for stronger laws and more effective enforcement mechanisms. Policymakers frequently respond to issues that receive widespread media attention.

G. Promoting Transparency and Good Governance

Access to information is widely regarded as a cornerstone of democratic life.¹⁵ Media facilitates transparency by reporting on governmental activities and public affairs. Investigative journalism helps uncover inefficiency, corruption, and abuse of power.

Good governance requires informed citizens capable of evaluating governmental performance. Media contributes to this objective by providing information necessary for democratic accountability.

3.6. FREEDOM OF SPEECH AND EXPRESSION

Constitutional Foundation

¹⁴ <https://www.ohchr.org/en/equal-participation>

¹⁵ <https://countercurrents.org/2026/03/access-to-information-and-the-limits-of-democratic-transparency/>

Freedom of speech and expression is one of the most cherished fundamental rights in democratic societies. In India, this freedom is guaranteed under Article 19(1)(a) of the Constitution.

Article 19(1)(a) provides:

"All citizens shall have the right to freedom of speech and expression."¹⁶

This provision reflects the belief that free communication of ideas is essential for individual development and democratic governance.

The framers of the Constitution recognized that democracy cannot function effectively without freedom of expression. Citizens must be free to discuss public affairs, criticize government policies, and exchange ideas without fear of censorship or punishment.

Scope of Freedom of Speech and Expression

The Supreme Court has interpreted Article 19(1)(a) broadly. The right includes:

1. Freedom of opinion;
2. Freedom to communicate ideas;
3. Freedom of publication;
4. Freedom of the press;
5. Freedom of artistic expression;
6. Freedom of commercial speech;
7. Right to receive information;
8. Right to silence; and
9. Right to criticize governmental actions.

In **Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal**, the Supreme Court held that freedom of speech includes the right to disseminate information through electronic media.¹⁷

Similarly, in **Indian Express Newspapers v. Union of India**, the Court emphasized the importance of press freedom in a democratic society.¹⁸

Importance of Freedom of Speech and Expression

1. Promotion of Democracy

Freedom of expression enables citizens to participate in public affairs and hold governments accountable.

2. Search for Truth

The free exchange of ideas facilitates discovery of truth through discussion and debate.

3. Individual Development

Expression contributes to intellectual growth and personal autonomy.

4. Protection of Human Rights

Human rights advocacy depends upon the ability to communicate grievances and demand accountability.

5. Social Progress

Freedom of expression encourages innovation, creativity, and reform.

¹⁶Constitution of India, Art. 19(1)(a).

¹⁷Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161.

¹⁸Indian Express Newspapers v. Union of India, (1985) 1 SCC 641.

Constitutional Restrictions under Article 19(2)

Freedom of speech and expression is not absolute. Article 19(2) permits the State to impose reasonable restrictions in specified circumstances.

The Constitution authorizes restrictions in the interests of:

A. Sovereignty and Integrity of India

Speech threatening the unity and territorial integrity of India may be restricted.

B. Security of the State

Restrictions may be imposed to protect national security and prevent activities that threaten the existence of the State.

C. Friendly Relations with Foreign States

The State may regulate speech that adversely affects diplomatic relations.

D. Public Order

Maintenance of public order is essential for social stability. Speech likely to incite violence or disturbances may be restricted.

In **Romesh Thappar v. State of Madras**, the Supreme Court emphasized the relationship between free expression and democratic governance while recognizing legitimate restrictions.¹⁹

E. Decency and Morality

Obscene and immoral content may be regulated in the interests of public morality.

F. Contempt of Court

Restrictions may be imposed to preserve the authority and dignity of the judiciary.

G. Defamation

Freedom of expression does not include the right to damage another person's reputation.

H. Incitement to an Offence

Speech encouraging criminal conduct may be restricted.

3.7 FREEDOM OF THE PRESS

Constitutional Position

The Constitution does not expressly mention freedom of the press. Nevertheless, the Supreme Court has consistently held that press freedom is implicit in Article 19(1)(a).

In **Brij Bhushan v. State of Delhi**, the Court invalidated pre-censorship measures imposed upon newspapers, recognizing the significance of press freedom.²⁰

The judiciary has repeatedly emphasized that a free press is essential for democratic governance.

Significance of Press Freedom

A. Fourth Pillar of Democracy

The press is commonly described as the "Fourth Estate." It complements the legislature, executive, and judiciary by ensuring transparency and accountability.

B. Dissemination of Information

¹⁹Romesh Thappar v. State of Madras, AIR 1950 SC 124.

²⁰Brij Bhushan v. State of Delhi, AIR 1950 SC 129.

Citizens rely upon the press for accurate information regarding public affairs.

C. Protection of Human Rights

Media reporting highlights abuses and promotes legal and institutional reforms.

D. Promotion of Accountability

Press scrutiny discourages corruption and misuse of authority.

E. Encouragement of Public Debate

A free press facilitates informed discussion on matters of public importance.

Judicial Decisions on Press Freedom

1. Romesh Thappar v. State of Madras (1950)

The Supreme Court held that freedom of speech and expression forms the foundation of democratic governance and struck down restrictions imposed on a journal

2. Brij Bhushan v. State of Delhi (1950)

The Court invalidated pre-censorship measures imposed upon newspapers and affirmed press freedom.

3. Sakal Papers v. Union of India (1962)

The Court struck down government regulations restricting newspaper circulation, holding that freedom of the press cannot be curtailed indirectly.²¹

4. Bennett Coleman & Co. v. Union of India (1973)

The Court invalidated newsprint restrictions affecting newspaper growth and circulation.²²

5. Indian Express Newspapers v. Union of India (1985)

The Court reaffirmed the constitutional importance of press freedom.

6. Shreya Singhal v. Union of India (2015)

The Supreme Court struck down Section 66A of the Information Technology Act, holding that vague restrictions on online speech violated freedom of expression.²³

Note: 1) Use the space below for your answers.

2) Compare your answers to ones given at the end of this unit.

1) What is meant by freedom of the press?

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2) What are the limitations on press freedom provided in Article 19 (2)?

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3.8 LAW OF DEFAMATION

²¹Sakal Papers v. Union of India, AIR 1962 SC 305.

²²Bennett Coleman & Co. v. Union of India, (1973) 2 SCC 788.

²³Shreya Singhal v. Union of India, (2015) 5 SCC 1.

Newspaper correspondents and reporters are often assigned to cover functions where well-known persons and political leaders are invited to speak. While writing their news stories, media persons have to quote them in their day-to-day journalistic assignments and they are expected to report truthfully, accurately and objectively. However, at times, some of them may be tempted to write, casting aspersions on the speaker's or interviewee's professional standing, individual life or private matters. Or, when broadcasters air news items, they may intentionally or otherwise put some remarks that may be seen as unbecoming. Therefore, when such writings appear in the media, these are prone to lower the image, reputation and status of the leaders in the general estimation of audience amounting to libel or defamation.

3.8.1 JOURNALISTIC DEFENCES UNDER LAW OF DEFAMATION

Given below are some of the legally permitted journalistic defences that could absolve a media person of any charges of defamation that may have been brought against him/her by an aggrieved party.²⁴

Fair Comment: Fair comment on any matter of public interest does not amount to defamation.

Privilege: There are occasions when it will not amount to defamation if the report published is in public interest- it is considered privilege in public interest. Privilege is of two types: absolute and qualified. Statements made by judges, witnesses, advocates and parties are qualified privileges. The statements made on the floor of a house of legislature in India are examples of absolute privilege.

Truth and Justification: In criminal prosecutions for defamation, mere truth is not a defence. It must further be proved that the publication was for the public good subject to the satisfaction of the court.

Apology: An unconditional, absolute and unqualified apology is sometimes accepted by courts.

How to avoid defamation

It is an established fact that a responsible journalist and a prestigious media organisation will always like to avoid getting into defamation. Therefore, the following suggestions may be of some help to journalists.

- Whenever you as a professional journalist make a genuine mistake, you should acknowledge that without any grudge, as quickly as possible. You should always check your facts and clarify, correct and retract wherever required. This may not avoid court cases, but will help you in reaching out of court compromise or withdrawal once a case has been filed against you.
- Confirm and verify facts to whatever extent deadlines and resources permit. You should have attributions for all quotes. Make sure pictures, headlines, promotional spots conform to the facts of stories; smart editing helps immensely.
- What is true and what you can prove to be true are two different things. Remember, unidentified sources can prove to be very dangerous.
- Make sure opinions should not be based on false opinions someone gave you.

²⁴<https://egyankosh.ac.in/bitstream/123456789/57223/1/Unit6.pdf>

- Always indicate the sources of a story emanating from governmental departments, proceedings, officials or documents. Keep these documents safe for at least six months and preserve your notes. In a court case, these are your best defences.
- Keep self-promoters, self-servers at arm's length. Their stories could land you in trouble, particularly political parties' petty functionaries.
- Always, invariably get the other side of the story, particularly that of the defamed person, or the organisation in question. Keep your notes pertaining to such stories in safe custody.
- Keep yourself updated with the story; keep a vigilant eye on the rival contemporary publications in the town. Also remain aware about the latest law on the subject.
- Finally, keep yourself well informed of identical cases in the past in the media.

Thus all media persons should remember that the threats of defamation are always have ring around them. Therefore journalists should invariably double check, countercheck, and crosscheck their facts before putting stories on paper.

Note:1)Use the space below for you answers.

2) Compare your answers to ones given at the end of this unit.

1) Is truth a defence under criminal law of defamation?

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2) List some precautions that media persons may take to avoid defamation cases.

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3.9 OFFICIAL SECRETS ACT,1923

The Official Secrets Act was enacted in 1923 during the British Raj. The Act has broadly two parts. One relating to spying for the enemy (Sections 3 and 4). Maximum punishment provided in Section 3 is 14 years. The other relates to unauthorized communication of any secret official code, password, sketch, plan, model, article, note, document or information (Section 5) – the punishment for this is up to three years or fine or both.

Section 5 of the Act is more important for journalists. It prescribes punishment for a person who voluntarily receives or communicates any official secret. However, the Act does not define official secret. Therefore any information which authorities consider as secret can be published only with the pain of punishment. The government normally has an administrative culture of secrecy.

The Act also prescribes that it would be the duty of all citizens to provide any information they may have about the breach of this law taking place. In addition, this law also lays down

that any publication by a newspaper of an official secret, whether in the form of a note, document, code or password, sketch, plan or model, makes not only the correspondent, reporter, editor, printer and publisher liable to punishment but also every director, and officer of the company or corporation with whose knowledge and consent the offence was committed becomes guilty of the offence.

Criticism and Demand for Repeal

The Official Secrets Act, 1923 is one of the most draconian laws of India. The Officials Secrets Act was enacted during the British rule, but has been continued by the successive Indian governments over a period of time. Furthermore this piece of legislation has not only resulted in miscarriage of justice, but has also dented our country's democratic image.²⁵

Moreover, since the introduction of the Right to Information Act, the Official Secrecy Act has lost much of its relevance. You will read more about RTI in Unit 12, Block 3 of this course. The Press Commissions (1954 and 1982), the Press Council of India, and several media organizations have time and again demanded the repeal, or appropriate amendments in the Act.

CheckYourProgress:3

Note:1)Use the space below for you answers.

2)Compare your answers to ones given at the end of this unit

1) Why was Official Secrets Act enacted?

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2) What is the major criticism against the Act?

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3.10 CONTEMPT OF LEGISLATURE

In a parliamentary democracy, elected representatives must be able to perform their legislative duties without fear of obstruction, intimidation, or undue influence. To safeguard this freedom, the Constitution of India provides for Parliamentary Privileges that are special rights and immunities enjoyed by the Members of Parliament (MPs) and State Legislatures (MLAs). These privileges ensure that lawmakers can function independently, uphold the dignity of the House, and discharge their duties in the national interest.²⁶ For this, it should possess certain inherent or conferred powers to punish for breach of such privileges.

Articles 105 (3) and 194 (3) of the Constitution empower parliament and State Legislature

²⁵<https://timesofindia.indiatimes.com/readersblog/my-tryst-with-law/official-secrets-act-a-critique-45147/>

²⁶<https://lawctopus.com/clatalogue/clat-pg/parliamentary-privilege-in-india/>

respectively to enact laws codifying their privileges. However, neither Parliament nor any of the legislatures of the States has so far done so. Therefore, according to the Constitution itself, the privileges enjoyed by them are the same as, those of the British House of Commons on 26th January, 1950.

Reporting the proceedings of all these houses regularly and daily is the foremost priority for any news organisation. Since this task is extremely responsible and rigorous, media persons who are assigned to report these legislative proceedings day in and day out are some of the most seasoned and highly experienced members of the fourth estate.

As you know, legislatures the world over transact crucial political and legal business to make laws for every single area of the national governance, hence, accurate, objective, and precise reporting of these proceedings is of utmost importance. Making mistakes or missing out vital points or important detail can prove hazardous in many respects, and may even cost jobs, besides incurring legislators' displeasure or leading to parliamentary admonishments and reprimands.

What is Contempt of Legislature?

Breach of privilege is the violation of respective rights or immunities of the members of either House of Parliament or the State Assembly.²⁷ While no distinct or clear-cut laws have been enacted so far to precisely describe the contents of contempt of legislature, Article 19(4)(3) of the Indian Constitution enunciates the powers of India's Parliament, and Article 105(3) lays down the privileges of the state legislatures. But, according to D.D. Basu, though no law with regard to the contempt of legislature has been codified in India, yet such rules and regulations have "the sanction of law, being based on judicial decisions (such as the civil law of defamation in India) custom or usage." According to Basu, "there is no law yet made by Parliament of India or any State Legislature, relating to its powers and privileges even though the constitution has conferred the power to make such laws." He suggests, therefore, that "the journalist in India must roam about amidst the bewildering mass of Indian and English precedents," though there may be stray enactments relating to the powers and privileges or procedure appertaining to parliament, but by and large, 'the law of parliament in India is still uncodedified.' In case of the state legislatures too, the provisions of Article 105(3) of the Constitution apply which are the same as in case of the Parliament of India.

The question arises, what then happens in the event of any case of the contempt of legislature taking place against parliament or the state legislature? So far, two solutions have been resorted to: (a) reference is made to the British parliamentary practice and privileges; (b) or, May's book on 'Parliamentary Practice' is pursued, which is also followed by Britain's lower house, the House of Commons, which is the main source of reference and guide for such purposes. Therefore, it can be stated that members of parliament and state legislatures in India enjoy all the powers, privileges and immunities available to the members of the British House of Commons. Members have freedom of speech in the House and enjoy immunity from proceedings in any court in respect of anything said or any vote given by them in Parliament or in any committee thereof.²⁸ They enjoy complete freedom of speech and

²⁷<https://blog.ipleaders.in/breach-of-privilege/>

²⁸<https://cms.rajyasabha.nic.in/UploadedFiles/Procedure/RajyaSabhaAtWork/English/244-310/CHAPTER8.pdf>

expression in the irrespective houses.

Reporting of Proceedings

In this respect the most important is Article 361 A which was inserted in the Constitution by the Constitution 44th Amendment Act 1978. According to Article 361 A of the Constitution of India:

“No person shall be liable to any proceedings, civil or criminal, in any court in respect of publication in a newspaper of a substantially true report of any proceedings of either House of Parliament . . .”

Article 361 A is also applicable for reporting of either houses of the legislature of every state. It is not restricted to newspapers only and applies to broadcast media as well.

Some Cases of Contempt of Legislature

There are several cases of contempt of legislatures. Some of them are given below.

R.K. Karanjia, editor of the Blitz weekly, of Bombay was reprimanded for publishing a highly derogatory article against the speech delivered in the Lok Sabha by a senior sitting member, Acharya J.B. Kripalani, in 1961.

In August 2002, Nikhil Wagle, Editor of *Mahanagar*, an evening paper of Mumbai, was arrested and imprisoned for a day for breach of privilege of the Maharashtra Legislative Council for an article he wrote in 1998.

On April 6, 1987, when S. Balasubramanian, Editor of the popular Tamil weekly Ananda Vikatan, walked out of the Central Prison in Chennai, he highlighted the need to codify legislators' privileges - an issue that has troubled the media in Tamil Nadu time and again. Three days earlier, on April 4, 1987, the Tamil Nadu Assembly had sentenced Balasubramanian to undergo three months' rigorous imprisonment after it resolved that he had "violated the privileges of the House" by publishing a cartoon on the cover of Ananda Vikatan of March 29. The House found the cartoon derogatory to its members.²⁹

That was not the first time that the Tamil Nadu Assembly had punished an editor for breach of its privilege. On July 1, 1985, it sentenced A.M. Paulraj, Editor of a trade magazine Vaniga Ottruma (Unity of Traders), to undergo two weeks' simple imprisonment "for having committed a breach of the privilege of the House". The Privileges Committee had found an article in the magazine's February 1983 issue to be derogatory to the members. After losing a legal battle against the sentence of imprisonment awarded to him, Paulraj surrendered to the police in Chennai on January 13, 1986 and was taken to the Central Prison.³⁰

The most important and interesting case in respect of contempt of legislature took place in 1964 in Uttar Pradesh, when one Keshav Singh was committed to prison for seven days by speaker of the legislative Assembly for contempt of the house by writing a disrespectful letter to the speaker. Keshav Singh was sent to prison, but after a few days released on bail, by the two judge- Lucknow Bench of Allahabad High Court. On this, the U.P. Assembly passed a resolution that Keshav Singh, his advocate B. Solomon, and the two High Court judges were guilty of contempt of the House and they should be brought into custody before the House.

²⁹<https://frontline.thehindu.com/other/article30217070.ece>

³⁰Ibid.

The two judges, then, filed a petition in the Allahabad High Court for quashing there solution of the U.P. Assembly. The Full Bench consisting of 28 judges of the High Court heard the case and issued an interim order restraining implementation of the Assembly resolution. Then the President of India sent the case to Supreme Court for opinion. The Supreme Court opined that the High Court judges were fully competent to release Keshav Singh on bail pending disposal of his case by the court.

Check Your Progress:4

Note:1)Use the space below for you answers.

2) Compare your answers to ones given at the end of this unit

1) What is contempt of legislature?

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2)What is Article 361A?

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3.11 MEDIA, HUMAN RIGHTS AND DIGITAL TECHNOLOGY

The digital revolution has transformed media operations and human rights advocacy. Social media platforms facilitate digital interaction by enabling users to connect, communicate, and engage with each other over the internet.³¹

Advantages include:

- Rapid dissemination of information;
- Citizen journalism;
- Greater public participation;
- Increased transparency;
- Mobilization of social movements.

However, digital media also presents challenges:

- Misinformation;
- Hate speech;
- Privacy violations;
- Online harassment;
- Manipulation through algorithms.

Balancing digital freedom with legitimate regulation remains a significant challenge for modern democracies.

³¹<https://www.investopedia.com/terms/s/social-media.asp>

3.12 CHALLENGES FACED BY THE MEDIA IN PROTECTING HUMAN RIGHTS

A. Political Pressure

Governments may attempt to influence media coverage through legal, administrative, or economic measures.

B. Corporate Ownership

Concentration of media ownership can affect editorial independence.

C. Violence against Journalists

Threats, intimidation, and attacks on journalists undermine press freedom.

D. Fake News

The spread of misinformation affects public trust and democratic discourse.

E. Economic Constraints

Financial pressures may compromise investigative journalism.

F. Censorship and Surveillance

Excessive state surveillance and censorship may discourage free expression.

3.13 SUMMARY

India is one of the largest democracies in the world and the mass media in this country constitute a very vital organ of its overall structure. Therefore, to ensure healthy media practices and properly and efficiently serve the people, certain laws have been enacted. These legal enactments are to help and guide you as a media person to function in such away that you are not caught on the wrong side of your profession end angering civil or criminal proceedings against you or the media outfits you work for.

Keeping this in view, we started with a discussion on the constitutional framework that means a set of legislative mechanism meant for media persons to ensure their functioning within the guidelines. Then, we discussed the concept of freedom of speech and expression, laws of libel and defamation and the journalistic defences such as fair comment, privilege, truth and justification for these laws. We analysed the Officials Secrets Act and its relevance in the changing times, especially in the light of Right to Information Act. Finally, we looked at media responsibility of legislative proceedings and the defenses against contempt of legislatures. It is extremely necessary for you as an aspiring media person to equip yourself with adequate knowledge of such laws.

3.14 GLOSSARY

1. Media – Various channels of communication, such as newspapers, television, radio, and digital platforms, used to disseminate information to the public.
2. Human Rights Awareness – The knowledge and understanding of fundamental rights and freedoms that every individual is entitled to, enabling people to recognize and protect these rights.
3. Freedom of Expression – The right of every individual to express opinions, ideas, and information freely without undue interference, subject to reasonable legal restrictions.

4. Investigative Journalism – A form of journalism that involves in-depth research and reporting to uncover hidden facts, expose wrongdoing, and promote public accountability.
5. Misinformation – False or inaccurate information that is shared without the intention to deceive but can mislead the public and undermine informed decision-making.
6. Advocacy – The act of supporting, promoting, or campaigning for a cause or the protection of rights to influence public opinion and policy.
7. Media Literacy – The ability to access, critically evaluate, analyze, and responsibly use information from various media sources to distinguish credible information from misinformation.

3.15 SAQs (SHORT ANSWER QUESTIONS)

1. What is meant by media awareness in the context of human rights?
2. How does media contribute to the promotion of human rights awareness?
3. State any two ways in which social media can support human rights advocacy.
4. Why is responsible journalism important in protecting human rights?
5. Mention any two challenges faced by the media while reporting human rights issues.

3.16 MULTIPLE CHOICE QUESTIONS (MCQs)

1. Which of the following is the primary role of media in promoting human rights?
 - a) Promoting commercial advertisements
 - b) Creating awareness and educating the public about rights
 - c) Supporting only government policies
 - d) Entertaining the audience only
2. Which type of media allows citizens to participate directly by sharing information and opinions?
 - a) Print media
 - b) Radio
 - c) Social media
 - d) Cinema
3. Investigative journalism is important because it:
 - a) Promotes entertainment content
 - b) Exposes human rights violations and promotes accountability
 - c) Increases product sales
 - d) Focuses only on sports news
4. Which of the following can negatively affect human rights awareness?
 - a) Fact-based reporting
 - b) Public interest journalism
 - c) Misinformation and fake news

d) Educational campaigns

5. Which of the following human rights is closely linked with media activities?

- a) Right to Freedom of Expression
- b) Right to Property only
- c) Right to Vote only
- d) Right to Trade only

Answers: 1.B 2.C 3.B 4.C 5.A

3.17 TERMINAL QUESTIONS

1. Discuss the role of media in promoting human rights awareness. Explain with suitable examples.
2. Examine the contribution of print, electronic, and digital media in protecting and promoting human rights.
3. Critically analyze the relationship between media freedom and the protection of human rights in a democratic society.
4. Discuss the opportunities and challenges of social media in creating awareness about human rights issues.
5. Explain the ethical responsibilities of the media while reporting human rights violations. How can responsible journalism strengthen democracy and human rights?

3.18 SUGGESTED READINGS

Basu,D.D. (2010), *Law of the Press*, Lexis Nexis Butter worthsWadhawa, Gurgaon (Haryana)

RadhakrishnamurtiB.(1976),*IndianPressLaws*,IndiaLawHouse,Allahabad,

Ravindranath,P.K.(2004),*PressLawsandEthicsofJournalisminIndia*,Authors' Press Delhi, New Delhi

Sinha,K.P.(1997),*Freedom of Press in India*,JanakiPrakashan,Patna

Unit 4

INVESTIGATIVE JOURNALISM AND HUMAN RIGHTS

STRUCTURE

4.1 INTRODUCTION

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4.4 MEDIA AS A WATCHDOG

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4.1 INTRODUCTION

The media operates as the central nervous system of a democracy, performing several interconnected and vital functions.³² It serves as a bridge between citizens and the government, informs public opinion, facilitates public discourse, and provides a mechanism through which power can be scrutinized and held accountable. The concept of media as the "Fourth Estate" underscores its significance as an institution capable of monitoring governmental actions and safeguarding democratic values. Traditionally, newspapers, radio, and television constituted the primary means through which information was disseminated. However, the advent of digital communication technologies and social media platforms has

³²<https://www.lawcurb.in/post/role-of-media-in-a-democratic-society>

transformed the media landscape, expanding opportunities for participation, debate, dissent, and democratic engagement.

Media performs several critical democratic functions. It acts as a watchdog by investigating and exposing corruption, abuse of power, and maladministration. It functions as an agenda setter by determining which issues receive public attention and political consideration. Furthermore, media provides a platform for protest, debate, and dissent, enabling citizens to express opinions, challenge authority, and mobilize collective action. In recent decades, social media has emerged as a powerful tool for democratic socialization, facilitating political awareness, civic participation, and public engagement among diverse populations.

This unit examines the role of media as a watchdog and agenda setter, analyzes its function as a platform for protest, debate, and dissent, and explores the contribution of social media to democratic socialization.

4.2 LEARNING OBJECTIVES

After studying this chapter, learners will be able to:

1. Explain the concept, nature, and key characteristics of investigative journalism.
2. Describe the relationship between investigative journalism and the protection and promotion of human rights.
3. Examine the role of investigative journalism in exposing human rights violations, corruption, and abuse of power.
4. Discuss the ethical principles, techniques, and challenges involved in investigative reporting on human rights issues.
5. Evaluate the contribution of investigative journalism to transparency, accountability, democratic governance, and social justice.
- 6.

4.3 INVESTIGATIVE JOURNALISM AND HUMAN RIGHTS

Human rights refer to the fundamental freedoms and entitlements that belong to every individual simply because they are human. These rights include the right to life, equality, liberty, dignity, education, health, privacy, freedom of expression, and protection from discrimination.

Investigative journalism strengthens human rights by uncovering violations that may otherwise remain hidden. It exposes unlawful detention, custodial torture, discrimination, corruption in welfare schemes, environmental destruction, human trafficking, child labour, bonded labour, gender-based violence, and violations of civil liberties.

By documenting abuses and presenting verified evidence, investigative journalism creates public awareness, influences policy reforms, and supports legal action against perpetrators.

4.4 MEDIA AS A WATCHDOG

The concept of the media as a watchdog is rooted in the belief that a free press is essential for democratic governance. The watchdog role refers to the media's responsibility to monitor the

activities of governments, public officials, businesses, and other institutions, ensuring that they act in the public interest and within the boundaries of law and ethics.

Historical Development

The watchdog function emerged prominently with the development of liberal democratic systems. According to **Edmund Burke**, *media* is considered and regarded as the **fourth estate** of democracy³³ recognizing its capacity to check governmental power alongside the executive, legislature, and judiciary. In modern democracies, investigative journalism has become a critical mechanism through which the media exposes corruption, abuse of power, and violations of human rights.

Functions of the Watchdog Role

1. Promoting Transparency

One of the primary functions of the media is to make government actions visible to citizens. Through news reporting, investigative journalism, and public-interest stories, the media informs citizens about policy decisions, budget allocations, and administrative actions.

Transparency is essential for a healthy democracy because it ensures accountability, builds public trust and enables informed citizen participation; open laws, audits and accessible information help prevent corruption and improve governance.³⁴ Without access to information, people cannot evaluate the performance of their leaders or make informed electoral choices.

2. Exposing Corruption and Misconduct

Investigative journalism serves as a vital pillar of democratic societies, functioning as a watchdog to expose corruption, abuse of power, and societal injustices.³⁵ Examples include the exposure of political scandals, financial irregularities, and corporate misconduct.

One of the most famous examples is the **Watergate Scandal** in the United States, where investigative reporting by journalists Bob Woodward and Carl Bernstein contributed to the resignation of President Richard Nixon in 1974. This case demonstrated the power of journalism to challenge even the highest political authority.

3. Protecting Public Interest

The media acts on behalf of citizens by raising issues related to public welfare, environmental protection, consumer rights, and social justice. Reports on unsafe products, environmental pollution, and violations of labour rights often compel authorities to take corrective action.

4. Encouraging Accountability

An independent news media uses its watchdog role to investigate and report on government overreach and wrongdoing and hold those in power accountable for their actions.³⁶ Continuous media scrutiny discourages corruption and negligence by increasing the likelihood that wrongdoing will be exposed.

³³https://ijrar.com/upload_issue/ijrar_issue_20543177.pdf

³⁴<https://brainly.in/question/61442474>

³⁵<file:///C:/Users/hp/Downloads/5.pdf>

³⁶<https://www.freedomforum.org/freedom-of-press/the-medias-role-as-watchdogs/>

Investigative Journalism and the Watchdog Function

Investigative journalism is a specialized form of reporting that involves in-depth research and analysis to uncover hidden facts. It requires journalists to gather evidence, verify information, and present findings in the public interest.

Investigative journalism contributes to:

- Revealing government corruption.
- Exposing corporate malpractice.
- Highlighting human rights violations.
- Protecting democratic institutions.

Examples include investigations into financial fraud, illegal surveillance, environmental crimes, and electoral misconduct.

Challenges to the Watchdog Role

Despite its importance, the watchdog function faces several challenges:

Political Pressure

Governments may attempt to influence media organizations through legal restrictions, censorship, or economic pressure.

Corporate Ownership

Media concentration can reduce editorial independence. When a few corporations own major media outlets, commercial interests may influence news coverage.

Misinformation and Disinformation

The digital age has facilitated the rapid spread of false information, making it difficult for audiences to distinguish credible journalism from fabricated content.

Threats to Journalists

Journalists often face intimidation, harassment, imprisonment, and violence, particularly when reporting on corruption or organized crime.

Importance in Democracy

A strong watchdog media strengthens democracy by:

- Protecting freedom of expression.
- Ensuring governmental accountability.
- Promoting transparency.
- Empowering citizens with information.
- Defending human rights.

Without an independent media, democratic institutions become vulnerable to secrecy, corruption, and authoritarian tendencies.

4.5 MEDIA AS AN AGENDA SETTER

While the watchdog role focuses on monitoring power, the agenda-setting role concerns the media's influence on public priorities and perceptions. According to the *agenda setting theory*, when the media focus on particular topics, society sees those topics as most important. If the media choose to follow one story instead of another, the entire direction of

the country's discourse can change. Agenda setting theory also states that the more often an issue is covered in the media, the more important a society will believe that issue is. The theory also states that the mass media has a huge impact on how members of society think and feel about issues affecting their lives. In other words, the theory states that the media does not necessarily tell people what they should think, but they do influence what people think about.³⁷

Agenda-Setting Theory

The agenda-setting theory was developed by communication scholars **Maxwell McCombs** and **Donald Shaw** in their landmark study of the 1968 United States presidential election. They found a strong correlation between issues emphasized in the media and issues considered important by voters.

How Agenda Setting Works

The agenda-setting process involves several stages:

1. Issue Selection

Media organizations choose which events and issues to cover. Given limited space and time, not all events receive equal attention.

2. Issue Emphasis

The frequency and prominence of coverage signal the significance of particular issues.

3. Public Perception

Repeated exposure influences audiences to regard highlighted issues as important.

4. Policy Influence

Public concern often pressures policymakers to address highly publicized issues.

Types of Agenda Setting

First-Level Agenda Setting

This concerns the prominence of issues. The media influences which topics receive public attention.

Examples include:

- Elections
- Inflation
- Climate change
- Public health crises

Second-Level Agenda Setting

Also known as framing, this concerns how issues are presented. Media outlets influence public understanding by emphasizing certain aspects of an issue while downplaying others.

For example, immigration may be framed as:

- An economic issue,
- A security issue, or
- A humanitarian issue.

³⁷<https://www.ebsco.com/research-starters/communication-and-mass-media/agenda-setting-theory>

Different frames generate different public responses.

Examples of Agenda Setting

Public Health

During the COVID-19 pandemic, extensive media coverage elevated public awareness about health risks, vaccination, and preventive measures. Governments responded to public concern by implementing health policies and awareness campaigns.

Environmental Issues

Continuous reporting on climate change has increased global awareness and encouraged policy discussions regarding sustainability and environmental protection.

Social Movements

Media coverage of movements such as gender equality campaigns and racial justice protests has helped bring these issues into mainstream political discourse.

Positive Effects of Agenda Setting

Raising Awareness

The media draws attention to social, political, and economic issues that might otherwise remain unnoticed.

Encouraging Public Debate

Agenda setting stimulates discussion and civic engagement.

Influencing Policy Action

Governments often respond to issues receiving significant media attention.

Mobilizing Social Change

Media coverage can inspire collective action and reform efforts.

Criticisms of Agenda Setting

Selective Coverage

Media organizations may prioritize sensational stories over substantive issues.

Bias and Framing

Editorial choices can shape public perceptions in ways that reflect ideological or commercial interests.

Marginalization of Issues

Important issues may receive little attention if they are not considered newsworthy.

Commercial Pressures

Advertising revenue and audience ratings can influence news priorities.

4.6 RELATIONSHIP BETWEEN WATCHDOG AND AGENDA-SETTING ROLES

The watchdog and agenda-setting functions are closely interconnected. Investigative reporting often identifies issues requiring public attention, while agenda setting ensures that these issues remain visible in public discourse.

For example, when journalists uncover corruption, media coverage not only exposes wrongdoing but also elevates the issue on the public agenda. Public concern may then prompt investigations, policy reforms, or legal action.

Similarly, media attention to environmental degradation, public health crises, or human rights abuses can transform these concerns into national priorities.

Thus, the watchdog role generates information, while the agenda-setting role amplifies its significance.

So, the media plays a vital role in modern democratic societies through its functions as a watchdog and agenda setter. As a watchdog, it promotes transparency, exposes corruption, protects public interests, and holds powerful institutions accountable. As an agenda setter, it shapes public priorities by influencing which issues receive attention and how they are understood.

Together, these roles strengthen democracy by fostering informed citizenship, encouraging public participation, and promoting governmental accountability. Although the media faces challenges such as political pressure, commercial influence, misinformation, and digital disruption, its contribution to democratic governance remains indispensable. A free, independent, and responsible media continues to be one of the most effective safeguards against abuses of power and one of the most important mechanisms for shaping public discourse and social change.

4.7 MEDIA AS A PLATFORM TO PROTEST, DEBATE AND DISSENT

Media in democratic contexts also plays a critical role in shaping the public narrative around protest and dissent.³⁸ It facilitates the exchange of ideas, promotes public discourse, and provides citizens with opportunities to express opinions, challenge authority, and advocate for social change. In modern democracies, the media functions not only as a source of information but also as an arena where competing viewpoints are articulated and contested. Through newspapers, radio, television, digital platforms, and social media, individuals and groups can voice concerns, mobilize support, and hold governments accountable.

The concepts of protest, debate, and dissent are fundamental to democratic governance. Right to Protest and Dissent are what keeps a democracy working. The dissent and protests of the Indian people led to the independence of our own country.³⁹ Protest refers to collective expressions of dissatisfaction against policies, institutions, or social conditions. Debate involves reasoned discussion of public issues among different stakeholders. Dissent signifies disagreement with dominant opinions, governmental actions, or prevailing social norms. Media provides the necessary infrastructure through which these democratic practices can flourish.

This essay examines the role of media as a platform for protest, debate, and dissent, its contributions to democracy, challenges associated with its functioning, and its evolving significance in the digital age.

³⁸<https://www.multiarticlesjournal.com/uploads/articles/IJCRM202542115.pdf>

³⁹<https://www.mpdnl.ac.in/assets/pdf/9.%20Dissent,%20Privacy%20and%20Democracy.pdf>

4.7.1 MEDIA AND DEMOCRATIC PARTICIPATION

Democracy depends upon informed citizens capable of participating in public affairs. Political theorist Jürgen Habermas introduced the concept of the "public sphere," describing a space where citizens engage in rational discussion regarding matters of common concern.⁴⁰ Media institutions significantly contribute to the creation and maintenance of this public sphere.

Traditional media such as newspapers and television have historically enabled citizens to access information about government policies, public issues, and social movements. By disseminating news and commentary, media allows individuals to understand societal challenges and formulate opinions. Furthermore, media offers platforms where diverse perspectives can be expressed and debated.

The constitutional protection of freedom of speech and expression in many democracies recognizes the importance of media in facilitating public participation. In India, Article 19(1)(a) of the Constitution guarantees freedom of speech and expression, which has been interpreted by the judiciary to include freedom of the press.⁴¹ This constitutional framework enables media organizations to report, criticize, and investigate matters of public interest.

4.7.2 MEDIA AS A PLATFORM FOR PROTEST

One of the most visible functions of media is its role in amplifying protest movements. Protest movements often seek public attention to highlight grievances, demand reforms, and influence policy decisions. Media coverage helps transform local concerns into national or global issues.

Historically, media has played a significant role in major social and political movements. During the American Civil Rights Movement, television coverage of racial discrimination and police brutality generated public sympathy and increased support for civil rights reforms.⁴² Similarly, media attention contributed significantly to anti-apartheid activism in South Africa.

In India, media has covered numerous protest movements including the movement against corruption led by social activist Anna Hazare, protests following the 2012 Delhi gang rape incident, farmers' protests, and various environmental movements. Through extensive reporting, media enabled citizens across the country to become aware of these issues and participate in public discussions.

⁴⁰Jürgen Habermas, *The Structural Transformation of the Public Sphere* (Cambridge: MIT Press, 1989), 27–56.

⁴¹*Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106.

⁴²Michael Schudson, *The Power of News* (Cambridge, MA: Harvard University Press, 1995), 134–138.

Media serves several functions during protests:

1. Information Dissemination

Media informs citizens about the objectives, demands, and activities of protest movements. This helps protesters communicate their message beyond immediate participants.

2. Mobilization

Coverage of protests encourages public participation and solidarity. News reports, interviews, and opinion pieces can motivate citizens to join demonstrations or support particular causes.

3. Legitimization

Media attention often grants legitimacy to social movements by bringing their concerns into mainstream public discourse. Issues that might otherwise remain marginalized gain visibility and recognition.

4. Accountability

Media coverage can expose governmental responses to protests, including instances of excessive force, human rights violations, or policy failures. Such reporting helps ensure accountability.

The emergence of digital media has further enhanced protest mobilization. Online platforms enable activists to coordinate events, share information, and reach large audiences rapidly and at relatively low cost.

4.7.3 MEDIA AS A FORUM FOR DEBATE

Debates are the backbone of democracy and the integrity of debates should be protected at all costs. The practice of debate, an integral component of democratic discourse, has shaped societies and political landscapes throughout history. Its significance is particularly pronounced in the context of U.S. elections, where debates have become a pivotal battleground for ideas and ideologies.⁴³ Public policies, social issues, and political decisions require scrutiny and discussion. Media provides the arena in which such debates occur.

Newspapers traditionally publish editorials, opinion columns, and letters to the editor that present diverse viewpoints. Television channels organize panel discussions featuring politicians, experts, activists, and citizens. Radio talk shows facilitate audience participation through call-ins and interviews. Digital platforms host blogs, podcasts, and online discussions.

Media debates contribute to democracy in several ways:

Encouraging Diverse Perspectives

Public issues are often complex and multifaceted. Media debates expose audiences to differing viewpoints, enabling informed decision-making. Exposure to alternative perspectives can reduce ignorance and promote tolerance.

Facilitating Policy Deliberation

Governments frequently rely on public feedback when designing policies. Media discussions provide opportunities for experts and citizens to evaluate policy proposals, identify shortcomings, and suggest improvements.

⁴³<https://medium.com/@brianfrye21/the-crucial-role-of-debate-in-democracy-a-deeper-insight-f271426b0f1c>

Promoting Transparency

Debates conducted through media enable scrutiny of governmental actions. Political leaders may be questioned regarding their decisions, thereby enhancing transparency and accountability.

Educating Citizens

Media debates help citizens understand complicated issues such as economic reforms, environmental regulations, public health policies, and constitutional matters. Expert analysis contributes to informed public opinion.

Political debates during election campaigns exemplify media's role in facilitating democratic deliberation. By providing platforms for candidates to present their policies and respond to criticism, media assists voters in making informed electoral choices.

4.7.4 MEDIA AS A SPACE FOR DISSENT

Dissent is a hallmark of democracy, serving as a channel for expressing disapproval and participating in governance.⁴⁴ It enables individuals and groups to challenge authority, question prevailing assumptions, and advocate alternative visions of society. Without dissent, democratic institutions risk becoming authoritarian and unresponsive.

Media serves as a crucial space where dissenting voices can be heard. Investigative journalism, critical commentary, and opinion writing frequently challenge governmental policies, corporate practices, and social injustices.

Throughout history, dissent expressed through media has contributed to significant social reforms. Journalists exposing corruption, discrimination, environmental degradation, and human rights abuses have often stimulated public awareness and policy change.

In democratic societies, media enables dissent through:

Investigative Reporting

Investigative journalists aim to unearth information that is deliberately concealed or suppressed by individuals or institutions. They expose corruption, wrongdoing, and abuses of power, bringing hidden stories to light.⁴⁵ Reports on corruption scandals, abuse of power, and policy failures contribute to public accountability.

Opinion Journalism

Editorials and opinion columns provide platforms for critical analysis and alternative viewpoints. These formats encourage intellectual diversity and democratic dialogue.

Representation of Marginalized Voices

Media can provide visibility to marginalized communities whose concerns may otherwise be ignored. By highlighting issues affecting minorities, indigenous groups, women, workers, and other vulnerable populations, media broadens democratic participation.

Protection of Democratic Freedoms

Independent media organizations often defend civil liberties and constitutional rights. Through critical reporting, they resist censorship and authoritarian tendencies.

⁴⁴<https://visionias.in/current-affairs/upsc-daily-news-summary/article/2026-03-26/the-hindu/polity-and-governance/democracy-dissent-and-the-national-image-debate>

⁴⁵https://arkajainuniversity.ac.in/naac/dvv-clarification/Criteria%203/3.2.1/Final%20Project_3.2.1/2020-21/2_2020-21.pdf

The relationship between media and dissent is particularly important because dissent often challenges established power structures. A free and independent media environment enables such challenges to occur peacefully and constructively.

4.8 THE RISE OF SOCIAL MEDIA AND DIGITAL ACTIVISM

The development of social media has transformed the dynamics of protest, debate, and dissent. Think of platforms like Instagram, YouTube, Facebook, and X (formerly Twitter). These aren't just websites or apps where you passively consume information. They're interactive spaces where you can generate content, react to what others post, and form networks with people you may never meet in person.⁴⁶

Social media offers several advantages:

- Instant communication and information sharing.
- Low barriers to participation.
- Global reach and connectivity.
- User-generated content and citizen journalism.
- Rapid mobilization of collective action.

Digital platforms played important roles in movements such as the Arab Spring, the Black Lives Matter Movement, and the #MeToo movement. These movements demonstrated the capacity of digital media to facilitate collective action and amplify marginalized voices.

Citizen journalism has emerged as another important development. Ordinary individuals can now document events using smartphones and share information directly with global audiences. This has reduced reliance on traditional media gatekeepers and expanded opportunities for participation.

Challenges and Limitations

Despite its democratic potential, media faces several challenges that may undermine its role as a platform for protest, debate, and dissent.

Commercialization

Media organizations often operate within competitive commercial environments. Dependence on advertising revenue can influence editorial priorities and reduce attention to issues affecting marginalized communities.

Political Pressure

Political actors work tirelessly to influence, manage, and sometimes manipulate media narratives in their favour.⁴⁷ Governments and political actors may attempt to influence media coverage through regulatory measures, legal actions, or economic pressure. Such interference can restrict independent reporting.

Concentration of Ownership

Media ownership concentrated in the hands of a few corporations may limit diversity of viewpoints. Ownership structures can shape editorial agendas and influence public discourse.

Misinformation and Disinformation

⁴⁶<https://journalism.university/social-media-and-society/understanding-social-media-platforms/>

⁴⁷<https://journalism.university/media-and-society/medias-role-in-political-system/>

Digital media environments facilitate rapid dissemination of false information. Misinformation can distort public debates, polarize societies, and undermine trust in democratic institutions.

Online Harassment

Journalists, activists, and dissenting voices frequently face harassment, threats, and intimidation online. Such practices may discourage participation in public discourse.

Echo Chambers

Social media algorithms often expose users primarily to viewpoints similar to their own. This can create ideological echo chambers that reduce meaningful debate and increase polarization.

Addressing these challenges requires media literacy, regulatory safeguards, ethical journalism, and institutional protections for press freedom.

So, Media serves as a cornerstone of democratic life by providing platforms for protest, debate, and dissent. Through information dissemination, public discussion, investigative reporting, and representation of diverse voices, media facilitates citizen participation and strengthens democratic accountability. Protest movements rely on media visibility to communicate grievances and mobilize support. Public debates conducted through media enable deliberation on important social and political issues. Dissent expressed through independent journalism and critical commentary helps safeguard democratic freedoms and challenge abuses of power.

The rise of digital and social media has expanded opportunities for participation, enabling citizens to communicate, organize, and advocate for change on unprecedented scales. However, challenges such as misinformation, political pressure, commercialization, and online polarization continue to threaten the democratic potential of media.

Ultimately, a free, independent, and pluralistic media system remains essential for preserving democratic values. By fostering protest, encouraging debate, and protecting dissent, media contributes significantly to the development of informed, engaged, and empowered citizens.

4.9 ROLE OF SOCIAL MEDIA IN DEMOCRATIC SOCIALIZATION

The emergence of social media has transformed the way citizens interact with political institutions, public issues, and one another. Democratic socialization refers to the process through which individuals acquire democratic values, political knowledge, civic attitudes, and participatory skills necessary for effective citizenship. Traditionally, democratic socialization occurred through family, schools, religious institutions, political parties, and mass media. In the twenty-first century, social media platforms such as Facebook, X, Instagram, YouTube, and WhatsApp have emerged as powerful agents of political communication and democratic engagement.

Social media facilitates the exchange of ideas, dissemination of information, political mobilization, public deliberation, and civic participation. It has democratized access to information by enabling citizens to become both consumers and producers of content. At the same time, concerns regarding misinformation, hate speech, polarization, and manipulation

have raised questions about its impact on democratic processes. Thus, social media plays a complex and multifaceted role in democratic socialization.

4.9.1 UNDERSTANDING DEMOCRATIC SOCIALIZATION

Democratic socialization is the process through which individuals learn the norms, values, beliefs, and behaviors that support democratic governance. It involves developing:

1. Political awareness and knowledge.
2. Respect for democratic institutions.
3. Commitment to fundamental rights and freedoms.
4. Tolerance of diverse opinions.
5. Civic responsibility and participation.
6. Critical thinking and informed decision-making.

The goal of democratic socialization is to create informed, responsible, and active citizens capable of contributing to democratic governance.

Traditionally, political socialization occurred through interpersonal interactions and institutional mechanisms. However, digital communication technologies have expanded these processes by providing new spaces for political learning and participation.

4.9.2 SOCIAL MEDIA AS AN AGENT OF DEMOCRATIC SOCIALIZATION

1. Enhancing Political Awareness

Social media significantly enhances political awareness and provides a platform for youth to engage in discussions and activism.⁴⁸ Through instant access to news, political commentary, government announcements, and public debates, users can remain informed about current affairs.

Unlike traditional media, social media enables real-time updates and direct communication between political leaders and citizens. Individuals can follow political events, parliamentary proceedings, election campaigns, and policy discussions as they unfold.

This accessibility helps citizens develop political consciousness and encourages greater interest in public affairs, especially among younger generations who consume information primarily through digital platforms.

2. Promoting Civic Education

Social media serves as an informal educational platform where citizens learn about constitutional rights, democratic institutions, electoral processes, and public policies. Government agencies, educational institutions, civil society organizations, and independent experts regularly share content that explains political issues in accessible formats.

Infographics, podcasts, short videos, webinars, and online discussions simplify complex political concepts and make civic education more engaging. Such content contributes to the development of informed citizens capable of participating meaningfully in democratic processes.

3. Encouraging Political Participation

⁴⁸<https://tjier.org/jnrid/papers/JNRID2501015.pdf>

Political participation is a cornerstone of democracy. Social media encourages participation by reducing barriers to engagement and providing accessible channels for political expression.

Citizens can:

- Express opinions on public issues.
- Participate in online campaigns.
- Sign digital petitions.
- Engage in policy discussions.
- Contact public representatives.
- Organize community initiatives.

Online engagement often serves as a gateway to offline participation, including voting, attending public meetings, volunteering, and participating in protests.

Young people, who may otherwise remain politically disengaged, frequently use social media as their primary means of political involvement.

4. Facilitating Public Debate and Deliberation

Democracy thrives on open discussion and exchange of ideas. Social media platforms provide spaces where individuals from diverse backgrounds can debate public issues, challenge opinions, and engage in collective problem-solving.

Through comments, discussion forums, live streams, and interactive content, citizens can participate in deliberative processes that were once limited to elite political actors.

Such interactions contribute to the development of democratic values including tolerance, dialogue, compromise, and respect for differing viewpoints.

5. Strengthening Citizen-Government Communication

Social media has significantly improved communication between governments and citizens. Public officials and government institutions use social media to:

- Share policy information.
- Announce public programs.
- Respond to citizen concerns.
- Gather public feedback.
- Increase transparency.

This direct interaction reduces communication gaps and fosters trust between citizens and institutions. It also enables governments to understand public sentiment and respond more effectively to societal needs.

6. Mobilizing Collective Action

The implications of social media for activism are immense. The social media is apparently an effective tool to mobilize and galvanise support for social movements.⁴⁹ It facilitates rapid dissemination of information and coordination among participants.

Several contemporary movements have relied heavily on social media for mobilization, including:

- The Arab Spring.
- Black Lives Matter.
- Environmental activism led by Greta Thunberg.

⁴⁹<https://www.idosr.org/wp-content/uploads/2020/04/IDOSR-JCE-51-43-50-2020.-P3.pdf>

- Various anti-corruption and democratic reform movements worldwide.

Through hashtags, online campaigns, and viral content, social media enables citizens to organize protests, raise awareness, and advocate for policy changes.

7. Empowering Marginalized Voices

Traditional media often reflects dominant political and economic interests. Social media provides opportunities for marginalized groups to express their concerns and participate in public discourse.

Women, minorities, indigenous communities, persons with disabilities, and other underrepresented groups can use social media to:

- Share experiences.
- Advocate for rights.
- Build networks.
- Influence public opinion.

This inclusiveness contributes to democratic equality and broadens participation in political processes.

4.10 SUMMARY

Social media has become one of the most influential agents of democratic socialization in contemporary society. By facilitating political awareness, civic education, public debate, political participation, and collective action, it has expanded opportunities for democratic engagement. It empowers citizens to communicate, organize, and influence public affairs in ways that were previously unimaginable.

At the same time, challenges such as misinformation, polarization, hate speech, manipulation, and unequal access threaten the quality of democratic discourse. The impact of social media on democracy therefore depends on how citizens, governments, educational institutions, and technology companies manage these challenges.

When supported by digital literacy, responsible platform governance, and inclusive access, social media can strengthen democratic culture by fostering informed, active, and engaged citizens. As democracy increasingly operates within digital environments, understanding and enhancing the role of social media in democratic socialization remains a crucial task for contemporary societies.

4.11 GLOSSARY

Investigative Journalism – A form of journalism that involves in-depth research and evidence-based reporting to uncover hidden facts and issues of public interest.

Human Rights – Fundamental rights and freedoms inherent to every individual, regardless of nationality, race, gender, or other status.

Accountability – The obligation of individuals, institutions, or governments to explain and justify their actions and accept responsibility for them.

Transparency – Openness in the functioning of institutions and governments that enables public access to information and decision-making processes.

Whistle-blower – A person who discloses confidential information about illegal, unethical, or corrupt practices in an organization in the public interest.

Public Interest – The welfare and well-being of society that justifies the disclosure of information affecting citizens.

Fact Verification – The process of checking and confirming the accuracy, authenticity, and reliability of information before publication.

4.12 SHORT ANSWER QUESTIONS

1. Define investigative journalism. How does it differ from routine news reporting?
2. Explain the role of investigative journalism in promoting and protecting human rights.
3. Discuss any four ethical principles that should guide investigative journalists.
4. What are the major challenges faced by investigative journalists while reporting on human rights issues?
5. How does investigative journalism contribute to transparency and accountability in a democratic society?

4.13 TERMINAL QUESTIONS

1. What are the challenges to the watchdog role of the media?
2. How many stages involved in the agenda-setting process?
3. Write a note on types of agenda setting.
4. What do you understand by democratic socialization?
5. Write a note on positive impact of social media on Democratic socialization

4.14 SUGGESTED READINGS

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John D.H. Downing with Tamara Villarreal Ford, Geneve Gil, & Laura Stein (2001)
2. Making Our Media: Global Initiatives Toward a Democratic Public Sphere, Vol. I, Creating New Communication Spaces Clemencia Rodriguez, Dorothy Kidd, & Laura Stein, eds. (2010)
3. Digital Disconnect: How Capitalism is Turning the Internet Against Democracy
Robert W. McChesney (2013)
4. Journalism in Crisis: Bridging Theory and Practice for Democratic Media Strategies in Canada Mike Gasher, Colette Brin, Christine Crowther, Gretchen King, Errol Salamon, & Simon Thibault, eds. (2016)
5. Carbon Capitalism and Communication: Confronting Climate Crisis.
Benedetta Brevini and Graham Murdock (eds.) (2017)

UNIT 5

RIGHT TO INFORMATION AND MEDIA TRANSPARENCY

UNIT STRUCTURE

5.1 INTRODUCTION

5.2 OBJECTIVES

5.3 TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE

5.4 GLOBAL FREEDOM OF INFORMATION MOVEMENT

5.5 FREEDOM OF INFORMATION IN INDIAN CONTEXT

5.6 RIGHT TO INFORMATION ACT, 2005

5.7 USE OF RTI AS AN ANTI-CORRUPTION TOOL: CONJUNCTION OF RTI AND MEDIA

5.8 USE OF RTI AS HUMAN RIGHTS TOOL

5.9 CHALLENGES IN IMPLEMENTATION OF RTI

5.10 SUMMARY

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5.14 SHORT ANSWERS QUESTIONS

5.15 TERMINAL QUESTIONS

5.16 TRUE AND FALSE

5.1 INTRODUCTION

Transparency and accountability are the pillars of good governance. Democracy itself, is a form of government which can be held accountable for its actions. Transparency plays a key role in holding governments liable and responsible to their constituents. Free flow of information and a culture of disclosure can help establish a responsible and a truly representative government. Freedom of Information legislations across the world have aimed at the establishment of a culture of openness in governance. The Right to Information Act (2005) in India establishes a citizen's right to know. This landmark legislation has led to greater scrutiny of government actions. In the hands of the media, it has become a tool in the fight against corruption and in reaffirming the rights of the public. In this unit we will look at the twin concepts of transparency and accountability and the global freedom of information movement. We shall study how the Right to Information (2005) was enacted in India and how it became an anti-corruption and human rights affirming legislation.

5.2 OBJECTIVES

After reading this unit, you will be able to-

- ❖ Critically analyse concepts of transparency and accountability
- ❖ Know about the global freedom of information movement.
- ❖ Know about the growth of Right to Information Movement in India and how it contributed to enactment of RTI Act (2005)
- ❖ Appreciate the role of RTI Act (2005) in defending human rights and ensuring accountability on part of the government.

5.3 TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE

Transparency and accountability are today seen as pillars of good governance. Transparency in general stands for open and free flow of information in administration. Transparency is a necessary attribute of a democratic polity. Democracy stands for responsible government, a government which acts in secrecy and obscurity can hardly be said to be democratic. Unlike traditional government structures which were opaque, and where common public could scarcely know about the affairs of the government a true democratic polity must encourage transparency. It should encourage flow of information from government towards citizens so that truly representative and responsible government can be established. Thus, the movement across the world for greater democratisation engendered the movement for greater transparency and the demand for freedom of information laws was created.

Conceptually, according to Mabilard and Zumofen various scholars have emphasised different aspects of the concept of transparency. Nasiritousi (2012) defined transparency as - “the release of information that is relevant for evaluating institutions” The above concept emphasises the notion of disclosure and is thus a top-down conception of transparency. While others like Bauhr have defined it as - “transparency as a process involves not just availability of information, but active participation in acquiring, distributing and creating knowledge” this also includes the view, role and participation of the citizen in process of transparency. The former concept is sometimes called ‘passive transparency’ while the latter is termed ‘active transparency’.

The other related concept is that of accountability which has been a central concept in public administration.

United Nations Development Programme defines accountability as – ‘the obligation to demonstrate that work has been conducted in accordance with agreed rules and standards and report fairly and accurately on performance results vis-à-vis mandated roles and/or plans.’

Robert D. Behn has defined accountability as – ‘The obligation of individuals or organizations to account for their activities, accept responsibility, and disclose results in a transparent manner.’

Thus, the word accountability connotes an obligation on part of the administrator to provide a satisfactory account of his or her performance with respect to the powers and responsibilities conferred upon them.

Though both of these concepts are inter-related and are sometimes used as synonyms transparency can be seen as the process or activity which leads to accountability, in a sense it can be said that transparency is a dimension of accountability.

Scholars have often focussed on various measures which deepen transparency in a polity. prominent among these measures are freedom of information laws and technologies which increase the information flow towards the public like internet, e-governance etc. In this unit we will have a look at the interaction of FOI (Right to information Act in the Indian case) as a tool for greater transparency and how it supports human rights advocacy within India.

5.4 GLOBAL FREEDOM OF INFORMATION MOVEMENT

The increased demand for transparency led to demand for freedom of information legislations across the globe. The rationale behind such demands has always been making governments more accountable, responsible and representative and to rid governance of the culture of secrecy. In traditional governance structures like monarchy there was always an element of arbitrariness, such government could never be transparent. Modern governance structures were associated with the rise of bureaucracy. According to Max Weber, the father of the bureaucratic theory, bureaucracy is legal-rational governance. However, even bureaucracy created its own structures of opacity. Thus, in democratic polities there was a consistent demand for transparency which led to movement demanding freedom of information legislations.

The first freedom of information legislation was passed in Sweden in 1766 in the form of the Freedom of the Press Act. This act established the principle of 'public access to official records' which later became the foundation of later FOI acts across the world.

The 19th and the 20th centuries saw spread of the principle of democracy and responsible government but also saw the rise of bureaucracy which though it replaced the arbitrariness of monarchies led to its own culture of opacity with various forms of Official Secrets Acts and similar legislations being passed to prevent free flow of information from the government to the people.

With the passage of time, it became clear that true democratisation had to overcome the culture of bureaucratic secrecy. Thus, in the aftermath of the Second World War even the seminal document proclaiming universal human rights - The Universal Declaration of Human Rights recognises freedom of expression which includes the right to 'seek, receive and impart information'

A major milestone in the Modern Freedom of Information movement was the passage of the Freedom of Information Act (FOIA), 1966 in the United States of America. It provided American citizens, the legal right to request records from federal agencies. It was the

culmination of efforts of a long movement spearheaded by journalists, civil liberties advocates opposing secrecy in governance.

The scandal which ensued Water gate tapes led to greater public distrust in government. This led to strengthening the demand for stricter disclosure obligations on part of the government. The Freedom of Information Act (1966) inspired similar legislations elsewhere. Norway passed its Freedom of Information legislation in 1970, the French Law on Access to Administrative Documents came in 1978, the Australian Freedom of Information Act and New Zealand's Official Information Act were passed in 1982, Canada's Access to Information Act came in 1983, South Korea's Act on Disclosure of Information In 1996 and the United Kingdom's Freedom of Information Act in the year 2000.

The passage of these acts was seen as important victory on part of citizen rights movements across the globe to strengthen democratic accountability, fight corruption, promote an informed citizenry and enhance and improve overall governance.

5.5 FREEDOM OF INFORMATION IN INDIAN CONTEXT

PRELUDE

In India the importance of an informed citizenry as a challenge towards bureaucratic arbitrariness was felt even in the days of the British Raj. Many prominent leaders of the Indian National Movement like Bal Gangadhar Tilak, Mahatma Gandhi and Jawahar Lal Nehru opposed legislations which promoted colonial secrecy. The framework of official secret acts of the time (Indian Official Secrets Act, 1889; Indian Official Secrets (Amendment) Act, 1904; Official Secrets Act, 1923) were often tied up with other repressive legislations like press restrictions and sedition legislations which were designed to oppress Indian opinions against colonial rule.

CONSTITUTIONAL FRAMEWORK

Post Independence the Courts took on the mantle of establishing freedom of information. As a part of their role as guardians of fundamental rights, the Supreme Court declared that the freedom of press was inherent in the freedom of speech and expression under the Article 19(1)(a). Further, the Supreme Court also ruled that it includes freedom of information within its ambit.

The Supreme Court protected the freedom of press from restrictive government legislations and actions and reiterated in various cases the need for free flow of information in a democracy, the press being the chief instrumentality of this function.

In the *State of U.P. v. Raj Narain* (1975) case, the Supreme Court declared –

‘The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary,’

The Court recognised the public's right to know as a part of the fundamental right of freedom of speech and expression under Article 19(1)(a)

In the *S.P. Gupta v. Union of India* (1981) case the Supreme Court again held that open government and transparency were fundamental to democracy. Right to access information from government was held to be a part of freedom of expression.

GRASSROOTS MOVEMENT FOR RIGHT TO INFORMATION: MAZDOOR KISAN SHAKTI SANGATHAN

The Mazdoor Kisan Shakti Sangathan was founded in 1987, by social activist and retired IAS Aruna Roy; development professional, Nikhil Dey, and Shakti Singh, a local social activist, in the village of Devdungri in Rajasthan. It was established as an organisation to work for rural poor. The village of Devdungri was situated in the Bhim block of the Rajasmand district of Rajasthan. It was a chronically drought prone village in the most arid part of the state, inhabited by subsistence farmers who often had to resort to seasonal economic migration to make ends meet.

Apart from economic hardships people were faced with rampant corruption which proliferated in government offices at the local level. MKSS slowly grew into a sizable organisation working with people of the region to secure their rights. The MKSS started the medium of public hearings or **jan-sunwai**. Which they used fix accountability of government officials. Official government records were read out publicly before villagers, to allow locals to be able to verify the actual amount of work done and thereby exposing corrupt officials.

According to people associated with MKSS this method of jan-sunwais was particularly effective as it increased participation of villagers and also transformed their outlook from being victims of a culture of corruption into citizens demanding their rights. It was instrumental in exposing fake muster roles and embezzlement of funds in drought relief works in the region.

For jan-sunwais to be effective there was need for public access to government records. In 1996 the MKSS started a 40-day dharna in Beawar, Rajasthan demanding the right to inspect and copy government records. This movement gained momentum and national publicity. Subsequently, the Rajasthan government passed a state legislation establishing a legal right to information. This movement proved to be a watershed moment in evolution of public opinion in favour of a nation-wide law establishing a similar right.

5.6 RIGHT TO INFORMATION ACT, 2005

ENACTMENT

The Freedom of Information Act, 2002 which was passed on 4th of December 2002 however it was not notified by the government. The FIA (2002) was also criticized by activists as not recognizing an explicit right to information for the people.

Later, in 2004, a National Advisory Committee (NAC) was set-up by the then UPA (United Progressive Alliance) government to look into possible revisions to the, The Freedom of Information Act, 2005.

The act was amended according to the recommendations and the new act The Right to Information Act, 2005 was passed on the 11th of May 2005 in the Lok Sabha and the 12th of May, 2005 in the Rajya Sabha. The act received Presidential assent on the 15th of June 2005 and finally came into force on the 12 of October 2005.

STATED OBJECTIVES OF THE RTI ACT, 2005

The Act sets out following objectives -

1. To provide for setting out of a practical regime of right to information for citizens.
2. To secure for citizens, access to information under control of public authorities.
3. To promote transparency and accountability in the working of every public authority.
4. To provide for the constitution of a Central Information Commission and State Information Commissions and all connected and incidental matters.

It also recognizes the need for an informed citizenry and transparency of information as vital to the functioning of a democracy, containing corruption and holding government and its instrumentalities accountable.

At the same time, it recognizes that in actual practice revelation of information can come into conflict with other public interests such as 'efficient operations of Government', 'optimum use of limited fiscal resources' and 'preservation of confidentiality of sensitive information'.

The Act states that it seeks to 'harmonize these conflicting interests while preserve the paramountcy of the democratic ideal'

SALIENT FEATURES OF THE RTI ACT, 2005

The Right to Information Act, 2005 is often seen as a landmark legislation which has strengthened democratic governance in India. The following are the salient features of the Act:

1. Establishes the Right to Information

The first and the foremost feature of the RTI Act is that it establishes that every Indian citizen has the legal right to obtain information from public authorities. A citizen can request information under control of public authorities in various forms; it also allows inspection of documents and taking of certified copies and even samples of materials. Thus, it lays the foundation of a comprehensive right to information.

2. Wide Definition of 'Information'

The Act provides for a very broad definition of information. The Section 2(f) of the Act defines information as any 'material in any form' which includes

- a) records
- i) orders

- | | |
|-------------------|--|
| b) documents | j) logbooks |
| c) memos | k) contracts |
| d) e-mails | l) reports |
| e) opinions | m) papers |
| f) advices | n) samples |
| g) press-releases | o) data materials held in electronic forms |
| h) circulars | |

It also includes information related to any private body which can be accessed by a public authority under law.

The Act's broad definition of the word 'information' is useful in development a culture of openness and disclosure which is conducive to greater accountability of the government in the context of democracy.

3. Public Authorities

The Act applies to all public authorities which is defined under the Section 2(h) of the Act includes 'any authority or body or institution of self- government established or constituted'

- 1) by or under the Constitution
- 2) by any other law made by Parliament or any State Legislature
- 3) by notification issued or order made by the appropriate Government.

It also includes any, body owned, controlled or substantially financed and non-Government organization substantially financed directly or indirectly by funds provided by the appropriate Government.

Therefore, the Act covers –

- Government ministries and departments
- Parliament and State legislatures
- Constitutional authorities
- Public Sector Undertakings
- Statutory Authorities
- Municipalities and Panchayats
- Government- funded institutions and even NGOs substantially financed by governments

This wide coverage helps bring the entire government apparatus and associated agencies under public scrutiny thus ensuring accountability

4. Appointment of Public Information Officer (PIO) in public authorities

Every public authority is mandated to appoint a Public Information Officer to receive and process RTI application. The PIO is responsible for provision of requested information within the prescribed timeframe. Thus, the Act provides for mechanism and establishes responsibility within public authorities for timely and efficient provision of information to citizens.

5. Time-bound Disposal of applications

This an important feature of the Act, it sets a time-frame for response to applications received

Normally the Act mandates the provision of information within 30 days, but if information concerns life and liberty of an individual it has to be given within 48 hours.

An application submitted to an APIO is to be processed within 35 days.

This is a critical aspect of the Act by making disposal of requests time-bound it puts an obligation on the authority for timely disposal of requests.

6. Simple and Citizen-friendly procedure

The procedure of application for information under the RTI has been designed to be simple and accessible. Under the Section 6 of the Act, by a simple means of an application (written or electronic means) and nominal fee applicants can seek information they require.

Additionally, an applicant is not required to provide any reason as to why he is seeking this information. This provision seeks to protect applicants from any sort of intimidation or hesitation.

7. Suo-Moto Disclosure

The Section 4 of the RTI Act obligates public authorities to pro-actively disclose information relevant to their functioning. These include their Organisational structure, functions and duties, power and duties of officers, decision making procedures, rules and regulations, budget and expenditure etc.

Through this the RTI Act seeks to promote a culture of openness and disclosure in governance. It also reduces the need for citizens to file RTI applications for information they can receive in this manner.

8. The Central and the State Information Commissions

Both the Central and the State level commissions were envisioned as appellate authorities to hear complaints and appeals regarding delay and denial of information. They are crucial for the effective enforcement of the act and also act as the guardian of citizen's right to information. Hence, the commissions have been accorded with adequate institutional independence to safeguard their freedom of action.

9. Two-Tier Appeal Mechanism

The RTI Act provides for a two tier appeal

- a) First appeal within the public authority
- b) Second appeal before the Central or State Information Commission.

This ensures accountability in processing of RTI requests and provide adequate means for grievance redressal to applicants.

10. Penalty provisions

The Act includes strict penalty provisions for delay and denial of information as well as provision of false or misleading information by the public authority.

11. Exemption from Disclosure

As the objective of the Act states that it aims to balance the public interest in free flow of information and the equally important interest of efficient operation of government and protection of sensitive information from disclosure. Therefore, the Section 8 of the RTI Act mentions certain categories of information which are exempt from disclosure.

Information pertaining to national security, sovereignty and integrity of the nation, trade secrets and intellectual property and the like have been exempted from disclosure.

12. Coverage of Electronic records

The RTI Act includes modern forms of communication and modes of storage of information within its purview. Applicants can request information stored by public authorities in the form of digital records as well.

Thus overall, the Act has been designed to promote transparency and accountability and is often described as a milestone in the democratic empowerment of common people.

5.7 USE OF RTI AS AN ANTI-CORRUPTION TOOL: CONJUNCTION OF RTI AND MEDIA

The RTI Act (2005) has since its inception, emerged as a potent tool in the arsenal of common citizens to fight corruption and irregularities in governance. Journalists in particular have readily adopted the Act to probe into government mis-doings, irregularities and cases of wastage of public resources. Government actions have come under increasing scrutiny from the public and the effect has been one of greater accountability and transparency which are the building blocks of good governance. As, Louis Brandeis said ‘Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.’, indeed the light of public scrutiny, which the RTI Act has enabled to be focussed on government affairs has led to greater rectitude in the functioning of government officials.

Several prominent cases where significant instances of corruption were exposed had their genesis in RTI applications.

The Adarsh Housing Society scam is one of the prominent cases in which RTI was instrumental in exposing corruption. In this particular case allotment of flats in the Adarsh Cooperative Housing Society in Mumbai which were originally meant for Kargil war widows

and military personnel were diverted and allotted to politicians, bureaucrats and their relations.

These disclosures led to a CBI investigation into the matter which led to arrest of several officials found culpable in the case. It is cited as one of the factors leading to the resignation of the then Chief Minister of the State of Maharashtra.

Similarly, the Vyapam Examination Scam of Madhya Pradesh came to light when through the means of RTI activists accessing exam records, recruitment details and audit report disclosed the widespread irregularities in entrance examinations.

Commonwealth Games Scam (2010)

RTI played a crucial role in exposing instances of corruption in the organisation of 2010 Commonwealth Games, Delhi. The records accessed primarily through means of RTI disclosed irregularities in Tender procedures, procurement contracts and various other aspects.

The above disclosures led to investigations by the CBI, CVC and the Comptroller and Auditor General of India. This scam became one of the biggest corruption scandals of the decade and led to a development of a massive public anti-corruption campaign.

Journalists and Social Activists have regularly used RTI to expose cases of corruption, embezzlement and irregularities in public services like the Public Distribution System (PDS) and the implementation of schemes like MGNREGA.

RTI applications have unearthed irregularities in allocation of mining and resource allocations, pension and welfare fraud cases and many other such areas.

RTI has provided media especially investigative journalism a potent weapon to scrutinise government actions and thus uphold the rights of common public.

5.8 USE OF RTI AS HUMAN RIGHTS TOOL

RTI has emerged as an important human rights tool in India. RTI has improved the access of official information and has thereby helped bring to light cases of misgovernance, malfeasance and repressive practices within government institutions. The possibility of public disclosure has had a salutary effect on the culture of governance, public authorities are more mindful in the exercise of their powers and performance of their duties. A quick and easy RTI application has become powerful tool in establishing accountability in public administration.

RTI has played an especially important role in keeping in check corrupt practices that have long plagued service delivery aspect of governance in India. Welfare programmes like Public Distribution System, rural employment and assistance schemes and various social sector and developmental programmes aimed at rural and urban poor in India have frequently suffered from widespread corruption, misappropriation, leakages and mismanagement of funds. RTI

has become an important instrument in the arsenal of activists, journalists and ordinary citizens in seeking accountability from government.

In a country where poverty and deprivation affecting a significant section of the population, such corruption amounts to serious deprivation of human rights of intended beneficiaries who are robbed of even basic necessities. Human rights discourse in India cannot ignore the socio-economic aspect of rights including basic rights like right to food, health and education. RTI has had the most significant impact in this sector as it empowers citizens to monitor welfare delivery system and expose government failures.

Apart from this RTI has also emerged as a watchdog of civil and political rights as well. RTI has been used by activists and journalists to expose infringement of civil liberties by government agencies. It has in numerous cases exposed mistreatment of prisoners, custodial violence, abuse of power by law enforcement agencies.

5.9 CHALLENGES IN IMPLEMENTATION OF RTI

1. Administrative and Institutional weaknesses

These are institutional and structural challenges

1. Delays in providing of information
2. Backlog in clearing of appeals
3. Inadequate staff and vacancies in the Central and State Information Commissions

2. Inertia in Bureaucratic culture

These challenges stem from the attitudes and work culture of public officials

1. Persistence of culture of secrecy
2. Reluctance in sharing information
3. Misuse of Exemption clauses
4. Misuse of ambiguous clauses

3. Policy Challenges

1. Conflict between privacy concerns and transparency
2. Conflict between security concerns and transparency
3. Lack of strong whistle-blower protection.

4. Societal challenges

1. Low level awareness about RTI among common people

2. A culture of passivity on part of citizens when dealing with public authorities.

Other challenges include threats and violence towards RTI activists. RTI activists engaged in exposing corruption are often victim of violence and coercion by vested interests. RTI activists are recognised as HRDs (Human Rights Defenders) under threat. According to media reports many RTI activists have lost their lives in pursuit of their activities.

5.10 SUMMARY

Transparency and accountability are essential pillars of democratic governance as access to information is crucial for meaningful political participation. The global Freedom of Information movement emerged as challenge to bureaucratic secrecy and to promote openness, accountability, and citizen participation. In India, grassroots movements such as the MKSS campaign paved the way for the enactment of the RTI Act, 2005.

The RTI Act empowers citizens to access government information, it strengthens transparency, and serves as an important tool to fight corruption. However, despite its achievements in promoting accountability and human rights, RTI implementation continues to face challenges such as delays, resistance from bureaucracy, low levels of public awareness and threats to RTI activists.

5.11 GLOSSARY

1. Transparency - The free flow and accessibility of information regarding government actions, policies, and decisions, enabling citizens to monitor public administration.
2. Accountability - The obligation of public officials and institutions to explain, justify, and take responsibility for their actions and decisions.
3. Right to Information (RTI) - The legal right of citizens to access information held by public authorities, established in India through the RTI Act, 2005.
4. Public Information Officer (PIO) - An official designated under the RTI Act to receive, process, and respond to requests for information from citizens.
5. Freedom of Information (FOI) - The principle that citizens have the right to access information held by the government, forming the basis of transparency laws across democratic societies.

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5.14 SHORT ANSWERS QUESTIONS

1. Which country enacted the world's first Freedom of Information legislation?
 - a) United States
 - b) Sweden
 - c) United Kingdom
 - d) France
2. The Right to Information Act came into force in India on:
 - a) 15 August 2005
 - b) 2 October 2005
 - c) 12 October 2005
 - d) 26 January 2006
3. Which grassroots movement played a major role in the demand for RTI legislation in India?

- a) Chipko Movement
- b) Narmada Bachao Andolan
- c) Mazdoor Kisan Shakti Sangathan (MKSS)
- d) Bhoodan Movement

4. Under the RTI Act, information concerning the life and liberty of a person must ordinarily be provided within:

- a) 7 days
- b) 15 days
- c) 30 days
- d) 48 hours

5. Which section of the RTI Act deals with exemptions from disclosure?

- a) Section 2
- b) Section 4
- c) Section 6
- d) Section 8

ANSWERS:

1. (b) Sweden, 2.(c) 12 October 2005, 3. (c) Mazdoor Kisan Shakti Sangathan (MKSS), 4. (d) 48 hours, 5. (d) Section 8

5.15 TERMINAL QUESTIONS

- 1. Discuss the concepts of transparency and accountability in governance.
- 2. Trace the evolution of the global Freedom of Information movement.
- 3. Explain the growth of the Right to Information movement in India.
- 4. Critically examine the salient features of the Right to Information Act, 2005. How does the Act seek to promote transparency and accountability?

5.16 TRUE AND FALSE

- 1. The Freedom of the Press Act of Sweden (1766) is regarded as the world's first Freedom of Information legislation.
- 2. The RTI Act requires applicants to state the reason for seeking information.
- 3. The Central and State Information Commissions function as appellate authorities under the RTI Act.
- 4. The RTI Act applies only to Central Government ministries and departments.

5.RTI has been used by journalists and activists to expose corruption and human rights violations.

ANSWERS

True, False, True, False, True

UNIT 6

MEDIA TRIALS AND HUMAN RIGHTS

STRUCTURE

- 6.1 INTRODUCTION**
- 6.2 OBJECTIVES**
- 6.3 MEANING OF MEDIA TRIAL**
- 6.4 ROLE OF MEDIA IN A DEMOCRACY**
- 6.5 HUMAN RIGHTS AND FAIR TRIAL**
- 6.6 FREEDOM OF SPEECH AND FREEDOM OF PRESS**
- 6.7 IMPACT OF MEDIA TRIALS ON HUMAN RIGHTS**
 - 6.7.1 VIOLATION OF PRESUMPTION OF INNOCENCE**
 - 6.7.2 INFLUENCE ON JUDICIAL PROCESS**
 - 6.7.3 VIOLATION OF PRIVACY**
 - 6.7.4 MENTAL HARASSMENT AND SOCIAL PRESSURE**
 - 6.7.5 SENSATIONALISM AND MISINFORMATION**
- 6.8 MEDIA TRIALS IN INDIA**
- 6.9 IMPORTANT JUDICIAL DECISIONS**
 - 6.9.1 SAHARA INDIA REAL ESTATE CORPORATION LTD. V. SEBI (2012)**
 - 6.9.2 MANU SHARMA V. STATE (NCT OF DELHI)**
 - 6.9.3 R.K. ANAND V. REGISTRAR, DELHI HIGH COURT**
 - 6.9.4 JESSICA LAL MURDER CASE**
- 6.10 ROLE OF SOCIAL MEDIA IN MEDIA TRIALS**
- 6.11 ETHICS AND RESPONSIBILITIES OF MEDIA**
- 6.12 NEED FOR BALANCE BETWEEN MEDIA FREEDOM AND HUMAN RIGHTS**
- 6.13 SUMMARY**
- 6.14 GLOSSARY**
- 6.15 REFERENCES**
- 6.16 SUGGESTED READINGS**
- 6.17 SHORT ANSWER QUESTIONS**
- 6.18 TERMINAL QUESTIONS**
- 6.19 TRUE AND FALSE**

6.1 INTRODUCTION

Media plays an important role in a democratic society. It informs people about current events, exposes corruption, spreads awareness, and acts as a bridge between the government and the public. With the growth of television channels, newspapers, online news portals, and social media platforms, news now reaches people very quickly. However, this speed has also created certain problems. One such problem is “media trial.”

Media trial refers to the situation where the media starts discussing and judging a person accused of a crime even before the court gives its final judgment. In many cases, news channels conduct debates, publish opinions, and present assumptions that may influence public opinion. Sometimes the accused person is portrayed as guilty without proper legal proof. This affects the basic principles of justice and human rights.

Human rights are the basic rights and freedoms available to every person. These rights include the right to life, dignity, equality, privacy, and fair trial. The Constitution of India guarantees these rights through various fundamental rights. When media reporting becomes sensational or biased, it may violate these rights. At the same time, responsible journalism can help society by exposing injustice and supporting transparency.

This unit explains the meaning of media trial, its impact on human rights, the role of the judiciary and media, important legal provisions, landmark cases, and the need for responsible reporting in a democratic society.

6.2 OBJECTIVES

After studying this unit, the learners will be able to:

1. Understand the meaning and concept of media trial.
2. Explain the relationship between media and human rights.
3. Analyze the impact of media trials on fair trial and personal dignity.
4. Understand constitutional and legal provisions relating to media freedom and human rights.
5. Examine important judicial decisions regarding media trials.
6. Identify the responsibilities of media in protecting human rights.
7. Evaluate the need for ethical journalism and balanced reporting.

6.3 MEANING OF MEDIA TRIAL

Media trial means the process in which media organizations present opinions, discussions, and conclusions about a criminal case before the court delivers its judgment. In such situations, television debates, newspaper articles, and social media discussions may create public pressure and influence the minds of people regarding the guilt or innocence of an accused person.

In modern times, media competition for higher ratings and public attention often leads to sensational reporting. Journalists sometimes use dramatic language, emotional statements, and selective facts to attract viewers. As a result, the accused person may be publicly judged even before legal proceedings are completed.

Media trial generally occurs in high-profile criminal cases involving politicians, celebrities, businesspersons, or shocking crimes. Continuous reporting may influence witnesses,

investigators, judges, and the public. Therefore, media trial raises serious concerns regarding justice and human rights.

6.4 ROLE OF MEDIA IN A DEMOCRACY

Media is considered the “Fourth Pillar of Democracy” because it performs an important function in society. It informs citizens, promotes transparency, and holds authorities accountable. Freedom of the press is essential for democratic governance.

The media helps in spreading awareness about social issues such as corruption, violence, discrimination, environmental problems, and human rights violations. Investigative journalism has exposed many scams and injustices in India and other countries.

However, media freedom also carries responsibilities. Journalists are expected to report facts honestly, fairly, and without prejudice. When media crosses ethical limits and starts acting like a court, it may damage the administration of justice.

Thus, media must maintain a balance between freedom of expression and respect for legal procedures and individual rights.

6.5 HUMAN RIGHTS AND FAIR TRIAL

Human rights are universal rights that belong to every human being. These rights are protected under international human rights law and the Constitution of India.

One of the most important human rights is the right to a fair trial. A fair trial means that every accused person has the right to be treated as innocent until proven guilty by a competent court of law. This principle is known as the “presumption of innocence.”

Article 21 of the Constitution of India guarantees the right to life and personal liberty. The Supreme Court has interpreted this article broadly to include the right to dignity, privacy, reputation, and fair trial.

When media presents an accused person as guilty before the court’s decision, it may violate several human rights such as:

- Right to dignity
- Right to privacy
- Right to reputation
- Right to fair trial
- Right against prejudice

Therefore, responsible media reporting is necessary to protect constitutional values and human rights.

6.6 FREEDOM OF SPEECH AND FREEDOM OF PRESS

Freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution of India. This freedom includes freedom of the press and media. It allows journalists and media organizations to report news, criticize authorities, and express opinions.

However, this freedom is not absolute. Article 19(2) permits reasonable restrictions in the interests of:

- Sovereignty and integrity of India
- Security of the State

- Public order
- Decency and morality
- Defamation
- Contempt of court

Media trial may sometimes interfere with court proceedings and administration of justice. In such cases, restrictions may be imposed to protect fair trial rights.

Thus, freedom of the press must be exercised responsibly and ethically.

6.7 IMPACT OF MEDIA TRIALS ON HUMAN RIGHTS

Media trials can have both positive and negative effects. In some situations, media attention helps in exposing injustice and forcing authorities to take action. Public awareness created by media has contributed to justice in several important cases.

However, uncontrolled media trials can seriously harm human rights and legal processes.

6.7.1 Violation of Presumption of Innocence

In criminal law, every accused person is considered innocent until proven guilty. Media trials often ignore this principle and portray accused individuals as criminals before court judgments.

This creates social stigma and damages the reputation of the accused person and their family.

6.7.2 Influence on Judicial Process

Continuous media discussions may influence witnesses, investigators, lawyers, and even judges indirectly. Public pressure created by media may affect the fairness of legal proceedings.

6.7.3 Violation of Privacy

Media sometimes publishes personal details, photographs, conversations, and private information of accused persons or victims without consent. Such actions violate the right to privacy.

6.7.4 Mental Harassment and Social Pressure

Media attention may lead to mental stress, humiliation, and emotional suffering for accused persons and their families. Even if a person is later declared innocent, public reputation may not be fully restored.

6.7.5 Sensationalism and Misinformation

Some media organizations focus on sensational news to increase viewership. Incomplete facts, rumors, and misleading information may spread quickly and create confusion in society.

6.8 MEDIA TRIALS IN INDIA

India has witnessed several famous cases where media trials became highly controversial. News channels often conducted debates and investigations parallel to court proceedings.

In many cases, the media played a positive role by highlighting failures in investigation and increasing public awareness. However, excessive coverage sometimes created pressure and prejudgment. The rise of social media has increased the problem further. Today, information spreads rapidly through online platforms, hashtags, videos, and viral messages. Unverified content can damage reputations within minutes.

Therefore, there is increasing discussion in India regarding the need for stronger ethical standards and responsible journalism.

6.9 IMPORTANT JUDICIAL DECISIONS

6.9.1 Sahara India Real Estate Corporation Ltd. v. SEBI (2012)

The Supreme Court recognized that excessive media reporting could affect fair trial rights. The Court stated that postponement orders may sometimes be necessary to prevent prejudice during ongoing legal proceedings.

6.9.2 Manu Sharma v. State (NCT of Delhi)

The Court observed that media reporting should not create an atmosphere of prejudice against the accused. Media should avoid influencing public opinion during trials.

6.9.3 R.K. Anand v. Registrar, Delhi High Court

The Supreme Court emphasized the importance of ethical journalism and warned against interference in the judicial process.

6.9.4 Jessica Lal Murder Case

Media activism in this case played a significant role in demanding justice and exposing weaknesses in the investigation. This case is often cited as an example where media pressure helped revive public attention.

These cases show that media can both support justice and create risks for fair trial rights.

6.10 ROLE OF SOCIAL MEDIA IN MEDIA TRIALS

Social media platforms such as Facebook, X (Twitter), Instagram, and YouTube have changed the nature of media trials. Ordinary citizens can now share opinions, videos, and comments instantly.

Social media increases public participation, but it also spreads rumors and misinformation rapidly. Viral posts may influence public thinking before verified facts become available.

Unlike traditional media, social media often lacks proper editorial control. False information may remain online permanently and damage reputations.

Therefore, digital responsibility and fact-checking are becoming increasingly important in modern society.

6.11 ETHICS AND RESPONSIBILITIES OF MEDIA

Ethical journalism means reporting news honestly, fairly, and responsibly. Media organizations should follow professional standards while covering criminal cases and sensitive matters.

Responsible journalism requires:

- Verification of facts before publication
- Respect for privacy and dignity
- Avoidance of sensational language
- Balanced reporting from all sides
- Protection of victims and vulnerable persons
- Respect for judicial procedures

The Press Council of India and other regulatory bodies issue ethical guidelines for journalists. However, self-regulation and professional responsibility remain very important. The media should aim to inform society rather than influence court decisions.

6.12 NEED FOR BALANCE BETWEEN MEDIA FREEDOM AND HUMAN RIGHTS

Both freedom of the press and protection of human rights are essential in a democratic society. Complete control over media may harm democracy, while uncontrolled media trials may violate individual rights.

A balance is therefore necessary. Courts, media organizations, journalists, and citizens all share responsibility in maintaining this balance.

Legal awareness, ethical journalism, stronger media standards, and public understanding can help reduce harmful media trials while preserving freedom of expression.

6.13 SUMMARY

Media trial refers to the practice where media discusses and judges a case before the court delivers its judgment. While media plays an important role in democracy by spreading awareness and promoting transparency, excessive or biased reporting may violate human rights.

Human rights such as dignity, privacy, reputation, and fair trial are protected under the Constitution of India. Media trials may create prejudice, influence judicial proceedings, and damage personal reputation.

The Constitution guarantees freedom of speech and expression under Article 19(1)(a), but this freedom is subject to reasonable restrictions under Article 19(2). Courts in India have emphasized the importance of balancing media freedom with fair trial rights.

Responsible journalism, ethical reporting, and public awareness are necessary to ensure that media contributes positively to democracy without harming human rights.

6.14 GLOSSARY

Media Trial: Media discussion and judgment of a case before court decision.

Human Rights: Basic rights and freedoms available to every individual.

Fair Trial: Legal process ensuring justice, equality, and impartial hearing.

Freedom of Press: Right of media to report and publish information freely.

Presumption of Innocence: Principle that an accused person is innocent until proven guilty.

Sensationalism: Presentation of news in an exaggerated manner to attract attention.

Defamation: Harm caused to a person's reputation through false statements.

Privacy: Right of a person to keep personal matters confidential.

Ethical Journalism: Responsible and fair reporting based on truth and professional standards.

Contempt of Court: Actions or publications that interfere with the administration of justice.

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6.17 SHORT ANSWER QUESTIONS

1. What is meant by media trial?
2. Explain the concept of fair trial.
3. What is the role of media in democracy?
4. Define ethical journalism.
5. What is meant by freedom of the press?

6.18 TERMINAL QUESTIONS

1. Discuss the meaning and impact of media trials on human rights.
2. Explain the relationship between freedom of the press and fair trial rights.
3. Analyse the constitutional provisions relating to media freedom in India.
4. Discuss the role of social media in modern media trials.
5. Evaluate the need for ethical journalism in protecting human rights.

6.19 TRUE AND FALSE

1. Media trial means judicial judgment delivered by newspapers. — False
2. Article 21 of the Constitution protects the right to life and personal liberty. — True
3. Freedom of speech under Article 19(1)(a) is absolute. — False
4. Ethical journalism requires verification of facts before publication. — True
5. Media trials can affect the right to fair trial. — True

UNIT 7

FAKE NEWS, HATE SPEECH AND ETHICAL ISSUES

UNIT STRUCTURE

7.1 INTRODUCTION

7.2 OBJECTIVES

7.3 UNDERSTANDING FAKE NEWS: MEANING AND DEFINITION

7.4 TYPES OF FAKE NEWS

7.5 CAUSES OF FAKE NEWS

7.6 IMPACT OF FAKE NEWS ON SOCIETY, DEMOCRACY AND HUMAN RIGHTS

7.7 HATE SPEECH

7.7.1 MEANING AND DEFINITION

7.7.2 DISTINGUISHING HATE SPEECH FROM FREEDOM OF EXPRESSION

7.8 ETHICAL ISSUES IN MEDIA AND DIGITAL COMMUNITY

7.9 LEGAL AND REGULATORY FRAMEWORK

7.10 PREVENTIVE MEASURES AND BEST PRACTICES

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7.12 SUMMARY

7.13 GLOSSARY

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7.15 MCQS

7.16 TRUE/FALSE

7.17 TERMINAL QUESTIONS

7.18 REFERENCES

7.1 INTRODUCTION

The rapid expansion of digital communication technologies has transformed the way information is created, disseminated, and consumed. The advent of the internet, smartphones, and social media platforms has democratized access to information, enabling individuals to communicate across geographical boundaries almost instantaneously. While these technological advancements have strengthened freedom of expression, promoted citizen journalism, and enhanced public participation in democratic processes, they have also created significant challenges in the form of fake news, hate speech, misinformation, and unethical digital practices.

Fake news and hate speech have emerged as some of the most pressing concerns of the digital age. They possess the potential to influence public opinion, manipulate elections, incite violence, spread communal hatred, undermine democratic institutions, and violate fundamental human rights. The COVID-19 pandemic demonstrated the serious consequences of misinformation. False claims relating to vaccines, medical treatments, preventive measures, and public health advisories spread rapidly across digital platforms, creating panic, confusion, and resistance to scientifically established health practices. Similarly, misinformation during elections has increasingly become a global concern, with fabricated news stories, manipulated images, deepfake videos, and coordinated disinformation campaigns influencing political discourse and public perception.

Ethics plays a crucial role in addressing these challenges. Ethical communication requires truthfulness, accuracy, fairness, accountability, respect for privacy, and responsibility towards society. Journalists, media organizations, digital platforms, governments, and citizens all share a collective responsibility to ensure that freedom of expression is exercised responsibly. Ethical standards become particularly important in the era of artificial intelligence, deepfakes, algorithmic content recommendation systems, and automated information dissemination.

The emergence of artificial intelligence and generative technologies has further complicated the issue. Deepfake technology can produce highly realistic but fabricated images, audio recordings, and videos capable of deceiving audiences and damaging reputations. Such technological developments have intensified debates regarding regulation, platform accountability, privacy, misinformation, and ethical use of emerging technologies.

7.2 OBJECTIVES

After studying this unit, learners will be able to:

- ❖ Explain the meaning and characteristics of fake news.
- ❖ Identify different forms and causes of fake news.
- ❖ Distinguish hate speech from legitimate freedom of expression.
- ❖ Analyze the legal framework regulating fake news and hate speech in India.
- ❖ Evaluate contemporary challenges posed by misinformation, deepfakes, and artificial intelligence.

7.3 UNDERSTANDING FAKE NEWS: MEANING AND DEFINITION

Fake news refers to false, fabricated, manipulated, or misleading information presented as authentic news with the intention of deceiving, influencing, or manipulating public opinion. Such content may be created for political, ideological, financial, or personal motives and is often designed to appear credible by imitating legitimate news sources.

The term "fake news" gained widespread global attention during the 2016 United States Presidential Election, although the phenomenon itself has existed throughout history in

various forms, including propaganda, rumours, fabricated reports, and misinformation campaigns.

International organizations such as UNESCO generally prefer the term "information disorder" rather than "fake news" because the latter may oversimplify the complex nature of misleading information. Information disorder includes misinformation, disinformation, and malinformation, each representing different forms of false or misleading communication. Unlike genuine journalism, fake news lacks editorial verification, factual accuracy, accountability, and adherence to ethical standards. It often relies on sensational headlines, manipulated visuals, selective presentation of facts, or fabricated narratives to attract attention and influence public perception.

7.4 TYPES OF FAKE NEWS

Fake news appears in various forms depending upon its purpose and method of dissemination.

a) Misinformation

Misinformation refers to false or inaccurate information that is shared without the intention to deceive. Individuals may unknowingly forward incorrect information believing it to be true. For example, sharing an outdated news report as if it were a current event without verifying its authenticity constitutes misinformation.

b) Disinformation

Disinformation involves the deliberate creation and dissemination of false information with the intention of deceiving the public or manipulating opinion. Disinformation campaigns are often associated with political propaganda, election interference, cyber warfare, and coordinated influence operations.

c) Malinformation

Malinformation refers to genuine information that is intentionally shared out of context or disclosed to cause harm to individuals, organizations, or communities. Examples include leaking private communications, publishing personal information without consent, or selectively presenting facts to damage someone's reputation.

d) Satire and Parody

Satirical or parody content is intended primarily for humour or criticism rather than deception. However, when such content is taken literally or shared without context, it may contribute to misinformation.

e) Fabricated News

Fabricated news consists entirely of fictional stories created to resemble legitimate journalism. Such content has no factual basis but is designed to mislead readers.

f) Manipulated Content

Manipulated content includes edited photographs, altered videos, fabricated audio recordings, and digitally modified documents intended to deceive audiences. The increasing use of artificial intelligence has made such manipulation more sophisticated through deepfake technology.

7.5 CAUSES OF FAKE NEWS

The rapid spread of fake news is influenced by a combination of technological, psychological, political, and economic factors. The digital communication ecosystem has significantly accelerated the creation and dissemination of false or misleading information. Understanding these causes is essential for developing effective strategies to combat misinformation.

a) Social Media Platforms

The widespread use of social media platforms such as Facebook, X (formerly Twitter), Instagram, YouTube, and WhatsApp has fundamentally transformed the way information is shared. Unlike traditional media, social media enables anyone with internet access to create and disseminate content instantly without undergoing editorial scrutiny or fact-checking. As a result, false information can spread rapidly to millions of users within a very short period.

The algorithms used by social media platforms often prioritize content that generates higher engagement, such as likes, shares, and comments. Sensational, controversial, or emotionally charged posts tend to receive greater visibility, regardless of their accuracy.

b) Confirmation Bias

Confirmation bias is a psychological tendency in which individuals seek, interpret, and share information that confirms their pre-existing beliefs, opinions, or ideological preferences while ignoring contradictory evidence. This cognitive bias significantly contributes to the spread of fake news because people are often more willing to accept information that aligns with their personal views without verifying its authenticity.

c) Political Propaganda

Fake news is frequently used as a tool of political propaganda to influence public opinion, shape electoral outcomes, or weaken political opponents. Political actors, interest groups, and organized networks may deliberately create and circulate false information to manipulate voters, spread ideological narratives, or create distrust in democratic institutions. During election campaigns, misinformation may include fabricated speeches, manipulated videos,

false allegations against candidates, or misleading claims regarding government policies. Such content may influence voter behaviour, deepen political polarization, and undermine the integrity of democratic processes. In some cases, foreign actors have also been accused of conducting coordinated disinformation campaigns to interfere in the domestic politics of other nations. Consequently, fake news has emerged as a significant challenge to democratic governance and electoral transparency.

d) Commercial Motives

Economic incentives are another major factor contributing to the proliferation of fake news. Many websites and online content creators generate revenue through digital advertising based on the number of page views or user interactions. Sensational headlines, exaggerated claims, and misleading stories often attract greater public attention than factual reporting, thereby increasing website traffic and advertising income. This phenomenon, commonly known as "clickbait journalism," prioritizes profitability over accuracy. Some individuals or organizations deliberately publish fabricated news solely to maximize online engagement and earn advertising revenue. The commercialization of digital media has therefore created financial incentives for producing and circulating misleading content, making fake news a profitable enterprise in certain circumstances.

e) Low Media Literacy

Media literacy refers to the ability to critically evaluate, interpret, and verify information obtained from various media sources. A lack of media literacy significantly contributes to the spread of fake news, as many users are unable to distinguish between credible journalism and fabricated content. They may also be unaware of fact-checking websites and verification tools. Consequently, misleading information is often shared unintentionally among family members, friends, and social networks. Enhancing media literacy through education and public awareness programmes is therefore essential for reducing the spread of misinformation.

f) Technological Advancements

Rapid technological advancements have made it increasingly easy to create sophisticated fake content. Artificial intelligence, machine learning, image editing software, and deepfake technology enable individuals to generate realistic photographs, videos, and audio recordings that are difficult to distinguish from authentic media. Deepfake technology, for instance, can fabricate speeches or actions of public figures with remarkable realism, potentially influencing public opinion or damaging reputations. Similarly, automated software and social media bots can rapidly disseminate false information across multiple digital platforms.

7.6 IMPACT OF FAKE NEWS ON SOCIETY, DEMOCRACY, AND HUMAN RIGHTS

Fake news has serious consequences that extend far beyond the dissemination of false information. It affects democratic governance, social cohesion, economic stability, public health, and the protection of fundamental human rights. In the digital era, misinformation can spread rapidly and influence public attitudes, decision-making, and behaviour on a large scale.

a) Threat to Democracy

One of the most significant consequences of fake news is its adverse impact on democratic institutions and electoral processes. Democracy depends upon an informed citizenry capable of making rational decisions based on accurate information. Fake news distorts public understanding by presenting false or misleading narratives about political candidates, government policies, elections, and public institutions. Coordinated disinformation campaigns can also undermine public confidence in electoral systems and democratic institutions. When citizens lose trust in credible sources of information, democratic decision-making becomes increasingly vulnerable to manipulation, weakening the foundations of constitutional governance.

b) Public Panic

Fake news relating to health emergencies, natural disasters, terrorist attacks, or public safety can create unnecessary fear and panic among the population. False reports often spread more rapidly than official clarifications, leading to confusion and irrational behaviour.

For example, during the COVID-19 pandemic, misinformation regarding vaccines, medicines, preventive measures, and conspiracy theories caused widespread public anxiety and, in some cases, discouraged individuals from following scientific medical advice. Similarly, false rumours during natural disasters or security emergencies may result in panic buying, mass migration, or public disorder. Such situations place additional pressure on government authorities and emergency response systems.

c) Social Polarization

Fake news frequently exploits existing social divisions based on religion, caste, ethnicity, language, or political ideology. By spreading rumours, stereotypes, or inflammatory narratives, misinformation can intensify communal tensions and increase hostility between different social groups.

In multicultural societies like India, fabricated stories targeting particular communities have occasionally contributed to communal violence, mob attacks, and social unrest. Continuous exposure to divisive misinformation deepens mistrust and weakens the values of tolerance, fraternity, and social cohesion that are essential for peaceful coexistence. Thus, fake news poses a significant threat to national unity and social harmony.

d) Human Rights Violations

Fake news can directly or indirectly result in violations of fundamental human rights. False allegations and fabricated reports may damage an individual's reputation, infringe upon the right to privacy, and expose innocent persons to harassment, discrimination, or violence. In extreme cases, misinformation has contributed to incidents of mob lynching, communal violence, and online harassment.

The spread of manipulated information may also interfere with the rights to equality, dignity, personal liberty, and security. Targeted misinformation campaigns against vulnerable communities can reinforce discrimination and social exclusion. Consequently, combating fake news is not merely a technological challenge but also an important human rights concern requiring legal, institutional, and ethical safeguards.

e) Economic Consequences

Fake news can have serious economic implications for individuals, businesses, and national economies. False reports regarding financial institutions, stock markets, or corporate activities may influence investor behaviour, reduce consumer confidence, and cause substantial financial losses. For example, fabricated news about the bankruptcy of a company or false information concerning product safety may significantly damage a company's reputation and market value. Similarly, misinformation relating to government economic policies may create uncertainty in financial markets. Businesses may also incur additional costs in managing reputational damage and correcting false information. Thus, fake news poses a growing challenge to economic stability and commercial integrity.

f) Erosion of Trust

Perhaps the most long-term consequence of fake news is the gradual erosion of public trust in institutions responsible for providing reliable information. Continuous exposure to misinformation creates confusion regarding what is true and what is false, making it increasingly difficult for citizens to distinguish credible sources from fabricated ones.

As trust declines, people may become sceptical of legitimate journalism, scientific research, government advisories, educational institutions, and even judicial decisions. This "crisis of trust" weakens democratic governance and reduces public willingness to rely on evidence-based information during emergencies. Restoring public confidence requires transparent governance, responsible journalism, effective fact-checking mechanisms, and enhanced media literacy among citizens.

7.7 HATE SPEECH

7.7.1 MEANING AND DEFINITION

Hate speech refers to any form of expression whether spoken, written, visual, or digital that incites, promotes, justifies, or encourages hatred, discrimination, hostility, or violence against an individual or a group based on characteristics such as religion, caste, ethnicity, race, nationality, gender, sexual orientation, disability, language, or other protected identities. Unlike ordinary offensive or critical speech, hate speech targets individuals because of their identity and has the potential to undermine equality, dignity, and social harmony.

There is no universally accepted definition of hate speech. However, international organizations have provided useful guidance. The United Nations Strategy and Plan of Action on Hate Speech (2019) defines hate speech broadly as any communication that attacks or uses pejorative or discriminatory language concerning a person or group based on their identity. Similarly, the Rabat Plan of Action (2012) developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) provides a framework for distinguishing protected speech from unlawful incitement to discrimination, hostility, or violence.

In India, hate speech is regulated through various legal provisions rather than a single comprehensive statute. Constitutional protections under Article 19(1)(a) guarantee freedom of speech and expression, while Article 19(2) permits reasonable restrictions in the interests of public order, decency, morality, sovereignty and integrity of India, and to prevent incitement to an offence.

7.7.2 DISTINGUISHING HATE SPEECH FROM FREEDOM OF EXPRESSION

One of the most complex legal and ethical questions concerns the distinction between hate speech and constitutionally protected expression.

Freedom of speech includes the right to express opinions, criticize governments, debate public policies, and discuss controversial issues. Democratic societies depend upon robust public discourse, including speech that may be unpopular or offensive.

However, this freedom is not absolute. Under Article 19(2) of the Constitution of India, reasonable restrictions may be imposed to protect public order, decency, morality, national security, and the rights of others.

Similarly, Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR) requires States to prohibit advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence.

Thus, while criticism of religious beliefs, political ideologies, or public institutions may generally remain protected, speech that intentionally incites hatred or violence against protected groups falls outside the scope of constitutional protection.

7.8 ETHICAL ISSUES IN MEDIA AND DIGITAL COMMUNICATION

Ethics refers to the moral principles that guide responsible conduct. In journalism and digital communication, ethics ensure that information is communicated accurately, fairly, responsibly, and in a manner that respects the rights and dignity of individuals. Ethical communication has become increasingly important in the digital age, where information spreads rapidly and can influence millions of people within minutes.

a) Truth and Accuracy: Truthfulness forms the foundation of ethical communication. Journalists, content creators, and digital users have a responsibility to verify facts before publishing or sharing information. Accuracy requires, verification of sources, confirmation through reliable evidence, correction of errors, avoidance of misleading headlines and contextual presentation of facts. Publishing inaccurate information not only misleads the public but also damages institutional credibility and public trust.

b) Objectivity and Fairness: Ethical journalism requires impartiality, balance, and fairness in reporting. News should present multiple perspectives where appropriate and avoid selective presentation of facts that may create misleading impressions. Fair reporting does not necessarily require neutrality in the face of established facts but demands honesty, transparency, and respect for evidence.

c) Accountability: Media organizations and digital content creators should accept responsibility for the information they publish. It includes issuing corrections when mistakes occur, providing opportunities for response, maintaining editorial transparency, complying with professional codes of ethics. Responsible media institutions strengthen public confidence through openness and integrity.

d) Privacy and Data Protection: Respect for privacy represents an important ethical obligation. Media professionals should avoid unnecessary disclosure of personal information, confidential records, identities of victims where legally protected, private communications obtained unlawfully. The increasing use of digital technologies has heightened concerns regarding surveillance, data collection, identity theft, and unauthorized dissemination of personal information.

e) Responsible Journalism: Responsible journalism requires balancing the public's right to know with the potential consequences of publication. Journalists should verify information before publication, avoid sensationalism, respect human dignity, protect vulnerable individuals, and avoid conflicts of interest. Ethical journalism contributes to informed citizenship and democratic governance.

f) Ethical Challenges of Social Media: Unlike traditional media, social media allows virtually anyone to create and distribute content without editorial oversight. Major ethical

challenges include rapid spread of misinformation, anonymous communication, online harassment, cyberbullying etc.

7.9 LEGAL AND REGULATORY FRAMEWORK

The increasing prevalence of fake news, hate speech, and unethical digital practices has prompted governments and international organizations to establish legal and regulatory mechanisms for protecting public order, individual rights, and democratic values. In India, the legal framework seeks to balance the constitutional guarantee of freedom of speech and expression with the need to prevent misinformation, incitement to violence, and unlawful online activities.

Constitutional Framework

The Constitution of India provides the foundation for regulating speech while safeguarding democratic freedoms.

a) Article 19(1)(a): Freedom of Speech and Expression

Article 19(1)(a) guarantees every citizen the fundamental right to freedom of speech and expression. This right includes the freedom to express opinions, publish information, criticize public authorities, receive information, and participate in democratic discourse. A free press and an informed citizenry are essential features of a constitutional democracy. However, this freedom is not absolute and must be exercised responsibly.

c) Article 21: Right to Life and Personal Liberty

The right to life under Article 21 has been interpreted by the Supreme Court to include the right to dignity, privacy, and reputation. Fake news and hate speech that seriously damage an individual's reputation or threaten personal safety may therefore implicate Article 21.

Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita (BNS), 2023, which replaced the Indian Penal Code, 1860, contains provisions relevant to hate speech, public order, and dissemination of harmful content.

Important provisions include offences relating to:

- promoting enmity between different groups on grounds such as religion, race, place of birth, language, caste, or community;
- acts prejudicial to the maintenance of harmony;
- statements conducive to public mischief;
- deliberate and malicious acts intended to outrage religious feelings;

- criminal intimidation and public disorder where applicable.

Although the BNS does not specifically define "fake news," existing offences relating to fraud, forgery, public mischief, cheating, and incitement may apply depending upon the facts of each case.

Information Technology Act, 2000

The Information Technology Act, 2000 provides the principal legal framework governing electronic communication, cyber offences, and intermediary liability in India. Its provisions include recognition of electronic records, cybercrime regulation, intermediary responsibilities, powers to block unlawful online content under prescribed circumstances, penalties for certain cyber offences etc.

Digital Personal Data Protection Act, 2023

The Digital Personal Data Protection Act, 2023 primarily regulates the processing of personal digital data. Although it is not specifically directed at fake news or hate speech, it contributes to ethical digital communication by strengthening privacy protection and responsible data handling. The Act promotes lawful processing of personal data, informed consent, data security, accountability of data fiduciaries, protection against misuse of personal information etc. Responsible management of personal data helps reduce identity-based misuse and certain forms of online harassment.

International Human Rights Standards

Several international instruments recognize both freedom of expression and the need to prevent harmful speech. Important international instruments include:

- Universal Declaration of Human Rights (1948);
- International Covenant on Civil and Political Rights (1966);
- Rabat Plan of Action (2012);
- United Nations Strategy and Plan of Action on Hate Speech (2019).

These instruments emphasize that restrictions on speech should be lawful, necessary, proportionate, and consistent with international human rights standards.

7.10 PREVENTIVE MEASURES AND BEST PRACTICES

Addressing fake news and hate speech requires coordinated efforts involving governments, educational institutions, media organizations, digital platforms, civil society, and individual citizens.

- a) Media Literacy:** Media literacy enables individuals to critically evaluate news sources, identify misinformation, verify facts, and distinguish between credible journalism and

fabricated content. Educational institutions should incorporate media literacy into school and university curricula.

- b) **Digital Literacy:** Digital literacy extends beyond technical skills to include responsible online behaviour, cybersecurity awareness, privacy protection, and ethical use of digital platforms. Digitally informed citizens are less vulnerable to misinformation and online manipulation.
- c) **Fact-Checking Mechanisms:** Independent fact-checking organizations play an important role in verifying claims, correcting misinformation, and promoting evidence-based public discourse. Citizens should consult multiple reliable sources before sharing controversial information.
- d) **Ethical Journalism:** Media organizations should adhere to professional ethical standards emphasizing truthfulness, accuracy, fairness, impartiality, accountability, respect for privacy. Responsible journalism remains one of the strongest safeguards against misinformation.
- e) **Platform Accountability:** Social media companies should strengthen their content moderation policies by identifying coordinated misinformation campaigns, improving transparency, reducing algorithmic amplification of harmful content, establishing effective grievance mechanisms, cooperating with lawful investigations etc. Platform accountability should remain consistent with constitutional guarantees of free expression.
- f) **Government Initiatives:** Governments should promote:
 - public awareness campaigns;
 - digital literacy programmes;
 - cybercrime investigation capacity;
 - transparent regulatory mechanisms;
 - inter-agency coordination.

Policy responses should prioritize constitutional values and avoid unnecessary restrictions on legitimate expression.

g) Public Awareness and Civil Society Participation: Civil society organizations, universities, fact-checking institutions, and community organizations play an important role in promoting responsible communication, countering misinformation, and encouraging respectful public discourse.

7.11 CONTEMPORARY DEVELOPMENTS

The digital information ecosystem is evolving rapidly due to advancements in artificial intelligence (AI), machine learning, big data analytics, and social media technologies. While these innovations have enhanced communication and access to information, they have also introduced new ethical and regulatory challenges. Governments, international organizations, technology companies, and civil society are increasingly adopting innovative approaches to combat misinformation, hate speech, and unethical digital practices.

Artificial Intelligence and Synthetic Media

Artificial Intelligence has revolutionized content creation by enabling automated generation of text, images, videos, and audio. AI-powered tools can produce realistic content within seconds, offering immense opportunities in education, journalism, healthcare, and governance.

However, these technologies can also be misused to create misleading or fabricated content. AI-generated fake articles, synthetic voices, and manipulated images may deceive users, spread misinformation, or damage reputations. Ethical concerns include transparency, accountability, algorithmic bias, and the responsible use of generative AI.

To address these concerns, governments and technology companies are increasingly promoting AI governance frameworks, transparency requirements, and ethical guidelines for AI developers and users.

Deepfakes and Their Regulation

Deepfakes are AI-generated videos, images, or audio recordings that realistically imitate a person's appearance or voice. While deepfake technology has legitimate applications in entertainment, education, and accessibility, it also poses serious risks. Deepfakes may be used to spread political misinformation, commit financial fraud, defame individuals, create non-consensual explicit content, influence elections and incite communal tensions. Several countries are developing legal and technological mechanisms to detect and regulate deepfakes. Technology companies are investing in AI-based detection tools, watermarking systems, and content authentication mechanisms to reduce the misuse of synthetic media.

Strengthening Fact-Checking Ecosystems

Fact-checking has become a critical component of combating misinformation. Independent fact-checking organizations collaborate with journalists, academic institutions, and digital platforms to verify claims and expose false information. Modern fact-checking initiatives employ artificial intelligence-assisted verification. These practices improve the accuracy of public discourse and strengthen trust in reliable information sources.

Global Responses to Online Harm

Many countries have introduced policies aimed at improving online safety while respecting freedom of expression. International organizations encourage States to adopt human rights-based approaches that balance regulation with democratic freedoms. Key global trends include enhanced platform accountability, transparency in content moderation, protection of vulnerable communities, promotion of digital literacy, regulation of AI-generated content, international cooperation against cyber disinformation etc. These initiatives recognize that misinformation and hate speech are transnational challenges requiring coordinated global responses.

Future of Ethical Digital Communication

The future of ethical communication depends upon cooperation among governments, media organizations, educational institutions, technology companies, and citizens.

Priority areas include:

- promoting critical thinking;
- strengthening media literacy;
- encouraging responsible journalism;
- improving digital governance;
- ensuring transparency in artificial intelligence;
- protecting privacy and personal data;
- fostering respectful online dialogue.

Ethical communication should remain grounded in the values of truth, accountability, human dignity, equality, and democratic participation.

7.12 SUMMARY

Fake news, hate speech, and ethical challenges have become defining issues of the contemporary digital age. Rapid technological advancement and widespread use of social media have transformed communication by enabling instantaneous dissemination of information across the globe. While these developments have strengthened democratic participation and expanded access to information, they have also facilitated the spread of misinformation, disinformation, hate speech, and manipulated digital content. Fake news refers to false or misleading information presented as authentic news with the intention of influencing public opinion or causing deception. It may take various forms, including misinformation, disinformation, mal information, fabricated news, manipulated content, and misleading visual media. Hate speech constitutes communication that promotes hostility, discrimination, or violence against individuals or groups based on religion, caste, ethnicity, race, gender, nationality, disability, or other protected characteristics.

Ethics plays a central role in ensuring responsible communication. Journalists, digital content creators, social media platforms, governments, and citizens share a collective responsibility to uphold truth, accuracy, fairness, accountability, privacy, and respect for human dignity. Ethical journalism and responsible digital citizenship are essential for maintaining public trust and informed democratic participation.

Despite legal safeguards, several challenges remain, including algorithmic amplification, deepfakes, artificial intelligence, political polarization, low media literacy, cross-border digital platforms, and balancing regulation with constitutional freedoms. Addressing these issues requires a comprehensive strategy involving legal reforms, ethical standards,

technological innovation, media literacy, platform accountability, and active participation by civil society.

Ultimately, protecting democratic values in the digital era requires not only effective regulation but also an informed, responsible, and ethically conscious citizenry capable of critically evaluating information before creating or sharing it.

7.13 GLOSSARY

Fake News- False, fabricated, or misleading information presented as genuine news with the intention of deceiving or influencing public opinion.

Hate Speech -Communication that promotes hatred, discrimination, hostility, or violence against individuals or groups based on protected characteristics such as religion, caste, race, ethnicity, or gender.

Misinformation - False information shared without the intention to deceive.

Disinformation - Deliberately created and disseminated false information intended to mislead or manipulate audiences.

Deepfake - AI-generated synthetic media that realistically manipulates images, videos, or audio to depict events or statements that never occurred.

Media Literacy- The ability to access, analyze, evaluate, and responsibly use information from various media sources.

Fact-Checking- The process of verifying the accuracy of information before publication or dissemination.

Algorithmic Amplification- The process by which digital platform algorithms prioritize and promote certain content based on user engagement rather than its accuracy or reliability.

7.14 SAQs (SHORT ANSWER QUESTIONS)

1. Define fake news and explain its key characteristics.
2. Distinguish between misinformation and disinformation.
3. What is hate speech? Explain its impact on society.
4. Discuss the importance of media literacy in combating fake news.
5. Explain the ethical responsibilities of journalists in the digital age.

7.15 MCQs (MULTIPLE CHOICE QUESTIONS)

1. Which Article of the Constitution of India guarantees freedom of speech and expression?

(a) Article 14

(b) Article 19(1)(a)

(c) Article 21

(d) Article 32

2. Which of the following refers to false information deliberately created to deceive people?

(a) Media literacy

(b) Misinformation

(c) Disinformation

(d) Fact-checking

3. Which Supreme Court judgment declared Section 66A of the Information Technology Act, 2000 unconstitutional?

(a) Amish Devgan v. Union of India

(b) Pravasi Bhalai Sangathan v. Union of India

(c) K.S. Puttaswamy v. Union of India

(d) Shreya Singhal v. Union of India

4. Deepfake technology primarily involves:

(a) Satellite communication

(b) Artificial Intelligence-based manipulation of media

(c) Cloud computing

(d) Blockchain technology

5. Which organization has issued the Norms of Journalistic Conduct in India?

(a) Press Council of India

(b) Election Commission of India

(c) National Human Rights Commission

(d) NITI Aayog

Answers: 1.B 2.C 3.D 4.B 5.A

7.16 TRUE/FALSE

1. Misinformation is always shared with the intention to deceive.
2. Hate speech can threaten social harmony and public order.
3. Fact-checking helps reduce the spread of misinformation.
4. Freedom of speech under Article 19(1)(a) is an absolute right without any restrictions.
5. Artificial intelligence can be used both responsibly and for creating deepfakes.

Answers: 1.F 2.T 3.T 4.F 5.T

7.17 TERMINAL QUESTIONS

1. Explain the concept, causes, and consequences of fake news in contemporary society.
2. Discuss the meaning, characteristics, and legal regulation of hate speech in India.
3. Critically examine the ethical issues arising from digital communication, social media, and artificial intelligence.
4. Analyze the constitutional and legal framework governing fake news and hate speech in India with reference to landmark judicial decisions.
5. Suggest comprehensive measures for preventing fake news and promoting ethical digital communication.

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UNIT 8

SOCIAL MEDIA AND DIGITAL RIGHTS

UNIT STRUCTURE

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8.1 INTRODUCTION

Media plays an important role in spreading information and knowledge. News reports, educational videos, and radio messages are common examples through which people learn and become aware of important issues. Media is all around us. Newspapers, television, radio, the internet, and social media platforms are all part of media. Together, they shape how we see the world. They tell us what is happening. They tell us what matters and they influence what we think and feel.

But media is not just about news and entertainment. It is also a powerful tool for development. Development means improving the quality of life for all people — giving them access to education, healthcare, jobs, and justice. Media supports development by spreading information, raising awareness, and giving ordinary people a voice.

Human rights and development are connected. You cannot have true development if people's rights are being violated. A child denied education is denied a right. A woman denied healthcare is denied a right. A poor person denied justice is denied a right. Media helps make these violations visible. It puts pressure on governments to act. It supports people in claiming what belongs to them.

In recent years, social media has added a new dimension to this. Platforms like Facebook, Twitter, Instagram, and YouTube allow ordinary people to become reporters, campaigners, and activists. Rights-based movements have spread rapidly through social media. Young people, women, minorities, and marginalized communities are using these platforms to fight for change.

At the same time, media faces a serious challenge: commercialization. Many media organizations are driven by profit. They focus on entertainment and sensational stories because those attract viewers and advertisers. Serious developmental issues — poverty, rural education, public health, women's rights — may get ignored. This creates a gap between what media should do and what it actually does.

This unit explores the relationship between media, development, and human rights. It looks at how media promotes education, health, and gender equality. It examines the power of social media for rights-based movements. It also considers the tension between commercial interests

and developmental responsibility. Finally, it discusses media ethics and the social responsibilities that journalists and media organizations must accept.

8.2 OBJECTIVES

After studying this unit, the learners will be able to:

- ❖ Understand the meaning of development from a human rights perspective.
- ❖ Explain how media and development are connected.
- ❖ Describe the role of media in promoting education, health, and gender equality.
- ❖ Understand how social media supports rights-based development movements.
- ❖ Explain the meaning and importance of media ethics and social responsibility.
- ❖ Identify the ethical principles that guide responsible journalism.

8.3 DIGITAL RIGHTS IN THE CONTEXT OF SOCIAL MEDIA

8.3.1 RIGHT TO PRIVACY

The right to privacy is one of the most fundamental digital rights in the age of social media. Social networking platforms collect and process a vast amount of users' personal information to provide personalized services, targeted advertisements, and platform recommendations. While data collection helps improve user experience, the excessive or unauthorized use of personal information may threaten an individual's privacy and security. Users have the right to know how their personal data is collected, stored, used, and shared, and they should be able to exercise control over their digital identity.

Social media platforms commonly collect the following types of personal information:

- **Personal Profiles:** Information such as name, age, gender, educational qualifications, workplace, interests, and profile details shared by users.
- **Location Data:** Real-time or historical location information collected through GPS, IP addresses, or mobile devices.
- **Browsing History:** Records of websites visited, searches performed, and online activities that help platforms personalize content and advertisements.
- **Contact Information:** Phone numbers, email addresses, contact lists, and communication records that may be used for account verification or networking.
- **Photos and Videos:** Images, videos, and multimedia content uploaded or shared by users, often containing personal or biometric information.
- **Behavioral Patterns:** Data relating to users' likes, comments, shares, viewing habits, online purchases, and interaction patterns that help platforms analyze user preferences.

Improper collection, unauthorized sharing, or misuse of such personal data can result in identity theft, financial fraud, cyber stalking, unauthorized surveillance, profiling, and violations of individual privacy.

To protect their privacy, users have the following important rights:

- **Right to Know What Data is Collected:** Users should receive clear information about the type of personal data collected and its purpose.
- **Right to Control Personal Information:** Individuals should be able to manage privacy settings and decide who can access their information.
- **Right to Give Informed Consent:** Personal data should only be collected or processed with the user's informed and voluntary consent.
- **Right to Request Deletion of Personal Data:** Users should have the option to remove or permanently delete their personal information from digital platforms, subject to applicable laws.
- **Right to Protect Digital Identity:** Every individual has the right to safeguard their online identity against impersonation, hacking, identity theft, and unauthorized access.

8.3.2 FREEDOM OF EXPRESSION

Freedom of expression is a cornerstone of democratic societies and extends to digital platforms, including social media. It enables individuals to express opinions, exchange ideas, participate in public debates, and advocate for social, political, and cultural causes. Social media has significantly expanded opportunities for public participation by allowing users to communicate with large audiences instantly. However, the exercise of this right also presents challenges when online content causes harm to individuals or society.

Some of the major challenges associated with freedom of expression on social media include:

- **Hate Speech:** Content that promotes hostility, discrimination, or violence against individuals or groups based on characteristics such as religion, caste, ethnicity, gender, or nationality.
- **Fake News:** False or misleading information deliberately circulated to influence public opinion, create panic, or spread confusion.
- **Incitement to Violence:** Messages or posts that encourage violence, terrorism, riots, or unlawful activities.
- **Online Extremism:** The use of digital platforms by extremist groups to spread radical ideologies, recruit supporters, or promote violence.
- **Defamation:** False statements published online that harm the reputation, dignity, or credibility of an individual or organization.

Governments and social media companies must strike a careful balance between protecting freedom of expression and preventing harm caused by unlawful or harmful content. Any restrictions imposed on online speech should be lawful, necessary, proportionate, and consistent with democratic principles and international human rights standards.

8.3.3 RIGHT TO ACCESS INFORMATION

The right to access information is essential for promoting transparency, informed decision-making, education, and democratic participation. Social media has revolutionized access to information by enabling users to obtain news, educational materials, government announcements, and public service information in real time. It has reduced geographical barriers and increased public awareness about important social, political, economic, and environmental issues.

Social media has improved access to various forms of information, including:

- **Educational Resources:** Online courses, lectures, research materials, digital libraries, and educational content shared by institutions and experts.
- **Government Schemes:** Information regarding welfare programmes, public policies, subsidies, and citizen services.
- **Public Services:** Updates relating to healthcare, transportation, disaster management, public safety, and civic administration.
- **Employment Opportunities:** Job notifications, recruitment updates, career guidance, and professional networking opportunities.
- **Health Information:** Public health advisories, disease prevention guidelines, vaccination campaigns, and awareness programmes.

Despite these benefits, users often encounter misinformation, disinformation, algorithmic bias, and information overload. These challenges may restrict access to accurate, credible, and balanced information, making media literacy and fact-checking increasingly important.

8.3.4 RIGHT TO EQUALITY AND NON-DISCRIMINATION

The digital environment should provide equal opportunities for all individuals to participate, communicate, and access information without discrimination. Every person, regardless of personal or social characteristics, should be able to use social media safely and fairly. Digital rights require that technology and online platforms promote inclusion rather than reinforce existing social inequalities.

Equality and non-discrimination should be ensured irrespective of:

- Gender
- Religion
- Race

- Language
- Disability
- Economic Status
- Sexual Orientation

However, digital discrimination may arise due to biased algorithms, unequal internet access, online hate campaigns, discriminatory content moderation, and targeted harassment of vulnerable communities. Addressing these issues requires inclusive digital policies, accessible technologies, and effective mechanisms for reporting and preventing online discrimination.

8.3.5 RIGHT TO DIGITAL SECURITY

Digital security is an essential component of digital rights, ensuring that individuals can use online platforms safely without fear of cyber threats. As people increasingly rely on social media for communication, education, banking, shopping, and professional activities, protecting users from cybercrime and digital attacks has become a shared responsibility of governments, technology companies, and individuals.

Users have the right to protection from various cyber threats, including:

- **Cybercrime:** Illegal activities such as hacking, unauthorized access, and cyber extortion carried out through digital technologies.
- **Identity Theft:** The unauthorized use of another person's personal information to commit fraud or other criminal activities.
- **Data Breaches:** Unauthorized access to confidential personal or organizational data resulting from weak security measures or cyber attacks.
- **Online Fraud:** Financial scams, fake investment schemes, and deceptive online transactions designed to exploit users.
- **Phishing Attacks:** Fraudulent emails, messages, or websites created to steal passwords, banking information, or other sensitive data.
- **Malware:** Harmful software, including viruses, ransomware, spyware, and worms, that can damage devices or steal information.
- **Cyberbullying:** Repeated online harassment, intimidation, threats, or humiliation directed at individuals through digital platforms.

Ensuring digital security requires strong cybersecurity laws, secure technological infrastructure, responsible platform governance, regular software updates, digital literacy, and awareness among users. A safe digital environment is fundamental to protecting human rights and encouraging responsible participation in the digital world.

8.4 ROLE OF MEDIA IN PROMOTING EDUCATION

Education is a fundamental human right. Article 26 of the Universal Declaration of Human Rights, 1948 states that everyone has the right to education. Media is one of the most powerful tools for realizing this right — particularly for people who live far from schools or cannot afford formal education.

Media and Literacy

Literacy means the ability to read and write. Even today, millions of adults in India and across the world cannot read. Media can help address this. Radio broadcasts in local languages teach basic literacy skills. Television programs make learning visual and accessible. Community media — local newspapers and radio stations — speak directly to the needs of specific communities.

Media also creates a culture of learning. When newspapers, television, and online content regularly discuss ideas, science, history, and current affairs, they stimulate curiosity and the desire to learn. People who read newspapers regularly tend to be better informed and more engaged citizens.

Media campaigns have successfully promoted education enrolment. Campaigns urging parents to send their daughters to school, or informing communities about the Right to Education Act, have had real impact on the ground.

Digital Media and Learning

The internet and digital media have transformed education. Today, students can access thousands of books, videos, tutorials, and courses online — many of them free.

Platforms like YouTube carry educational content on almost every subject imaginable. Government portals like DIKSHA in India provide digital educational resources for school students. Online platforms like SWAYAM offer university-level courses.

The COVID-19 pandemic showed just how vital digital media was for education. When schools shut down, millions of students switched to online learning. Those with smartphones and internet access could continue their studies. However, this also exposed the 'digital divide' — many students in rural areas and poor households had no access to devices or internet, and their education suffered badly.

This experience made clear that expanding digital access is itself a human rights issue. Universal access to digital education is a goal the government and civil society must actively pursue.

8.5 ROLE OF MEDIA IN PROMOTING HEALTH

Good health is not just a personal matter. It is a human right. The right to the highest attainable standard of health is recognized in the International Covenant on Economic, Social and Cultural Rights. Media plays a vital role in helping people realize this right by informing them about health, disease, hygiene, and healthcare services.

Health Awareness Campaigns

Media carries health messages to millions of people simultaneously. This is something no doctor or health worker can do alone.

Television advertisements for hand washing, vaccination drives, mosquito prevention, and safe drinking water have saved countless lives. Radio programs in regional languages bring health information to rural and tribal communities where there are few doctors.

Newspapers regularly publish articles about new diseases, medical research, available treatments, and health policies. This helps people make informed choices about their own health and the health of their families.

Some specific health areas where media campaigns have made a significant difference include:

- Polio eradication — the 'Do Boond Zindagi Ke' campaign in India helped make the country polio-free.
- HIV/AIDS awareness — media campaigns reduced stigma and encouraged testing and treatment.
- Tuberculosis — 'TB Harega, Desh Jeetega' and similar campaigns informed people about symptoms and treatment.
- Maternal and child health — campaigns about breastfeeding, immunization, and institutional delivery have reduced infant and maternal mortality.
- Mental health — growing media coverage of mental health issues has reduced stigma and encouraged people to seek help.

Media during Health Emergencies

During health crises — epidemics, pandemics, natural disasters — media becomes a lifeline. It provides real-time information about what is happening, what precautions to take, and where to seek help.

During the COVID-19 pandemic, media played an extraordinary role. It informed people about the virus, explained safety protocols, provided updates on hospital capacity, and covered the vaccination program. People relied heavily on television, newspapers, and social media for guidance.

Health authorities used media to communicate official guidelines. Celebrities and public figures used their platforms to encourage the public to follow safety measures. This kind of public communication was essential in managing a massive health emergency.

Risks of Irresponsible Health Reporting

Media can also cause harm when it reports on health irresponsibly. This is a serious concern. During COVID-19, social media was flooded with misinformation. False cures were

promoted. Conspiracy theories about the virus spread widely. Some people avoided hospitals or refused vaccines because of things they had read online. This misinformation cost lives.

Even mainstream media sometimes sensationalizes health stories. Exaggerated headlines about new diseases can cause unnecessary panic. Oversimplified reporting on medical research can give people wrong ideas about what is safe and what is not.

Responsible health journalism requires accuracy, consultation with medical experts, and care not to alarm the public unnecessarily. Journalists covering health need specific training to report complex medical and scientific information correctly.

8.6 ROLE OF MEDIA IN PROMOTING GENDER EQUALITY

Gender equality means that all people — regardless of their gender — should enjoy the same rights, opportunities, and respect. It is a core human rights principle. Article 1 of the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights.

Media has enormous influence over how society thinks about gender. It can either reinforce existing inequalities or help break them down. This makes media's role in gender equality critically important.

Media Highlighting Gender Issues

Media has been instrumental in bringing issues of gender injustice into public view. Topics that were once considered private or shameful — domestic violence, sexual harassment, marital rape, dowry deaths — are now regularly reported and debated publicly. This shift has happened largely because of media coverage.

The #MeToo movement is a prime example. When women began sharing their experiences of sexual harassment on social media, it triggered a global conversation. Laws and institutional policies changed in many countries. None of this would have been possible without media.

Media also brings attention to structural inequalities like the gender pay gap, the underrepresentation of women in politics and leadership, discrimination in inheritance rights, and barriers to women's access to land and credit. By reporting on these issues, media puts pressure on governments and institutions to act.

Women's Representation in Media

Media helps shape society's views about gender. It can challenge stereotypes and promote equality. When women are shown as leaders, scientists, athletes, and entrepreneurs, it inspires others. Positive portrayals of independent and educated women can change public attitudes. Media campaigns also raise awareness about women's rights, such as equal pay, education, and political participation. In this way, media plays an important role in promoting gender equality.

Negative Portrayals and Stereotypes

Not all media supports gender equality. Women are often shown in stereotypical roles such as housewives or objects of beauty. Many advertisements focus only on women's appearance. Some films and media content promote gender stereotypes and normalize discrimination. Such content can influence young people's attitudes. Therefore, media organizations should portray women with dignity and respect. They must follow ethical standards and be held accountable for harmful representations.

8.7 SOCIAL MEDIA AS A PLATFORM FOR RIGHTS-BASED DEVELOPMENT MOVEMENTS

Social media has changed the world of communication completely. In less than two decades, platforms like Facebook, Twitter (now X), Instagram, YouTube, and WhatsApp have become part of daily life for billions of people.

For human rights and development, social media has been particularly transformative. It has given ordinary people the power to communicate, organize, and campaign on a scale that was previously only possible for governments, large organizations, or wealthy individuals.

8.7.1 THE EMPOWERING ROLE OF SOCIAL MEDIA

Before social media, if you wanted to reach a large audience, you needed access to a newspaper, television channel, or radio station. Those were controlled by governments or wealthy media owners. Ordinary people — and especially marginalized communities — had no real platform.

Social media changed this. Anyone with a smartphone can now share information, document injustice, and reach thousands or even millions of people. A video of police brutality filmed on a mobile phone can go viral and trigger global outrage. A tweet from a survivor of violence can start a movement.

This democratization of communication is enormously significant for human rights. It means that:

- People can speak directly, without editors or gatekeepers deciding what is publishable.
- Marginalized communities — Dalits, Adivasis, women, LGBTQ+ people — can tell their own stories.
- Grassroots activists can reach national and international audiences.
- Citizens can organize quickly in response to events.

8.7.2 MAJOR RIGHTS MOVEMENTS ON SOCIAL MEDIA

Several of the most significant social movements of recent years have used social media as a central organizing tool.

#MeToo

The #Me Too movement used Twitter and other platforms to allow women to share experiences of sexual harassment. It exposed the prevalence of harassment across industries, led to the removal of powerful perpetrators, and prompted legal reforms in many countries.

Black Lives Matter

The Black Lives Matter movement used social media to document police brutality against Black Americans, organize protests, and build international solidarity. Videos of incidents shared on social media brought global attention to systemic racism in law enforcement.

Arab Spring

In 2010–2011, social media played a crucial role in the Arab Spring — a series of uprisings across the Middle East and North Africa. Citizens used Facebook and Twitter to organize protests and share information at a time when state-controlled media was silent.

Climate Justice Movements

Young activists like Greta Thunberg used social media to build a global movement for climate action. Millions of young people organized school strikes and demanded urgent action from governments through online campaigns.

India-specific Movements

In India, social media has supported campaigns on issues ranging from the Nirbhaya case to farmers' protests to demands for caste justice. Digital platforms have allowed citizens to organize, petition, and hold authorities accountable in ways that were not possible before.

8.8 CHALLENGES AND NEGATIVE EFFECTS

Social media also has a dark side. Its speed and reach. The same qualities that make social media a powerful tool for rights movements can also make it harmful when misused.

Fake News and Misinformation

False information spreads rapidly on social media. During elections, communal tensions, or health crises, deliberate misinformation can cause real harm. People make decisions — voting, seeking medical care, reacting to events — based on false information.

Hate Speech

Social media platforms have been used to spread hate speech against religious minorities, Dalits, women, and LGBTQ+ communities. In some cases, online hate speech has directly preceded real-world violence.

Online Harassment

Women, journalists, and activists who speak out on social media frequently face targeted harassment campaigns. This can silence important voices and discourage participation in public debate.

8.9 MEDIA ETHICS AND SOCIAL RESPONSIBILITY

Media ethics means doing the right thing when making decisions about what to report, how to report it, and what effect it will have. It means being honest even when the truth is difficult. It means being fair even when you have strong opinions. It means protecting people from harm even when a story would attract a large audience.

Media ethics is not just a professional nicety. It is essential for media to fulfill its role in development and human rights protection. A media that spreads lies, promotes hatred, or serves only the powerful cannot be a force for justice and development.

8.9.1 MEANING OF MEDIA ETHICS

Ethics are moral principles — standards of right and wrong that guide behavior. Media ethics are the specific moral principles that apply to journalism and communication.

These principles have been developed over many decades by journalism associations, press councils, and international bodies like UNESCO. They provide a framework for journalists and media organizations to make responsible decisions in complex and sometimes dangerous situations.

8.9.2 MEDIA ETHICS AND HUMAN RIGHTS

Media ethics are important for protecting human rights. Ethical journalism helps ensure that information is accurate, fair, and respectful. It promotes accountability and protects the dignity of individuals. The following principles guide responsible and human rights-oriented media practice:

- **Accuracy:** Journalists must provide correct and verified information. Accurate reporting helps people exercise their rights and make informed decisions.
- **Fairness and Balance:** Media should present different viewpoints and ensure that everyone is treated fairly and given a chance to respond.
- **Independence:** Journalists must remain free from political, commercial, or other outside influences to protect the public interest.
- **Minimizing Harm:** Media should respect privacy and avoid causing unnecessary harm, especially to victims and vulnerable groups.
- **Accountability:** Journalists must take responsibility for their work, correct mistakes, and respond to public concerns.
- **Respect for Human Dignity:** Every person should be portrayed with dignity and respect. Media must not humiliate, exploit, or dehumanize individuals.

8.9.3 SOCIAL RESPONSIBILITY THEORY OF MEDIA

The Social Responsibility Theory states that media freedom must be accompanied by responsibility. While the media has the right to report freely, it also has a duty to serve society and protect the public interest.

Developed by the Hutchins Commission (1947), the theory emphasizes that media should:

1. Provide accurate and reliable information.
2. Encourage public discussion and debate.
3. Represent all sections of society fairly.
4. Promote social values and democratic ideals.
5. Ensure people have access to important information.

This theory remains highly relevant today. In an age of social media, misinformation, and commercial pressures, responsible journalism is essential for an informed and democratic society.

8.10 SUMMARY

Media and development are closely linked because people need information and awareness to improve their lives. Media helps by providing information about education, health, government schemes, and human rights. It gives a platform to ordinary people, especially the poor and marginalized, to express their concerns and seek solutions. Media also helps create awareness about social issues such as gender equality, sanitation, and public health. Social media has made communication faster and allows people to participate in public discussions, but it can also spread misinformation and hate speech. Therefore, media should act responsibly by providing accurate and fair information and contributing to the overall development of society.

8.11 GLOSSARY

Developmental Journalism: Journalism that focuses on social welfare, human rights, and development issues rather than merely on dramatic events or entertainment.

Gender Equality: The equal rights, opportunities, responsibilities, and treatment of people of all genders.

Commercialization: The process by which profit becomes the primary objective of media organizations, often at the expense of their social and developmental responsibilities.

Media Ethics: The moral principles that guide journalists and media organizations in making responsible decisions about what to report and how to report it.

Social Justice: Fair treatment, equal opportunities, and equitable distribution of resources and rights for all people in society.

Digital Divide: The gap between those who have access to digital technology and the internet and those who do not, which can lead to inequality in education, information, and economic opportunity.

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8.14 SAQs (SHORT ANSWER QUESTIONS)

1. What is developmental journalism?
2. How does media help in promoting education?
3. What is meant by gender equality?
4. What is the digital divide?

8.15 TERMINAL QUESTIONS

1. Discuss the relationship between media and development from a human rights perspective. How does media act as a watchdog for human rights?
2. Explain the role of media in promoting education. How has digital media changed access to learning, and what challenges does the digital divide present?
3. Analyse the contribution of media towards gender equality. Discuss both its positive role and its negative portrayals of women.
4. Explain the concept of media ethics and social responsibility. Describe the core ethical principles that journalists must follow.

8.16 TRUE AND FALSE

1. Media helps in spreading educational awareness. — True
2. Social media cannot be used for social movements. — False
3. Ethical journalism supports social welfare. — True
4. The digital divide means that all people have equal access to the internet. — False

UNIT 9

CYBER MEDIA AND HUMAN RIGHTS CHALLENGES

UNIT STRUCTURE

9.1 INTRODUCTION

9.2 OBJECTIVES

9.3 MEANING AND DEFINITION OF CYBER MEDIA

9.4 TYPES OF CYBER MEDIA

9.5 IMPORTANCE OF CYBER MEDIA IN CONTEMPORARY SOCIETY

9.6 CYBER MEDIA AND HUMAN RIGHTS

9.7 HUMAN RIGHTS CHALLENGES IN CYBER MEDIA

9.8 LEGAL AND INSTITUTIONAL FRAMEWORK

9.9 ETHICAL ISSUES IN CYBER MEDIA

9.10 EMERGING TRENDS IN CYBER MEDIA AND HUMAN RIGHTS

9.11 SUMMARY

9.12 GLOSSARY

9.13 SAQS

9.14 MCQS

9.15 TRUE/ FALSE

9.16 TERMINAL QUESTIONS

9.17 REFERENCES

9.1 INTRODUCTION

The twenty-first century has witnessed an unprecedented digital revolution that has transformed the way people communicate, access information, conduct business, participate in governance, and exercise their fundamental rights. The emergence of the internet and digital technologies has given rise to cyber media, a broad term encompassing internet-based communication platforms such as websites, online news portals, blogs, social networking sites, video-sharing platforms, podcasts, messaging applications, and other digital communication channels. Unlike traditional print and broadcast media, cyber media enables instantaneous, interactive, and global dissemination of information, making it one of the most influential mediums of communication in contemporary society.

Cyber media has significantly strengthened democratic participation by providing citizens with greater opportunities to express opinions, access information, engage in public

discourse, and hold governments accountable. It has become an essential platform for education, social interaction, business, journalism, entertainment, advocacy, and civic engagement. Social media campaigns have mobilized public support for environmental protection, gender equality, disaster relief, anti-corruption movements, and the promotion of human rights. From a human rights perspective, cyber media has contributed to the realization of several internationally recognized rights, including the right to freedom of opinion and expression, the right to information, the right to education, the right to participate in cultural life, and the right to participate in public affairs.

Despite these transformative benefits, cyber media has also generated significant human rights challenges. The rapid spread of misinformation, hate speech, cyberbullying, online harassment, identity theft, data breaches, surveillance, cybercrime, digital discrimination, and privacy violations has raised serious concerns regarding the responsible use of digital technologies. The emergence of artificial intelligence (AI), algorithm-driven content recommendation systems, and deepfake technology has further complicated the regulation of online communication and intensified debates concerning freedom of expression, privacy, accountability, and digital ethics.

9.2 LEARNING OBJECTIVES

After studying this unit, learners will be able to:

- ❖ Explain the meaning and characteristics of cyber media.
- ❖ Describe the evolution and different forms of cyber media.
- ❖ Examine the relationship between cyber media and human rights.
- ❖ Analyze the major human rights challenges arising from digital communication.
- ❖ Evaluate measures for protecting human rights in cyberspace.
- ❖ Assess contemporary developments relating to artificial intelligence, privacy, and digital governance.

9.3 MEANING AND DEFINITION

Cyber media refers to all forms of digital communication that operate through internet-based technologies. It includes websites, online newspapers, social networking platforms, blogs, podcasts, mobile applications, video-sharing platforms, digital discussion forums, online broadcasting services, and other internet-enabled communication systems. Unlike traditional media, which primarily involves one-way communication from the publisher to the audience, cyber media facilitates interactive communication in which users simultaneously create, share, modify, and consume information. Every internet user has the potential to function both as a content creator and as a recipient of information.

Cyber media has become an integral component of contemporary democratic societies by promoting information exchange, public participation, transparency, and global connectivity. At the same time, its open and decentralized nature presents significant regulatory and ethical

challenges. Cyber media possesses several unique characteristics that distinguish it from conventional print and broadcast media. With the help of cyber media Information can be published and transmitted across the globe within seconds. This enables real-time communication during emergencies, elections, natural disasters, and public events. Cyber media transcends geographical boundaries, allowing individuals from different countries and cultures to communicate and access information at any time, subject to internet availability. Unlike traditional media, cyber media allows users to actively participate by commenting, sharing, creating content, engaging in discussions, and interacting directly with content creators. Along with this digital platforms combine text, audio, video, animation, graphics, photographs, and interactive elements within a single communication platform, thereby enhancing user engagement. One of the defining features of cyber media is that users themselves generate substantial amounts of content. Blogs, social media posts, podcasts, online videos, and citizen journalism have significantly expanded public participation in information creation. Publishing information through cyber media generally requires significantly lower financial resources than traditional print or television broadcasting, thereby increasing accessibility for individuals and small organizations.

9.4 TYPES OF CYBER MEDIA

a) Online News Portals: Online news portals are digital platforms that provide real-time news, analysis, and multimedia content. Unlike traditional newspapers, they offer continuous updates, interactive features, and easy access to information through websites and mobile applications.

b) Social Networking Platforms: Social networking platforms enable users to connect, communicate, and share content with individuals and communities across the globe. They facilitate networking, collaboration, public engagement, and the exchange of ideas through text, images, videos, and live interactions.

c) Blogs and Personal Websites: Blogs and personal websites provide individuals and organizations with a platform to publish articles, opinions, research, educational resources, travel experiences, and professional insights. They promote knowledge sharing, creativity, and independent expression.

d) Video-Sharing Platforms: Video-sharing platforms allow users to upload, stream, and distribute digital videos covering education, entertainment, news, documentaries, tutorials, and other forms of visual content. These platforms have become significant tools for learning and public communication.

e) Podcasts and Audio Platforms: Podcasts and audio platforms have emerged as popular media for delivering educational content, journalism, interviews, discussions, and storytelling. They enable users to access information conveniently through audio, making learning possible while travelling or performing other activities.

f) Messaging Applications: Messaging applications facilitate instant communication through text messages, voice notes, voice and video calls, group chats, and file sharing. They are widely used for personal interaction, professional collaboration, educational communication, and emergency coordination.

g) Digital Learning Platforms: Digital learning platforms offer online courses, virtual classrooms, recorded lectures, assessments, and interactive learning resources. They support flexible, accessible, and collaborative education, enabling learners to acquire knowledge and skills regardless of geographical location.

9.5 IMPORTANCE OF CYBER MEDIA IN CONTEMPORARY SOCIETY

Cyber media has become indispensable in almost every sphere of modern life. It promotes democratic participation by enabling citizens to express opinions, engage in public debate, and monitor governmental activities. It strengthens transparency by facilitating access to public information and encouraging citizen journalism. Educational institutions increasingly rely on digital platforms for teaching, research, and academic collaboration. Businesses use cyber media for marketing, customer engagement, and electronic commerce, while governments utilize digital communication for e-governance, public service delivery, and emergency communication.

Cyber media has also played an important role in promoting human rights awareness. Social campaigns concerning environmental protection, women's rights, disability rights, child protection, anti-corruption, disaster relief, and public health have gained global visibility through digital platforms. During humanitarian crises, cyber media facilitates rapid dissemination of emergency information and mobilization of public support.

At the same time, the widespread influence of cyber media demands responsible use, ethical communication, and effective legal safeguards to prevent misuse. Ensuring that digital technologies contribute to human dignity, equality, privacy, and democratic governance remains one of the central challenges of the digital era.

9.6 CYBER MEDIA AND HUMAN RIGHTS

Cyber media has become an indispensable tool for promoting, protecting, and exercising human rights in the digital age. The internet and digital communication platforms have transformed the way individuals access information, express opinions, participate in governance, receive education, and interact with society. The United Nations Human Rights Council has affirmed that the same human rights that people enjoy offline must also be protected online, emphasizing that cyberspace should remain a space that respects human dignity, equality, and freedom.

While cyber media facilitates the realization of several fundamental rights, it also creates new challenges that require legal, ethical, and institutional safeguards. Understanding the relationship between cyber media and human rights is therefore essential for ensuring that technological advancements contribute to inclusive and democratic societies.

Freedom of Speech and Expression

Freedom of speech and expression is one of the most significant human rights strengthened by cyber media. In India, Article 19(1)(a) of the Constitution guarantees every citizen the right to freely express opinions, exchange ideas, and communicate information. At the international level, Article 19 of the Universal Declaration of Human Rights (UDHR), 1948, and the International Covenant on Civil and Political Rights (ICCPR), 1966, recognize freedom of opinion and expression as a fundamental human right.

Cyber media has expanded this freedom by providing individuals with platforms to express views, publish articles, create blogs, produce videos, participate in online discussions, and engage with global audiences. Unlike traditional media, where communication is largely one-directional, cyber media allows users to actively participate in public discourse. Citizens can raise concerns about governance, advocate for policy reforms, expose corruption, and mobilize support for social causes through digital platforms.

However, the exercise of this right is subject to reasonable restrictions. Under Article 19(2) of the Constitution, freedom of speech may be restricted in the interests of the sovereignty and integrity of India, national security, public order, decency, morality, and other constitutionally recognized grounds. Therefore, while cyber media promotes freedom of expression, it also requires responsible communication that respects the rights and dignity of others.

Right to Information

Access to information is essential for transparency, accountability, and informed decision-making. Cyber media has significantly strengthened this right by enabling individuals to obtain information from diverse sources in real time. Government websites, digital archives, online newspapers, educational portals, and public databases have made official information more accessible than ever before.

In India, the Right to Information Act, 2005, together with digital governance initiatives, has improved public access to government records and services. Citizens can obtain information relating to public administration, welfare schemes, judicial decisions, parliamentary proceedings, and policy developments through online platforms. During emergencies such as natural disasters or public health crises, cyber media also facilitates rapid dissemination of official advisories and safety guidelines. Despite these benefits, the availability of information on digital platforms also increases the risk of misinformation and disinformation.

Therefore, users must critically evaluate the credibility of online sources before accepting or sharing information.

Right to Privacy

Privacy is a fundamental human right recognized under Article 21 of the Constitution of India through the landmark judgment in Justice K.S. Puttaswamy v. Union of India (2017). In the digital era, cyber media has generated new privacy concerns due to the large-scale collection, storage, and processing of personal data by governments, technology companies, and online platforms. Social media applications, search engines, and mobile applications often collect information relating to users' browsing habits, location, preferences, contacts, and online activities. While such data may improve user experience, it also raises concerns regarding surveillance, unauthorized data sharing, identity theft, and misuse of personal information.

The enactment of the Digital Personal Data Protection Act, 2023 represents an important step toward safeguarding individuals' digital privacy. The Act seeks to regulate the lawful processing of personal data while promoting accountability among data fiduciaries. Ensuring informed consent, transparency, and data security remains essential for protecting privacy in cyberspace.

Right to Equality and Non-Discrimination

Cyber media has created new opportunities for promoting equality by providing marginalized communities with platforms to express their concerns and participate in public discourse. Women, persons with disabilities, indigenous communities, LGBTQIA+ persons, and other underrepresented groups increasingly use digital platforms to advocate for equal rights and social inclusion. Online campaigns promoting gender equality, disability rights, environmental justice, and anti-discrimination have attracted widespread public support. Social movements such as #MeToo demonstrated the potential of cyber media to amplify marginalized voices and encourage accountability.

At the same time, cyber media may also facilitate discriminatory practices through hate speech, algorithmic bias, online harassment, and unequal access to digital technologies. Addressing these challenges requires both effective regulation and ethical digital governance.

Right to Education

Cyber media has revolutionized education by expanding access to learning opportunities across geographical boundaries. Online educational platforms, virtual classrooms, digital libraries, webinars, and open educational resources have made quality education more accessible to diverse populations. During the COVID-19 pandemic, cyber media played a crucial role in ensuring continuity of education through online learning platforms. Universities, schools, and educational institutions increasingly rely upon digital technologies for teaching, assessments, collaborative research, and academic communication.

However, unequal access to digital infrastructure, internet connectivity, and digital devices continues to limit educational opportunities for many learners, highlighting the importance of reducing the digital divide.

Digital Inclusion and Access to the Internet

Increasingly, access to the internet is recognized as an enabling condition for exercising several fundamental rights. Internet connectivity supports access to education, employment, healthcare, public services, financial inclusion, and civic participation.

Digital inclusion refers to ensuring that all individuals, regardless of socio-economic status, gender, disability, age, or geographical location, have meaningful access to digital technologies. Governments across the world are investing in digital infrastructure and literacy programmes to bridge digital inequalities.

Ensuring affordable internet access and improving digital literacy remain essential for promoting inclusive development and equal opportunities in the digital age.

9.7 HUMAN RIGHTS CHALLENGES IN CYBER MEDIA

Despite its numerous benefits, cyber media has created significant challenges for the protection of human rights. Rapid technological advancement has outpaced legal and institutional responses, creating new forms of abuse and exploitation in cyberspace.

a) Misinformation and Disinformation

The rapid dissemination of misinformation and disinformation represents one of the most serious challenges associated with cyber media. False information relating to elections, public health, communal relations, disasters, or government policies can spread rapidly through social media platforms. Such misinformation may influence public opinion, create panic, undermine democratic institutions, and weaken trust in credible sources of information. The emergence of artificial intelligence has further complicated this challenge by enabling the creation of realistic synthetic content that is difficult to verify.

Strengthening fact-checking mechanisms, promoting media literacy, and encouraging responsible digital behaviour are essential for addressing misinformation.

b) Hate Speech

Cyber media has unfortunately become an important platform for the dissemination of hate speech targeting individuals or communities based on religion, caste, ethnicity, race, nationality, gender, disability, or other protected characteristics. Online hate speech undermines equality, dignity, and social harmony. It may also incite discrimination, hostility, violence, and communal tensions. Balancing freedom of expression with protection against

hate speech remains one of the most challenging issues in constitutional law and digital governance.

Digital platforms, governments, and civil society must cooperate to prevent the misuse of online communication while preserving legitimate democratic debate.

c) Cyberbullying and Online Harassment

Cyberbullying refers to the repeated use of digital technologies to intimidate, threaten, humiliate, or harass another individual. Victims may experience abusive messages, defamatory posts, impersonation, online stalking, or public humiliation. Children, adolescents, women, journalists, human rights defenders, and public figures are particularly vulnerable to online harassment. Cyberbullying can cause severe psychological consequences, including anxiety, depression, social isolation, and emotional distress.

Educational institutions, parents, technology companies, and governments all play important roles in preventing cyberbullying through awareness, reporting mechanisms, and legal safeguards.

d) Privacy Violations and Data Protection

The increasing collection and commercialization of personal data have intensified concerns regarding privacy violations. Unauthorized disclosure of personal information, data breaches, identity theft, and misuse of personal data may seriously affect individual autonomy and dignity. Data protection legislation, organizational cybersecurity measures, informed consent, and responsible data governance are essential for safeguarding digital privacy.

e) Surveillance and Digital Monitoring

Governments and private organizations increasingly employ surveillance technologies for purposes such as national security, crime prevention, public administration, and commercial advertising. While lawful surveillance may serve legitimate objectives, excessive or indiscriminate monitoring may infringe upon privacy, freedom of expression, and freedom of association. Therefore, surveillance measures should remain lawful, necessary, proportionate, and subject to judicial oversight.

f) Identity Theft and Cyber Fraud

Cybercriminals frequently misuse cyber media to steal personal information, financial credentials, passwords, and digital identities. Identity theft may result in financial fraud, reputational damage, unauthorized transactions, and long-term legal complications for victims. Common forms of cyber fraud include phishing, spoofing, fake websites, online banking fraud, QR code scams, and impersonation through social media accounts. Public awareness and cybersecurity practices are essential for reducing these risks.

g) Online Radicalization and Extremism

Extremist organizations increasingly use cyber media to recruit supporters, disseminate propaganda, raise funds, and spread violent ideologies. Online radicalization poses serious threats to national security, public order, and human rights. Governments and technology companies have adopted various measures to remove extremist content while ensuring that restrictions remain consistent with constitutional and international human rights standards.

h) Digital Divide

Despite rapid digitalization, unequal access to technology remains a significant human rights challenge. Economic inequality, inadequate infrastructure, geographical isolation, disability, age, and gender disparities continue to restrict internet access for many individuals. The digital divide limits educational opportunities, employment prospects, healthcare access, financial inclusion, and civic participation. Bridging this divide requires investment in affordable internet connectivity, digital infrastructure, and digital literacy programmes.

i) Artificial Intelligence and Algorithmic Bias

Artificial intelligence increasingly influences search results, content recommendations, recruitment decisions, credit assessments, healthcare services, and law enforcement. Algorithms trained on biased datasets may unintentionally discriminate against certain individuals or communities. Lack of transparency in automated decision-making also raises concerns regarding fairness, accountability, and equality.

Developing ethical AI frameworks and ensuring human oversight remain essential for protecting human rights.

j) Deepfakes and Synthetic Media

Advances in AI have enabled the creation of highly realistic manipulated videos, images, and audio recordings known as deepfakes. These technologies may be misused for political propaganda, financial fraud, reputational harm, election interference, or online harassment. Deepfakes undermine trust in digital evidence and create significant challenges for journalism, law enforcement, and democratic governance. Technological detection tools, legal safeguards, and public awareness are therefore increasingly important.

9.8 LEGAL AND INSTITUTIONAL FRAMEWORK

India has developed a comprehensive legal and institutional framework to regulate cyber media while safeguarding human rights such as freedom of expression, privacy, equality, and access to information. The Constitution of India provides the foundation through Article 14 (equality before the law), Article 19(1)(a) (freedom of speech and expression), Article 19(2) (reasonable restrictions on free speech), and Article 21, which has been interpreted to include

the right to privacy in *Justice K.S. Puttaswamy v. Union of India* (2017). The Information Technology Act, 2000 is the primary legislation governing electronic transactions, cybercrime, and intermediary responsibilities, while the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 prescribe due diligence, grievance redressal, and transparency obligations for digital platforms. The Digital Personal Data Protection Act, 2023 strengthens the protection of personal data through consent-based processing, accountability, and privacy safeguards. The Bharatiya Nyaya Sanhita, 2023 also applies to cyber-related offences such as hate speech, cheating, defamation, and identity-related crimes committed through digital platforms. Institutional support is provided by CERT-In, India's national cybersecurity agency, which monitors cyber threats and coordinates responses to cyber incidents, and the National Human Rights Commission (NHRC), which promotes the protection of digital rights and a human rights-based approach to technology governance. International instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the Convention on the Rights of the Child (1989), and the Budapest Convention on Cybercrime (2001) also influence India's approach to cyber governance. The legal framework has been further strengthened through landmark Supreme Court decisions, including *Shreya Singhal v. Union of India* (2015), which protected online free speech by striking down Section 66A of the Information Technology Act, *Justice K.S. Puttaswamy v. Union of India* (2017), which recognized privacy as a fundamental right, and *Anuradha Bhasin v. Union of India* (2020), which affirmed that restrictions on internet access must satisfy the principles of legality, necessity, and proportionality.

9.9 ETHICAL ISSUES IN CYBER MEDIA

Legal regulation alone cannot ensure responsible use of cyber media. Ethical standards provide moral guidance for governments, technology companies, journalists, and individual users in promoting responsible digital communication.

a) Responsible Digital Citizenship: Digital citizenship refers to responsible, respectful, and lawful participation in online environments. Responsible digital citizens should verify information before sharing, respect differing viewpoints, avoid online abuse, protect personal information and promote constructive public dialogue. Ethical digital citizenship contributes to healthier online communities.

b) Privacy and Consent: Ethical communication requires respect for individuals' autonomy and informed consent. Organizations collecting personal information should obtain valid consent and explain the purpose of data collection. They must limit unnecessary data collection and ensure secure storage. Respecting privacy enhances trust in digital services.

c) Transparency: Transparency requires openness regarding data collection practices, content moderation policies, algorithmic decision-making, sponsored content and artificial intelligence applications. Transparent governance strengthens accountability and public confidence.

d) Accountability: Technology companies, journalists, influencers, and government agencies should accept responsibility for the content they create, publish, or regulate. Accountability includes correcting misinformation, addressing user complaints, preventing misuse of platforms, cooperating with lawful investigations and maintaining ethical standards.

e) Professional Responsibility of Digital Journalists: Journalists operating in digital environments should maintain traditional professional values by ensuring factual accuracy, impartial reporting, source verification, respect for privacy, and avoidance of sensationalism. Ethical journalism remains essential for democratic governance.

9.10 EMERGING TRENDS IN CYBER MEDIA AND HUMAN RIGHTS

The rapid advancement of digital technologies is continuously reshaping the relationship between cyber media and human rights. Innovations such as artificial intelligence (AI), blockchain, the metaverse, big data analytics, and the Internet of Things (IoT) have expanded opportunities for communication, education, healthcare, governance, and commerce. However, these developments have also introduced complex legal and ethical challenges relating to privacy, surveillance, misinformation, algorithmic discrimination, and digital inclusion. Understanding these emerging trends is essential for developing a rights-based approach to digital governance.

Artificial Intelligence and Human Rights

Artificial Intelligence (AI) has become an integral part of cyber media by enabling automated content creation, personalized recommendations, language translation, virtual assistants, facial recognition, and predictive analytics. AI has improved accessibility for persons with disabilities through speech recognition, real-time translation, and assistive technologies.

Despite these benefits, AI also raises concerns regarding algorithmic bias, discrimination, lack of transparency, and accountability. AI systems trained on biased datasets may produce discriminatory outcomes affecting employment, education, healthcare, law enforcement, or financial services. Ensuring that AI systems operate fairly, transparently, and under meaningful human oversight has therefore become a global priority.

Generative Artificial Intelligence

Recent developments in generative AI enable the creation of realistic text, images, videos, music, and computer code. These technologies have transformed education, journalism, research, and creative industries by improving productivity and innovation.

However, generative AI also increases the risk of producing fabricated news, impersonation, plagiarism, manipulated visual content, and automated misinformation campaigns. Responsible governance of generative AI requires transparency, ethical standards, content authentication mechanisms, and public awareness regarding AI-generated information.

Deepfakes and Synthetic Media

Deepfakes are digitally manipulated videos, images, or audio recordings created using artificial intelligence to imitate real individuals convincingly. While such technologies have legitimate applications in education, filmmaking, and accessibility, they also present serious threats. Deepfakes may be misused to spread political misinformation, manipulate elections, commit financial fraud, damage reputations, facilitate online harassment and create fabricated evidence. The development of AI-based detection technologies, digital watermarking, and legal safeguards has therefore become increasingly important for preserving trust in digital communication.

Blockchain and Digital Identity

Blockchain technology offers decentralized methods for securing digital records and verifying online transactions. It has potential applications in digital identity management, public administration, healthcare records, educational certificates, and electronic voting. By reducing the possibility of unauthorized alteration of records, blockchain can strengthen transparency, accountability, and cybersecurity. However, legal and technical challenges concerning interoperability, scalability, privacy, and regulatory oversight continue to evolve.

Metaverse and Virtual Environments

The emergence of immersive virtual environments, commonly referred to as the metaverse, represents another significant development in cyber media. These environments combine virtual reality, augmented reality, artificial intelligence, and digital commerce to create interactive online experiences.

Although the metaverse offers opportunities for education, professional collaboration, healthcare, and entertainment, it also raises concerns regarding privacy, digital property, cyber harassment, identity protection, and regulation of virtual spaces. Policymakers are increasingly examining how existing legal principles may apply within virtual environments.

Internet of Things (IoT)

The Internet of Things (IoT) connects everyday devices such as home appliances, vehicles, medical equipment, wearable devices, and industrial systems to the internet. IoT technologies improve efficiency and convenience but also increase cybersecurity risks due to the collection and transmission of large volumes of personal and operational data.

Protecting IoT systems requires strong encryption, secure authentication, regular software updates, and responsible data management practices.

9.11 SUMMARY

Cyber media has fundamentally transformed communication, governance, education, commerce, and social interaction. By facilitating instant global communication and widespread access to information, it has strengthened several human rights, including freedom of speech and expression, access to information, education, equality, cultural participation, and democratic engagement. At the same time, cyber media has generated complex human rights challenges. Misinformation, hate speech, cyberbullying, identity theft, privacy violations, surveillance, cyber fraud, online radicalization, and algorithmic discrimination threaten individual dignity, equality, and democratic values.

Protecting human rights in cyberspace requires more than legal regulation. Ethical journalism, responsible digital citizenship, platform accountability, cybersecurity, digital literacy, media literacy, fact-checking, and transparent governance all play vital roles in creating a safe and inclusive digital environment. Governments, technology companies, educational institutions, civil society organizations, and citizens share a collective responsibility to ensure that technological progress remains consistent with constitutional values and internationally recognized human rights standards.

As emerging technologies continue to reshape digital communication, a human rights-based approach to cyber governance will remain essential for promoting innovation while protecting freedom, dignity, equality, privacy, and justice.

9.12 GLOSSARY

Cyber Media – Internet-based communication platforms that enable the creation, sharing, and exchange of digital information, including websites, social media, blogs, online news portals, and multimedia platforms.

Digital Literacy – The ability to access, evaluate, create, and responsibly use digital technologies and online information.

Cyberbullying – Repeated harassment, intimidation, or abuse of an individual through digital platforms such as social media, messaging applications, or online forums.

Deepfake – Artificial intelligence-generated audio, video, or images that realistically manipulate or fabricate a person's appearance or speech.

Algorithmic Bias – Unfair or discriminatory outcomes produced by automated algorithms due to biased data or flawed design.

Data Privacy – The right of individuals to control the collection, use, storage, and sharing of their personal information.

Digital Divide – The gap between individuals or communities with adequate access to digital technologies and those with limited or no access.

Fact-Checking – The process of verifying the accuracy and authenticity of information before its publication or dissemination.

9.13 SAQs (SHORT ANSWER QUESTIONS)

1. Define cyber media and explain its major characteristics.
2. Discuss the relationship between cyber media and freedom of expression.
3. What is cyberbullying? Explain its impact on human rights.
4. Explain the significance of the Digital Personal Data Protection Act, 2023.
5. Discuss the role of digital literacy in protecting human rights online.

9.14 MCQs (MULTIPLE CHOICE QUESTIONS)

1. Which constitutional provision guarantees freedom of speech and expression in India?

(a) Article 14

(b) Article 19(1)(a)

(c) Article 21

(d) Article 32
2. Which legislation primarily governs digital personal data protection in India?

(a) Information Technology Act, 2000

(b) Right to Information Act, 2005

(c) Digital Personal Data Protection Act, 2023

(d) Consumer Protection Act, 2019
3. CERT-In primarily deals with:

(a) Election management

(b) Cybersecurity incident response

(c) Tax administration

(d) Banking regulation
4. Which Supreme Court judgment recognized the Right to Privacy as a Fundamental Right?

- (a) Shreya Singhal v. Union of India
- (b) Justice K.S. Puttaswamy v. Union of India
- (c) Vishaka v. State of Rajasthan
- (d) Maneka Gandhi v. Union of India

5. Deepfakes are primarily created using:

- (a) Artificial Intelligence
- (b) Blockchain
- (c) Quantum Computing
- (d) Cloud Storage

Answers: 1.B 2.C 3.B 4.B 5.A

9.15 TRUE/FALSE

- 1. Cyber media only includes online newspapers.
- 2. The Right to Privacy has been recognized as a Fundamental Right under Article 21.
- 3. Digital literacy helps individuals identify misinformation and cyber threats.
- 4. Algorithmic bias may result in discriminatory decision-making.
- 5. CERT-In is India's national cybersecurity incident response agency.

Answers: 1.F 2.T 3.T 4.T 5.T

9.16 TERMINAL QUESTIONS

- 1. Explain the concept, evolution, and importance of cyber media in contemporary society.
- 2. Critically examine the role of cyber media in promoting and protecting human rights.
- 3. Discuss the major human rights challenges associated with cyber media in the digital age.
- 4. Analyze the constitutional and legal framework governing cyber media in India with reference to important judicial decisions.
- 5. Suggest comprehensive legal, institutional, technological, and ethical measures to address human rights challenges in cyberspace.

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UNIT-10

CENSORSHIP AND MEDIA ACCOUNTABILITY

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10.3 WHAT IS CENSORSHIP?

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10.1 INTRODUCTION

This unit examines two forces that shape what societies see, hear, and believe: **censorship**, the suppression or control of information, and **media accountability**, the mechanisms that hold information producers responsible for accuracy, fairness, and harm. These forces are often framed as opposites: censorship restricts speech, accountability improves it but in

practice they overlap and compete in complicated ways. A single act, such as a platform removing a post, can be described by one person as censorship and by another as accountability, depending on who is doing the removing, why, and what recourse exists.

The unit is designed for use in media studies, civics, journalism, or political science courses, and can be adapted for high school, undergraduate, or general adult education audiences. It combines historical background, conceptual frameworks, contemporary debates, and discussion exercises.

10.2 LEARNING OBJECTIVES

By the end of this unit, learners should be able to:

- ❖ Define censorship and distinguish its major forms (state, corporate, self-censorship, algorithmic).
- ❖ Explain the historical evolution of censorship practices across print, broadcast, and digital media.
- ❖ Describe the core mechanisms of media accountability, including legal, professional, and market-based systems.
- ❖ Analyze the tension between free expression and harm reduction using real and hypothetical cases.
- ❖ Compare regulatory approaches to media across different political systems.
- ❖ Evaluate arguments on contested questions — such as platform content moderation — from multiple perspectives, without assuming a single "correct" answer.

10.3 WHAT IS CENSORSHIP?

Censorship is the suppression, restriction, or control of speech, writing, images, or other forms of expression, typically by an authority that judges the content objectionable, dangerous, or inconvenient. The word derives from the Roman office of *censor*, an official who, among other duties, oversaw public morals.

Censorship is often imagined narrowly as a government banning a book or blocking a newspaper. In practice, it takes several distinct forms:

State censorship is the classic form: a government using law, licensing, or force to prevent the publication or distribution of content. This includes prepublication review (requiring approval before something is printed), post publication punishment (prosecuting publishers after the fact), and outright bans on topics, symbols, or organizations.

Corporate or institutional censorship occurs when private entities — publishers, broadcasters, advertisers, employers, or platforms — decide not to carry, fund, or permit certain content. Because these actors are not bound by constitutional free-speech protections that apply to governments in many countries, their decisions occupy a legally different space even when the practical effect (content disappearing from public view) looks similar.

Self-censorship is the internal editing that writers, journalists, and ordinary speakers do to avoid punishment, backlash, or social cost. It is the hardest form to measure because it leaves no formal record the article never gets written, the question never gets asked.

Algorithmic or platform-mediated censorship is a newer category, arising from the fact that most public expression today passes through automated systems (search rankings, recommendation engines, content moderation filters) that a small number of companies design and control. Here, "removal" is only one lever; others include shadow-limiting reach, demonetizing content, or excluding it from recommendation without deleting it outright sometimes called "shadow banning," a term used informally and without a single agreed technical definition.

A useful distinction runs through all four categories: **censorship of viewpoint** (suppressing an idea because of its content or the identity of its speaker) versus **censorship of harm** (restricting content because of a specific, demonstrable danger, such as instructions for violence). Much of the ongoing debate over what counts as legitimate restriction hinges on how confidently a given case can be sorted into one category or the other and reasonable people often disagree about where a specific example belongs.

10.4 A BRIEF HISTORY

The Print Era

Printing technology made censorship both more necessary (from a controlling authority's perspective) and more difficult. The Catholic Church's *Index Librorum Prohibitorum*, first issued in 1559, listed banned books and remained in force for four centuries. Licensing laws in England required government approval before printing; the philosopher John Milton's 1644 pamphlet *Areopagitica* argued against prepublication licensing, laying groundwork for later free-press arguments, though Milton himself supported restrictions on some religious and political content.

The Rise of Press Freedom Norms

The 18th and 19th centuries saw the gradual (and uneven) establishment of press freedom as a legal principle in parts of the world. The U.S. First Amendment (1791) barred Congress from abridging freedom of the press, though enforcement was inconsistent for generations — the Sedition Act of 1798 criminalized criticism of the government just seven years later. France's 1881 press law remains a foundational reference for European press regulation.

Meanwhile, colonial and authoritarian governments across the same period often imposed strict licensing and censorship regimes on subject populations, a reminder that formal legal protections and lived press freedom frequently diverged along lines of citizenship, race, and class.

Broadcast Regulation

Radio and television introduced a new rationale for regulation: spectrum scarcity. Because only a limited number of broadcast frequencies existed, many governments argued that licensing broadcasters and attaching content obligations to those licenses — was a reasonable form of stewardship rather than censorship. The U.S. Fairness Doctrine (1949–1987) required broadcasters to present contrasting views on controversial issues; its repeal remains debated as either a necessary deregulation or a loss of an important accountability tool.

Cold War and Authoritarian Models

State-run media in the Soviet Union, Eastern Bloc, Maoist China, and other one-party systems used censorship as a core governance tool, often paired with propaganda apparatuses that positioned state media not as a neutral referee but as an instrument of the ruling party. Studying these systems remains useful for understanding how centralized information control functions even where formal "free press" language exists on paper.

The Digital Era

The internet initially appeared to make censorship far harder anyone with a connection could publish globally. Two developments complicated this optimism. First, many governments developed sophisticated technical filtering ("the Great Firewall" in China being the most extensively documented example, alongside similar systems in other countries) capable of blocking sites, throttling connections, and monitoring traffic at scale. Second, the concentration of online speech into a handful of large platforms meant that a small number of private companies gained enormous practical control over what most people see — control that operates through terms-of-service enforcement rather than law, and that is contested precisely because it is harder to challenge through the courts or elections than state censorship is.

10.5 WHAT IS MEDIA ACCOUNTABILITY?

If censorship is about restricting speech, accountability is about answering for it. Media accountability refers to the systems formal and informal that hold journalists, publishers, and platforms responsible for the accuracy, fairness, and consequences of what they publish.

Legal Accountability

Defamation law allows individuals to sue publishers for false statements that damage reputation. Standards vary widely: U.S. law (following *New York Times v. Sullivan*, 1964) requires public figures to prove "actual malice" that a falsehood was published knowingly or with reckless disregard for the truth making successful suits difficult. Many other countries, including the UK, historically placed a heavier burden on defendants, making it comparatively easier for plaintiffs to win, though UK reforms (the Defamation Act 2013) narrowed this gap somewhat.

Professional and Ethical Accountability

Journalism has developed internal accountability structures that operate below the level of law:

- **Codes of ethics**, such as those maintained by professional associations, articulate standards on sourcing, conflicts of interest, and correction practices.
- **Press councils and ombudsmen** in many countries offer a complaint mechanism short of a lawsuit a reader can challenge a story's accuracy and receive a public ruling.
- **Corrections and retractions** are the most basic accountability tool: acknowledging and fixing errors transparently.
- **Editorial independence structures** (separating a newsroom from its business or ownership interests) aim to prevent advertisers or owners from dictating coverage.

Market Accountability

Audiences can reward or punish outlets through subscriptions, ratings, and public criticism. This mechanism is powerful but imperfect: it can incentivize sensationalism as easily as accuracy, since attention and truthfulness are not the same currency.

Fact-Checking and Media Literacy

Independent fact-checking organizations emerged prominently in the 2000s and 2010s as a response to concerns about misinformation, evaluating specific claims and publishing assessments. Media literacy education — teaching audiences to evaluate sources, recognize bias, and understand how information spreads — is a complementary, longer-term accountability strategy aimed at the audience rather than the publisher.

Platform Accountability

Because platforms now function as de facto publishers and distributors for much of the world's information, a newer set of accountability questions has emerged: Should platforms disclose how their recommendation algorithms work? Should they publish transparency reports on content removal? Should users have a right to appeal moderation decisions? Regulatory responses vary — for example, the European Union's Digital Services Act (2022)

imposes transparency and risk-assessment obligations on large platforms, while other jurisdictions rely more heavily on voluntary industry commitments or narrower liability rules.

10.6 THE CENTRAL TENSION

Censorship and accountability sit in genuine tension, not just rhetorical opposition, because both are attempts to manage the same underlying problem: false, harmful, or dangerous information circulating in public. They diverge on method and on who holds the power to decide.

Consider the following recurring debates. Each has serious, good-faith arguments on more than one side; the unit presents them for analysis rather than resolution.

Should platforms remove misinformation about public health during an emergency?

For restriction: Rapid removal can limit real-world harm when false claims lead people to reject effective treatments or take dangerous ones; public health authorities argue some crises demand fast action even before all details are settled. *Against restriction:* Scientific understanding evolves, and claims labeled "misinformation" early in a crisis have sometimes turned out to be accurate later; broad removal policies risk suppressing legitimate scientific debate and can erode public trust when reversed.

Should hate speech be a criminal offense, as it is in Germany, or protected speech, as it largely is in the United States?

For criminalization: Advocates argue that unchecked hate speech can incite violence and that some societies, given specific historical experience with the consequences of unchecked propaganda, have concluded the harm justifies the restriction. *Against criminalization:* Advocates of broad protection argue that granting the state power to define and punish "hateful" speech creates a tool that can be — and historically has been — turned against minority and dissenting voices, and that counter-speech and social sanction are safer correctives than criminal law.

Should social media companies be treated as neutral platforms or as publishers responsible for content decisions?

For platform-style liability limits: Broad immunity (such as under U.S. law, Section 230) allows for the scale of user-generated content that makes modern platforms possible, and shifts moderation choices to companies rather than courts. *For publisher-style responsibility:* Critics argue platforms already make substantial editorial choices (through algorithms and moderation) and should bear responsibility comparable to that of traditional publishers, particularly given their outsized influence on public discourse.

Is content moderation by large platforms a form of censorship, given they are private companies rather than governments?

Yes, functionally: When a small number of companies control most public discourse, their decisions have consequences similar to state censorship even if the legal category differs, and users often have limited alternative venues

or appeal rights. *No, categorically:* Private companies setting rules for their own services is different in kind from government suppression backed by legal force; users retain the choice to use other services, and companies enforcing their own terms of service is a longstanding, legally protected practice, not censorship in the traditional sense.

Instructors may wish to use these four debates as the basis for structured classroom discussion or debate exercises (see Section 6).

10.7 COMPARATIVE REGULATORY MODELS

Media systems can be roughly grouped by how they balance state involvement, market forces, and professional self-regulation. No taxonomy is perfectly clean, and most real systems mix elements.

Liberal / market-based model (associated with the U.S., historically): strong constitutional press protections, light government content regulation, heavy reliance on market competition and defamation law, weak formal self-regulatory bodies compared with some peer countries.

Democratic corporatist model (associated with parts of Northern and Central Europe): strong press freedom alongside more active press councils, public broadcasting with formal editorial independence mandates, and periodic state subsidy of print media to preserve pluralism.

Polarized pluralist model (associated with parts of Southern Europe and Latin America in some analyses): media often closely tied to political parties or factions, higher government influence over broadcasting, weaker formalized self-regulation.

State-controlled / authoritarian model: media directly owned or tightly controlled by the state or ruling party, formal censorship apparatus, criminal penalties for dissenting reporting, restricted or state-mediated internet access.

This typology, drawn loosely from comparative media systems research (notably Hallin and Mancini's influential three-model framework, later extended by other scholars to non-Western contexts), is a teaching simplification. Actual countries shift between and within categories over time, and hybrid systems are common a country can have strong constitutional protections on paper alongside significant informal pressure on journalists in practice.

10.8 DISCUSSION QUESTIONS AND CLASSROOM ACTIVITIES

1. **Case comparison:** Research one historical case of state censorship (e.g., the Pentagon Papers case in the U.S., 1971) and one contemporary platform moderation controversy. What similarities and differences do you find in the justifications offered and the pushback received?
2. **Structured debate:** Divide into pairs and assign each side of one debate from Section 4. Each side prepares its strongest argument, then switches sides and argues the opposite position. Discuss as a class what this exercise revealed.
3. **Personal audit:** Over one week, keep a log of any time you decide not to say, post, or share something because of anticipated consequences. At the end of the week, categorize each instance: legal risk, social risk, professional risk, platform rule, or something else. Discuss what this reveals about the scale of self-censorship in daily life.
4. **Policy design exercise:** In small groups, draft a one-page content moderation policy for a hypothetical social platform aimed at teenagers. Address: what content is removed outright, what is labeled or limited, what appeal process exists, and how transparency will be reported. Compare policies across groups and discuss trade-offs.
5. **Historical role-play:** Assign students the roles of a 17th-century licenser, a 1950s broadcast regulator, and a present-day platform trust-and-safety employee. Have each explain, in character, why their role is necessary and where its limits should be.

10.9 SUMMARY

Censorship and media accountability both respond to the same underlying problem the risk that information, once public, can mislead or harm but they diverge sharply in method and legitimacy. Censorship works by restricting speech before or after the fact, whether through state law, corporate policy, platform design, or internalized self-restraint. Accountability works by creating consequences and correction mechanisms after speech occurs, through law, professional ethics, market pressure, and public scrutiny.

Historically, the balance between these approaches has tracked the dominant media technology of the era: licensing regimes for print, spectrum-based regulation for broadcast, and a newer, unsettled set of arrangements for platforms that combine private ownership with public-scale influence. Comparative study shows no single country has "solved" this balance the U.S. leans toward minimal state restriction paired with weaker formal accountability structures; parts of Europe pair strong protections with more active self-regulatory bodies; authoritarian systems fold both censorship and "accountability" into direct state control.

The most contested cases today platform content moderation, misinformation during crises, hate speech law resist simple resolution because they pit real, competing values against one another: the value of open debate against the value of preventing harm; the value of private property and contractual terms of service against the value of open public discourse; the value of rapid action against the value of getting it right. A well-educated media consumer or practitioner should be able to hold both the case for restriction and the case against it in mind

at once, and to ask, in any specific instance: who is deciding, on what basis, with what oversight, and what happens to those who disagree?

10.10 GLOSSARY

Censorship — The suppression, restriction, or control of speech or expression by an authority (state, corporate, or otherwise) that deems it objectionable or dangerous.

Self-censorship — The voluntary withholding of speech by the speaker themselves, typically to avoid anticipated legal, social, or professional consequences.

Algorithmic curation — The automated ranking, recommending, or filtering of content by software systems, which can amplify, limit, or hide material without formal removal.

Shadow banning — An informal term for reducing the visibility or reach of content or an account without notifying the user or fully removing the material; the term lacks a single standardized technical definition.

Defamation — A false statement of fact that damages a person's reputation; may be pursued as libel (written) or slander (spoken) depending on jurisdiction.

Actual malice — In U.S. defamation law, the standard requiring public figures to prove a false statement was made knowingly or with reckless disregard for the truth.

Press council / ombudsman — A body or individual, often independent of a specific outlet, that receives and adjudicates complaints about journalistic accuracy or conduct.

Fairness Doctrine — A U.S. broadcast policy (1949–1987) requiring licensed broadcasters to present contrasting viewpoints on controversial issues of public importance.

Editorial independence — The principle that a newsroom's coverage decisions are insulated from the influence of owners, advertisers, or political actors.

Media literacy — The set of skills enabling audiences to critically evaluate, analyze, and interpret media content and sources.

Fact-checking — The practice of independently verifying specific factual claims made in public discourse, often by dedicated journalistic organizations.

Platform liability — The legal question of whether and how much a hosting platform is responsible for content posted by its users, as distinct from content it creates itself.

Prepublication review / prior restraint — Government or institutional approval required before content may be published, as opposed to punishment applied after the fact.

Hallin and Mancini's media systems model — A comparative framework (2004) classifying media systems as liberal, democratic corporatist, or polarized pluralist based on the relationship between media, the state, and political parties.

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10.13 SHORT ANSWER QUESTIONS

1. What is censorship?
2. Why is media accountability important?
3. Who can impose censorship?
4. Name one advantage of media accountability.
5. How can censorship affect freedom of speech?

10.14 TERMINAL QUESTIONS

1. Explain the concept of censorship and discuss its advantages and disadvantages.
2. What is media accountability? Explain the role of media in promoting responsible journalism.
3. Discuss the relationship between freedom of expression and media accountability.
4. How can governments and media organizations balance censorship and freedom of the press?
5. Explain the importance of ethical standards in ensuring media accountability.

10.15 TRUE/FALSE QUESTIONS

1. Censorship always promotes freedom of speech. **(False)**
2. Media accountability encourages responsible reporting. **(True)**
3. Governments are the only bodies that can practice censorship. **(False)**
4. Ethical journalism is a part of media accountability. **(True)**
5. Unchecked media can spread misinformation. **(True)**

UNIT 11

Human Rights Violations through Digital Platforms

UNIT STRUCTURE

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11.6 HUMAN RIGHTS VIOLATION THROUGH DIGITAL PLATFORMS

11.7 LEGAL AND INSTITUTIONAL FRAMEWORK

11.8 EMERGING ISSUES

11.9 SUMMARY

11.10 GLOSSARY

11.11 SAQs

11.12 TERMINAL QUESTIONS

11.13 TRUE/ FALSE

11.14 REFERENCES

11.1 INTRODUCTION

The rapid advancement of information and communication technology has fundamentally transformed human interaction, governance, commerce, education, and access to information. Digital platforms including social media networks, online news portals, messaging applications, video-sharing websites, blogs, search engines, e-commerce platforms, and collaborative online forums have become an integral part of everyday life. These platforms have enabled people to communicate instantly across geographical boundaries, participate in democratic processes, share knowledge, conduct business, and advocate for social justice. Consequently, digital platforms have emerged as powerful instruments for promoting human rights, democratic participation, and inclusive development.

The expansion of digital platforms has strengthened several internationally recognized human rights. Individuals can now exercise their right to freedom of opinion and expression, right to information, right to education, right to participate in public affairs, and cultural rights more effectively than ever before. Social media campaigns have brought global attention to issues such as gender equality, environmental protection, racial justice, disability rights, child protection, and humanitarian crises. Digital platforms have empowered civil society organizations, journalists, researchers, activists, and ordinary citizens by providing them with accessible and cost-effective means of communication and advocacy.

However, alongside these benefits, digital platforms have also become sites of significant human rights violations. The increasing dependence on online technologies has created new risks relating to privacy, surveillance, cybercrime, hate speech, misinformation, identity theft, cyberbullying, gender-based violence, digital discrimination, and exploitation of vulnerable groups. The collection, storage, processing, and commercialization of personal data by governments and private corporations have raised serious concerns regarding informational privacy and individual autonomy. The widespread use of artificial intelligence, machine learning, and algorithm-driven content recommendation systems has further intensified debates concerning transparency, accountability, and discrimination.

Protecting human rights in the digital era requires a balanced approach that promotes technological innovation while safeguarding constitutional values such as dignity, equality, liberty, privacy, and justice. Governments, technology companies, educational institutions, civil society organizations, and citizens all share responsibility for ensuring that digital platforms remain spaces that promote human development rather than facilitate exploitation and abuse.

11.2 LEARNING OBJECTIVES

After studying this unit, learners will be able to:

- ❖ Explain the meaning, characteristics, and significance of digital platforms.
- ❖ Describe the relationship between digital platforms and human rights.
- ❖ Identify various forms of human rights violations occurring through digital platforms.
- ❖ Examine the legal and constitutional framework governing digital rights in India.
- ❖ Analyze the impact of emerging technologies on human rights.

11.3 UNDERSTANDING DIGITAL PLATFORMS MEANING AND DEFINITION

Digital platforms are internet-based technological systems that facilitate communication, interaction, content creation, information sharing, commercial transactions, and the delivery of online services. They connect individuals, organizations, businesses, and governments through digital networks, enabling users to create, exchange, and consume information in real time.

Examples of digital platforms include social networking websites, messaging applications, online news portals, video-sharing services, educational platforms, e-commerce websites, digital payment systems, collaborative workspaces, cloud-based services, and search engines.

Unlike traditional communication systems, digital platforms enable two-way and multi-directional communication, allowing users not only to receive information but also to actively participate in generating and disseminating content.

11.4 CHARACTERISTICS OF DIGITAL PLATFORMS

Digital platforms possess several distinctive characteristics that differentiate them from traditional forms of communication and service delivery.

a) Global Connectivity: Digital platforms connect individuals across national boundaries, enabling communication and collaboration regardless of geographical location. This global reach has facilitated international cooperation, cultural exchange, and worldwide dissemination of information.

b) Real-Time Communication: Information can be transmitted almost instantly through digital platforms. News, emergency alerts, educational content, and personal communications can reach millions of users within seconds.

c) User-Generated Content: One of the defining features of digital platforms is that users actively create and share content. Individuals can publish articles, upload photographs, produce videos, conduct live broadcasts, write blogs, and participate in online discussions without relying on traditional media organizations.

d) Interactive Communication: Digital platforms encourage active participation through comments, reactions, messaging, live interactions, and collaborative discussions. Users become both consumers and producers of digital content.

e) Accessibility: Most digital platforms are accessible through computers, smartphones, tablets, and other internet-enabled devices, allowing users to remain connected from virtually any location.

g) Personalization: Modern digital platforms use algorithms and artificial intelligence to personalize content based on users' preferences, browsing history, interests, and online behaviour. While personalization improves user experience, it also raises concerns regarding privacy, algorithmic bias, and the creation of information "echo chambers."

11.5 HUMAN RIGHTS IN THE DIGITAL AGE

The digital revolution has significantly transformed the manner in which human rights are exercised, protected, and sometimes violated. The internet and digital platforms have expanded opportunities for communication, education, governance, commerce, and civic participation. Today, many fundamental rights recognized under national constitutions and international human rights instruments are increasingly exercised through digital technologies.

Recognizing this transformation, the United Nations Human Rights Council has affirmed that the same human rights people enjoy offline must also be protected online. Consequently, governments, technology companies, civil society organizations, and individual users share the responsibility of ensuring that digital platforms remain spaces that uphold human dignity, equality, freedom, and justice.

11.5.1 RIGHT TO PRIVACY

Privacy is one of the most important human rights affected by digital platforms. It enables individuals to maintain control over their personal information, communications, identity, and private life. In India, the Supreme Court in *Justice K.S. Puttaswamy v. Union of India* (2017) recognized the Right to Privacy as a fundamental right under Article 21 of the Constitution.

Digital platforms routinely collect vast quantities of personal data, including:

- personal profiles;
- photographs and videos;
- location information;
- browsing history;

- purchasing behaviour;
- contact lists;
- biometric information;
- online preferences.

Such information is often used for targeted advertising, service personalization, and business analytics. However, unauthorized access, data breaches, unlawful surveillance, and misuse of personal information may seriously violate an individual's privacy and dignity.

The Digital Personal Data Protection Act, 2023 seeks to strengthen privacy protection by regulating the processing of digital personal data and promoting accountability among organizations handling personal information.

11.5.2 FREEDOM OF SPEECH AND EXPRESSION

Freedom of speech and expression forms the foundation of democratic society. It is guaranteed under Article 19(1)(a) of the Constitution of India and recognized internationally under Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

Digital platforms have substantially expanded opportunities for exercising this right by enabling individuals to:

- share opinions;
- publish articles and blogs;
- participate in public discussions;
- organize social movements;
- engage in citizen journalism;
- communicate with global audiences.

Social media has become an effective medium for exposing corruption, promoting transparency, advocating social reforms, and strengthening democratic participation.

However, this freedom is not absolute. Online expression must respect constitutional limitations relating to public order, national security, defamation, decency, morality, and the rights of others. The challenge lies in balancing freedom of expression with the prevention of hate speech, misinformation, and online abuse.

11.5.3 RIGHT TO INFORMATION

Access to information empowers citizens to participate effectively in democratic governance and make informed decisions. Digital platforms have significantly enhanced access to public information by making government policies, laws, judicial decisions, educational resources, and news available online.

Government websites, digital libraries, online journals, open data portals, and e-governance initiatives have improved transparency and accountability. Citizens can access public records, welfare schemes, legal information, and public services more efficiently through digital technologies.

Nevertheless, the availability of information also creates challenges. The rapid spread of false or misleading information makes it essential for users to verify sources before accepting or sharing online content.

11.5.4 RIGHT TO EQUALITY AND NON-DISCRIMINATION

Equality before the law and equal protection of laws are guaranteed under Article 14 of the Constitution of India. Digital platforms have enabled marginalized communities to raise awareness regarding discrimination, social exclusion, and inequality.

Movements advocating gender justice, disability rights, indigenous rights, LGBTQIA+ rights, and racial equality have gained international visibility through digital platforms.

However, digital technologies may also facilitate discrimination through:

- hate speech;
- online abuse;
- discriminatory algorithms;
- unequal internet access;
- biased automated decision-making.

Protecting equality in the digital environment requires inclusive technological development and effective legal safeguards.

11.5.5 RIGHT TO EDUCATION

Education has been transformed by digital technologies. Online classrooms, virtual universities, digital libraries, educational videos, webinars, and e-learning platforms have expanded educational opportunities across geographical boundaries.

Digital platforms support:

- distance learning;
- professional training;
- lifelong learning;
- collaborative research;
- access to educational resources.

The COVID-19 pandemic highlighted the importance of digital education in ensuring continuity of learning. At the same time, unequal internet connectivity, lack of digital devices, and limited digital literacy prevented many students from benefiting equally from online education.

11.5.6 RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS

Digital platforms have strengthened democratic participation by enabling citizens to engage directly with public institutions and policymakers.

Citizens increasingly use digital platforms to:

- participate in public consultations;
- submit grievances;
- discuss public policies;
- organize campaigns;
- monitor government performance;
- participate in elections through informed debate.

Digital participation enhances transparency and accountability while encouraging greater civic engagement.

11.5.7 RIGHT TO HUMAN DIGNITY

Human dignity forms the basis of all human rights. Every individual has the right to be treated with respect regardless of gender, religion, caste, ethnicity, language, disability, or social status.

Digital platforms should promote respectful communication and protect individuals against humiliation, harassment, discrimination, and exploitation. Online abuse, cyberbullying, revenge pornography, hate campaigns, and defamatory content directly undermine human dignity.

Respect for dignity requires responsible behaviour by users, effective platform moderation, and robust legal protection.

11.6 HUMAN RIGHTS VIOLATIONS THROUGH DIGITAL PLATFORMS

Digital platforms have transformed communication, education, commerce, and access to information, but they have also created new avenues for human rights violations. The speed, anonymity, and global reach of the internet have enabled harmful activities such as privacy breaches, cyberbullying, hate speech, misinformation, identity theft, and digital fraud. These violations affect fundamental human rights, including the rights to privacy, dignity, equality,

security, and freedom of expression. Vulnerable groups such as children, women, journalists, activists, and marginalized communities are often at greater risk of online abuse and exploitation.

One of the most serious concerns is the extensive collection and misuse of personal data by digital platforms, governments, and private organizations. Unauthorized data sharing, surveillance, profiling, and data breaches can expose individuals to identity theft, discrimination, financial fraud, and reputational harm. At the same time, cyberbullying, online harassment, hate speech, and gender-based violence have become widespread, causing emotional distress, social isolation, and discouraging victims from participating freely in digital spaces. The rapid spread of misinformation and disinformation further threatens democratic processes, public health, and social harmony by misleading people and undermining trust in institutions.

Children face unique risks in the digital environment, including online grooming, cyberbullying, exposure to harmful content, privacy violations, and commercial exploitation. Meanwhile, advances in artificial intelligence have introduced new challenges such as algorithmic bias and deepfakes. Biased AI systems can result in discriminatory decisions in areas such as employment, education, healthcare, and financial services, while deepfake technology can be misused for political manipulation, cyber fraud, blackmail, character assassination, and the creation of fabricated evidence. Such developments threaten the rights to equality, privacy, reputation, and fair treatment.

Addressing human rights violations on digital platforms requires a comprehensive approach involving governments, technology companies, civil society, educational institutions, and individual users. Strong legal frameworks, transparent platform governance, effective law enforcement, responsible use of artificial intelligence, digital literacy, cybersecurity awareness, and accessible grievance mechanisms are essential to ensure that digital technologies promote human dignity and fundamental rights while minimizing the risks of abuse and exploitation.

11.7 LEGAL AND INSTITUTIONAL FRAMEWORK

The legal and institutional framework governing digital platforms in India aims to protect human rights while promoting innovation, cybersecurity, and responsible digital governance. Its key components are as follows:

- a) **Constitutional Framework:** The Constitution of India protects digital rights through Articles 14, 19, and 21, guaranteeing equality, freedom of speech and expression (subject to reasonable restrictions), and the right to life, privacy, dignity, and personal liberty. The Supreme Court's decision in *Justice K.S. Puttaswamy v. Union of India* (2017) recognized privacy as a fundamental right.

- b) Information Technology Act, 2000:** The IT Act is India's primary cyber law, providing legal recognition to electronic records and digital signatures while addressing cyber offences such as hacking, identity theft, cyber fraud, data breaches, and publication of unlawful online content.
- c) Information Technology Rules, 2021 and Digital Personal Data Protection Act, 2023:** The IT Rules, 2021 impose due diligence obligations on digital intermediaries, including grievance redressal, content moderation, and transparency measures. The Digital Personal Data Protection Act, 2023 strengthens privacy protection by regulating the collection, processing, and protection of personal data through consent-based mechanisms and accountability of data fiduciaries.
- d) Bharatiya Nyaya Sanhita, 2023 and CERT-In:** The Bharatiya Nyaya Sanhita complements cyber laws by addressing offences such as cheating, forgery, criminal intimidation, defamation, and other crimes committed through electronic means. The Indian Computer Emergency Response Team (CERT-In) serves as the national agency for responding to cyber incidents, issuing security advisories, and promoting cybersecurity awareness.
- e) National Human Rights Commission and International Framework:** The National Human Rights Commission (NHRC) promotes a human rights-based approach to digital governance by encouraging awareness of digital rights, privacy, and protection against online discrimination. International instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the Convention on the Rights of the Child (1989), the Budapest Convention on Cybercrime (2001), and UN Human Rights Council resolutions provide important global standards for protecting human rights in the digital environment.

11.8 EMERGING ISSUES

Digital technologies continue to evolve rapidly, creating new opportunities as well as new challenges for the protection of human rights. Innovations such as Artificial Intelligence (AI), Generative AI, deepfakes, blockchain technology, the Internet of Things (IoT), and the metaverse are transforming the digital ecosystem. While these technologies contribute to economic growth, innovation, and improved public services, they also introduce complex ethical, legal, and human rights concerns that require proactive regulation and responsible governance.

Artificial Intelligence and Human Rights

Artificial Intelligence (AI) has become an integral component of digital platforms. AI systems are widely used in search engines, social media algorithms, facial recognition, healthcare, banking, education, law enforcement, and customer services. These technologies improve efficiency by automating routine tasks, personalizing user experiences, and enabling faster decision-making.

However, AI may also contribute to human rights violations if deployed irresponsibly. AI systems trained on biased or incomplete datasets may discriminate against certain individuals or communities in areas such as recruitment, loan approvals, policing, or healthcare. The lack of transparency in automated decision-making can make it difficult to identify or challenge unfair outcomes. Therefore, governments and technology companies must ensure that AI systems are transparent, accountable, explainable, and consistent with human rights principles.

Generative Artificial Intelligence

Generative AI has revolutionized content creation by enabling machines to generate text, images, videos, music, and software code. It has become an important tool in education, journalism, research, business, and creative industries.

Despite its benefits, generative AI presents significant risks. AI-generated content can be used to create fake news, impersonate individuals, spread propaganda, plagiarize creative works, or manipulate public opinion. Such misuse may undermine freedom of expression, privacy, intellectual property rights, and democratic processes. Responsible use of generative AI requires ethical guidelines, transparency regarding AI-generated content, and effective regulatory oversight.

Deepfakes and Synthetic Media

Deepfakes are highly realistic manipulated videos, images, or audio recordings created using artificial intelligence. Although deepfake technology has legitimate applications in entertainment, education, and accessibility, it has also emerged as a serious threat to human rights. Deepfakes may be misused to damage personal reputations, spread political propaganda, interfere with elections, commit financial fraud, facilitate cyber extortion etc.

Such misuse can violate the rights to privacy, dignity, reputation, and security. Combating deepfakes requires technological detection tools, legal regulation, public awareness, and responsible AI development.

11.9 SUMMARY

Digital platforms have become indispensable tools for communication, education, commerce, governance, and social interaction. They have significantly expanded opportunities for exercising fundamental human rights such as freedom of speech and expression, access to information, education, equality, participation, and cultural engagement. Social media, online educational platforms, digital news portals, and e-governance initiatives have transformed democratic participation and improved access to public services.

Despite these benefits, digital platforms have also become significant sites of human rights violations. Privacy breaches, cyberbullying, hate speech, identity theft, digital fraud, surveillance, misinformation, gender-based online violence, child exploitation, algorithmic discrimination, and AI-generated deepfakes pose serious threats to human dignity, security, and democratic values. The increasing use of artificial intelligence and automated decision-making has introduced additional concerns regarding transparency, accountability, and fairness.

India's constitutional framework, particularly Articles 14, 19, and 21, provides the foundation. Preventing human rights violations through digital platforms requires a comprehensive approach involving legal reforms, ethical governance, cybersecurity, digital literacy, platform accountability, public awareness, and international cooperation. Technology companies must adopt transparent and rights-respecting practices, governments should strengthen regulatory frameworks, and citizens must exercise responsible digital citizenship.

As digital technologies continue to evolve, ensuring that innovation remains consistent with the principles of human dignity, equality, liberty, justice, and accountability will remain one of the defining challenges of the digital age.

11.10 GLOSSARY

1. **Digital Platform** – An internet-based system that enables users to communicate, create content, exchange information, or provide digital services.
2. **Data Privacy** – The right of individuals to control how their personal information is collected, stored, processed, and shared.
3. **Cyberbullying** – Repeated harassment, intimidation, or abuse of an individual through digital communication technologies.
4. **Algorithmic Bias** – Unfair or discriminatory outcomes produced by automated computer algorithms due to biased data or design.
5. **Deepfake** – Artificial intelligence-generated audio, video, or images that realistically imitate or manipulate a person's appearance or speech.
6. **Digital Literacy** – The knowledge and skills required to use digital technologies safely, responsibly, and effectively.
7. **Online Surveillance** – Monitoring or tracking an individual's online activities, communications, or digital behaviour by governments or private organizations.
8. **Identity Theft** – The unauthorized acquisition and misuse of another person's personal information for fraudulent or criminal purposes.

11.11 SHORT ANSWER QUESTIONS

1. Define digital platforms and explain their major characteristics.
2. Discuss the relationship between digital platforms and the right to privacy.

3. What is cyberbullying? Explain its impact on human rights.
4. Explain the significance of the Digital Personal Data Protection Act, 2023.
5. Discuss the role of digital literacy in preventing human rights violations through digital platforms.

11.12 TERMINAL QUESTIONS

1. Explain the concept, characteristics, and societal significance of digital platforms.
2. Critically examine various forms of human rights violations occurring through digital platforms.
3. Discuss the constitutional and legal framework governing digital rights and human rights protection in India.
4. Analyze the impact of artificial intelligence and emerging technologies on human rights in the digital age.
5. Suggest comprehensive legal, technological, educational, and institutional measures to prevent human rights violations through digital platforms.

11.13 TRUE/FALSE

1. Digital platforms only include social networking websites.
2. Cyberbullying may violate an individual's right to dignity and privacy.
3. Algorithmic bias can result in discriminatory decision-making.
4. The Digital Personal Data Protection Act, 2023 seeks to regulate the processing of digital personal data.
5. CERT-In is India's national cybersecurity incident response agency.

Answers: 1. F 2. T 3. T 4. T 5. T

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UNIT 12

JUDICIARY AND INTERNATIONAL STANDARDS ON MEDIA RIGHTS

UNIT STRUCTURE

12.1 INTRODUCTION

12.2 OBJECTIVES

12.3 JUDICIARY AND MEDIA RIGHTS

12.4 INTERNATIONAL LEGAL FRAMEWORK FOR MEDIA AND HUMAN RIGHTS

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12.8 ROLE OF MEDIA IN PROMOTING HUMAN RIGHTS

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12.14 TERMINAL QUESTIONS

12.15 TRUE/ FALSE

12.1 INTRODUCTION

Media plays a vital role in modern democratic societies by facilitating the free flow of information, shaping public opinion, promoting transparency, and ensuring government accountability. In the contemporary world, the relationship between media and human rights has become increasingly significant because the media serves as both a platform for expression and a watchdog over power structures. The protection of media freedom is therefore closely linked to the protection of fundamental human rights, particularly freedom of expression, access to information, and participation in public affairs.

International law recognizes that a free, independent, and pluralistic media is essential for democracy and the protection of human rights. Various international conventions, declarations, and regional treaties establish legal frameworks that safeguard freedom of expression and the right to disseminate information through media channels. Institutions such

as the United Nations and UNESCO have played crucial roles in developing global standards to protect journalists and ensure the independence of the press.

At the same time, national constitutions incorporate these international principles to ensure the protection of media freedom within domestic legal systems. In India, the Constitution of India guarantees freedom of speech and expression, which forms the basis of press freedom and media rights.

This essay examines the international legal provisions concerning media and human rights, discusses key international treaties and declarations, analyzes Indian constitutional provisions related to media freedom, and explores landmark international court cases that have shaped the global understanding of media rights.

12.2 OBJECTIVES

This Unit is categorized in different topics related with International legal provisions concerning media and Human Rights. Therefore the objectives for this unit are as follows:-

1. To Understand the Concept of Media and Human Rights

It is one of the primary objectives is to understand the relationship between media and human rights because media acts as a platform for the exchange of ideas and information, while human rights ensure the protection of individual freedoms such as freedom of expression and access to information.

2. To Study International Legal Frameworks Protecting Media Freedom

The next objective is to analyze international legal instruments that safeguard media freedom and human rights, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These documents establish global standards for protecting freedom of expression and the free flow of information.

3. To Examine the Role of International Organizations

This unit also aims to provide understanding about the role of international organizations such as the United Nations and UNESCO in promoting press freedom, protecting journalists, and ensuring access to information worldwide.

4. To Understand the Legal Protection of Freedom of Expression

In addition the another objective of this unit is to examine how international and national laws protect freedom of speech and expression, which forms the foundation of media freedom and democratic communication.

5. To Analyze Indian Constitutional Provisions on Media Freedom

Under this Unit such topic helps students understand how the Constitution of India protects media freedom through fundamental rights, particularly under Article 19(1)(a), which guarantees freedom of speech and expression.

6. To Study the Limits and Reasonable Restrictions on Media

The next important objective is to learn about the reasonable restrictions that may be imposed on media under Article 19(2) of the Indian Constitution to maintain public order, national security, and morality.

7. To Understand the Importance of the Right to Information

In this chain of discussions another objective is to focus on the role of transparency in governance and how laws like the Right to Information Act, 2005 empower citizens and journalists to access government information.

8. To Study Landmark International Court Decisions on Media Freedom

Under this unit students should also analyze important court judgments that have shaped media freedom, such as *Handyside v. United Kingdom* and *New York Times Co. v. United States*. These cases illustrate how courts protect freedom of expression in democratic societies.

9. To Understand the Role of Media in Promoting Democracy and Human Rights

This unit aims to highlight how a free and independent media promotes democratic governance, protects human rights, and holds governments accountable.

10. To Develop Critical Awareness of Contemporary Media Challenges

At last but not least, the next objective of this unit is to help students understand modern challenges such as censorship, misinformation, threats to journalists, and the regulation of digital media.

12.3 JUDICIARY AND MEDIA RIGHTS

The judiciary plays a crucial role in protecting media rights while ensuring that the exercise of media freedom remains consistent with constitutional values. In a democratic society, the media acts as a watchdog by informing the public, exposing corruption, promoting transparency, and facilitating public debate. At the same time, the judiciary ensures that media freedom is exercised responsibly and does not violate the rights of individuals or threaten public order. Through judicial review, constitutional interpretation, and enforcement of fundamental rights, courts maintain a balance between freedom of the press and competing public interests.

The Constitution of India does not expressly mention the "freedom of the press"; however, the Supreme Court has consistently held that it is an integral part of the **freedom of speech and expression guaranteed under Article 19(1)(a)**. The judiciary has repeatedly affirmed that a free and independent media is essential for democracy because it enables citizens to access information, express opinions, and hold governments accountable. At the same time, this freedom is subject to the reasonable restrictions provided under **Article 19(2)**, including public order, defamation, contempt of court, decency, morality, sovereignty and integrity of India, and national security.

The judiciary also protects other rights that are closely connected with media freedom, including the **right to privacy, dignity, reputation, and fair trial** under Article 21. Courts have emphasized that while the media has the right to report matters of public interest, sensational reporting, media trials, invasion of privacy, and the publication of unverified information may violate the rights of individuals. Judicial intervention is therefore necessary to ensure that media reporting does not prejudice ongoing investigations or judicial proceedings.

Over the years, the Supreme Court has delivered several landmark judgments that have strengthened media rights. In **Romesh Thappar v. State of Madras (1950)** and **Brij Bhushan v. State of Delhi (1950)**, the Court held that freedom of the press is a cornerstone of democracy and struck down pre-censorship measures. In **Bennett Coleman & Co. v. Union of India (1973)**, the Court ruled that restrictions affecting newspaper circulation violated press freedom. More recently, in **Justice K.S. Puttaswamy v. Union of India (2017)**, the Court recognized privacy as a fundamental right, reinforcing the responsibility of the media to respect individual privacy while reporting.

In the digital age, the judiciary has expanded its role by addressing issues such as fake news, online defamation, intermediary liability, hate speech, and the regulation of digital platforms. Courts have interpreted constitutional rights in light of technological developments and have sought to balance freedom of expression with privacy, cybersecurity, and public interest. Thus, the judiciary remains a vital institution in safeguarding media rights while ensuring that media operates within the framework of constitutional values, democratic principles, and respect for human rights.

12.4 INTERNATIONAL LEGAL FRAMEWORK FOR MEDIA AND HUMAN RIGHTS

International legal provisions concerning media and human rights are primarily based on treaties, conventions, declarations, and resolutions adopted by international organizations.

These provisions aim to ensure:

- i. Freedom of expression and opinion
- ii. Protection of journalists
- iii. Access to information
- iv. Media independence and pluralism
- v. Protection against censorship
- vi. Several international instruments form the foundation of global media freedom.

Universal Declaration of Human Rights (1948)

The Universal Declaration of Human Rights adopted by the United Nations in 1948 is the cornerstone of international human rights law. Although it is not legally binding, it has inspired numerous binding treaties and national constitutions.⁵⁰

Article 19 of the declaration explicitly protects freedom of expression. It states that everyone has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.⁵¹ This provision recognizes the role of media in ensuring the free exchange of ideas across national boundaries. It establishes that individuals should have

⁵⁰ Universal Declaration of Human Rights, 1948, adopted by the United Nations General Assembly, Res. 217 A (III), 10 December 1948.

⁵¹ The Constitution of India, 1950 art. 19

the freedom to express their views through newspapers, radio, television, and modern digital platforms.

The declaration also recognizes the importance of media in promoting education, tolerance, and international cooperation. By protecting freedom of expression, the declaration provides a foundation for media independence and journalistic freedom worldwide.⁵²

International Covenant on Civil and Political Rights (1966)⁵³

The International Covenant on Civil and Political Rights is a legally binding treaty adopted by the United Nations in 1966 and entered into force in 1976. It elaborates on the rights recognized in the Universal Declaration of Human Rights.⁵⁴

Article 19 of the covenant guarantees freedom of expression and the right to seek, receive, and impart information through any media. It recognizes that these rights are essential for the functioning of democratic societies.⁵⁵

However, the covenant also acknowledges that freedom of expression is not absolute. It allows certain restrictions if they are provided by law and necessary for protecting national security, public order, public health, or the rights and reputation of others.

The covenant also prohibits propaganda for war and advocacy of hatred that incites discrimination, hostility, or violence. These provisions seek to balance freedom of expression with the protection of public interests. The monitoring body for the covenant is the United Nations Human Rights Committee, which reviews state compliance and issues interpretations that influence global media law.⁵⁶

UNESCO and Media Freedom

The UNESCO has been a leading international organization promoting press freedom and media development. One of the most significant initiatives supported by UNESCO is the Windhoek Declaration adopted in 1991. This declaration emphasizes the importance of a free, independent, and pluralistic press for democracy and development.⁵⁷

The declaration calls on governments to remove legal and administrative barriers that restrict media freedom. It also encourages the establishment of independent media organizations and the protection of journalists from political pressure and violence.⁵⁸ UNESCO also promotes

⁵²Universal Declaration of Human Rights, 1948, adopted by the United Nations General Assembly, Res. 217 A (III), 10 December 1948.

⁵³ International Covenant on Civil and Political Rights, 1966, adopted by the United Nations General Assembly, Res. 2200A (XXI), 16 December 1966.

⁵⁴United Nations, International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (entered into force 23 March 1976).

⁵⁵*Ibid.*

⁵⁶Office of the United Nations High Commissioner for Human Rights, *International Human Rights Law*, available at <https://www.ohchr.org> (last visited Mar. 10, 2026).

⁵⁷Constitution of the United Nations Educational, Scientific and Cultural Organization, 1945.

⁵⁸UNESCO, *Windhoek Declaration on Promoting an Independent and Pluralistic African Press*, adopted at Windhoek, Namibia, 3 May 1991.

World Press Freedom Day and supports initiatives aimed at strengthening media independence and protecting journalists in conflict zones.⁵⁹

Regional Human Rights Instruments

In addition to global treaties, regional human rights systems provide legal protection for media freedom.

European Convention on Human Rights

The European Convention on Human Rights protects freedom of expression under Article 10.⁶⁰ It guarantees the right to receive and impart information without interference by public authorities. The convention is enforced by the European Court of Human Rights, which has delivered numerous judgments protecting journalists and media organizations.⁶¹ The court has consistently emphasized that freedom of expression is one of the essential foundations of democratic society.

American Convention on Human Rights

The American Convention on Human Rights protects media freedom in the Americas. Article 13 guarantees freedom of thought and expression and prohibits prior censorship.⁶² The convention ensures that individuals can seek, receive, and disseminate information through any medium.⁶³

African Charter on Human and Peoples' Rights: The African Charter on Human and Peoples' Rights recognizes the right to receive information and express opinions within the law. Article 9 emphasizes the importance of media freedom in promoting democracy and development in African countries.⁶⁴

Protection of Journalists and Media Workers

Journalists play a crucial role in reporting human rights violations and exposing corruption. However, they often face threats, harassment, and violence.⁶⁵ To address this issue, the United Nations adopted the UN Plan of Action on the Safety of Journalists and the Issue of Impunity in 2012.⁶⁶

The plan aims to:

- i. Improve the safety of journalists

⁵⁹ UNESCO, *World Press Freedom Day*, available at <https://www.unesco.org> (last visited Mar. 10, 2026)

⁶⁰ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), 1950, art. 10.

⁶¹ European Court of Human Rights, *Handyside v. United Kingdom*, Judgment of 7 December 1976, Series A No. 24.

⁶² American Convention on Human Rights (Pact of San José, Costa Rica), 1969, art. 13.

⁶³ *Ibid.*

⁶⁴ African Charter on Human and Peoples' Rights, 1981, art. 9.

⁶⁵ United Nations, *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.

⁶⁶ *Ibid.*

- ii. Combat impunity for crimes against media professionals⁶⁷
- iii. Strengthen legal frameworks for media protection
- iv. Promote freedom of expression worldwide
- v. International organizations also encourage states to investigate attacks against journalists and ensure accountability.⁶⁸

***International Legal Framework for Media and Human Rights**

International Instrument	Key Provisions	Media Rights Recognized	Human Rights Protected	Legal Significance / Issues
United Nations Charter (1945)	Promotes human rights and fundamental freedoms	Basis for global recognition of free expression	Equality, dignity, non-discrimination	Foundation of international human rights law
Universal Declaration of Human Rights (UDHR)	Article 19 – Freedom of opinion & expression	Right to seek, receive, impart information	Right to dignity, liberty, equality	Cornerstone of media freedom globally
International Covenant on Civil and Political Rights (ICCPR)	Article 19 (expression), Article 17 (privacy)	Protects press and journalistic freedom	Privacy, reputation, fair trial	Balances free speech with individual rights
UN Human Rights Council Resolutions	Resolutions on freedom of expression & safety of journalists	Protection of journalists worldwide	Right to life and security	Addresses violence against media professionals
UNESCO Framework	Promotes free, independent, pluralistic media	Encourages ethical journalism and access to information	Cultural rights, education, freedom of expression	Strengthens media development globally
European Convention on	Article 10 – Freedom of	Strong protection for	Privacy (Article	Developed extensive case

⁶⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO), *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.

⁶⁸ United Nations General Assembly, *The Safety of Journalists and the Issue of Impunity*, U.N. Doc. A/RES/68/163 (18 December 2013).

Human Rights (ECHR)	expression	press freedom	8), fair trial	law on media rights
African Union – African Charter	Article 9 – Right to receive information	Recognizes media’s role in democracy	Human dignity, equality	Expands media rights in African context
Organization of American States – American Convention	Article 13 – Freedom of thought and expression	Strong protection of press freedom	Protection from censorship	Limits prior censorship, promotes accountability
Convention on the Rights of the Child (CRC)	Access to information for children	Media must provide appropriate content	Protection from harmful content	Balances media freedom with child protection
Geneva Conventions	Protection during armed conflict	Journalists treated as civilians	Right to life and safety in war zones	Ensures safety of media in conflict areas

***The Chart above showing International Legal Framework for Media and Human Rights**

12.5 INDIAN CONSTITUTIONAL PROVISIONS RELATED TO MEDIA AND HUMAN RIGHTS

India is one of the largest democracies in the world and has a vibrant media landscape. The protection of media freedom in India is primarily derived from the Constitution of India⁶⁹.

Although the constitution does not explicitly mention “freedom of the press,” the Supreme Court has interpreted freedom of the press as part of the fundamental right to freedom of speech and expression.

Article 19(1)(a): Freedom of Speech and Expression

Article 19(1)(a) guarantees the right to freedom of speech and expression to all citizens.⁷⁰ This right includes the freedom to express ideas through newspapers, broadcasting, and digital media.⁷¹

The Supreme Court of India has repeatedly affirmed that freedom of the press is an essential component of democracy.⁷²

⁶⁹ The Constitution of India, 1950.

⁷⁰ *Romesh Thappar v. State of Madras* 1950 AIR 124, 1950 SCR 594

⁷¹ *Bennett Coleman & Co. v. Union of India* AIR 1973 SC 106

However, Article 19(2) allows reasonable restrictions on this freedom in the interests of⁷³:

- National security
- Public order
- Decency or morality
- Contempt of court
- Defamation
- Incitement to an offence
- Sovereignty and integrity of India

These restrictions aim to balance media freedom with public interest.

Right to Information

The right to access information is closely linked to media freedom. In India, this right has been strengthened through the Right to Information Act, 2005.

The act empowers citizens and journalists to request information from public authorities, thereby promoting transparency and accountability in governance.⁷⁴

Media and Human Rights under Different Laws in India

Law / Legal Framework	Relevant Provisions	Media Perspective	Human Rights Perspective	Key Legal Issue / Balance
Constitution of India	Article 19(1)(a) – Freedom of Speech; Article 19(2) – Reasonable Restrictions; Article 21 – Right to Life & Privacy	Guarantees freedom of press (implicit)	Protects dignity, privacy, fair trial	Conflict between free press and privacy/reputation
Universal Declaration of Human Rights (UDHR)	Article 19 – Freedom of opinion & expression	Recognizes global media freedom	Ensures right to seek, receive, impart information	Promotes free flow of information worldwide
International Covenant on Civil and Political Rights	Article 19, Article 17 (privacy)	Protects journalistic expression	Protects individuals from arbitrary interference	Balancing expression vs. privacy rights

⁷²*Id.*, art. 19(1)(a).

⁷³The Constitution of India, 1950 art. 19 (2)

⁷⁴*Indian Express Newspapers v. Union of India* AIR1958SC578

(ICCPR)				
Information Technology Act, 2000 (India)	Sections on cyber content, intermediaries, data protection (limited)	Regulates digital media and platforms	Protects users from cyber harm, misuse of data	Regulation vs. digital freedom
Press Council Act, 1978	Establishes Press Council of India	Maintains journalistic ethics and standards	Prevents irresponsible reporting harming rights	Ethical journalism vs. sensationalism
Contempt of Courts Act, 1971	Prevents interference with judicial proceedings	Limits media reporting on sub judice matters	Protects right to fair trial	Trial by media vs. judicial fairness
Indian Penal Code (IPC)/Bhartiya Nyaya Sanhita (BNS), 2023	Defamation (Sections 499–500/356 of BNS), hate speech provisions	Restricts harmful content publication	Protects reputation, public order	Free speech vs. defamation/hate speech
Protection of Human Rights Act, 1993	Establishes NHRC	Media highlights rights violations	Institutional protection of human rights	Media as a tool for enforcement
Right to Information Act, 2005	Access to government information	Empowers investigative journalism	Ensures transparency and accountability	Public interest vs. confidentiality
Cable Television Networks Regulation Act, 1995	Programme & advertisement codes	Regulates broadcast content	Prevents obscene, harmful content	Freedom vs. decency/morality
Personal Data Protection (emerging law framework in	Data privacy principles	Affects media handling of personal data	Protects informational privacy	Journalism vs. data protection rights

India)				
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***The Chart above showing Media and Human Rights under Different Laws in India**

12.6 LANDMARK INTERNATIONAL COURT CASES ON MEDIA FREEDOM

Several landmark judicial decisions have shaped international media law and expanded the scope of freedom of expression.

Handyside v. United Kingdom (1976)

One of the most influential cases decided by the European Court of Human Rights is *Handyside v. United Kingdom*⁷⁵.

The case involved the publication of a controversial book aimed at teenagers. The British authorities seized the book on the grounds of obscenity.

The court held that freedom of expression applies not only to information that is favorably received but also to ideas that offend, shock, or disturb the state or any sector of the population. This judgment established a key principle: freedom of expression is essential for democratic pluralism.

Lingens v. Austria (1986)

In *Lingens v. Austria*⁷⁶, a journalist was convicted of defaming a politician after publishing critical articles.

The European Court ruled that politicians must tolerate a higher level of criticism than private individuals because they voluntarily expose themselves to public scrutiny. The judgment strengthened press freedom by protecting journalists who criticize government officials.

New York Times Co. v. United States (1971)

One of the most important media freedom cases in the United States is *New York Times Co. v. United States*⁷⁷, decided by the Supreme Court of the United States.

The case involved the publication of classified documents known as the Pentagon Papers during the Vietnam War. The government attempted to prevent newspapers from publishing the documents, citing national security concerns.

⁷⁵(1976) 1 EHRR 737

⁷⁶(1986) 8 EHRR 103

⁷⁷403 U.S. 713 (1971)

The Supreme Court ruled in favor of the newspapers, holding that prior restraint on publication is unconstitutional unless the government can demonstrate a clear and immediate danger. This decision reinforced the role of the press in exposing government wrongdoing.⁷⁸

Sunday Times v. United Kingdom (1979)

In *Sunday Times v. United Kingdom*,⁷⁹ the European Court of Human Rights considered whether restrictions on reporting about ongoing litigation violated freedom of expression.

The court ruled that the media has the right to inform the public about matters of public interest, even when legal proceedings are ongoing. This case strengthened the principle that the press serves as a public watchdog.⁸⁰

12.7 CHALLENGES TO MEDIA FREEDOM IN THE MODERN ERA⁸¹

Despite strong legal protections, media freedom faces numerous challenges in the modern world.

These include:

- Government censorship
- Political pressure on media organizations
- Violence against journalists
- Spread of misinformation and disinformation
- Digital surveillance and internet shutdowns

Technological developments and the rise of social media have also raised new legal and ethical issues related to freedom of expression. Balancing media freedom with the need to prevent hate speech, misinformation, and harmful content remains a complex challenge for policymakers.⁸²

12.8 ROLE OF MEDIA IN PROMOTING HUMAN RIGHTS⁸³

Media plays a crucial role in promoting human rights by:

- Reporting human rights violations
- Raising awareness about social issues

⁷⁸*Ibid.*

⁷⁹(1979) 2 EHRR 245

⁸⁰*Ibid.*

⁸¹Reporters Without Borders, *World Press Freedom Index 2023*.

⁸²Committee to Protect Journalists, *Global Impunity Index 2023*.

⁸³United Nations Human Rights Council, *The Promotion, Protection and Enjoyment of Human Rights on the Internet*, U.N. Doc. A/HRC/32/L.20 (2016).

- Giving voice to marginalized communities
- Encouraging democratic participation

Investigative journalism has exposed corruption, abuse of power, and violations of civil liberties in many countries.⁸⁴ By providing a platform for public debate, the media helps strengthen democratic institutions and promote accountability.⁸⁵

International legal provisions concerning media and human rights reflect the global recognition that freedom of expression and access to information are essential for democratic governance and human dignity.⁸⁶ Instruments such as the Universal Declaration of Human Rights⁸⁷, the International Covenant on Civil and Political Rights⁸⁸, and regional human rights treaties⁸⁹ provide a comprehensive framework for protecting media freedom.

Organizations like the United Nations and UNESCO⁹⁰ have played a significant role in promoting press freedom and protecting journalists worldwide.⁹¹ Landmark judicial decisions from international courts have further strengthened the legal foundations of media rights.⁹²

In India, constitutional guarantees of freedom of speech and expression provide the basis for media freedom, supported by legislation such as the Right to Information Act⁹³. However, challenges such as censorship, misinformation, and threats to journalists continue to test the resilience of media freedom globally.

A free and independent media remains essential for safeguarding human rights, promoting transparency, and ensuring democratic accountability. Strengthening legal protections for journalists and media organizations is therefore crucial for the advancement of human rights and democratic governance around the world.

12.9 SUMMARY

This unit explains International legal provisions concerning media and Human Rights. It deals with the role of media in promoting transparency, protecting human rights, and supporting democratic societies.

International legal provisions concerning media and human rights establish global standards that protect freedom of expression, access to information, and the role of media in democratic

⁸⁴Amnesty International, *Journalism Is Not a Crime: Violations of Media Freedom Worldwide*, 2022.

⁸⁵United Nations Educational, Scientific and Cultural Organization, *World Trends in Freedom of Expression and Media Development Report*, 2021.

⁸⁶United Nations, *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.

⁸⁷Universal Declaration of Human Rights, 1948, art. 19

⁸⁸International Covenant on Civil and Political Rights, 1966, art. 19

⁸⁹Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), 1950, art. 10

⁹⁰United Nations Educational, Scientific and Cultural Organization, *Windhoek Declaration on Promoting an Independent and Pluralistic African Press*, 1991.

⁹¹United Nations Educational, Scientific and Cultural Organization, *Windhoek Declaration on Promoting an Independent and Pluralistic African Press*, 1991

⁹²European Court of Human Rights, *Handyside v. United Kingdom*, Judgment of 7 December 1976.

⁹³**The Right to Information Act, 2005 (Act 22 of 2005)**

societies. These provisions are mainly derived from international treaties, declarations, and conventions developed by global organizations such as the United Nations. They aim to ensure that media can operate freely while respecting the dignity, privacy, and rights of individuals.

One of the most important legal foundations is the Universal Declaration of Human Rights (UDHR), adopted in 1948 by the United Nations General Assembly. Article 19 of the UDHR states that everyone has the right to freedom of opinion and expression.⁹⁴ This right includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers. This provision recognizes the media as an essential tool for communication and the dissemination of information across the world.

Another key legal instrument is the International Covenant on Civil and Political Rights (ICCPR), adopted in 1966. Article 19 of the ICCPR further elaborates on freedom of expression and specifically protects the right to access information through different media platforms⁹⁵. However, it also allows certain restrictions to protect national security, public order, public health, or the rights and reputations of others. This balance ensures that media freedom does not lead to harm, misinformation, or violation of other human rights.⁹⁶

The United Nations Educational, Scientific and Cultural Organization also plays a major role in promoting freedom of the press and protecting journalists worldwide. UNESCO supports policies that encourage independent media, pluralism, and safety for journalists. It also monitors violations of press freedom and promotes ethical journalism standards globally.⁹⁷

Regional human rights systems also provide legal protection for media freedom. For example, the European Convention on Human Rights guarantees freedom of expression under Article 10, which includes the freedom to receive and impart information without interference from public authorities.⁹⁸ Similarly, the American Convention on Human Rights⁹⁹ and the African Charter on Human and Peoples' Rights also protect freedom of expression and the right to information¹⁰⁰. These regional agreements strengthen international standards and allow individuals to seek justice through regional courts and commissions.

International legal frameworks also emphasize the responsibility of media organizations. Media must respect human dignity, avoid hate speech, and protect the privacy of individuals. International standards condemn propaganda for war, incitement to violence, and

⁹⁴United Nations, *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), 10 December 1948.

⁹⁵United Nations Human Rights Committee, *General Comment No. 34: Article 19 – Freedoms of Opinion and Expression*, U.N. Doc. CCPR/C/GC/34 (2011).

⁹⁶*Ibid.* art. 19

⁹⁷United Nations Educational, Scientific and Cultural Organization, *World Trends in Freedom of Expression And Media Development Report*, 2021.

⁹⁸Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), 1950, art. 10.

⁹⁹American Convention on Human Rights, 1969, art. 13.

¹⁰⁰African Charter on Human and Peoples' Rights, 1981, art. 9.

discrimination based on race, religion, gender, or nationality. These provisions ensure that freedom of the press is exercised responsibly.¹⁰¹

Furthermore, international organizations and human rights bodies encourage governments to create laws that protect journalists, promote transparency, and prevent censorship. Initiatives such as the UN Plan of Action on the Safety of Journalists highlight the importance of protecting media professionals who often face threats, harassment, and violence while performing their duties.¹⁰²

Conclusively, international legal provisions concerning media and human rights form a comprehensive framework that promotes freedom of expression while safeguarding other fundamental rights. Instruments such as the Universal Declaration of Human Rights¹⁰³ and the International Covenant on Civil and Political Rights¹⁰⁴ provide the legal basis for media freedom worldwide. At the same time, organizations like UNESCO¹⁰⁵ and regional human rights systems help implement and monitor these protections, ensuring that media continues to play a vital role in promoting democracy, accountability, and human rights.

12.10 GLOSSARY

- i. **Freedom of Expression** – Right to share ideas and information without censorship.
- ii. **Human Rights** – Basic rights and freedoms entitled to every person.
- iii. **Press Freedom** – Independence of media to report news without interference.
- iv. **Censorship** – Government restriction or control over media content.
- v. **Right to Information** – Public's legal right to access government information.
- vi. **International Law** – Rules and agreements governing relations between countries.
- vii. **Media Ethics** – Moral principles guiding responsible journalism.
- viii. **Privacy Rights** – Protection of personal information from public exposure.
- ix. **Hate Speech** – Expression promoting hatred or discrimination against groups.
- x. **Journalist Protection** – Legal measures ensuring safety and freedom of journalists.

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3. Windhoek Declaration on Promoting an Independent and Pluralistic African Press, UNESCO, Windhoek, Namibia (May 3, 1991).

¹⁰¹ Universal Declaration of Human Rights, 1948, art. 19.

¹⁰² United Nations, *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.

¹⁰³ Universal Declaration of Human Rights, 1948, art. 19.

¹⁰⁴ International Covenant on Civil and Political Rights, 1966, art. 19.

¹⁰⁵ United Nations Educational, Scientific and Cultural Organization, *World Trends in Freedom of Expression And Media Development Report*, 2021.

4. European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 221.
5. American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123.
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12.13 SHORT ANSWERS QUESTIONS

1. What is meant by media and why is it called the fourth pillar of democracy?
2. Explain the significance of Article 19 of the Universal Declaration of Human Rights in protecting freedom of expression.
3. How does the International Covenant on Civil and Political Rights (1966) regulate freedom of expression?
4. What role does UNESCO play in promoting media freedom and protecting journalists?
5. What are the reasonable restrictions on freedom of speech and expression under Article 19(2) of the Constitution of India?

12.14 TERMINAL QUESTIONS

1. Explain the concept of media and its relationship with human rights. Discuss the role of media as the fourth pillar of democracy.
2. Discuss the international legal framework for the protection of media freedom with reference to the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966).
3. Examine the role of international and regional organizations in promoting media freedom, with special reference to UNESCO and regional human rights instruments.
4. Discuss the constitutional provisions in India relating to media freedom, including Article 19(1)(a), reasonable restrictions under Article 19(2), and the Right to Information Act, 2005.
5. Analyze the challenges to media freedom in the modern era and explain how media contributes to the promotion and protection of human rights.

12.15 TRUE AND FALSE

1. Media is often referred to as the fourth pillar of democracy along with the legislature, executive, and judiciary. **(True)**
2. The Universal Declaration of Human Rights (1948) is a legally binding treaty adopted by the United Nations. **(False)**
3. Article 19 of the International Covenant on Civil and Political Rights (1966) guarantees freedom of expression and access to information through any media. **(True)**
4. The Right to Information Act, 2005 in India helps promote transparency and accountability in governance. **(True)**
5. Freedom of speech and expression under the Constitution of India is absolute and has no restrictions. **(False)**

UNIT 13

FUTURE CHALLENGES OF MEDIA AND HUMAN RIGHTS IN INDIA

UNIT STRUCTURE

13.1 INTRODUCTION

13.2 OBJECTIVES

13.3 DIGITAL MEDIA AND HUAMN RIGHTS

13.4 SOCIAL MEDIA AND HUMAN RIGHTS AWARENESS

13.5 FAKE NEWS AND MISINFORMATION

13.6 HATE SPEECH IN DIGITAL MEDIA

13.7 PRIVACY AND DATA PROTECTION

13.8 CYBER SECURITY AND DIGITAL SAFETY

13.9 DIGITAL RIGHTS AND INTERNET FREEDOM

13.10 RESPONSIBLE USE OF DIGITAL MEDIA

13.11 SUMMARY

13.12 GLOSSARY

13.13 REFERENCES

13.14 SUGGESTED READINGS

13.15 SAQs

13.16 TERMINAL QUESTIONS

13.17 TRUE/ FALSE

13.1 INTRODUCTION

Digital media and modern technology have transformed the way people communicate, learn, and share information. The growth of the internet, smartphones, social media platforms, and digital communication has made information easily accessible to people across the world.

Today, individuals can express their opinions, participate in public discussions, and raise awareness about social and political issues through digital platforms.

Digital media has become an important tool for promoting human rights awareness. Through social media, people can spread information about equality, justice, freedom, women's rights, child rights, environmental protection, and social welfare. Many social movements and campaigns have gained public support through digital platforms.

At the same time, digital technology has also created several challenges. Fake news, misinformation, online hate speech, cyberbullying, and misuse of personal data have become major concerns in modern society. Privacy and data protection have become important issues because people's personal information is often collected, stored, and misused by organizations and online platforms.

Cyber security is another growing concern. Hackers and cybercriminals misuse technology to steal data and harm individuals. Governments and organizations are working to create laws and policies to protect people in the digital space.

Digital rights are also an important part of modern human rights. Every person should have the right to access the internet, use digital services freely, and communicate without illegal surveillance or censorship.

This unit discusses the relationship between digital media, technology, and human rights. It also explains the role of social media in human rights awareness, the problems of fake news and hate speech, and the importance of privacy and data protection in the digital age.

13.2 OBJECTIVES

After studying this unit, the learners will be able to:

- ❖ Understand the concept of digital media and technology.
- ❖ Explain the role of social media in promoting human rights awareness.
- ❖ Understand the impact of fake news and misinformation.
- ❖ Analyse the problem of hate speech in digital media.
- ❖ Understand the relationship between technology and human rights.

13.3 DIGITAL MEDIA AND HUMAN RIGHTS

Digital media refers to communication through electronic and internet-based platforms such as websites, social media, blogs, online newspapers, mobile applications, and video-sharing platforms. Technology has made communication faster and more accessible than ever before.

Human rights are basic rights and freedoms that belong to every individual. These rights include freedom of speech, right to privacy, right to information, equality, dignity, and freedom from discrimination.

Role of Digital Media in Promoting Human Rights

Digital media supports human rights in many ways. It allows people to express their opinions freely and participate in public discussions. Citizens can raise their voices against injustice, corruption, violence, and discrimination through online platforms.

Digital communication also helps in spreading awareness regarding constitutional rights, government schemes, and social welfare programs. People who live in remote areas can access information about their legal rights and entitlements through the internet.

Technology has also improved access to education, healthcare, and information. Online learning platforms, telemedicine services, and digital government services have made life easier for people. Social media campaigns have helped bring attention to issues such as women's rights, environmental protection, child rights, and social justice.

Challenges Posed by Digital Technology

However, misuse of technology can also lead to human rights violations. Online harassment, surveillance, fake news, cybercrime, and misuse of personal data can affect human dignity and freedom.

Many governments and authorities misuse digital tools to monitor citizens and suppress freedom of expression. Mass surveillance, tracking of phone calls and messages, and censorship of online content are examples of digital threats to human rights.

Marginalized communities often face digital exclusion. They do not have equal access to the internet or digital devices. This digital divide limits their ability to participate in modern society and enjoy digital rights.

Therefore, technology must be used responsibly and ethically. Governments, organizations, and individuals must work together to ensure that digital media promotes human rights and does not violate them.

13.4 SOCIAL MEDIA AND HUMAN RIGHTS AWARENESS

Social media platforms such as Facebook, Twitter, Instagram, YouTube, and WhatsApp have become powerful tools for communication and awareness. These platforms allow people to share information instantly and connect with large audiences.

Positive Impact of Social Media

Social media plays an important role in promoting awareness about human rights. People use digital platforms to discuss issues related to equality, justice, women's rights, child protection, environmental protection, and freedom of expression. Social movements and awareness campaigns often gain public attention through social media.

Social media gives ordinary people an opportunity to express their opinions and participate in democratic discussions. Marginalized communities and weaker sections of society can raise their concerns and demand justice through online platforms.

During emergencies and disasters, digital platforms help in sharing information, arranging humanitarian support, and spreading awareness quickly. Relief organizations use social media to coordinate rescue and aid operations.

Social media also encourages citizen journalism. People can report incidents, share videos, and provide information directly from the ground level. This increases public participation and transparency.

Negative Impact of Social Media

However, social media must be used responsibly. False information and irresponsible content can create confusion, panic, and social tensions. Social media algorithms sometimes promote sensational or divisive content to increase engagement.

Online harassment, trolling, and cyberbullying are serious problems on social media. Women, activists, journalists, and minority communities are often targeted with online threats and abuse. This discourages people from speaking freely and participating in online discussions.

Social media companies have a responsibility to create safe and inclusive platforms. They must take action against hateful content, misinformation, and online abuse while respecting freedom of expression.

13.5 FAKE NEWS AND MISINFORMATION

Fake news refers to false or misleading information presented as real news. Misinformation means spreading incorrect or inaccurate information, sometimes without harmful intention. Disinformation refers to deliberately spreading false information to deceive people. In the digital age, fake news spreads very quickly through social media and online platforms.

Causes of Fake News

One major reason for the spread of fake news is the rapid sharing of information without verification. Many people forward messages, videos, and posts without checking whether the information is true or false.

Fake news is also spread deliberately for political, commercial, or social reasons. Political groups sometimes create false stories to damage opponents or manipulate elections. Companies spread false advertising to mislead consumers. Extreme groups use fake news to create fear and hatred. The design of social media platforms also contributes to the spread of fake news. Platforms often show content that gets more reactions and shares, regardless of its accuracy. Sensational stories attract more attention and spread faster than verified news.

Impact of Fake News

Fake news can create fear, confusion, hatred, and social unrest. False information related to religion, politics, health, or public safety can seriously affect society. During elections, conflicts, or health emergencies, fake news can mislead people and influence public opinion.

Fake news can also violate human rights by damaging reputations, spreading hatred, and encouraging violence against individuals or communities. Misinformation during health emergencies may endanger public safety. During the COVID-19 pandemic, misinformation about vaccines and treatments caused serious harm.

False news can damage trust in media, governments, and public institutions. When people cannot trust reliable information sources, it weakens democracy and informed decision-making.

Solutions to Fake News

To prevent fake news, media organizations and social media users must verify facts before publishing or sharing information. Fact-checking organizations and digital literacy programs also help people identify false information.

Governments can introduce regulations to hold social media platforms accountable for the spread of dangerous misinformation. At the same time, regulations must not be used to silence legitimate criticism or free expression.

Schools and educational institutions must include media literacy in their curriculum. Students should learn how to identify reliable sources, verify information, and think critically about digital content.

Responsible journalism and ethical communication are necessary to control misinformation in society.

13.6 HATE SPEECH IN DIGITAL MEDIA

Hate speech refers to speech or communication that spreads hatred, discrimination, or violence against individuals or groups based on religion, caste, race, ethnicity, gender, or nationality.

Forms of Online Hate Speech

Digital media and social media platforms are sometimes misused to spread hate speech and communal propaganda. Offensive posts, videos, comments, and messages can create social tensions and disturb peace in society.

Hate speech takes many forms online. These include threatening messages, offensive comments, derogatory memes, fake news targeting communities, and organized online harassment campaigns. Sometimes hate speech is coded or indirect, making it difficult to identify and remove.

Anonymous accounts and fake profiles often spread offensive content without accountability. This anonymity encourages people to express extreme views that they would not express in public.

Impact of Hate Speech

Hate speech affects human dignity and equality. It may encourage discrimination, violence, and hostility against particular communities. Online hate campaigns can also lead to mental harassment and emotional harm.

Hate speech online can contribute to real-world violence. Communal riots, attacks on minorities, and political violence have sometimes been preceded by organized online hate campaigns. The spread of hate speech on WhatsApp has been linked to mob violence incidents in several countries.

Victims of online hate speech often suffer from anxiety, depression, and social withdrawal. Women and LGBTQ+ individuals are particularly vulnerable to targeted online hate campaigns.

Preventing Hate Speech

Governments, media organizations, and social media companies have a responsibility to prevent hate speech and harmful content. Many countries have laws against hate speech and online harassment.

Social media platforms use a combination of artificial intelligence and human moderators to detect and remove hate speech. However, moderation is not perfect and harmful content often remains online for too long.

At the same time, restrictions on hate speech should be balanced with freedom of speech and expression. Responsible use of digital platforms and public awareness are important for maintaining harmony and respect in society.

Education and awareness campaigns can help create a culture of respect and tolerance online. Digital citizens must learn to disagree peacefully and engage in constructive conversations.

13.7 PRIVACY AND DATA PROTECTION

Privacy is an important human right. It means that every individual has the right to keep personal information and private life protected from unnecessary interference.

Personal Data in the Digital Age

In the digital age, people share large amounts of personal information online through social media, mobile applications, websites, and digital services. Personal data may include names, addresses, phone numbers, photographs, financial information, health information, and online activities.

Many organizations and digital platforms collect and store users' data. This data is often used to show targeted advertisements, analyze user behavior, and improve services. However,

sometimes this data is misused for commercial purposes, surveillance, identity theft, or cybercrime.

Data breaches and hacking incidents have increased concerns regarding privacy and security. Large-scale data breaches have exposed the personal information of millions of users worldwide.

Threats to Privacy

Mass surveillance by governments and intelligence agencies is a serious threat to privacy. Governments sometimes monitor citizens' communications, internet activity, and location without their knowledge or consent. This violates the right to privacy and freedom of expression.

Commercial surveillance by technology companies is also a concern. Companies collect vast amounts of data about users and sell it to advertisers. Users often do not understand how their data is being used or shared.

Phishing attacks, identity theft, and online fraud are common crimes that violate personal privacy. Cybercriminals steal personal and financial information for illegal purposes.

Data Protection Laws and Measures

Data protection means safeguarding personal information from unauthorized access, misuse, or disclosure. Governments and organizations are introducing laws and regulations to protect digital privacy and ensure safe use of personal information.

The European Union's General Data Protection Regulation (GDPR) is one of the strongest data protection laws in the world. India has also introduced the Digital Personal Data Protection Act to protect citizens' data rights.

Users should also take precautions to protect their privacy online. Strong passwords, two-factor authentication, careful sharing of information, and awareness about online fraud are important for digital safety.

Balancing technology and privacy is a major challenge in modern society. While technology provides convenience and connectivity, protection of human dignity and personal freedom must remain a priority.

13.8 CYBER SECURITY AND DIGITAL SAFETY

Cyber security refers to the protection of computer systems, networks, and digital data from attacks, damage, or unauthorized access. It is an important part of digital rights and human safety.

Types of Cyber Threats

Malware is harmful software designed to damage or gain unauthorized access to computer systems. Viruses, ransomware, and spyware are common types of malware. They can steal data, lock files, and cause financial harm.

Phishing is a method used by cybercriminals to trick people into revealing personal information. They send fake emails or messages pretending to be banks, companies, or government agencies.

Cyberbullying involves using digital platforms to harass, threaten, or humiliate individuals. It is especially harmful to children and young people. It can cause serious mental health problems.

Online fraud includes financial crimes such as fake online shopping, lottery scams, and digital banking fraud. Millions of people lose money to online fraud every year.

Hacking refers to unauthorized access to computer systems or networks. Hackers steal data, disrupt services, and can cause serious damage to individuals, businesses, and governments.

Cyber Security Measures

Strong passwords are the first line of defence against cyber attacks. Use different passwords for different accounts. Avoid using simple or easily guessed passwords.

Two-factor authentication adds an extra layer of security to accounts. It requires users to verify their identity using a second method such as a phone message or fingerprint.

Software updates fix security vulnerabilities. Always keep your operating system, apps, and antivirus software updated.

Avoid clicking on unknown links or downloading files from untrusted sources. This reduces the risk of malware and phishing attacks.

Governments are working to strengthen cyber security through national cyber security policies, dedicated cyber crime police units, and international cooperation to fight digital crime.

13.9 DIGITAL RIGHTS AND INTERNET FREEDOM

Digital rights are the rights of individuals to access, use, and communicate through digital technology. They are an extension of basic human rights into the digital world.

Key Digital Rights

Right to internet access means that every person should have the ability to connect to the internet. The United Nations has recognized internet access as a basic right. However, millions of people around the world still lack access to the internet.

Freedom of expression online means that people should be able to express their views freely on digital platforms without fear of censorship or punishment. Governments must not block websites or social media platforms to suppress free speech.

Right to privacy online means that personal communications, data, and online activities should be protected from illegal surveillance or misuse.

Right to digital literacy means that every person should have the education and skills needed to use digital technology safely and effectively.

Right to online safety means that individuals should be protected from cyberbullying, online harassment, and digital violence.

Internet Censorship and Its Impact

Some governments block or restrict access to social media, news websites, and communication platforms. This is called internet censorship or internet shutdown. It violates the right to freedom of information and expression.

Internet shutdowns during protests and elections prevent citizens from organizing, communicating, and accessing news. They are used to suppress democratic movements and human rights activism.

Civil society organizations, journalists, and human rights groups campaign against internet censorship and demand open and free access to the internet for all citizens.

Digital Divide

The digital divide refers to the gap between people who have access to digital technology and those who do not. Factors such as poverty, location, education, and age affect access to the internet.

Rural communities, women, elderly people, and economically disadvantaged groups are most affected by the digital divide. Without internet access, they cannot benefit from online education, healthcare, banking, and government services.

Governments and organizations must work to bridge the digital divide by expanding internet infrastructure, reducing data costs, and providing digital literacy training.

13.10 RESPONSIBLE USE OF DIGITAL MEDIA

Digital media should be used in a responsible and ethical manner. Every user has a duty to respect the rights and dignity of others while using online platforms.

Principles of Responsible Digital Use

Verify information before sharing. Check the source of news or information before forwarding it to others. Use reliable and trusted news sources. Do not spread unverified claims.

Respect the privacy of others. Do not share personal information, photographs, or videos of others without their permission. Respect confidential and sensitive information.

Avoid hate speech and abusive language. Use respectful and constructive language in online discussions. Do not target individuals or groups with offensive content.

Use social media for constructive communication. Share positive and helpful information. Contribute to discussions in a responsible and thoughtful manner.

Protect personal data and passwords. Keep your accounts secure. Do not share passwords or sensitive information with others.

Report fake news and harmful content. Use the reporting tools provided by social media platforms to flag false information and offensive content.

Respect intellectual property. Do not copy or share content without permission or proper credit. Respect copyright laws in the digital space.

Role of Platforms and Governments

Media organizations and technology companies should also promote ethical communication and transparency. They must take responsibility for the content shared on their platforms and act against harmful content.

Social media companies must invest in better content moderation systems. They must make their policies clear and enforce them consistently across all users and regions.

Educational institutions and governments should encourage digital literacy and awareness programs. Children and young people should be taught about online safety, responsible behavior, and critical thinking from an early age.

Governments should create clear and fair laws for digital media. Laws should protect citizens from online harm while preserving freedom of expression and access to information.

Responsible digital citizenship is essential for maintaining peace, democracy, and human rights in society.

13.11 SUMMARY

Digital media and technology have greatly changed modern communication and society. They have improved access to information, education, healthcare, and public participation. Social media has become an important platform for human rights awareness and social movements.

Social media has empowered ordinary citizens to speak out against injustice and demand accountability. Many successful human rights movements have been supported by digital platforms.

At the same time, digital technology has created challenges such as fake news, misinformation, hate speech, cybercrime, and misuse of personal data. These issues can affect human dignity, equality, and freedom.

Cyber security is an important concern in the digital age. Individuals, organizations, and governments must take steps to protect digital systems and personal data from cyber threats.

Digital rights, including the right to internet access, freedom of expression online, and right to privacy, are important extensions of human rights in the digital world. The digital divide must be addressed to ensure equal access to digital opportunities for all people.

Privacy and data protection have become very important in the digital age because personal information can easily be collected and misused. Governments are introducing data protection laws to safeguard citizens' rights.

Therefore, responsible use of technology, ethical communication, and digital literacy are necessary for protecting human rights and maintaining social harmony. Digital media should be used as a tool for awareness, development, democracy, and protection of human dignity.

13.12 GLOSSARY

Digital Media: Communication through internet and electronic platforms such as websites, social media, and mobile applications.

Social Media: Online platforms used for communication and sharing information, such as Facebook, Twitter, and Instagram.

Cyber Security: Protection of computer systems, networks, and digital data from attacks and unauthorized access.

Digital Literacy: The ability to use digital technology safely, responsibly, and effectively.

Digital Rights: The rights of individuals to access, use, and communicate through digital technology.

Digital Divide: The gap between people who have access to digital technology and those who do not.

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13.15 SAQs (SHORT ANSWER QUESTIONS)

1. What is digital media?

2. Define fake news.
3. What is meant by privacy?
4. Define data protection.

13.16 TERMINAL QUESTIONS

1. Discuss the role of social media in promoting human rights awareness.
2. Explain the impact of fake news and misinformation on society.
3. Explain the relationship between digital technology and human rights.
4. What is the digital divide? How does it affect human rights?

13.17 TRUE AND FALSE

1. Social media can help in spreading human rights awareness. — True
2. The digital divide affects equal access to opportunities. — True
3. Strong passwords help protect personal data online. — True
4. Data protection laws help safeguard citizens' privacy. — True

