M.A.H.R-603

Media and Human Rights

Masters in arts

Uttarakhand Open University

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BLOCK I	**UNDERSTANDING MEDIA, CONCEPTS AND ITS ROLE**	
UNIT-1	MEDIA CONCEPTS AND ITS EVOLUTION	5-18
UNIT-2	ROLE OF MEDIA IN PROTECTION OF HUMAN RIGHTS:-	19-37
UNIT-3	MEDIA AS WATCHDOG AND AGENDA SETTER	38-59
BLOCK II	**DEMOCRACY, MEDIA AND HUMAN RIGHTS**	
UNIT-4	MEDIA'S ROLE IN STRENGTHENING DEMOCRATIC INSTITUTIONS	60-72
UNIT-5	FREEDOM OF MEDIA AND CONSTITUTIONAL RESTRICTIONS:	73-86
UNIT-6	RIGHT TO INFORMATION AND MEDIA TECHNOLOGY-	87-101
BLOCK III	**PHILOSOPHICAL PERSPECTIVES NATIONAL AND INTERNATIONAL LEGAL PROVISIONS REGARDING MEDIA AND HUMAN RIGHTS**	
UNIT-7	GENERAL LAWS APPLICABLE TO MEDIA	102-134
UNIT-8	INTERNATIONAL LEGAL PROVISIONS CONCERNING MEDIA AND HUMAN RIGHTS	135-153
UNIT-9	INTERNATIONAL MEDIA ORGANISATIONS AND HUMAN RIGHTS	154-175
BLOCK IV	**MEDIA IN CONFLICT, DEVELOPMENT AND PEACE**	
UNIT-10	CONFLICTS, WAR AND HUMAN RIGHTS VIOLATIONS	176-191
UNIT-11	MEDIA AND DEVELOPMENT: HUMAN RIGHTS PERSPECTIVE	192-208
UNIT-12	DIGITAL MEDIA, TECHNOLOGY AND HUMAN RIGHTS:	209-222
UNIT-13	MEDIA TRIALS AND HUMAN RIGHTS	223-231

UNIT 1

MEDIA CONCEPTS AND ITS EVOLUTION

1.1 INTRODUCTION

1.2 AIMS AND OBJECTIVES

1.3 MEDIA

1.4 MEDIA AS THE FOURTH PILLAR

1.5 DEVELOPMENT OF PRINT AND DIGITAL MEDIA

1.6 MEDIA AS WATCHDOG OF HUMAN RIGHTS

1.7 SUMMARY

1.8 TERMINAL QUESTIONS

1.9 SUGGESTED READINGS

1.1 INTRODUCTION

Democracy is fundamentally structured primarily on the freedom provided to the functioning of the Legislature, Executive, and Judiciary, and the autonomous status provided to the Media. Each of these four pillars must be strong for democracy to be strong, and they work in unison to support one another. A democratic system should act within its domain without losing sight of the larger picture.

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:

i) It reaches millions of people in a short time; even instantaneously.

ii) Audio media is crucial for illiterate and visually challenged.

iii) Visual media can be effective in a multilingual society with illiteracy to a large extent.

iv) It is cost-effective and user-friendly.

v) 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 categorised as follows: Inform, Educate, Entertain, Surveillance and Correlation.

Renowned American sociologists Lazarsfield 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. (egyankosh.ac.in)

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 factchecked 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 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

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

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 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

[2]AIR 1960 SC 554.
[3]AIR 1962 SC 305.
[4]AIR 1975 SC 865.

Media and Human Rights

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 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. (egyankosh.ac.in)

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.

Media and Human Rights

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

ROLE OF MEDIA IN THE PROTECTION OF HUMAN RIGHTS

2.1 Introduction

2.2 Learning Outcomes

2.3 Concept of Human Rights and the Media

2.4 Historical Evolution of Media and Human Rights Protection

2.5 Role of Media in the Protection of Human Rights

2.6 Freedom of Speech and Expression

2.7 Constitutional Restrictions under Article 19(2)

2.8 Freedom of the Press

2.9 Judicial Decisions on Press Freedom

2.10 Law of Defamation

2.11 Journalistic Defences under Law of Defamation

2.12 Official Secrets Act, 1923

2.13 Contempt of Legislature

2.13.1 What is Contempt of Legislature?

2.13.2 Some Cases of Contempt of Legislatures

2.14 Media, Human Rights and Digital Technology

2.15 Challenges Faced by the Media in Protecting Human Rights

2.16 Media Ethics and Human Rights

2.17 Summary

2.18 Glossary

2.19 Suggested Readings

2.20 Short answer questions

2.21 Terminal Questions

2.22 True and False

2.1 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 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 marginalised 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

[5] https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action
[6] https://www.pahujalawacademy.com/the-role-of-media-in-a-democracy

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.

2.2 Learning Outcomes

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

and their relation with media freedom.

2.3. 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).

[7] https://www.ijnrd.org/papers/IJNRDTH00220.pdf
[8] https://ijarsct.co.in/Paper18776.pdf

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]

2.4. Historical Evolution of 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

[9] Universal Declaration of Human Rights, 1948, Art. 19.
[10] https://www.humanrightscareers.com/issues/whats-the-role-of-the-media-in-protecting-human-rights/
[11] M.K. Gandhi, *An Autobiography: The Story of My Experiments with Truth* (Navajivan Publishing House, Ahmedabad, 1927).

rights violations.[12] Social media platforms facilitate rapid dissemination of information, citizen journalism, and global awareness campaigns. Movements for social justice increasingly rely upon digital communication technologies to mobilize support and demand accountability.

2.5. Role of Media in the Protection of Human Rights

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

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

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 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.

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

[14] https://www.ohchr.org/en/equal-participation

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.

2.6. Freedom of Speech and Expression

Constitutional Foundation

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;

[15] https://countercurrents.org/2026/03/access-to-information-and-the-limits-of-democratic-transparency/
[16] Constitution of India, Art. 19(1)(a).

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.

2.7. 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.

[17] Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161.
[18] Indian Express Newspapers v. Union of India, (1985) 1 SCC 641.

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.

2.8. 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

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

C. Protection of Human Rights

[19] Romesh Thappar v. State of Madras, AIR 1950 SC 124.
[20] Brij Bhushan v. State of Delhi, AIR 1950 SC 129.

Media and 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.

2.9. 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]

2.10 Law of Defamation

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 unbefitting. Therefore, when such writings

[21] Sakal Papers v. Union of India, AIR 1962 SC 305.
[22] Bennett Coleman & Co. v. Union of India, (1973) 2 SCC 788.
[23] Shreya Singhal v. Union of India, (2015) 5 SCC 1.

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.

2.11. 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, cues, promotional spots conform

[24] https://egyankosh.ac.in/bitstream/123456789/57223/1/Unit6.pdf

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 data someone gave you.
- 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 hovering around them. Therefore, journalists should invariably double check, counter check, and cross check their facts before putting stories on paper.

2.12 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, pass word, 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 organisations have time and again demanded the repeal, or appropriate amendments in the Act.

2.13 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 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 organization. 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

[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/

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 details can prove hazardous in many respects, and may even cost jobs, besides incurring legislators' displeasure or leading to parliamentary admonishments and reprimands.

2.13.1 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 194(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 uncodified.' 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 expression in their

[27] https://blog.ipleaders.in/breach-of-privilege/
[28] https://cms.rajyasabha.nic.in/UploadedFiles/Procedure/RajyaSabhaAtWork/English/244-310/CHAPTER8.pdf

respective 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.

2.13.2. 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 eveninger 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

[29] https://frontline.thehindu.com/other/article30217070.ece

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. The two judges, then, filed a petition in the Allahabad High Court for quashing the resolution 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.

2.14. 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.

[30] Ibid.

[31] https://www.investopedia.com/terms/s/social-media.asp

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

2.15. 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.

2.16. Media Ethics and Human Rights

Freedom of the media also entails corresponding duties and responsibilities.[32] Ethical journalism requires:

- Accuracy;
- Fairness;
- Objectivity;
- Respect for privacy;
- Protection of vulnerable individuals;
- Avoidance of hate speech.

Responsible journalism strengthens public trust and enhances the media's role in protecting human rights.

2.17. Summary

India is one of the largest democracies in the world and the mass media in this country

[32] https://policyreview.info/articles/analysis/freedom-of-the-media

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 a way that you are not caught on the wrong side of your profession endangering 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.

2.18 Glossary

1. Freedom of Expression – The right of every individual to express opinions and ideas freely through speech, writing, or any form of media.

2. Freedom of the Press – The right of media organizations and journalists to report news and information without censorship or undue interference.

3. Media Ethics – The moral principles and professional standards that guide responsible and truthful journalism.

4. Public Opinion – The collective views, beliefs, and attitudes of people on social, political, or human rights issues, often influenced by the media.

5. Advocacy – The act of supporting, promoting, and defending human rights or a particular cause through awareness, campaigns, and public communication.

2.19 Suggested Readings

1 Basu, D.D. (2010), *Law of the Press*, LexisNexis Butterworths Wadhawa, Gurgaon (Haryana)

2 Radhakrishnamurti B. (1976), *Indian Press Laws*, India Law House, Allahabad,

3 Ravindranath, P.K. (2004), Press Laws and Ethics of Journalism in India, Authors' Press Delhi, New Delhi

4 Sinha, K.P. (1997), *Freedom of Press in India*, Janaki Prakashan, Patna

2.20 Short Answer Questions

1. What is meant by freedom of the press?
2. What are the limitations on press freedom provided in Article 19 (2)?
3. Why was Official Secrets Act enacted?
4. What is the major criticism against the Act?
5. What is contempt of legislature?

2.21 Terminal Questions

1. Explain the role of media in the promotion and protection of human rights.

2. Discuss the relationship between freedom of expression and human rights.

3. Analyze the importance of media in creating awareness about human rights violations.

4. Examine the challenges faced by the media in reporting human rights issues.

5. Evaluate the role of digital and social media in advancing human rights in the 21st century.

2.22 True and False

1. Media plays an important role in promoting awareness of human rights. (True)

2. Freedom of expression is not recognized as a human right under the Universal Declaration of Human Rights. (False)

3. Responsible journalism contributes to the protection of human rights. (True)

4. Social media has no role in exposing human rights violations. (False)

5. An independent media strengthens democracy and accountability. (True)

Unit 3

Media as Watchdog and Agenda Setter: Media as a Platform for Protest, Debate and Dissent, and the Role of Social Media in Democratic Socialization

STRUCTURE

3.1 Introduction

3.2 Media as a Watchdog

3.3 Media as an Agenda Setter

3.4 Media as a Platform to Protest, Debate and Dissent

3.5 Role of Social Media in Democratic Socialization

3.6 Summary

3.7 Suggested reading

3.8 Glossary

3.9 Short Answer Questions

3.10 Terminal Questions

3.11 True & False

3.1 Introduction

The media operates as the central nervous system of a democracy, performing several interconnected and vital functions.[33] It serves as a bridge between citizens and the government,

[33] https://www.lawcurb.in/post/role-of-media-in-a-democratic-society

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 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.

3.2 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 democracy[34] 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

[34] https://ijrar.com/upload_issue/ijrar_issue_20543177.pdf

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.[35] 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.[36] 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.[37] Continuous media scrutiny discourages corruption and negligence by increasing the likelihood that wrongdoing will be exposed.

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.

[35] https://brainly.in/question/61442474
[36] file:///C:/Users/hp/Downloads/5.pdf
[37] https://www.freedomforum.org/freedom-of-press/the-medias-role-as-watchdogs/

- 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.

3.3 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.[38]

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

[38] https://www.ebsco.com/research-starters/communication-and-mass-media/agenda-setting-theory

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.

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.

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.

3.4 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.[39] 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.[40] 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.

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.[41] 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.

[39] https://www.multiarticlesjournal.com/uploads/articles/IJCRM202542115.pdf
[40] https://www.mpdnlu.ac.in/assets/pdf/9.%20Dissent,%20Privacy%20and%20Democracy.pdf

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

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.[42] This constitutional framework enables media organizations to report, criticize, and investigate matters of public interest.

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.[43] 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.

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

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[42] *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106.

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

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.

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.[44] 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.

Promoting Transparency

[44] https://medium.com/@brianfrye21/the-crucial-role-of-debate-in-democracy-a-deeper-insight-f271426b0f1c

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.

Media as a Space for Dissent

Dissent is a hallmark of democracy, serving as a channel for expressing disapproval and participating in governance.[45] 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.[46] 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.

[45] 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

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

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.

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.

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.[47]

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.

[47] https://journalism.university/social-media-and-society/understanding-social-media-platforms/

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.[48] 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

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.

[48] https://journalism.university/media-and-society/medias-role-in-political-system/

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.

3.5 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.

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.

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.[49] 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

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.

[49] https://tijer.org/jnrid/papers/JNRID2501015.pdf

- 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.[50] It facilitates rapid dissemination of information and coordination among participants.

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

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

Media and Human Rights

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

Social Media and Youth Democratic Socialization

Young people represent the most active users of social media and are particularly influenced by digital communication environments. Social media plays a crucial role in shaping their political identities, attitudes, and participation patterns.

Political Learning

Young citizens gain exposure to political information through social media feeds, videos, discussions, and online communities. Such exposure helps them develop awareness of social and political issues.

Identity Formation

Digital platforms provide opportunities for young people to explore political ideologies, engage with diverse viewpoints, and form civic identities.

Civic Engagement

Youth-led campaigns on climate change, gender equality, human rights, and social justice frequently originate on social media platforms. These experiences cultivate democratic participation and leadership skills.

Digital Citizenship

Social media encourages the development of digital citizenship, which includes responsible online behavior, media literacy, critical evaluation of information, and ethical participation in public discourse.

Positive Impacts of Social Media on Democratic Socialization

Democratization of Information

Social media platforms have democratized access to political discourse by lowering the barriers to participation. Unlike traditional media, which often relies on gatekeepers such as editors and journalists, social media allows individuals to directly share their views with a global audience.[51]

Increased Political Engagement

Citizens can engage with politics more frequently and conveniently than ever before.

Greater Transparency

Government actions are subject to increased public scrutiny, promoting accountability and transparency.

Expanded Participation

Citizens who were previously excluded from political processes can now participate more easily.

Faster Dissemination of Information

Important political developments can be communicated instantly to large audiences.

Community Building

Social media fosters networks of civic engagement and collective action that strengthen democratic culture.

Challenges and Limitations

Despite its democratic potential, social media presents significant challenges.

1. Misinformation and Disinformation

False information can spread rapidly through social networks, influencing public opinion and undermining informed decision-making.

Political actors, interest groups, and foreign entities may intentionally disseminate misleading content to manipulate democratic processes.

2. Echo Chambers and Polarization

[51] https://www.researchgate.net/publication/387414539_The_Influence_of_Social_Media_on_Political_Narratives_and_Public_Opinion

Social media algorithms prioritize content that aligns with users' existing beliefs, creating a feedback loop where individuals are primarily exposed to likeminded perspectives. Over time, this can lead to a situation where users become close minded and more likely to dismiss opposing opinions as invalid or biased, leading to more uninformed or ignorant opinions or perspectives. The insular nature of echo chambers can also foster a sense of polarization, as individuals perceive those outside their chamber as fundamentally different or even hostile, further exacerbating societal divisions. This phenomenon occurs because algorithms are designed to maximize user engagement, often by showing users content they are likely to agree with.[52]

As a result, political polarization may increase, reducing opportunities for constructive dialogue and compromise.

3. Hate Speech and Online Harassment

Social media platforms can facilitate the spread of hate speech, discrimination, and harassment. Such behavior discourages participation by vulnerable groups and undermines democratic values of equality and respect.

4. Manipulation and Propaganda

Voters often unknowingly serve as “data-laborers” (Helberger et al., Citation2020) by leaving behind digital traces. These digital bread crumbs, often in the form of personal data, have manifold implications for how election campaigns are designed, as political parties increasingly use this data to customize their political ad campaigns. Consequently, data has become the new currency for political parties.[53] These practices raise concerns regarding privacy, transparency, and electoral integrity.

5. Information Overload

The vast volume of online content can make it difficult for citizens to distinguish credible information from misinformation.

6. Digital Divide

Not all citizens have equal access to digital technologies. Socioeconomic disparities may limit participation for certain groups, creating inequalities in democratic engagement.

7. Decline of Quality Deliberation

The speed and brevity of social media communication often encourage emotional reactions rather than thoughtful deliberation, potentially weakening the quality of democratic discourse.

[52] https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1008&context=communications
[53] https://www.tandfonline.com/doi/full/10.1080/19331681.2024.2416012#abstract

Strengthening Democratic Socialization through Social Media

To maximize the democratic benefits of social media, several measures are necessary:

Digital Literacy Education

Citizens should be trained to evaluate information critically, identify misinformation, and engage responsibly online.

Platform Accountability

Social media companies should implement transparent policies regarding content moderation, misinformation, and political advertising.

Promotion of Civic Education

Educational institutions should integrate digital citizenship and media literacy into curricula.

Encouraging Constructive Dialogue

Platforms should promote respectful discussions and reduce incentives for inflammatory content.

Protecting Freedom of Expression

Social media regulation must balance harm prevention with freedom of expression. Instead of blanket takedowns, graded responses such as content labelling, fact-checking, and algorithmic transparency should be prioritized.[54]

Inclusive Access

Governments should work to reduce the digital divide and ensure equitable access to information technologies.

3.6 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.

[54] https://www.drishtiias.com/daily-updates/daily-news-editorials/reaffirming-free-speech-in-a-constitutional-democracy

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.

3.7 Suggested Readings

1. Radical Media: Rebellious Communication and Social Movements 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)

3.8 Glossary

1. Watchdog – The role of the media in monitoring government and institutions to ensure transparency and accountability.

2. Agenda Setting – The process by which the media influences the importance of issues in public discussion.

3. Dissent – The expression of opinions that differ from or oppose the majority or government.

4. Democratic Socialization – The process through which individuals learn democratic values, rights, and responsibilities.

5. Public Sphere – A space where citizens discuss public issues, exchange ideas, and influence public opinion.

3.9 Short Answer Questions

1. What is meant by the media's watchdog role?

2. Explain the concept of agenda setting in the media.

3. How does the media provide a platform for protest and dissent?

4. What is democratic socialization? Explain briefly.

5. Discuss the role of social media in strengthening democracy.

3.10 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

3.11 True & False

1. The media acts as a watchdog by promoting government accountability. (True)

2. Agenda setting means the media decides government policies. (False)

3. Social media enables citizens to participate in democratic discussions. (True)

4. Dissent weakens democracy and should never be allowed. (False)

5. A free and independent media contributes to transparency and informed public debate. (True)

UNIT 4: MEDIA'S ROLE IN STRENGTHENING DEMOCRATIC INSTITUTIONS

UNIT STRUCTURE

4.1 INTRODUCTION
4.2 OBJECTIVES
4.3 MEANING OF DEMOCRACY
4.4 DEMOCRATIC INSTITUTIONS
4.5 MEDIA
4.5.1 MAAS MEDIA AND ITS RISE IN POLITICS
4.6 MEDIA AS A DEMOCRATIC INSTITUTION
4.7 MEDIA AND HUMAN RIGHTS
4.8 MEDIA AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)
4.9 INTERNATIONAL HUMAN RIGHTS LAW INSTRUMENTS AND MEDIA FREEDOM
4.9.1 ICCPR AND ICESCR: A BACKGROUND
4.9.2 ICCPR AND MEDIA FREEDOM
4.9.3 ICESCR AND MEDIA
4.10 OTHER INTERNATIONAL COVENANTS AND FREEDOM OF MEDIA
4.10.1 THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AND MEDIA
4.10.2 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) AND MEDIA
4.11 MEDIA FREEDOM AND CHALLENGES IN CONTEMPORARY DEMOCRACIES
4.12 SUMMARY
4.13 GLOSSARY
4.14 REFERENCES
4.15 SUGGESTED READINGS
4.16 SHORT ANSWERS QUESTIONS
4.17 TERMINAL QUESTIONS
4.18 TRUE OR FALSE

4.1 INTRODUCTION

The Merriam-Webster dictionary defines mass media as – 'forms of communication designed to reach many people**:** the newspapers, radio and television stations, websites, etc., through which information is communicated to the public'. A free and independent media is essential in a democracy; through its power of disseminating information it enables citizens to meaningfully participate in the political process.

Media freedom has important consequences for the effective functioning of democracy. Media also plays the role of a watchdog for the rights of citizens; it keeps governments in check by ensuring accountability and transparency. The International Human Rights jurisprudence recognizes the importance of media freedom; therefore, various International Human Rights instruments recognize media freedom as an important part of the freedom of opinion and expression.

4.2 OBJECTIVES

After reading this unit, you will be able to-

- Explain the concept of democracy and democratic institutions.
- Examine the role of media in strengthening democratic institutions
- Know about how various International Human Rights Instruments protect and strengthen media freedom.
- Analyse the challenges to media freedom in the contemporary world.

4.3 MEANING OF DEMOCRACY

Democracy in simple terms, as its etymology suggests it means - rule by the people (*demos* in Greek means people and *kratos* means rule). The oft-quoted definition of democracy by the President of the United States of America, Abraham Lincoln was part of his famous Gettysburg Address. Lincoln's defined democracy as 'Government of the people, by the people, for the people.' Though this is not a political scientist's definition of democracy it does manage to capture the essence of the concept. It defines democracy in terms of- popular sovereignty, participatory government and governance in public interest.

The phrase 'of the people' captures the element of popular sovereignty, a concept which emerged in Rousseau's political thought which asserts that the ultimate rulers in a government are the people and that a government derives its legitimacy from the people. 'By the people' implies participatory government which refers to the fact that people take part in government and have an active role in it, they are not merely subjects who are ruled by decree. 'For the people' implies that governance in a democracy should be in the interests of the public. Thus, Lincoln definition manages to capture the basic features of democracy.

However, the concept of democracy has been at the centre of considerable debate among scholars of political science. Different scholars have come up with divergent views of what constitutes democracy on the basis of which feature of democracy they tend to emphasise.

Early liberal thinkers like Mill have focussed on the aspect of democracy as a representative government- one which is elected by its constituents, their focus is on a limited government in which representative institutions (elections, parliament) govern while protecting individual rights. Elitist theorists like Joseph Schumpeter see democracy as merely an institutional arrangement to decide who will rule. Pluralists like Robert Dahl have defined democracy as a system where multiple interests compete and none can dominate the others. Participatory democracy theorists like Carole Pateman have focussed on how the essence of democracy is participation in governance, while Deliberative democracy theorists like Habermas believe that the true value of democracy is in deliberation and communicative action.

Even though there is considerable debate about the concept of democracy, consensus view of the basic features of democracy are popular sovereignty, rule of law, accountability, protection of rights, representative government and political participation.

4.4 DEMOCRATIC INSTITUTIONS

Institutional arrangements which sustain representative democracy and governance are known as democratic institutions. These structures, institutions and processes facilitate democratic values like representative government, accountable and transparent governance and rule of law. Within a functioning democratic polity such institutions protect fundamental democratic values.

Major democratic institutions include the fundamental law of the land, that is the Constitution which makes up the institutional arrangement of our democratic polity. They include institutions for representative government like the Parliament of India, State Legislatures and institutions tasked with the protection of the constitutional systems of governance like the Judiciary, Election Commission, at the level of processes it includes those institutions through which electoral democracy functions in a large country like India. Therefore, political parties through their role of interest aggregation and articulation can be considered democratic institutions.

Another important democratic institution is the Media itself which is known as the fourth pillar of democracy. In a democratic system especially, media plays a key role because the very existence of the government depends on the people's support. Media in a democracy acquires centre stage in politics. In order to reach out to the people, the government, as a carrier of information, needs media, and media, in the same way, reaches the public. In democracy, public opinion is important for the government. At the same time, media holds power accountable and ensures that citizens remain informed participants in governance. At its core, the purpose of media is to inform people correctly.

4.5 MEDIA

Andrew Heywood has defined **media** as those societal institutions that are concerned with the production distribution of all forms of knowledge, information and entertainment. Thus, the term runs the whole gamut of mediums be it, print media, television news media or internet.

According to Heywood, the term **mass media** connotes media channels of communication geared towards a large and undifferentiated audience using advanced technology.

4.5.1 RISE OF MEDIA IN POLITICS

In the 19th century, the spread of literacy led to the rise of the popular press; this coincided with the slow but gradual extension of suffrage. With the spread of democracy, the idea of public opinion was engendered. The media rose to become a powerful political actor and became an inseparable part of the political process. This development led to the decline of family as the 'primary' agents of political socialization. It signified the beginning of an era when political values and attitudes were not simply adopted by the younger generation from the older one. Individuals were now susceptible to change in their political and social opinions through various means including the media.

Then with the advent of the era of radio and television new era of mass media came along. This was seen as the so-called 'new' media. Because these 'new media' technology required greater economic investments. This era saw domination of media by government and economic interests.

This was a revolution which changed media itself. The internet through its distributed capabilities, provided for new avenues of transfer of information, leading to the rise of social media, citizen journalism and many developments which are still in process.

Media today is firmly established in the political process apart from the role it plays in political socialisation, it is the chief mode of formation of public opinion and has become the chief medium of political communication, it is today indispensable to politics.

4.6 MEDIA AS A DEMOCRATIC INSTITUTION

Media as the Fourth Pillar of Democracy

Media is often described as the fourth pillar of democracy alongside the legislature, executive and judiciary. It plays the role of a bridge between the government and the governed. In a democracy, meaningful political participation requires efficient dissemination of information. A free media plays the crucial role of keeping the citizenry informed about political developments, policy issue and matters of public concern.

Media and formation of Public Opinion

In the modern era media is the chief source of information on public issues and political matters. Therefore, it is the most important factor in the formation of public opinion. The influence media exercises on public opinion is so extensive that it is imperative in a democracy that media remains free and independent. Media should not be allowed to become the servant of vested interests, no matter how powerful, in a democratic polity. Ensuring media freedom thus becomes an essential requirement for a well-functioning democracy.

Media's role in Political Socialization and Political Communication

Media and Human Rights

Media has become an increasingly important agent of political socialization as it shapes political attitudes, beliefs and value systems of an individual. Through various forms of media individuals receives information about political institutions, leaders, public policies and civic responsibilities. In the contemporary world many citizens are initiated into political life through the instrumentality of media. By facilitating political communication, media enables exchange of information and ideas which forms the basis of democratic system.

Media as watchdog and instrument of accountability

Media also performs the indispensable role of monitoring government activities and public institutions. It establishes accountability and transparency on the part of government.

4.7 MEDIA AND HUMAN RIGHTS

Media has played an important role as guardian of rights and dignity of human beings. From early days of print media, newspapers were at the forefront of bringing before general public, especially in the Western countries, heinous cases of excesses and atrocities across the globe. Sometimes such causes pursued by the press became cause celebres, attracting widespread public attention and even government action.

Roger Casement, through his investigative reports, brought to light the horrors of the Congo Free State's brutal rubber plantation regime under Belgian misrule. Similarly, the Ottoman Empire's persecution of its Armenian minority became a public issue in the West because of newspapers reports.

Later, in Nazi Germany, some of the horrors of the Nazi regime's treatment of Jewish people, including concentration camps and the Holocaust became known to Western audiences through journalism and war reporting.

In colonial India as well the reporting of infamous events such as the Jallianwala Bagh Massacre and other similar cases caused widespread outrage in many parts of the world. The reporting of the brutal suppression of satyagraha at Dharsana Salt Works by American journalist Webb Miller created a wave of sympathy for the Indian Independence movement in the United States and other countries.

Modern cases of such atrocities have also come to light due to courageous reporting by reporters. The humanitarian crisis during the Siege of Sarajevo in the Bosnian War and the Rwandan Genocide attracted global attention largely due to media coverage.

Media continues to be at the forefront of exposing atrocities and blatant violation of human rights. By informing people and shaping public opinion it plays a vital role in mobilizing international concern against humanitarian crisis occurring in distant parts of the globe.

4.8 MEDIA AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

Media and Human Rights

The Universal Declaration of Human Rights (UDHR) is the seminal document which affirms the inherent dignity and equal rights of all human beings by virtue of their humanity. Adopted by the United Nations General Assembly on 10 December 1948 the UDHR emerged in the aftermath of the Second World War. The primary objective of the Declaration was the prevention of repetition of atrocities and large-scale violation of human rights the world had witnessed during the war.

The Article 19 of the UDHR establishes the right to freedom of opinion and expression. 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.'

It affirms the right of every individual to-

Hold opinions without interference – Every individual has the absolute right to one's own thoughts, beliefs and opinions; this includes the freedom to form one's own opinion on any matter without interference or coercion.

Seek and receive information- Individuals have the right to access information, ideas, facts through any media of their choice.

Impart information – Every individual right to communicate, convey and share ideas, opinion and information with others.

The Article further also affirms that these freedoms shall not be constrained by national borders and frontiers. Thus, it recognizes the free flow of information and ideas across borders as an essential aspect of human freedom.

This Article is the foundational provision for freedom of expression and freedom of media in international human rights jurisprudence. It is the basis of the right to freedom of press, access to information and independent journalism.

An important aspect of the right from the perspective of media is that it affirms the right of an individual to freely choose where one gets one's information from. This right emerged from the realisation of how, in the inter-war fascist societies, the state apparatus had commandeered and controlled the instruments of media and communication. The experiences of the period which led to the Second World War demonstrated how governments can monopolise the access to information through propaganda, censorship and suppression of dissent leading to disastrous consequences. Thus, a free media and access to diverse and alternative sources of information and viewpoints is crucial to the functioning and survival of a democratic society.

4.9 INTERNATIONAL HUMAN RIGHTS LAW INSTRUMENTS AND MEDIA FREEDOM

4.9.1 ICCPR AND ICESCR: A BACKGROUND

The Universal Declaration of Human Rights, as a foundational international human rights instrument, serves as a common standard for achievement for all of humanity and affirms the inherent dignity of all human beings. However, it is not a legally binding document, as it is in the nature of a declaration rather than a treaty.

The question of legally binding human rights obligations for all humanity was entangled in the debate about which categories of rights should be prioritized. Rights often described as 'negative rights' namely civil and political rights, were strongly championed by the bloc consisting of primarily Western liberal democratic countries. (These rights require state to refrain from interference in individual liberty hence 'negative'.) On the other hand, communist and recently independent, Third World countries wanted the emphasized what are described as 'positive rights' namely economic social and cultural rights. (These require active state intervention and welfare measures hence 'positive').

This disagreement ultimately led to the drafting of two separate conventions for ratification. One was the International Covenant on Civil and Political Rights (ICCPR) which dealt with civil and political right and the other was the International Covenant on Economic, Social and Cultural Rights (ICESCR) dealing with economic, social and cultural rights.

The ICCPR was thus adopted by the United Nations General Assembly in 1966 and came into force in 1976. While the UDHR is declaratory and aspirational in character, the ICCPR is legally binding on states that ratify it. The Covenant creates legally binding obligation upon signatory states to respect and protect the civil and political guaranteed under it. The ICCPR also creates a mechanism of implementation and supervision under the auspices of the United Nations Human Rights Committee. Signatory states are required to submit periodic reports to the Committee which examines these reports.

Similarly, the ICESCR was adopted in 1966 and came into force in 1976 it commits the ratifying states to make efforts to provision of economic social and cultural rights like the right to health, right to education etc.

4.9.2 ICCPR AND MEDIA FREEDOM

The **Article 19** of the ICCPR states-

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

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

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Thus, the ICCPR gives legally binding form to the principles mentioned in the Article 19 of the UDHR. It protects freedom to hold opinion, ideas and all kinds of expression. It also recognizes the right of an individual to seek, receive, impart information and ideas through any media of their choice.

Additionally, it recognises that freedom of expressin cannot be absolute. Though freedom of forming and holding opinions can be absolute, the expression of those opinions may be subject to reasonable restrictions.

The experience of the Nazi/fascist takeover of inter-war European societies, and the reality of misuse of means of media as an instrument of propaganda to radicalise society and dehumanise particular communities, served as a major wake-up call the world. Fascist regimes had demonstrated how control over means of communication could be easily used to spread hatred, manufacture consent and supress dissent.

In in response to this concern, the ICCPR also recognised how media though essential for democracy can be manipulated and commandeered by states with devastating consequences. Thus, the **Article 20** of the ICCPR imposes these specific restrictions-

1.‘Any propaganda for war shall be prohibited by law.’
2. ‘Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.’

4.9.3 ICESCR AND MEDIA

One of the provisions of **ICESCR** relevant from the perspective of media freedom is **Article 1**, which guarantees the right of all peoples to self-determination. This article that “all peoples have the right of self-determination” and includes within it the right of peoples to “freely determine their political status.”.

Such a far-reaching right cannot be meaningfully exercised without the existence of a free and independent media. In order for people to freely determine their political future, they must have access to information, to diverse viewpoints which aid public debate and ensure effective participation in political decision making.

4.10 OTHER INTERNATIONAL COVENANTS AND FREEDOM OF MEDIA

4.10.1 THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Article 5 obligates state parties to eliminate racial discrimination in all its forms and to guarantee the enjoyment of rights without distinction of race, colour, or ethnicity, including the

right to freedom of thought, conscience and religion [Article5(vii)] and the right to freedom of opinion and expression [Article5(viii)].
It is often seen in societies with persistent problems of social inequality on the basis of race, ethnicity, caste and other similar attributes that persecuted minorities do not enjoy the same rights as the dominant majority. This is especially true with regard to the right to freedom of speech and expression. Minority voices are more likely to be censured; while fear of retribution may contribute to a culture of silence among such marginalized minority groups.
The above provision was drafted to ensure that racial and ethnic minorities are not denied their freedom of expression and are able to participate equally in public life.

4.10.2 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The **Article 3** of CEDAW states that-

'States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.'

Often, due to patriarchal norms and structural inequality in a society, women are denied participation in the public sphere.
To ensure meaningful political participation of women, it is essential that women are not denied the right to speech and expression. Freedom of expression and with-it freedom of media forms the starting point of meaningful engagement with the process of democratic decision-making in a society.

4.11 MEDIA FREEDOM AND CHALLENGES IN CONTEMPORARY DEMOCRACIES

Censorship and State Control

Censorship and state control remain the causes of concern for media freedom. Censorship policies of a government have direct and indirect impact on a media. Even when censorship is not explicitly imposed, media organizations might show prior restraint on their part and avoid or try to steer away from issues which might attract government scrutiny, this leads to what is described as **'chilling effect'**. Strict censorship laws in any form and excessive state control may make media and journalists wary of such issues which might attract negative attention of the state apparatus. This leads to, limited public access to information and weakening of democratic debate.

Fake News and Misinformation-

In the era of the internet, due to ease of disseminating information and anonymity provided by digital platforms, it becomes very easy to spread misinformation about important public and

policy issues. Due to lack of adequate fact checking, such false information proliferates so rapidly on social media that becomes difficult to establish the truth of the matter for an ordinary citizen. There is also the phenomenon of proliferation of **self-proclaimed experts** on social media and other internet platforms whose only claim to expertise is their online popularity. They are attractive to masses due to their simple, often polarizing opinions on complex subject matters which otherwise require nuance. This has led to a creation of a **post-truth** world where every echo-chamber or bubble in the internet has its own truth and belief, this **epistemic crisis** has far-reaching consequences in real life as was evident from the misinformation spread on the COVID pandemic sometimes led to disastrous consequences. This problem is becoming even more acute with the arrival of Artificial Intelligence on the scene, AI generated images and videos have compounded and complicated the problem of fake news.

Corporate Control of Media- The control of media by economic interests especially powerful corporate groups poses another challenge in a democracy. Media houses require large amounts of investments; corporate houses often directly or indirectly sponsor major media houses. Major media houses in India for example are owned by major corporate groups this lead to a condition which is problematic in a democracy. Ownership and control of media can lead to the power of setting the agenda in a democratic polity. Governments favorable to big business can rely on the support of a committed media. Policy issues which may pose a threat to business interests like labour welfare issues, environmental issues, campaigns for greater consumer rights etc. may find lesser space in conventional media due to corporate domination of media.

Threats to Journalists – Journalists especially investigative journalists, journalists who work in areas of rights advocacy are often targeted by vested interest groups. Such journalists are recognized as Human Rights Defenders (HRD) in the international human rights discourse. There have been several cases of intimidation, violence and even murder of investigative journalists who have put their lives on the line to expose corruption, human rights violations, state repression. Many journalists across the world have paid the price of exposing repressive governments many journalists in repressive and autocratic regimes are unjustly held in prison as ‘prisoners of conscience’.

Need for Media Ethics – Today if democracy is to survive this transition of the internet stage and combat the challenges it has brought forth, it is necessary that media ethics of fairness, openness, impartiality and courage are again prioritized.

4.12 SUMMARY

Media is often described as the fourth pillar of democracy. True democracy meaningful participation in the political process and decision- making, this is possible only when even ordinary citizens are capable of making informed decisions. Thus, information is the life blood of democratic process, media as a conduit of information serves a crucial role in a democracy.

Freedom of media is an important democratic value. A free and independent media is imperative for a functional democracy. Media also plays an important role in making sure

individuals rights are not trifled with, thus media freedom is an important part of international human rights jurisprudence as well.

4.13 GLOSSARY

1. Freedom of Expression – The right of an individual to express his/her opinion, ideas, and any information without undue interference or censorship or fear of coercion.

2. Public Opinion – The sum-total of views, attitudes and beliefs of people on political, social, or economic issues in a society.

3. Political Socialisation – It is the process through which individuals acquire political beliefs, values, dispositions and attitudes. It is the process through which an individual is initiated into the political culture of a society

4. Media Ethics – Moral principles and professional standards in the field of journalism which uphold journalistic values like fairness, responsibility and impartiality.

5. Censorship – Suppression or restriction of media content by authorities or institutions.

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4. Jurgen Habermas. The Structural Transformation of the Public Sphere. Cambridge: Polity Press.

5. Universal Declaration of Human Rights, United Nations General Assembly, 1948.

6. International Covenant on Civil and Political Rights, United Nations General Assembly, 1966.

7. International Covenant on Economic, Social and Cultural Rights, United Nations General Assembly, 1966.

8. B. N. Ahuja. Theory and Practice of Journalism. New Delhi: Surjeet Publications

4.15 SUGGESTED READINGS

1. Mass Communication Theory – Denis McQuail

2. Manufacturing Consent – Noam Chomsky and Edward S. Herman

3. The Public Sphere – Jürgen Habermas

Media and Human Rights
4. Understanding Media – Marshall McLuhan

4.16 SHORT ANSWERS QUESTIONS

1. Which Article of the UDHR guarantees freedom of opinion and expression?
a) Article 14
b) Article 19
c) Article 21
d) Article 25

2. Who said democracy is "Government of the people, by the people, for the people"?
a) Rousseau
b) John Stuart Mill
c) Abraham Lincoln
d) Robert Dahl

3. Which institution is often called the fourth pillar of democracy?
a) Judiciary
b) Parliament
c) Election Commission
d) Media

4. Which International Human Rights Covenant deals primarily with civil and political rights?
a) ICESCR
b) CEDAW
c) ICCPR
d) CERD

5. Which American journalist news report on suppression of Satyagraha at Dharasana Salt Works became highly regarded?
a) Louis Fischer
b) Webb Miller
c) Edgar Snow
d) Walter Cronkite
ANSWERS:

1.- b) Article 19, 2.- c) Abraham Lincoln, 3. - d) Media ,4. -c) ICCPR,5- b) Webb Miller

4.17 TERMINAL QUESTIONS

1. Why is media known as the fourth pillar of democracy?

2. What role does media play in protection of human rights?

3. Critically analyse Article 19 of the UDHR and ICCPR in the context of media freedom.

4. What role does media play in political socialisation and formation of public opinion?

5. Discuss the major contemporary challenges to media freedom in democratic societies.

4.18 TRUE AND FALSE

1. The UDHR is a legally binding treaty.
True False

2. Media plays an important role in political socialisation.
True False

3. Article 19 of the ICCPR protects freedom of expression.
True False

4. Fake news and misinformation strengthen democratic accountability.
True False

5. The ICCPR came into force in 1976.
True False

ANSWERS:

1. False, 2. True, 3. True, 4. False, 5. True

UNIT 5: FREEDOM OF MEDIA AND CONSTITUTIONAL RESTRICTIONS

UNIT STRUCTURE

5.1 INTRODUCTION
5.2 OBJECTIVES
5.3 ANTECEDENTS –
5.3.1 INDIAN NATIONAL MOVEMENT AND THE FREEDOM OF PRESS
5.3.2 DEMOCRACY AND THE FREEDOM OF PRESS
5.3.3 ARTICLE 19 – THE CONSTITUTIONAL BASIS FOR THE FREEDOM OF PRESS
5.3.3.1 THE RIGHT AND THE RESTRICTIONS
5.3.3.2 REASONABLE RESTRICTIONS
5.4 JUDICIAL PRONOUNCEMENTS AND THE TRAJECTORY OF THE RIGHT TO FREEDOM OF PRESS IN INDIA
5.4.1 ROMESH THAPPAR V. STATE OF MADRAS (1950)
5.4.2 BRIJ BHUSHAN V. STATE OF DELHI (1950)
5.4.3 EXPRESS NEWSPAPERS (P) LTD. V. UNION OF INDIA (1958)
5.4.4 SAKAL PAPERS (P) LTD. V. UNION OF INDIA (1962)
5.4.5 BENNETT COLEMAN & CO. V. UNION OF INDIA (1973)
5.4.6 INDIAN EXPRESS NEWSPAPERS (BOMBAY) PVT. LTD. V. UNION OF INDIA (1985)
5.4.7 SHREYA SINGHAL V. UNION OF INDIA (2015)
5.5 SUMMARY
5.6 GLOSSARY
5.7 REFERENCES
5.8 SUGGESTED READINGS
5.9 SHORT ANSWERS QUESTIONS

5.1 INTRODUCTION

Freedom of press and media refers to the right of journalists, newspapers and other media organizations to publish news, opinions, facts and information without undue government interference and censorship

In the Romesh Thappar case, which became the foundational case for press freedom in India, the Supreme Court emphasized the importance of the freedom of speech and expression and by extension the freedom of press as indispensable in a democratic polity – ' *Freedom of speech and expression thus lies at the foundation of all democratic organisations, for without free political discussion no public education, so essential for the proper functioning of the processes of popular government, is possible.*' Thus, the court recognised the importance of freedom of press in a democracy. Though the right to freedom of press is not explicitly mentioned among the fundamental rights, it is held to be inherent in the Article 19(1)(a) which guarantees to citizens freedom of speech and expression. Given the importance of this right in a democratic polity the Courts have acted as a champion of this right and has defended it against state actions. Venkatramiah J. extolling the virtues of the freedom of press in the Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India observed that , '*freedom of the press is the heart of social and political intercourse'* further emphasising the importance of freedom of press in a democracy he stated that '*The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate (Government) cannot make responsible judgments'* These pronouncement by the apex court conveys the importance of freedom of press in a democratic set-up and how as the guardian of the constitution the Supreme court has played the role of a vanguard for the defence and extension of freedom of press in India.

5.2 OBJECTIVES

In this unit we shall learn about

- Importance of freedom of press in a democracy
- The Constitutional provisions related to the freedom of the press
- The reasonable restrictions that can be imposed on the freedom of press
- The trajectory of the development of the freedom of press through landmark judicial pronouncements.

5.3 ANTECEDENTS –

5.3.1 INDIAN NATIONAL MOVEMENT AND THE FREEDOM OF PRESS

The struggle for freedom of press was a significant chapter in the Indian national movement, educated Indians understood the value of the freedom of press quite early. Reformist leaders like Raja Ram Mohan Roy were one of the early champions of freedom of press in India. The

Indian public opinion fought tooth and nail to oppose the curbs which British government sought to place on the freedom of press. The pieces of legislations like the Vernacular Press Act, Indian Press Act, Newspapers (Incitement to Offences) Act, even the definition of sedition in the Indian Penal Code, included exciting disaffection against government as an act of sedition. All of these were passed by the colonial government to arm itself to repress the true opinion of the Indian masses. It is no surprise that many prominent freedom fighters were journalist themselves. From Surendranath Bannerjee, Bal Gangadhar Tilak, Lala Lajpat Rai to Mahatma Gandhi were prolific journalists in their own right and were ever so keen on the value of the right to freedom of press.

From this milieu came the founding fathers of the Indian Constitution, the Constituent Assembly was sensitive to the aspirations of Indians for basic civil rights which they had struggled for. Among the six freedoms enumerated in the Article 19 of the Constitution, the first that is 19(1) – Right to freedom of speech and expression is held to encompass the right to freedom of press as well.

It recognises the right of independent journalism which is of great sanctity in a democracy as it is only through free flow of information, the allowance of dissent and criticism that democracy can function.

5.3.2 DEMOCRACY AND THE FREEDOM OF PRESS

Political scientist Robert Dahl in his *Polyarchy: Participation and Opposition* (1971), has enumerated institutional guarantees for a functioning democracy namely-

1. Elected Officials
2. Free, fair, and frequent elections
3. Freedom of Expression
4. Alternative sources of information
5. Associational Autonomy
6. Inclusive Citizenship (Universal Suffrage)

Elaborating on the third- and fourth-point Dahl emphasises the importance of citizens having the right to criticise their government, advocate alternative political ideas, advocate and express their political preferences, debate on policies with fellow citizens and do all this without fear of repression. He also lays emphasis on the importance of having alternative sources of information, all of the above can only be achieved if the freedom of press is defended and expanded in a polity.

5.3.3 ARTICLE 19 – THE CONSTITUTIONAL BASIS FOR THE FREEDOM OF PRESS

5.3.3.1 THE RIGHT AND THE RESTRICTIONS

Media and Human Rights

The Indian Constitution has made the judiciary the guardian of the constitutional rights guaranteed to citizens under the scheme of Fundamental Rights. Verily the Supreme Court has been at the forefront of defending the of freedom of the press which is inherent in the right to freedom of speech and expression under the Article 19 (1) of the Part III of the Indian Constitution, while also adjudicating upon the legitimate and sometimes not so legitimate demands of the Indian government to place restrictions on the same.

In order to understand the right to freedom of press under the Indian Constitution and how it has developed with the various judicial pronouncements upon it we must first look at the structure of the right itself.

In the Part-III, of the Indian Constitution titled the Fundamental Rights, Article 19 which is entitled the **'Protection of certain rights regarding freedom of speech etc.'**, clause 1 of the article declares that **'All citizens shall have the right to' which is followed by the sub clause (a) which states 'freedom of speech and expression'.**

This provision 19(1)(a) protects along with other forms of speech and expression, the freedom of press as well.

As we know that all of the freedoms enumerated in this section also come with their tailor-made restrictions, the subclause 2 of Article 19 provides for the restriction on the abovesaid right to freedom of speech and expression. Article 19(2) states that

' Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.'

With the right itself it enumerates reasonable restrictions which can be placed on the said freedom in the interests of

1. sovereignty and integrity of India
2. security of state
3. friendly relations with foreign states
4. public order
5. decency or morality
6. contempt of court
7. defamation
8. incitement of offence

Any act of speech and expression which falls foul of the above restriction can restrained by law by the government.

The freedom of press is not explicitly mentioned the Article 19(1)(a) though it has been held to be provided within it. Even in the Constituent Assembly there was a demand for explicit mention of the words, freedom of press. Members like, Damodar Swarup Sheth demanded

that freedom of press, given the press is ‘getting more and more powerful’ it is ‘desirable and proper that freedom of press should be mentioned ‘separately and explicitly’ to which Dr. B. R. Ambedkar replied –

"The press is merely another way of stating an individual or a citizen. The press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity. The editor of a press or the manager are all citizens and therefore when they choose to write in newspapers, they are merely exercising their right of expression. Therefore, no special mention is necessary of the freedom of the press at all."

Thus, there was recognition that the freedom of press in the Indian Constitution flows form the Article 19(1)(a) by the Drafting Committee chairman himself.

5.3.3.2 REASONABLE RESTRICTIONS

The freedoms enumerated in the Article 19 of the constitution are not absolute rights. The reasonable restrictions which follow allow the State to regulate the extent of these freedoms. When the question about these restrictions came up before the Constituent Assembly Dr. B. R. Ambedkar defended their inclusion saying- “There can be no absolute right in any matter. Every right is limited by the existence of similar rights in others.”
The constitution aims to balance the claims of the individual and the interests of the society as a whole. The Article 19(2) did not have the phrase ‘reasonable restrictions’ and only mentioned libel, slander, defamation, contempt of court, undermining security of state as grounds. Post the First Amendment Act 1951 the words reasonable restrictions were added and the additional grounds of public order, friendly relations with foreign state and incitement to an offence were also added.
The Supreme Court has through several of its judgements put forward the doctrine of reasonableness.
It has come forward with the following principles for a restriction to be reasonable it must-
* Not be arbitrary
* Not be excessive
* Have a rational nexus with objective sought to be achieved
* Strike a balance between individual freedom and public interest.

In State of Madras vs V. G. Row case the court observed-
"The test of reasonableness, wherever prescribed, should be applied to each individual statute impugned."
Further the court has ruled in several cases that the grounds in 19(2) are exhaustive.
The court has over the years developed several judicial tests of reasonableness

1) Proximity test

There should be a proximate connection between speech which is being restricted and the harm sought to be prevented. That is to say it should be proximate harm and not remote or speculative.

2) Direct and Immediate Effect test

While testing reasonableness the court shall examine the actual effect of a law and not its intended or stated purpose.

3) Clear and present danger

In cases of threat to public order the courts often examine whether speech restricted or sought to be restricted poses real threat to public order.

4) Proportionality Test

The position of restrictions sought to be placed on freedom of speech and by extension freedom of press will become clear in the next section.

5.4 JUDICIAL PRONOUNCEMENTS AND THE TRAJECTORY OF THE RIGHT TO FREEDOM OF PRESS IN INDIA

5.4.1 ROMESH THAPPAR V. STATE OF MADRAS (1950)

The first case which directly addressed the right to freedom of press in India was occasioned by a ban on a political weekly, Cross Roads which had expressed criticism of many policies of the then government. In 1950, Government of Madras banned the entry and circulation of weekly Cross Roads which was published from Bombay. The ban had been passed which had been passed under the Section 9((1-A) of the Madras Maintenance of Public Order Act, 1949 on grounds of maintaining public safety and public order.

The editor of the weekly Romesh Thapar filed a writ petition challenging the ban in the Supreme Court. Thapar claimed that an unreasonable restriction was being foisted upon the freedom of expression under the Article 19 of the Indian Constitution.

Following issues were before the court in this case –

Whether the Section 9((1-A) of the Madras Maintenance of Public Order Act, 1949 was in violation of the reasonable restriction clause of 19 (2) of the Part III of the Constitution?

Since this was pre-First Amendment (public order was not added as a restriction), can the state restrict freedom of speech under 19(1)(a) on grounds not explicitly listed in Article 19(2)? Further, are the grounds in Article 19(2) exhaustive?

Whether the said provision violated the basic right to freedom of speech and expression and thus unconstitutional under Article 13(1)?

Whether the petitioner in approaching the Supreme court directly under Article 32 was required to first approach the concerned High Court first under the Article 226 for an appropriate remedy?

The Court found that the petitioner had a guaranteed remedy under Article 32 and was not guilty of violating ‘orderly procedure’ of not approaching the High Court. Further, while striking down the ban on ‘Cross Roads’ the Supreme Court held that the impugned Madras Act was unconstitutional. The court held that the freedom of press was an integral part of the

freedom of speech and expression and it includes the right to propagate ideas which is not possible if the government can constrain distribution. Using the doctrine of severability, it found the section 9(1-A) of the Madras Maintenance of Public Order Act as void.

The Court laid down the following principles in the case-

1. Freedom of press is a part of the fundamental right to freedom of speech and expression under the Article 19(1)(a).
This became the foundational doctrine of freedom of press in India.
2. Freedom of circulation/ distribution is as important as freedom of publication.
Patanjali Sastri J. reasoned that ideas can only be propagated through circulation, a ban on circulation is thus a direct infringement of freedom of speech-
'There can be no doubt that the freedom of speech and expression includes freedom of propagation of ideas, and that freedom is ensured by the freedom of circulation. Liberty of circulation is as essential to that freedom as the liberty of publication. Indeed, without circulation, the publication would be of little value.'
3. That the grounds restrictions in 19(2) are exhaustive and the state cannot create new categories of restrictions.
4. The court also recognised Article 32 as a direct constitutional remedy.

The effects of this case were manifold. The immediate consequence was the passage of the First Constitutional Amendment (1951), in which among other things the government expanded the restrictions under 19(2) by adding the following

- Public order
- Friendly relations with foreign state
- Incitement to an offence

Though the government increased the number of restrictions in response to the judgement the principles laid down in the case namely – exhaustive grounds and proportionate restrictions have endured.

5.4.2 BRIJ BHUSHAN V. STATE OF DELHI (1950)

Along with the Romesh Thappar case, this is regarded as one of the two foundational free speech cases. While Romesh Thappar case established the freedom of circulation, in Brij Bhushan the court came down heavily on what is known as prior restraint or pre-censorship. This case further emphasised the need for strict interpretation of permissible restrictions on fundamental rights under article 19(2). State actions which curtail speech must align with enumerated grounds.

This case dealt with the Chief Commissioner of Delhi's order under the Section 7(1)(c) of the East Punjab Public Safety Act, 1949 which required the weekly newspaper 'Organiser' to submit before him all material concerning certain issues for official scrutiny and approval.

Brij Bhushan and K. R. Melkani who were associated with the newspaper approached the Supreme Court under the Article 32 against what they claimed amounted to pre-censorship or prior restraint.

The issues before the court were again similar to Romesh Thappar case could the government restrain freedom of speech in the name 'public order' or 'public safety' - a restriction which had not been enumerated in the Article 19 (2) yet [this was before the First Constitutional Amendment Act 1951]

Another issue before the court was whether pre-censorship or prior restraint an infringement of the right to freedom of speech and expression.

The Supreme Court struck down the impugned provision and quashed the order. Holding pre-publication scrutiny of a newspaper to be an restriction of the freedom of speech and expression the court laid down the following principles.

1. Prior Restraint as a Serious Restriction of the freedom of the press.

Compulsory submission of material prior to publication was a direct restraint on speech and expression. Pre-censorship was held to be a restriction on the liberty of press. This doctrine against prior restraint was further developed in the Bennett Coleman & Co. v. Union of India and R. Rajagopal v. State of Tamil Nadu cases.

2. Like Romesh Thappar case the court held that the Freedom of the Press is necessarily included in the freedom of speech and expression under Article 19(1)(a).

3. Similarly, it held that the grounds for restriction must fit strictly adopting a narrow interpretation of permissible restrictions.

Both Brij Bhushan case and Romesh Thappar case precipitated the addition of new grounds of restraint on the freedom of speech and expression in the Article 19(2) by means of the First Constitutional Amendment Act (1951).

5.4.3 EXPRESS NEWSPAPERS (P) LTD. V. UNION OF INDIA (1958)

This case dealt with how governmental measures can indirectly affect newspapers thereby affecting press freedom. Working Journalists (Conditions of Service) and Miscellaneous Provisions Act of 1955 was passed as a labour welfare measure to regulate employment conditions of journalists working for newspapers among other measures it advocated fair wages through Wage Boards. The proprietors of newspapers approached the Court arguing that the legislation made operational costs of newspapers prohibitively high thus it constituted a violation of freedom of press.

The Court though it upheld the legislation in principle but also laid forth the basis of the freedom of press and its status in Indian constitutional law.

The Court observed that “the freedom of speech comprehends the freedom of press and the freedom of speech and press are fundamental personal rights of the citizens”,

This was the clearest formulation of the doctrine of freedom of press as being inherent in the freedom of speech and expression. Further the court stated that freedom of press subserves the democratic ideal by free dissemination of information – “the freedom of the press rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public”

The court also observed that it does not behove the government to assume the mantle of the monitor of public opinion, - "the purpose of such a guarantee is to prevent public authorities from assuming the guardianship of the public mind"

The court recognised that indirect restrictions can also be violative of press freedom, such indirect burdens can also be held to be violative of the constitutional rights if their effect is to curtail editorial freedom. This reasoning was further developed in the Sakal Papers (P) Ltd. case.

5.4.4 SAKAL PAPERS (P) LTD. V. UNION OF INDIA (1962)

The Daily Newspapers (Price and Page) Order of 1960 was passed under the Newspaper (Price and Page) Act, 1956. Its objective to prevent large newspaper companies from dominating the market, larger newspapers could keep their prices low while printing more pages, a practice which smaller newspapers could not effectively compete with. The Order thus regulated ratio of the price and number of pages a newspaper could publish.

Sakal Papers, publishers of the Marathi daily Sakal approached the court challenging the law, the issue before the court was whether the Government in the name of economic regulation could regulate number of pages, size of newspaper, circulation of a newspaper and whether or not this was violative of Article 19(1)(a).

The court struck down the impugned order as well as the act to the extent it was challenged and held that measures that directly affect circulation are violative of the freedom of speech and expression.

Court reaffirmed Romesh Thappar case and held that – “The freedom of speech can be exercised only through the instrumentality of circulation.”. It further emphasised the importance of circulation in case of freedom of press while observing that - "A law which lays excessive and prohibitive burden which would restrict the circulation of a newspaper would not be saved by Article 19(2).".

It also laid down the doctrine of ‘direct and inevitable effect’ of a law, the court stated - "The object of the law is not the sole test. Its direct and immediate effect upon the freedom of speech and expression must also be considered."

This doctrine was advanced further in the Benett Coleman case.

5.4.5 BENNETT COLEMAN & CO. V. UNION OF INDIA (1973)

The Government in 1972 introduced the Newsprint Policy. As newsprint or the paper then used for printing newspapers was scarce and was largely imported, the government came up with a system of allocation quotas and other related regulations.

The Bennett Coleman group which was responsible for the publication of Times of India and Economic Times newspaper among others challenged this policy in court. Th question was again whether a regulation which was economic in nature could be construed as violative of freedom of speech and expression.

The Supreme Court struck down many restrictions laid down by the Newsprint Policy 1972, upholding the principle of circulation as an instrumentality of freedom of press the court stated- "Freedom of the press is both qualitative and quantitative. Freedom lies both in circulation and in content."

Further the court laid down the rule that the government cannot do indirectly what it cannot do directly. A regulation dressed up as economic policy can still be violative of the freedom of speech and expression it is the effect that matters not intention. The court held that – 'The measure of the restraint is the measure of the violation of the right.'

Further re-articulating the doctrine of direct and inevitable effect it stated that- "The true test is whether the effect of the impugned action is to take away or abridge fundamental rights."

Moving beyond publishers rights the court emphasizing the importance of freedom of press observed- "The freedom of the press is the heart of social and political intercourse."

5.4.6 INDIAN EXPRESS NEWSPAPERS (BOMBAY) PVT. LTD. V. UNION OF INDIA (1985)

This case again dealt with governmental regulation on import of newsprint that is the paper used to print newspapers on. The government had imposed customs and auxiliary duty on imported newsprint which was challenged by several newspaper groups, The petitioners agued that newsprint being essential raw material of newspapers any regulation, tax or duty which increase cost of newsprint would lead to an increase in the price of the newspapers thus decreasing their circulation which would be violative of the freedom of press.

The court did not strike down the duties themselves, however the Court held that taxation measures affecting newspapers require greater constitutional scrutiny, further the court established the principle that the press occupies a special constitutional position. The Court stated- "The press plays a very significant role in the democratic machinery. The courts have a duty to uphold the freedom of the press and invalidate all laws and administrative actions which interfere with it contrary to the constitutional mandate."

Though not immune to taxation, if a particular tax stifles circulation thus impairing freedom of press it can be held to be violative of 19(1)(a). The Court emphasised the role of the press

in ensuring free flow of information and ideas to the public thus it upheld the special position press holds within the democratic set-up of the country.

5.4.7 SHREYA SINGHAL V. UNION OF INDIA (2015)

This is held to be the most important free speech case of the digital era. The Section 66A of the Information and Technology Act, 2000 criminalised the sending of 'grossly offensive', 'menacing' online messages or messages causing 'annoyance', inconvenience', 'insult' and 'hatred'. There was a spate of complaints about the vague wording of the section which led to arbitrary use of the section by the police and law enforcement agencies also it was alleged that the Section 66(A) was in violation of the Article 19(1)(a).

The court unanimously struck down the Section 66(A) of the IT Act 2000.

The court held that the section was vague and it was in violation of the Article 19(1)(a).

The Court held that 'mere discussion or even advocacy of a particular cause howsoever unpopular' was the very stuff of the Article 19(1)(a) it is when this discussion or advocacy moves into the territory of incitement that Article 19(2) comes into the picture. The vague and widely cast Section 66A had a 'chilling effect' on freedom of speech. The section was cast so wide that nearly any discussion could be covered by it.

The court further reaffirmed that Internet to enjoys the constitutional protection of freedom of speech and by its extension the freedom of press.

Thus, the Supreme court in the above cases has acted as a guardian of the freedom of press. Holding the freedom of press as inherent in the freedom of speech and expression under the Article 19(1)(a) of the Constitution, the Supreme court has defended and expanded the said right. While Romesh Thappar case established the freedom of circulation as an integral part of the freedom of press, Brij Bhushan case thwarted attempts at pre-censorship, In the Express Newspapers, Sakal and Bennet Coleman cases the Supreme Court recognised that even economic regulations can act as indirect restrictions on freedom of press. Finally in the Shreya Singhal case the Supreme Court extended this protection to the new realm of media and press – the internet.

5.5 SUMMARY

The fundamental right of freedom of speech and expression guaranteed under the Article 19(1)(a) of the Constitution of India is the foundational right which forms the basis of the freedom of press. The Supreme Court of India has upheld this right against government action. It has extended this right to include the right of circulation and has ruled that economic regulations which indirectly curtail the freedom of press are in violation of this basic freedom. The Court has emphasized the privileged position of the press and the media as they fulfil a basic function in a democracy that is of spread of information. This function of the press and the media is vital to the health of a democratic polity thus the Court has accorded the freedom of press a special place in rights jurisprudence in India.

5.6 GLOSSARY

1. Freedom of Press – The right of newspapers, journalists, media organisations to publish news, opinions, and information without undue government interference and coercion

2. Reasonable Restrictions – Limitations imposed by the State on fundamental right to freedom of speech and expression.

3. Prior Restraint – Government action which is aimed at regulation and suppression of views, opinions and before their publication, also known as pre-censorship.

4. Freedom of Circulation – The right to distribute and circulate newspapers and publications freely.

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5.9 SHORT ANSWERS QUESTIONS

1. Which Article of the Indian Constitution provides for the freedom of speech and expression?
A. Article 14
B. Article 19(1)(a)
C. Article 21
D. Article 32

2. In which case was freedom of circulation established as an essential part of freedom of the press?
A. Shreya Singhal v. Union of India
B. Bennett Coleman v. Union of India
C. Romesh Thappar v. State of Madras
D. Sakal Papers v. Union of India

3. Which constitutional amendment added "public order" among the ground of restrictions mentioned under Article 19(2)?
A. 42nd Amendment
B. 1st Amendment
C. 44th Amendment
D. 7th Amendment

4. In which case was Section 66A of the Information Technology Act, 2000 struck down by the Supreme Court?
A. Brij Bhushan v. State of Delhi
B. Express Newspapers v. Union of India
C. Shreya Singhal v. Union of India
D. Sakal Papers v. Union of India

ANSWERS

B, C, B, C

5.10 TERMINAL QUESTIONS

1. Discuss the the role of the Supreme Court of India in the development of freedom of the press through landmark judicial pronouncements.

2. **'**Supreme Court has acted as the defender of freedom of press in India', critically analyze the aforesaid statement.

3. Write short notes on the following

a) Prior restraint

b) Freedom of circulation

c) Section 66A of IT Act (2000)

4. Write short notes on the following

a) Rajesh Thappar case

b) Sakal papers case

c) Reasonable restrictions

5.11 TRUE AND FALSE

1. Freedom of the press is explicitly mentioned in the Indian Constitution.
A) True B) False

2. The Supreme Court has held that freedom of circulation is part of freedom of speech and expression.
A) True B) False

3. Article 19(2) allows the State to impose reasonable restrictions on freedom of speech and expression.
A) True B) False

4. The Shreya Singhal case upheld Section 66A of the Information Technology Act, 2000.
A) True B) False

5. Prior restraint refers to censorship imposed before publication.
A) True B) False

ANSWERS

False, True, True, False, True

UNIT6: RIGHT TO INFORMATION AND MEDIA TECHNOLOGY

UNIT STRUCTURE
6.1 INTRODUCTION
6.2 OBJECTIVES
6.3 TRANSPARENCY AND ACCOUNTABILITY IN GOVERNANCE
6.4 GLOBAL FREEDOM OF INFORMATION MOVEMENT
6.5 FREEDOM OF INFORMATION IN INDIAN CONTEXT
6.5.1 PRELUDE
6.5.2 CONSTITUTIONAL FRAMEWORK
6.5.3 GRASSROOTS MOVEMENT FOR RIGHT TO INFORMATION: MAZDOOR KISAN SHAKTI SANGATHAN
6.6 RIGHT TO INFORMATION ACT, 2005
6.6.1 ENACTMENT
6.6.2 STATED OBJECTIVES OF THE RTI ACT, 2005
6.6.3 SALIENT FEATURES OF THE RTI ACT, 2005
6.7 USE OF RTI AS AN ANTI-CORRUPTION TOOL: CONJUNCTION OF RTI AND MEDIA
6.8 USE OF RTI AS HUMAN RIGHTS TOOL
6.9 CHALLENGES IN IMPLEMENTATION OF RTI
6.10 SUMMARY
6.11 GLOSSARY
6.12 REFERENCES
6.13 SUGGESTED READINGS
6.14 SHORT ANSWERS QUESTIONS
6.15 TERMINAL QUESTIONS
6.16 TRUE AND FALSE

6.1 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.

6.2 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.

6.3 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 Mabillard 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.

6.4 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 Watergate 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 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.

6.5 FREEDOM OF INFORMATION IN INDIAN CONTEXT

6.5.1 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.

6.5.2 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.

6.5.3 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 acess 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.

6.6 RIGHT TO INFORMATION ACT, 2005

6.6.1 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.

6.6.2 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’

6.6.3 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

b) documents

c) memos

d) e-mails

e) opinions

f) advices

g) press-releases

h) circulars

i) orders

j) logbooks

k) contracts

l) reports

m) papers

n) samples

o) data materials held in electronic forms

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 organisation substantially financed directly or indirectly by funds provided by the appropriate Government.

Therefore, the Act covers –

- Government ministries and departments

Media and Human Rights

- 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.

6.7 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 fights 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 form 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.

6.8 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.

6.9 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

Media and Human Rights

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.

6.10 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 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.

6.11 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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6.14 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

Answer: (b) Sweden

2. The Right to Information Act came into force in India on:

a) 15 August 2005
b) 2 October 2005

Media and Human Rights
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

6.15 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?

6.16 TRUE AND FALSE

1. The Freedom of the Press Act of Sweden (1766) is regarded as the world's first Freedom of Information legislation.

True False

2. The RTI Act requires applicants to state the reason for seeking information.

True False

3. The Central and State Information Commissions function as appellate authorities under the RTI Act.

True False

4. The RTI Act applies only to Central Government ministries and departments.

True False

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

True False

ANSWERS

True, False, True, False, True

UNIT 7

GENERAL LAWS APPLICABLE TO MEDIA

Synopsis

1. ***Law of Civil and Criminal aspects -Defamation,***
2. ***Contempt of Court Act,1971,***
3. ***Relevance for media reporting ,***
4. ***Official secrets Act, Secrecy vs. Right to Know -1923,***
5. ***Right to Information Act,***
6. ***empowering citizens and journalists -2005,***
7. ***Protection of Human Rights Act, 1993,***
8. ***Implications for media practice***

7.1 INTRODUCTION

The media occupies a central position in a democratic society. Often described as the "fourth pillar of democracy," it plays a vital role in disseminating information, shaping public opinion, holding institutions accountable, and facilitating informed citizen participation. In India, freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution, which implicitly includes freedom of the press. However, this freedom is not absolute. Article 19(2) permits the State to impose reasonable restrictions in the interests of sovereignty and integrity, security of the State, public order, decency, morality, contempt of court, defamation, and incitement to an offence.[55]

Thus, the functioning of the media is governed not only by ethical standards but also by various civil and criminal laws. These laws aim to balance press freedom with other competing rights such as reputation, fair trial, national security, privacy, and human dignity. Among the most significant general laws applicable to the media are defamation laws, the Contempt of Courts Act[56], 1971, the Official Secrets Act[57], 1923, the Right to Information Act[58], 2005, and the

[55] The Constitution of India, 1950 art. 19
[56] The Contempt of Courts Act[56], 1971 (Act 70 of 1971)
[57] The Official Secrets Act[57], (Act 19 of 1923)
[58] The Right to Information Act[58], 2005 (Act 22 of 2005)

Protection of Human Rights Act[59], 1993. Each of these laws has both civil and criminal implications and directly affects media practice.

This unit examines these laws in detail, analyzes their relevance for media reporting, and discusses their implications for journalistic responsibility in a democratic framework.

7.2 OBJECTIVES

The study of general laws applicable to media is essential for understanding the legal framework within which journalists and media organizations operate. The objectives of studying this subject are as follows:

Objectives of Studying Laws Applicable to Media

No.	Objective	Explanation	Key Points / Components	Importance for Law Students
1	**Understanding Legal Framework Governing Media**	Familiarizes students with constitutional and statutory provisions regulating media in India	- Article 19(1)(a): Freedom of speech & expression - Article 19(2): Reasonable restrictions	Helps understand legal boundaries of press freedom
2	**Distinguishing Civil and Criminal Liability**	Explains difference between types of legal liability in media law	Civil Liability: Compensation (e.g., defamation) Criminal Liability: Punishment (fine/imprisonment) Examples: defamation, contempt	Essential for identifying legal consequences of media actions
3	**Preventing Legal Violations in Media Practice**	Provides knowledge of important media laws to avoid legal risks	Includes: - Contempt of Courts Act, 1971 - Official Secrets Act, 1923 - Right to Information Act, 2005	Prevents penalties, legal proceedings, and reputational damage

[59] The Protection of Human Rights Act[59], 1993 (Act 10 of 1993)

			- Protection of Human Rights Act, 1993	
4	**Promoting Responsible & Ethical Journalism**	Encourages ethical standards in reporting	- Verify facts - Avoid defamation - Respect court proceedings - Protect national security - Safeguard human rights	Builds ethical and legally compliant journalism practices
5	**Balancing Freedom of Press with Social Responsibility**	Teaches that press freedom is not absolute	Balance between: - Freedom of expression - Right to reputation - Fair trial - National security - Privacy & dignity	Helps apply constitutional principles in real cases
6	**Empowering Journalists with Legal Awareness**	Provides legal tools and awareness for professional work	- Use RTI effectively - Conduct lawful investigations - Defend against legal claims - Understand rights & duties	Strengthens confidence and legal protection
7	**Strengthening Democratic Values**	Explains role of media laws in democracy	Protects: - Judiciary - Government accountability - Citizens' rights	Promotes responsible participation in democratic system
8	**Developing Professional Competence**	Enhances practical legal and professional skills	- Editorial judgment - Risk assessment - Accountability - Credibility	Improves career readiness and professional standards

The Chart above dealing with the Objectives of Studying Laws Applicable to Media

7.3 MAIN BODY

I. Defamation: Civil and Criminal Liability

Meaning and Nature of Defamation:- Defamation refers to the publication of a false stat

ement that harms the reputation of a person in the estimation of others. Reputation is recognized as a valuable right and forms part of the right to life and personal liberty under Article 21 of the Constitution.[60]

The Supreme Court in *Subramanian Swamy* v. *Union of India*[61] upheld the constitutional validity of criminal defamation and clearly held that *"right to reputation is an integral part of Article 21"*. The Court observed that freedom of speech cannot be used to destroy another person's reputation.

Similarly, in *Board of Trustees of the Port of Bombay* v. *Dilipkumar Nadkarni*[62], the Supreme Court recognized that reputation is a facet of the right to life under Article 21.

Defamation may occur in two forms:

- Libel – Defamation in written or permanent form (e.g., newspapers, magazines, online articles, broadcasts).
- Slander – Defamation in spoken or temporary form.

In India, defamation exists both as a civil wrong (tort) and a criminal offence.

Defamation as Civil and Criminal Wrong

In India, defamation exists both as:

- A civil wrong (under law of torts), and
- A criminal offence (under Sections 499 and 500 IPC).

The distinction between civil and criminal liability was examined in *R. Rajagopal* v**.** *State of Tamil Nadu*[63], popularly known as the *Auto Shankar case*. The Court held that the press has the right to publish matters of public record but cannot publish defamatory material without verification. This case significantly shaped media responsibility in defamation matters.

[60] The Constitution of India, 1950 art. 21
[61] AIR 2016 SC 2728
[62] **AIR 1983 SC 109**
[63] AIR 1995 SC 264

Civil Defamation

Civil defamation falls under the law of torts. A person whose reputation has been harmed may file a suit for damages. The essential elements are:

1. A defamatory statement,
2. Publication to a third party,
3. Reference to the plaintiff.

Civil defamation falls under the law of torts. A person whose reputation has been harmed may file a suit for damages.

The essential elements are:

1. **A defamatory statement**: - The statement must lower the plaintiff's reputation in the eyes of right-thinking members of society. In *Parmiter* v. *Coupland*[64], it was observed that defamation involves words that expose a person to hatred, contempt, or ridicule.
2. **Publication to a third party: -** The defamatory statement must be communicated to someone other than the person defamed. In *Mahendra Ram* v. *Harnandan Prasad*[65], the court held that there is no defamation unless the statement is published to a third party.
3. **Reference to the plaintiff**: - The statement must refer to the person claiming defamation, either directly or indirectly. In *Newstead* v. *London Express Newspaper* Ltd[66]**.**, a newspaper was held liable even though it did not intend to defame the plaintiff, because reasonable readers could identify him.

Remedy in Civil Defamation

In civil cases, the remedy is **monetary compensation (damages).** Courts may also grant injunctions to prevent further publication.

For media organizations, civil defamation suits can result in:

- Heavy damages,
- Injunction orders,

[64] (1840) 6 M & W 105
[65] **AIR 1958 Pat 445**
[66] **[1940] 1 KB 377**

- Loss of credibility,
- Reputational harm.

The principles governing damages and media responsibility were further discussed in *Tata Sons Ltd.* v. *Greenpeace International*[67], where the Delhi High Court emphasized balancing corporate reputation with freedom of expression.

Criminal Defamation

Criminal defamation is defined under Sections 499 and 500 of the Indian Penal Code (IPC). Section 499 defines defamation, while Section 500 prescribes punishment, which may include imprisonment for up to two years, fine, or both.[68]

The offence covers imputations made by words, signs, or visible representations intended to harm a person's reputation. However, the law also provides exceptions, such as:

- Truth published for public good,
- Fair criticism of public conduct of public servants,
- Fair comment on public performances,
- Reports of court proceedings.

Relevance for Media Reporting

Defamation law is highly relevant to media professionals because journalism frequently involves:

- Reporting allegations,
- Investigating corruption,
- Publishing exposés,
- Critiquing public figures.

The media must adhere to principles of:

- Accuracy and verification,
- Balanced reporting,

[67] 178 (2011) DLT 705
[68] The Indian Penal Code, (Act 45 of 1860)ss. 499, 500

- Avoidance of malice,
- Distinguishing facts from opinions.

Sensationalism, unverified accusations, and trial by media may lead to defamation claims. With the growth of digital media and social platforms, the speed of publication has increased the risk of legal liability.

Thus, defamation law acts as both a restraint and a reminder of responsible journalism.

II. Contempt of Court and Media Responsibility

The Contempt of Courts Act, 1971 was enacted to define and limit the powers of courts in punishing contempt. The objective is to maintain the authority and dignity of the judiciary and ensure the proper administration of justice.[69]

Types of Contempt

1. **Civil Contempt** – Willful disobedience of court orders or breach of undertakings. In Ashok *Paper Kamgar Union* v. *Dharam Godha*[70], the Supreme Court clarified that civil contempt requires *willful and deliberate disobedience* of a court order.

Criminal Contempt – Criminal contempt includes publication or acts:

- Scandalize or lower the authority of the court,
- Prejudice or interfere with judicial proceedings,
- Obstruct administration of justice.

In *E.M.S. Namboodiripad* v. *T.N. Nambiar*[71], the Court held that imputations against judges which undermine public confidence in the judiciary amount to contempt.

Similarly, in *In Re: Arundhati Roy*[72], the Supreme Court held that scandalizing the court by making derogatory allegations against the judiciary constitutes criminal contempt.

[69] The Contempt of Courts Act[69], 1971 (Act 70 of 1971)

[70] AIR2004SC105,
[71] **AIR 1970 SC 2015**
[72] (2002) 3 SCC 343

Contempt and Media Trials

Media coverage of ongoing cases (sub judice matters) is particularly sensitive. Excessive commentary, prejudicial reporting, or declaring an accused guilty before the court's verdict may interfere with the right to a fair trial. For example, publishing confessions, leaked evidence, or speculative analysis can influence public perception and potentially impact judicial proceedings.

Media coverage of ongoing cases (sub- judice matters) is particularly sensitive. Excessive commentary, prejudicial reporting, or declaring an accused guilty before the court's verdict may interfere with the right to a fair trial.

In *Sahara India Real Estate Corp. Ltd.* v. *SEBI*[73], the Supreme Court recognized the problem of "media trials" and held that courts have the power to pass postponement orders to prevent prejudicial reporting that may affect the fairness of judicial proceedings.

Similarly, in *Manu Sharma* v. *State (NCT of Delhi)*[74], the Court observed that excessive media publicity can prejudice a fair trial and emphasized responsible reporting. Publishing confessions, leaked evidence, or speculative analysis can influence public perception and potentially impact judicial proceedings.

Freedom of Expression vs. Judicial Authority

While fair criticism of judgments is permissible, scandalizing the court or undermining public confidence in the judiciary may amount to criminal contempt. Courts have emphasized that freedom of the press does not include the freedom to obstruct justice. In *P.N. Duda* v. *P. Shiv Shanker*[75], the Supreme Court held that fair criticism of judicial functioning made in good faith does not amount to contempt. The Court recognized the importance of free speech but cautioned against attacks that damage institutional integrity.

Further, in *Brahma Prakash Sharma* v. *State of Uttar Pradesh*[76], the Court explained that criticism must substantially interfere with the administration of justice to amount to contempt.

[73] **(2013) 1 SCC 1.**
[74] 2010 AIR SCW 4302
[75] 1988 SCR (3) 547
[76] 1954 AIR 10

Courts have consistently emphasized that freedom of the press does not include the freedom to obstruct justice.

Duties of Journalists while reporting Court proceedings: Journalists must:

- Avoid prejudging cases,
- Ensure accuracy in reporting court proceedings,
- Refrain from publishing confidential or in-camera proceedings,
- Respect reporting restrictions.

The law seeks to protect the integrity of the judicial process without completely stifling media scrutiny.

The chart given below reflects various media activities and contempt provisions. This can help the student to understand the concepts concerned easily:-

*** Contempt of Court & Media Responsibility**
CHART

Aspect	**Details**	**Media Responsibility / Impact**	**Example**
Law	Contempt of Courts Act, 1971	Governs how media can report on judicial matters	Following legal limits while reporting court cases
Objective	Protect dignity, authority, and functioning of judiciary	Media must not undermine trust in courts	Avoid disrespectful commentary on judges
Nature of Law	Mainly Criminal (with civil aspects)	Violations can lead to punishment	Journalist facing legal action for contempt
Who is Covered	Journalists, editors, media houses, public	Media is directly accountable under this law	News channels, newspapers, social media users

Types of Contempt

Type	Meaning	Media Responsibility	Example
Civil Contempt	Disobedience of court orders	Follow reporting bans or restrictions	Publishing info despite court restriction
Criminal Contempt	Scandalizing court, prejudicing trial, obstructing justice	Avoid biased or interfering reporting	Declaring accused guilty before verdict

Key Provisions

Provision	Explanation	Media Responsibility	Example
Scandalizing the Court	Lowering court's authority	Avoid insulting judges/courts	Calling a judge corrupt without proof
Prejudicing Trial (Sub Judice Rule)	Influencing ongoing case	No trial by media	Media debates declaring guilt
Obstruction of Justice	Interfering with process	Do not leak or manipulate evidence	Publishing confidential case files
Fair Reporting Allowed	Accurate court reporting permitted	Report facts neutrally	Reporting court proceedings truthfully
Defense Available	Truth, fair criticism, good faith	Criticism must be reasonable	Analytical discussion of a judgment

Media Responsibilities

Responsibility	Explanation	Why Important
Avoid Trial by Media	Do not act as judge	Ensures fair trial

Respect Sub Judice Rule	Limit comments on ongoing cases	Prevents influence on judiciary
Accuracy & Verification	Publish only verified facts	Avoids misinformation
Neutrality	No bias or sensationalism	Maintains credibility
Respect Judiciary	Maintain dignity in reporting	Builds public trust

Restrictions on Media

Restriction	**Explanation**	**Example**
Pre-publication of evidence	Sharing evidence before court review	Showing confession videos
Influencing witnesses	Contacting/interviewing during trial	TV interviews with witnesses
Sensational headlines	Creating public bias	"Accused is the real criminal!"
Social media misuse	Online posts affecting trials	Tweets declaring guilt

Punishment & Consequences

Aspect	**Details**	**Impact on Media**
Penalty	Up to 6 months imprisonment or fine or both	Legal risk for journalists
Apology	Can reduce punishment if genuine	Chance to avoid strict penalty
Professional Impact	Loss of credibility, trust	Damage to media reputation

Balance: Freedom of Press vs Contempt

Basis	Freedom of Press	Contempt Law
Purpose	Free expression	Protect judiciary
Limit	Not absolute	Restricts harmful reporting
Balance	Responsible journalism required	Avoid interference with justice

***Charts showing contempt and different media practices**

III. Official Secrets Act, 1923: Secrecy v/s. Right to Know: - The Official Secrets Act, 1923 was enacted during the colonial period to protect state secrets and national security. It criminalizes unauthorized communication, possession, or disclosure of information related to defense, intelligence, and sensitive government matters.[77]

Key Provisions: - The Act penalizes:

- Spying,
- Unauthorized access to prohibited places,
- Communication of official secrets,
- Retention of official documents without authority.

The law applies not only to government officials but also to journalists who publish classified information. The central debate surrounding the Official Secrets Act, 1923 is the tension between:

- State secrecy and national security, and
- Public's right to know and transparency.

This conflict reflects the broader constitutional balance between security of the State and freedom of speech and expression under Article 19(1) (a).[78]

Media & Official Secrets Act, 1923 (OSA)

Aspect	Explanation
What is OSA?	A law that protects confidential government information related to national security, defense, and intelligence.

[77] The Official Secrets Act[77], (Act 19 of 1923)
[78] The Constitution of India, 1950 art.19

Objective	To prevent espionage (spying) and unauthorized disclosure of sensitive information.
Type of Law	Criminal law (violations can lead to punishment, including imprisonment).
Who it Applies To	Government officials, journalists, media organizations, and even ordinary citizens.
Key Provisions	- Prohibits sharing, collecting, or publishing secret official information - Covers documents, sketches, plans, and digital data - Even “unauthorized possession” can be an offense
Punishment	Imprisonment, fines, or both depending on severity of the offense

Relationship with Media

Media Role	Impact of OSA on Media
Investigative Journalism	Journalists may uncover sensitive information, but publishing classified material can lead to legal action under OSA
Freedom of Press	OSA limits press freedom when national security is involved
Public Interest Reporting	Media must balance public’s right to know vs national security concerns
Source Protection	Journalists cannot always protect sources if information violates OSA
Risk Factor	Reporters can be charged even for possessing or reporting leaked documents

OSA vs Right to Information

Basis	**OSA**	**Right to Information Act, 2005**
Nature	Restrictive (secrecy)	Empowering (transparency)
Purpose	Protect national security	Ensure government accountability
Media Impact	Limits reporting	Supports investigative journalism

Conflict	OSA can override RTI in sensitive matters	RTI allows access unless exempted (e.g., security issues)

Key Challenges for Media

Challenge	Explanation
Vague Definition of "Secret"	The law does not clearly define what counts as "secret," creating confusion
Misuse Possibility	Authorities may use OSA to suppress critical journalism
Chilling Effect	Fear of punishment discourages investigative reporting
Legal Risk	Even public-interest stories can attract charges

Above charts showing the media and official secrets act relationship & challenges

Judicial Recognition of the Right to Know

The Supreme Court has repeatedly recognized that the right to know is part of the freedom of speech and expression.

In *State of Uttar Pradesh* v. *Raj Narain*[79], the Court held that people have a right to know every public act and everything done in a public way by public functionaries. The Court famously observed that "the right to know is derived from the concept of freedom of speech."

Similarly, in *S.P. Gupta* v. *Union of India*[80] (Judges' Transfer Case), the Supreme Court emphasized the importance of open government and held that disclosure of information should be the rule and secrecy an exception.

These cases strengthened the constitutional foundation of transparency in governance.

Investigative Journalism and Public Interest

Investigative journalism often involves exposing corruption, defense deals, or misuse of public funds. However, such reporting may attract liability under the Official Secrets Act if based on classified or confidential documents.

[79] **1975 AIR 865**
[80] AIR 1982 SC 149

The tension between secrecy and public interest was significantly addressed in *R. Rajagopal* v. *State of Tamil Nadu* (Auto Shankar case)[81]. The Supreme Court held that the press has the right to publish information regarding matters of public record without prior permission, reinforcing media freedom in matters of public interest.

More recently, in *Manohar Lal Sharma* v. *Union of India*[82], the Supreme Court dealt with leaked documents relating to the Rafale defense deal. The government objected to the use of leaked documents under the Official Secrets Act[83]. The Court held that such documents could be considered if they were relevant to the matter before the Court, thereby indicating that public interest and judicial review may override claims of secrecy.

Limits of Transparency: National Security Concerns:- While courts have supported transparency, they have also recognized legitimate national security concerns.

In *People's Union for Civil Liberties* v. *Union of India*[84], the Supreme Court acknowledged that national security may justify certain restrictions, but emphasized that such powers must not be arbitrary.

Thus, the judiciary has consistently maintained that secrecy must be justified and proportionate.

Ongoing Debate

Critics argue that the Official Secrets Act[85] is broad and vague, potentially chilling investigative journalism and discouraging whistleblowers. Supporters, however, argue that national security, sovereignty, and defense interests must be protected from disclosure that could harm the State.

Indian jurisprudence suggests that:

- Transparency is the rule,
- Secrecy is the exception,
- Public interest plays a crucial balancing role.

[81] AIR 1995 SC 264
[82] **AIR 2021 SC 5396**
[83] The Official Secrets Act[83], (Act 19 of 1923)
[84] *Ibid.*
[85] *Ibid.*

The debate over secrecy versus public interest represents a continuing constitutional tension. Judicial decisions such as *Raj Narain*, *S.P. Gupta*, and the Rafale case demonstrate the courts' effort to balance transparency with national security. For media professionals, this means exercising careful judgment ensuring that publication of sensitive information genuinely serves public interest without compromising legitimate security concerns.

Impact on Media Practice

Journalists must exercise caution when handling leaked documents or confidential information. They must evaluate:

- Whether the information genuinely affects national security,
- Whether publication serves public interest,
- The legal risks involved.

The law emphasizes the importance of ethical judgment in balancing transparency with security concerns.

IV. Right to Information Act, 2005: Empowering Citizens and Journalists

The Right to Information Act, 2005 marked a transformative shift toward transparency in governance.[86] It empowers citizens to seek information from public authorities and obligates authorities to respond within a stipulated time.

The constitutional foundation of the Act lies in Article 19(1) (a)[87], as interpreted by the Supreme Court.

In *State of Uttar Pradesh* v. *Raj Narain*[88], the Court held that the right to know is derived from the freedom of speech and expression. Similarly, in *S.P. Gupta* v. *Union of India*[89], the Court emphasized that disclosure of information should be the rule and secrecy an exception. These judgments laid the groundwork for the enactment of the RTI Act.

Objectives of the Act

[86] The Right to Information Act[86], 2005 (Act 22 of 2005)
[87] The Constitution of India, 1950 art. 19
[88] **1975 AIR 865**
[89] **AIR 1982 SC 149**

The Act aims to:

- Promote transparency and accountability,
- Reduce corruption,
- Strengthen democratic participation,
- Empower citizens.

The importance of transparency in governance was reaffirmed in *People's Union for Civil Liberties* v. *Union of India*[90], where the Supreme Court held that voters have a right to know the criminal, financial, and educational background of electoral candidates. This case strongly reinforced the principle that informed citizens are essential for democracy.

Significance for Journalists

For the media, the RTI Act is a powerful investigative tool. It enables journalists to:

- Access government records,
- Obtain official data,
- Verify facts,
- Expose irregularities.

Right to information based investigations have uncovered scams, policy failures, and administrative lapses. The judiciary has consistently upheld the public's right to information in matters of governance.

In *Reserve Bank of India* v. *Jayantilal N. Mistry*[91], the Supreme Court directed the RBI to disclose information about defaulters and inspection reports, holding that regulatory bodies cannot withhold information under the guise of confidentiality when larger public interest is involved. This judgment strengthened transparency and supported journalistic investigations.

Limitations and Exemptions: - The Act includes exemptions relating to:

- National security,
- Foreign relations,

[90] **AIR 1997 SC 568**
[91] *(2016) 3 SCC 525*

- Trade secrets,
- Personal information,
- Cabinet papers.

Information affecting sovereignty or integrity of India may be withheld under Section 8 of the Act. The scope of privacy as a limitation was clarified in *Central Public Information Officer, Supreme Court of India* v. *Subhash Chandra Agarwal*[92], where the Court held that the office of the Chief Justice of India falls under RTI but emphasized that disclosure must balance transparency with judicial independence and privacy. Further, in *Girish Ramchandra Deshpande* v. *Central Information Commissioner*[93], the Court ruled that personal information of public servants, such as service records and income tax returns, cannot be disclosed unless larger public interest justifies it.

Judicial decisions have consistently affirmed that the Right to Information is a cornerstone of participatory democracy. At the same time, courts have recognized reasonable exemptions to protect national security, privacy, and institutional integrity. For journalists, the right to information act[94] serves as both a tool of empowerment and a framework of responsibility encouraging transparency while respecting legitimate confidentiality.

***Chart on Right to Information Act, 2005: Empowering Citizens and Journalists:**

Right to Information & Media – Chart

Aspect	**Detailed Explanation**	**Legal Provisions / Sections**	**Relevance for Citizens**	**Relevance for Journalists**	**Example**
Law	Right to Information Act, 2005	Enacted to promote transparency & accountability in governance	Empowers citizens to seek information	Key legal tool for investigative journalism	RTI used to expose scams
Objective	Ensure transparency, accountability,	Preamble of Act	Strengthens democracy	Helps uncover hidden facts	Disclosure of public fund usage

[92] **(2020) 5 SCC 481**
[93] (2013) 1 SCC 212
[94] The Right to Information Act[94], 2005 (Act 22 of 2005)

	reduce corruption				
Scope	Applies to all public authorities (Govt, PSUs, bodies funded by govt)	Sec 2(h)	Access to wide range of information	Access to official records & data	Asking info from municipal corporation
Right to Information	Right to access records, documents, emails, reports, etc.	Sec 2(f), 2(j)	Legal right to know govt actions	Enables fact-based reporting	Obtaining file notings
Public Authorities' Duty	Maintain records & provide timely responses	Sec 4	Ensures proactive disclosure	Reduces need for repeated RTIs	Govt websites publishing info

Procedure & Process

Step	**Explanation**	**Legal Section**	**Practical Use**
Application Filing	Written/online request to Public Information Officer (PIO)	Sec 6	Simple and accessible process
Time Limit	30 days (48 hours if life/liberty involved)	Sec 7	Ensures timely information
Fees	Nominal application fee	Rules under Act	Affordable for citizens
First Appeal	If no/unsatisfactory reply	Sec 19(1)	Accountability mechanism
Second Appeal	Appeal to Information Commission	Sec 19(3)	Final remedy

Exemptions & Limitations

Category	Explanation	Legal Section	Media Implication
National Security	Info affecting sovereignty, defense	Sec 8(1)(a)	Cannot publish sensitive info
Court Restrictions	Info forbidden by courts	Sec 8(1)(b)	Must respect judicial orders
Breach of Privilege	Parliament/State Legislature privilege	Sec 8(1)(c)	Limits political reporting
Commercial Confidence	Trade secrets, IP	Sec 8(1)(d)	Limits corporate disclosures
Personal Information	Privacy-related data	Sec 8(1)(j)	Ethical reporting required

Empowerment of Journalists

Aspect	Explanation	Importance
Investigative Tool	Access hidden govt. records	Strengthens watchdog role
Source of Authentic Data	Official documents reduce fake news	Improves credibility
Transparency Mechanism	Holds authorities accountable	Supports public interest journalism
Legal Protection	Information obtained legally	Reduces defamation risk

Empowerment of Citizens

Aspect	Explanation	Impact
Democratic Participation	Citizens question govt decisions	Strengthens democracy
Anti-Corruption Tool	Exposes misuse of power	Promotes accountability
Access to Welfare Info	Know rights, schemes, benefits	Improves governance
Transparency	Govt. becomes answerable	Builds trust

Relationship with Other Laws

Law	Relationship with RTI	Impact
Official Secrets Act, 1923	RTI overrides OSA in public interest (except sensitive info)	Promotes transparency over secrecy
Contempt of Courts Act, 1971	RTI cannot disclose info restricted by courts	Maintains judicial integrity
Privacy Laws	RTI balanced with right to privacy	Ethical information use

Challenges & Criticism

Issue	Explanation	Impact on Media
Delay in Responses	Authorities may not reply on time	Affects reporting timelines
Misuse of Exemptions	Authorities deny info citing vague reasons	Limits transparency
Threats to RTI Activists	Safety concerns	Discourages investigation
Bureaucratic Resistance	Lack of cooperation	Slows information flow

Chart on Right to Information Act, 2005: Empowering Citizens and Journalists:

V. Protection of Human Rights Act, 1993

The Protection of Human Rights Act, 1993 was enacted to safeguard human rights and establish institutions such as the National Human Rights Commission (NHRC) and State Human Rights Commissions.[95]

The constitutional foundation of human rights protection lies primarily in Articles 14, 19, and 21 of the Constitution of India.[96]

Scope and Objectives

[95]The Protection of Human Rights Act[95], 1993 (Act 10 of 1993) s.3
[96] The Constitution of India, 1950 art. 14,19,21

The Act defines human rights as rights relating to life, liberty, equality, and dignity guaranteed by the Constitution or embodied in international covenants enforceable by Indian courts.

The Act:

- Establishes NHRC and State Human Rights Commissions,
- Provides mechanisms for inquiry into violations,
- Promotes awareness and protection of human rights.

The broad interpretation of human dignity and life under Article 21 was significantly expanded in *Maneka Gandhi* v. *Union of India*[97], where the Supreme Court held that the right to life and personal liberty includes the right to live with dignity.

Similarly, in *Nilabati Behera* v. *State of Orissa*[98], the Court recognized state liability and awarded compensation for custodial death, reinforcing accountability in cases of human rights violations.

Media and Human Rights

The media plays a dual role:

1. As a watchdog exposing human rights violations,
2. As a potential violator through insensitive or irresponsible reporting.

The Supreme Court has emphasized the importance of dignity and privacy in reporting sensitive matters. In *R. Rajagopal* v. *State of Tamil Nadu*[99], the Court recognized the right to privacy as part of Article 21 and held that unauthorized publication affecting a person's private life may violate human dignity.

The scope of privacy was further strengthened in *K.S. Puttaswamy* v. *Union of India*[100], where the Supreme Court declared the right to privacy a fundamental right under Article 21. This decision has direct implications for media reporting, especially concerning personal data, victims of crimes, and private individuals.

[97] **AIR 1978 SC 597**
[98] **AIR 1993 SC 1960**
[99] AIR 1995 SC 264
[100] **AIR 2017 SC 4161**

Reporting on Sexual Offences and Vulnerable Groups

Reporting on crimes, communal violence, sexual offences, and child abuse requires sensitivity and responsibility. In *Nipun Saxena* v. *Union of India*[101], the Supreme Court strictly prohibited disclosure of the identity of rape victims and directed that courts and media must ensure confidentiality.

Similarly, in *Sahara India Real Estate Corp. Ltd*. v. *SEBI*[102], while primarily concerning media trials, the Court emphasized balancing freedom of press with fair trial rights and dignity of individuals.

Further, in *Vishaka* v. *State of Rajasthan*[103], the Court laid down guidelines to protect women's dignity at the workplace, reinforcing the broader principle that dignity is central to human rights protection.

Media Responsibilities

The media must:

- Protect identity of victims (especially in sexual offence cases),
- Avoid sensationalism,
- Respect privacy and dignity,
- Avoid stereotyping marginalized communities,
- Ensure accuracy and fairness.

Irresponsible reporting can compound trauma, prejudice judicial proceedings, and violate fundamental rights under Article 21.[104]

Judicial decisions interpreting Article 21 have expanded the meaning of life and liberty to include dignity, privacy, and protection from arbitrary state action.[105] The Protection of Human Rights Act, 1993 institutionalizes these principles through bodies like the NHRC.[106]

[101] (2019) 2 SCC 703
[102] (2013) 1 SCC 1
[103] AIR 1997 SC 3011.
[104] The Constitution of India, 1950 art.
[105] The Constitution of India, 1950 art. 21
[106] The Protection of Human Rights Act[106], 1993 (Act 10 of 1993) s.3

For media professionals, these legal developments underscore the importance of rights-based reporting. While the press plays a crucial role in exposing violations, it must simultaneously ensure that its methods and content do not infringe upon the very human rights it seeks to defend.

VI. Implications for Media Practice

The cumulative impact of various media-related laws shapes media conduct in several significant ways.

1. Legal Accountability

Media organizations face civil suits and criminal prosecution for defamation and contempt. This legal exposure encourages fact-checking and responsible reporting.

In *Subramanian Swamy* v. *Union of India*[107], the Supreme Court upheld the constitutionality of criminal defamation and emphasized that the right to reputation is part of Article 21. This case reinforces the accountability of media while exercising freedom of speech.

Similarly, in *Sahara India Real Estate Corp. Ltd*. v. *SEBI*[108], the Court recognized the power to issue postponement orders to prevent media reporting from prejudicing a fair trial. This ensures accountability in court-related reporting.

2. Ethical Journalism

Legal risks promote adherence to ethical standards such as fairness, objectivity, and respect for privacy.

In *R. Rajagopal* v. *State of Tamil Nadu*[109], the Supreme Court recognized the right to privacy and held that unauthorized publication affecting private life may violate Article 21. This case highlights the ethical obligation of the press to respect individual dignity.

[107] AIR 2016 SC 2728
[108] **(2013) 1 SCC 1**
[109] AIR 1995 SC 264

Further, in *K.S. Puttaswamy* v. *Union of India*[110], the Court declared privacy as a fundamental right, significantly influencing journalistic standards, particularly in digital reporting and data handling.

3. Balancing Freedom and Restrictions

While laws impose restrictions, they also protect democratic values.

• Defamation protects reputation

As held in ***Subramanian Swamy* v. *Union of India***[111], freedom of speech must be balanced with the right to reputation.

• Contempt ensures fair trials

In *Manu Sharma* v. *State (NCT of Delhi)*[112], the Court cautioned against media trials that could prejudice judicial proceedings.

• Official Secrets Act safeguards security

In *Manohar Lal Sharma* v. *Union of India*[113], the Court addressed the use of leaked documents in matters involving national security, balancing secrecy with judicial transparency.

• RTI enhances transparency

In *Reserve Bank of India* v. *Jayantilal N. Mistry*[114], the Court emphasized that public authorities cannot withhold information when larger public interest is involved.

• Human Rights Act promotes dignity

In *Nilabati Behera* v. *State of Orissa*[115], compensation for custodial death reinforced state accountability and protection of dignity.

Together, these cases illustrate how restrictions coexist with constitutional freedoms.

[110] **(2017) 10 SCC**
[111] AIR 2016 SC 2728
[112] AIR 2010 SC 2352.
[113] **AIR 2021 SC 5396**
[114] 2016 3 SCC 525
[115] **AIR 1993 SC 1960.**

4. Professional Due Diligence

Journalists must:

- Verify sources,
- Understand legal boundaries,
- Consult legal experts when necessary,
- Avoid prejudicial reporting.

In *Brahma Prakash Sharma* v. *State of Uttar Pradesh*[116], the Court clarified that criticism amounts to contempt only when it substantially interferes with justice highlighting the need for responsible expression.

Similarly, in Central Public Information Officer, *Supreme Court of India* v. *Subhash Chandra Agarwal*[117], the Court balanced transparency with institutional integrity, demonstrating the importance of legal awareness in professional practice.

5. Digital Media Challenges

With online news portals and social media, content spreads rapidly. Errors, defamatory posts, or contemptuous remarks can go viral, increasing legal exposure.

In *Shreya Singhal* v. *Union of India*[118], the Supreme Court struck down Section 66A of the IT Act[119] for being vague and chilling free speech, but it also recognized that online speech is subject to reasonable restrictions under Article 19(2)[120].

The decision highlights both the protection of digital expression and the continued applicability of laws such as defamation and contempt in the online environment.

Judicial precedents demonstrate that media laws collectively promote accountability, ethical conduct, transparency, and protection of human dignity. While legal frameworks impose restrictions, they also preserve democratic order and institutional integrity.

[116] 1954 AIR 10
[117] **(2020) 5 SCC 481**
[118] (2015) 5 SCC 1
[119] The Right to Information Act[119], 2005 (Act 22 of 2005) s. 66A
[120] The Constitution of India, 1950 art. 19

For media professionals, awareness of these landmark cases ensures that freedom of expression is exercised responsibly, particularly in an era of rapid digital dissemination.

VII. Civil v/s. Criminal Aspects: A Comparative Perspective

The distinction between civil and criminal liability is significant:

S. No.	Aspect	Civil Law	Criminal Law
1	Purpose	Compensation	Punishment
2	Example	Civil defamation	Criminal defamation, contempt
3	Burden of Proof	Preponderance of probability	Criminal defamation, contempt

Media professionals must be aware that a single publication may attract both civil and criminal proceedings.

VIII. Need for Legal Literacy in Journalism

Legal awareness is essential in journalism education and newsroom practice. Editors and reporters must understand:

- The constitutional framework,
- Statutory provisions,
- Judicial interpretations.

The importance of constitutional literacy stems from Article 19(1) (a), which guarantees freedom of speech and expression. In *Romesh Thappar* v. *State of Madras*[121], the Supreme Court described freedom of speech as the foundation of all democratic organizations. This case highlights why journalists must understand the constitutional protection of press freedom.

At the same time, Article 19(2) permits reasonable restrictions. In *Bennett Coleman & Co*. v. *Union of India*[122], the Court struck down restrictions on newsprint, emphasizing that press freedom is integral to democracy. However, the judgment also acknowledged that such freedom operates within constitutional limits.

[121] *1950 AIR 124*
[122] **AIR 1973 SC 106**

Workshops, legal audits, editorial policies, and internal compliance guidelines can help minimize risk and enhance credibility in media institutions.

A mature democracy requires a free yet accountable media. Landmark judgments from *Romesh Thappar* to *Puttaswamy* demonstrate the evolving balance between liberty and regulation. Understanding the civil and criminal aspects of laws applicable to media strengthens professional standards, protects public interest, and ensures that journalism continues to serve as a pillar of democratic governance.

Legal literacy is therefore not optional but essential for ethical, responsible, and constitutionally compliant journalism.

General Laws Applicable to Media

Law / Concept	Year	Type (Civil/Criminal)	Key Provisions	Relevance for Media Reporting	Example
Defamation	(IPC & Civil Law)	Both Civil & Criminal	Protects a person's reputation from false statements. Civil = damages; Criminal = punishment under Sections 499–500 IPC	Media must verify facts before publishing; avoid false allegations	Publishing unverified corruption claims against a person
Contempt of Courts Act, 1971	1971	Criminal (sometimes civil-like)	Prevents acts that scandalize or lower authority of courts, or interfere with justice	Journalists must not prejudge cases or criticize courts unfairly	Declaring an accused "guilty" before court judgment
Official Secrets Act, 1923	1923	Criminal	Prohibits sharing secret government information affecting national security	Media must avoid publishing classified documents	Leaking defense documents
Secrecy vs Right to Know	Concept	—	Balances national security with citizens' right to information	Journalists must weigh public interest vs security risks	Reporting on defense deals responsibly

Right to Information Act, 2005	2005	Civil (Rights-based)	Gives citizens access to government records (with some exceptions)	Helps journalists investigate government functioning	Filing RTI to uncover misuse of public funds
Protection of Human Rights Act, 1993	1993	Civil	Establishes National & State Human Rights Commissions	Media must report responsibly on human rights issues	Covering custodial violence cases ethically

***Chart showing the applicable laws on media and journalists must aware**

7.4 SUMMARY

The above study attempts to explain the legal framework governing media practice in India. It points out the important laws related to defamation, court reporting, official secrecy, access to information, and human rights. Understanding these laws helps journalists practice responsible reporting while balancing freedom of expression with legal and ethical responsibilities.

Media, as the fourth pillar of democracy, enjoys freedom of speech under Article 19(1)(a) of the Constitution, but this freedom is subject to reasonable restrictions under Article 19(2)[123] Understanding civil and criminal laws applicable to media is essential for ethical and responsible journalism.

Defamation protects individual reputation and exists both as a civil wrong (tort) and a criminal offence under Sections 499 and 500 of the IPC[124]. Civil defamation allows victims to claim damages for statements published to third parties, while criminal defamation punishes statements that malign a person's reputation. Landmark cases such as *Subramanian Swamy* v. *Union of India*[125] highlight the constitutional balance between freedom of speech and the right to reputation under Article 21. Media organizations must exercise due diligence, verify facts, and avoid publishing unverified or malicious content.

The Contempt of Courts Act[126] defines civil and criminal contempt to protect judicial authority. Civil contempt involves disobedience of court orders, while criminal contempt includes acts or publications that scandalize courts or interfere with justice. Cases like Manu *Sharma* v. *State*[127]

[123] The Constitution of India,1950 art. A9
[124] The Indian Penal Code, 1860 (Act 45 of 1860) s. 499, 500
[125] AIR 2016 SC 2728
[126] The Contempt of Courts Act[126], 1971 (Act 70 of 1971)
[127] AIR 2010 SC 2352

(2010) and Sahara India v. SEBI[128] (2012) demonstrate that prejudicial reporting or media trials can amount to contempt. Journalists must ensure impartiality, accuracy, and respect for reporting restrictions.

The Official Secrets Act[129] safeguards classified information and national security. However, investigative reporting in public interest can sometimes override secrecy, as seen in *R. Rajagopal* v. *State of Tamil Nadu*[130] (1994) and *Manohar Lal Sharma* v. *Union of India*[131] (2019, Rafale case). Journalists must carefully weigh public interest against legal liability.

The Right to Information Act[132] empowers citizens and journalists to access public information, promoting transparency and accountability. Courts like *State of Uttar Pradesh* v. *Raj Narain*[133] (1975) and *Reserve Bank of India* v. *Jayantilal Mistry*[134] (2015) have reinforced citizens' right to information while respecting exemptions for security, privacy, and confidential government deliberations.

The Human Rights Act[135] safeguards life, liberty, equality, and dignity. Cases such as *Nilabati Behera* v. *State of Orissa*[136] (1993) and *K.S. Puttaswamy* v. *Union of India*[137] (2017) emphasize privacy and dignity. Media must report responsibly, protect victims' identities, and avoid sensationalism or stereotyping.

Collectively, these laws ensure legal accountability, ethical journalism, responsible reporting, and professional due diligence. Digital media adds challenges, as errors or defamatory content can spread rapidly, increasing exposure to civil and criminal liability. Understanding these laws strengthens journalistic standards, protects public interest, and upholds the democratic role of the media.

7.5 GLOSSARY

[128] **(2013) 1 SCC 1**
[129] The Official Secrets Act[129], (Act 19 of 1923)
[130] AIR 1995 SC 264
[131] **AIR 2021 SC 5396**
[132] The Right to Information Act[132], 2005 (Act 22 of 2005)
[133] **1975 SCR (3) 333**
[134] (2016) 3 SCC 525
[135] The Protection of Human Rights Act[135], 1993 (Act 10 of 1993)
[136] *1993 AIR 1960*
[137] **(2017) 10 SCC 1.**

1. **Sub Judice**:- Refers to matters currently under trial in a court. Media reporting on such matters must avoid prejudicing the proceedings.
2. **Ethical Journalism**:- Adherence to professional standards such as fairness, accuracy, objectivity, protecting privacy, and avoiding sensationalism in reporting.
3. **Professional Due Diligence**:- Journalists' practice of verifying sources, consulting legal experts, and understanding legal boundaries before publishing information.
4. **Legal Accountability**:- Responsibility of media organizations and journalists to comply with civil and criminal laws, ensuring that reporting does not harm reputation, obstruct justice, or violate rights.
5. **Judicial Scrutiny**:- The process of courts reviewing actions, publications, or statements to ensure compliance with law and protection of rights.

7.6 REFERENCES

Statutes / Acts

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2. Indian Penal Code, 1860, ss. 499–500.
3. Contempt of Courts Act, 1971, (Act 70 of 1971)
4. Official Secrets Act, 1923, (Act 19 of 1923).
5. Right to Information Act, 2005, Act 22 of 2005),
6. Protection of Human Rights Act, 1993,(Act 10 of 1993)

2. Landmark Case Laws

Defamation

1. *Subramanian Swamy* v. *Union of India*, (2016) 7 SCC 221.
2. *R. Rajagopal* v. *State of Tamil Nadu*, (1994) 6 SCC 632.

Contempt of Court

3. *Sahara India Real Estate Corp. Ltd*. v. SEBI*, (2012) 10 SCC 603*.
4. *Manu Sharma* v. *State (NCT of Delhi)*, (2010) 8 SCC 1.

Official Secrets & Public Interest

5. *Manohar Lal Sharma* v. *Union of India*, SC Rafale Case, (2019).
6. *R. Rajagopal* v. *State of Tamil Nadu*, (1994) 6 SCC 632.

Right to Information

7. *State of Uttar Pradesh* v. *Raj Narain*, AIR 1975 SC 865.
8. *Reserve Bank of India* v. *Jayantilal N. Mistry*, (2015) 1 SCC 233.

Human Rights

9. *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248.

10. *Nilabati Behera* v. *State of Orissa*, (1993) 2 SCC 746.

11. *K.S. Puttaswamy* v. *Union of India*, (2017) 10 SCC 1.

Digital Media / IT Context

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

4. Journal Articles / Reports

1. Rai, S., "Freedom of Press and Defamation Laws in India," *Journal of Media Law*, 10(2), 45–60 (2018).
2. Singh, P., "Right to Information and Investigative Journalism," *Indian Journal of Legal Studies*, 7(1), 23–40 (2019).
3. National Human Rights Commission, *NHRC Annual Report 2022*, New Delhi: NHRC.

5. Online / Government Sources

1. Press Information Bureau (PIB), https://pib.gov.in/ (accessed 3 Mar. 2026).
2. National Human Rights Commission, https://nhrc.nic.in/ (accessed 3 Mar. 2026).
3. Ministry of Law & Justice, Government of India, https://legislative.gov.in/ (accessed 3 Mar. 2026).
4. RTI Online Portal, https://rti.gov.in/ (accessed 3 Mar. 2026).

7.7 SUGGESTED READINGS

Books / Monographs

1. Bhatia, R. M., *Media Law and Ethics*, 2nd ed., New Delhi: Universal Law Publishing, 2020.
2. Jain, M. P., *Indian Constitutional Law*, 8th ed., New Delhi: LexisNexis, 2019.
3. Mani, V. S., *Media Law in India*, New Delhi: Eastern Book Company, 2017.
4. Nair, K. R., *Journalism, Law and Ethics*, Mumbai: Himalaya Publishing, 2018.

7.8 SHORT ANSWERS QUESTIONS

1. What is defamation, and what are its two main types?
2. What is the purpose of the Contempt of Courts Act, 1971 for media reporting?
3. How does the Official Secrets Act, 1923 affect investigative journalism?
4. What is the significance of the Right to Information Act, 2005 for journalists?

5. How does the Protection of Human Rights Act, 1993 influence media practice?

7.9 TERMINAL QUESTIONS

1. Analyze how defamation laws in India balance the freedom of the press with the protection of individual reputation.

2. Discuss the challenges journalists face in reporting sub judice matters under the Contempt of Courts Act, 1971, and suggest ways to avoid legal liability.

3. Evaluate the conflict between national security under the Official Secrets Act, 1923, and the public's right to know. How can investigative journalism operate within this framework?

4. Examine the role of the Right to Information Act, 2005, in empowering journalists to expose corruption and ensure accountability. What are its limitations?

5. Assess the implications of the Protection of Human Rights Act, 1993, for media reporting on sensitive issues such as communal violence, sexual offences, and marginalized communities.

7.10 TRUE AND FALSE

1. Defamation can only be a civil wrong and is not recognized as a criminal offence in India.

Answer: FALSE

2. The Contempt of Courts Act, 1971 allows the media to freely report ongoing court proceedings without any restrictions.

Answer: FALSE

3. The Official Secrets Act, 1923 aims to protect national security but can sometimes conflict with the public's right to know.

Answer: TRUE

4. The Right to Information Act, 2005 empowers citizens and journalists to access information from public authorities while balancing exemptions like national security and privacy.

Answer: TRUE

5. The Protection of Human Rights Act, 1993 requires media to report responsibly, protecting victims' identities and avoiding sensationalism.

Answer: TRUE

UNIT 8

INTERNATIONAL LEGAL PROVISIONS CONCERNING MEDIA AND HUMAN RIGHTS

In this unit an attempt has been made to explain 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.

8.1 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.

8.2 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.

8.3 MAIN BODY

Concept of Media and Human Rights

Media refers to various channels of communication used to disseminate information, including newspapers, television, radio, digital platforms, and social media. In democratic societies, the media functions as the "fourth pillar of democracy," alongside the legislature, executive, and judiciary.[138]

Human rights are basic rights and freedoms inherent to all individuals. These rights are recognized in international law and include civil, political, economic, social, and cultural rights. Freedom of expression, freedom of opinion, and access to information is among the most important rights related to media.[139]

[138] Universal Declaration of Human Rights, adopted Dec. 10, 1948, G.A. Res. 217A (III), U.N. Doc. A/810 (1948).
[139] International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, art. 19 (entered into force Mar. 23, 1976).

Media and Human Rights

The relationship between media and human rights is mutually reinforcing. Media serves as a tool for promoting human rights awareness, exposing violations, and encouraging public debate. At the same time, the protection of media freedom ensures that journalists and media organizations can operate without fear of censorship, harassment, or violence.[140]

International human rights law recognizes that individuals have the right to express opinions, seek information, and share ideas through any form of media. These rights are protected through various international legal instruments and national laws.[141]

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.[142]

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.[143] This provision recognizes the role of media in ensuring the free exchange of ideas across national boundaries. It establishes that individuals should have the

[140] Media Law and Ethics (Routledge, New York).
[141] Mass Media Law (McGraw-Hill Education, New York).
[142] Universal Declaration of Human Rights, 1948, adopted by the United Nations General Assembly, Res. 217 A (III), 10 December 1948.
[143] The Constitution of India,1950 art. 19

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.[144]

International Covenant on Civil and Political Rights (1966)[145]

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.[146]

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.[147]

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.[148]

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

[144]Universal Declaration of Human Rights, 1948, adopted by the United Nations General Assembly, Res. 217 A (III), 10 December 1948.
[145] International Covenant on Civil and Political Rights, 1966, adopted by the United Nations General Assembly, Res. 2200A (XXI), 16 December 1966.
[146]United Nations, International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (entered into force 23 March 1976).
[147]*Ibid.*
[148]Office of the United Nations High Commissioner for Human Rights, *International Human Rights Law*, available at https://www.ohchr.org (last visited Mar. 10, 2026).

Windhoek Declaration adopted in 1991. This declaration emphasizes the importance of a free, independent, and pluralistic press for democracy and development.[149]

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.[150] UNESCO also promotes World Press Freedom Day and supports initiatives aimed at strengthening media independence and protecting journalists in conflict zones.[151]

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.[152] 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.[153] 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.[154]The convention ensures that individuals can seek, receive, and disseminate information through any medium.[155]

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[149]Constitution of the United Nations Educational, Scientific and Cultural Organization, 1945.

[150]UNESCO, *Windhoek Declaration on Promoting an Independent and Pluralistic African Press*, adopted at Windhoek, Namibia, 3 May 1991.

[151]UNESCO, *World Press Freedom Day*, available at https://www.unesco.org (last visited Mar. 10, 2026)

[152] Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), 1950, art. 10.

[153] European Court of Human Rights, *Handyside v. United Kingdom*, Judgment of 7 December 1976, Series A No. 24.

[154] American Convention on Human Rights (Pact of San José, Costa Rica), 1969, art. 13.

[155] *Ibid.*

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.[156]

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.[157] 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.[158]

The plan aims to:

i. Improve the safety of journalists
ii. Combat impunity for crimes against media professionals[159]
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.[160]

***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

[156] African Charter on Human and Peoples' Rights, 1981, art. 9.
[157] United Nations, *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.
[158] *Ibid.*
[159] United Nations Educational, Scientific and Cultural Organization (UNESCO), *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.
[160] United Nations General Assembly, *The Safety of Journalists and the Issue of Impunity*, U.N. Doc. A/RES/68/163 (18 December 2013).

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 Human Rights (ECHR)	Article 10 – Freedom of expression	Strong protection for press freedom	Privacy (Article 8), fair trial	Developed extensive case 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**

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 India[161].

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.[162] This right includes the freedom to express ideas through newspapers, broadcasting, and digital media.[163]

The Supreme Court of India has repeatedly affirmed that freedom of the press is an essential component of democracy.[164]

However, Article 19(2) allows reasonable restrictions on this freedom in the interests of[165]:

- National security
- Public order
- Decency or morality
- Contempt of court
- Defamation
- Incitement to an offence
- Sovereignty and integrity of India

[161] The Constitution of India, 1950.
[162] *Romesh Thappar* v. *State of Madras* 1950 *AIR 124*, 1950 SCR 594
[163] *Bennett Coleman & Co*. v. *Union of India* **AIR 1973 SC 106**
[164] *Id*., art. 19(1)(a).
[165] The Constitution of India, 1950 art. 19 (2)

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.[166]

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 (ICCPR)	Article 19, Article 17 (privacy)	Protects journalistic expression	Protects individuals from arbitrary interference	Balancing expression vs. privacy rights
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	Prevents irresponsible	Ethical journalism vs. sensationalism

[166] *Indian Express Newspapers* v. *Union of India* AIR1958SC578

		ethics and standards	reporting harming rights	
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 India)	Data privacy principles	Affects media handling of personal data	Protects informational privacy	Journalism vs. data protection rights

***The Chart above showing Media and Human Rights under Different Laws in India**

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*[167].

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*[168], 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*[169], 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.

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.[170]

Sunday Times **v.** ***United Kingdom*** **(1979)**

[167] (1976) 1 EHRR 737
[168](1986) 8 EHRR 103
[169]403 U.S. 713 (1971)
[170] *Ibid.*

In *Sunday Times* v. *United Kingdom*,[171] 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.[172]

Challenges to Media Freedom in the Modern Era[173]

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.[174]

Role of Media in Promoting Human Rights[175]

Media plays a crucial role in promoting human rights by:

- Reporting human rights violations
- Raising awareness about social issues
- Giving voice to marginalized communities
- Encouraging democratic participation

[171] (1979) 2 EHRR 245
[172] *Ibid.*
[173] Reporters Without Borders, *World Press Freedom Index 2023*.
[174] Committee to Protect Journalists, *Global Impunity Index 2023*.
[175] United Nations Human Rights Council, *The Promotion, Protection and Enjoyment of Human Rights on the Internet*, U.N. Doc. A/HRC/32/L.20 (2016).

Investigative journalism has exposed corruption, abuse of power, and violations of civil liberties in many countries.[176] By providing a platform for public debate, the media helps strengthen democratic institutions and promote accountability.[177]

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.[178] Instruments such as the Universal Declaration of Human Rights[179], the International Covenant on Civil and Political Rights[180], and regional human rights treaties[181] provide a comprehensive framework for protecting media freedom.

Organizations like the United Nations and UNESCO[182] have played a significant role in promoting press freedom and protecting journalists worldwide.[183] Landmark judicial decisions from international courts have further strengthened the legal foundations of media rights.[184]

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 Act[185]. 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.

8.4 SUMMARY

[176] Amnesty International, *Journalism Is Not a Crime: Violations of Media Freedom Worldwide*, 2022.
[177] United Nations Educational, Scientific and Cultural Organization, *World Trends in Freedom of Expression and Media Development Report*, 2021.
[178] United Nations, *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.
[179] Universal Declaration of Human Rights, 1948, art. 19
[180] International Covenant on Civil and Political Rights, 1966, art. 19
[181] Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), 1950, art. 10
[182] United Nations Educational, Scientific and Cultural Organization, *Windhoek Declaration on Promoting an Independent and Pluralistic African Press*, 1991.
[183] United Nations Educational, Scientific and Cultural Organization, *Windhoek Declaration on Promoting an Independent and Pluralistic African Press*, 1991
[184] European Court of Human Rights, *Handyside v. United Kingdom*, Judgment of 7 December 1976.
[185] **The Right to Information Act, 2005 (Act 22 of 2005)**

Media and Human Rights

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 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.[186] 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 platforms[187]. 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.[188]

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.[189]

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

[186] United Nations, *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), 10 December 1948.
[187] United Nations Human Rights Committee, *General Comment No. 34: Article 19 – Freedoms of Opinion and Expression*, U.N. Doc. CCPR/C/GC/34 (2011).
[188] *Ibid.art. 19*
[189] United Nations Educational, Scientific and Cultural Organization, *World Trends in Freedom of Expression And Media Development Report*, 2021.

public authorities.[190] Similarly, the American Convention on Human Rights[191] and the African Charter on Human and Peoples' Rights also protect freedom of expression and the right to information[192]. 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 discrimination based on race, religion, gender, or nationality. These provisions ensure that freedom of the press is exercised responsibly.[193]

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.[194]

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 Rights[195] and the International Covenant on Civil and Political Rights[196] provide the legal basis for media freedom worldwide. At the same time, organizations like UNESCO[197] 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.

8.5 GLOSSARY

i. **Freedom of Expression** – Right to share ideas and information without censorship.
ii. **Human Rights** – Basic rights and freedoms entitled to every person.

[190] Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), 1950, art. 10.
[191] American Convention on Human Rights, 1969, art. 13.
[192] African Charter on Human and Peoples' Rights, 1981, art. 9.
[193] Universal Declaration of Human Rights, 1948, art. 19.
[194] United Nations, *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, 2012.
[195] Universal Declaration of Human Rights, 1948, art. 19.
[196] International Covenant on Civil and Political Rights, 1966, art. 19
[197] United Nations Educational, Scientific and Cultural Organization, *World Trends in Freedom of Expression And Media Development Report*, 2021.

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.

8.6 REFERENCES

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3. Windhoek Declaration on Promoting an Independent and Pluralistic African Press, UNESCO, Windhoek, Namibia (May 3, 1991).
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.
6. African Charter on Human and Peoples' Rights, June 27, 1981, OAU Doc. CAB/LEG/67/3 Rev.5.
7. UN Plan of Action on the Safety of Journalists and the Issue of Impunity, U.N. Doc. CI-12/CONF.202/6 (2012).
8. Media Law and Ethics (Routledge, New York).
9. Mass Media Law (McGraw-Hill Education, New York).
10. Constitution of India, 1950.
11. Right to Information Act, 2005 (Act 22 of 2005.
12. Handyside v. United Kingdom, 1 E.H.R.R. 737 (1976).
13. Lingens v. Austria, 8 E.H.R.R. 407 (1986).
14. New York Times Co. v. United States, 403 U.S. 713 (1971).
15. Sunday Times v. United Kingdom, 2 E.H.R.R. 245 (1979).

8.7 SUGGESTED READINGS

1. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (1948).

2. International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).
3. European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 221.
4. American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123.
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10. Freedom of Expression and Human Rights (Oxford University Press, Oxford).
11. Constitution of India, 1950.
12. Right to Information Act.2005
13. UN Plan of Action on the Safety of Journalists and the Issue of Impunity, U.N. Doc. CI-12/CONF.202/6 (2012).

8.8 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**?**

8.9 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.

8.10 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-9

INTERNATIONAL MEDIA ORGANIZATIONS AND HUMAN RIGHTS

9.1 INTRODUCTION

9.2 OBJECTIVES

9.3 MAIN BODY

9.4 SUMMARY

9.5 GLOSSARY

9.6 REFERENCES

9.7 SUGGESTED READINGS

9.8 SAQs (SHOER ANSWER QUESTIONS)

9.9 TERMINAL QUESTIONS

9.10 TRUE/ FALSE

9.1 INTRODUCTION

Human rights and media freedom are closely interconnected in the modern world[198]. Media institutions play a crucial role in promoting democratic values, transparency, accountability, and the protection of fundamental human rights[199]. In the contemporary globalized society, international media organisations function as watchdogs, informing the public, exposing violations of rights, and encouraging governments to uphold their obligations under international law.[200] At the same time, the protection of media freedom itself is considered a fundamental human right because it enables the free flow of information and ideas across national borders.[201]

The international community has recognized the importance of freedom of expression and access to information through various global declarations, conventions, and treaties. Among the most significant frameworks are the Universal Declaration of Human Rights[202], the International Covenant on Civil and Political Rights[203], and the International Covenant on Economic, Social and Cultural Rights[204]. These instruments establish the legal and ethical foundation[205] for media freedom and the protection of journalists worldwide. International conventions[206] and organizations[207] also promote press freedom and safeguard the rights of media professionals[208] against censorship, intimidation, and violence.

[198]Jack Donnelly, *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca, 3rd edn., 2013,
p. 205.
[199]Rhona K. M. Smith, *International Human Rights Law*, Oxford University Press, Oxford, 7th edn., 2016, p. 314.
[200]United Nations, Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10
December 1948, Art. 19.
[201] Philip Alston and Ryan Goodman, *International Human Rights*, Oxford University Press, Oxford, 2013, p. 605.
[202] United Nations, Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10
December 1948, Art. 19.
[203] United Nations, International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966, Art. 19.
[204] United Nations, International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations
General Assembly on 16 December 1966.
[205] Rhona K. M. Smith, *International Human Rights Law*, Oxford University Press, Oxford, 7th edn., 2016, p. 322.
[206] Philip Alston and Ryan Goodman, *International Human Rights*, Oxford University Press, Oxford, 2013, p. 613.
[207] UNESCO, *World Trends in Freedom of Expression and Media Development*, Paris, 2019.
[208] Reporters Without Borders, *World Press Freedom Index Report*, Paris.

International media organizations such as global news agencies, press freedom groups, and intergovernmental bodies contribute significantly to the protection and promotion of human rights.[209] They monitor violations, advocate for legal reforms, provide platforms for free expression, and facilitate international cooperation among journalists. Through investigative reporting and global communication networks, they ensure that human rights abuses are brought to the attention of the global community.

This essay examines the relationship between international media organizations and human rights. It explores the role of the Universal Declaration of Human Rights[210] in shaping media freedoms, discusses the provisions of the ICCPR[211] and ICESCR related to freedom of expression and information, and analyzes the importance of international conventions that protect the rights of journalists and the free press. The essay also highlights the contribution of global media organizations in promoting democratic values and safeguarding human rights worldwide.

9.2 OBJECTIVES

This Unit is categorized in different topics related with Universal Declaration of Human Rights and media, ICCPR, ICESCR and media freedoms, International conventions on freedom of expression and information. Therefore the objectives for this unit are as follows:-

1. International Media Organizations and Human Rights

i. To understand the role of international media organizations in promoting and protecting human rights.
ii. To examine how global institutions support press freedom, protect journalists, and advocate ethical media practices.
iii. To analyze the contribution of organizations like UNESCO and Reporters Without Borders in defending media freedom and human rights.

2. Universal Declaration of Human Rights and Media

i. To understand the principles of human rights outlined in the Universal Declaration of Human Rights.

[209] Toby Mendel, *Freedom of Information: A Comparative Legal Survey*, UNESCO, Paris, 2nd edn., 2008, p. 18
[210] United Nations, Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948, Art. 19.
[211] United Nations, International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966, Art. 19.

ii. To examine how Article 19 guarantees freedom of opinion, expression, and the right to seek and share information through the media.
iii. To evaluate the importance of the UDHR as a global foundation for press freedom and democratic communication.

3. International Covenant on Civil and Political Rights (ICCPR) and Media Freedoms

i. To analyze how the ICCPR legally protects freedom of expression and access to information.
ii. To understand the responsibilities of governments in safeguarding media independence and limiting censorship.
iii. To examine how Article 19 of the ICCPR strengthens legal protections for journalists and media organizations.

4. International Covenant on Economic, Social and Cultural Rights (ICESCR) and Media

i. To explore how the ICESCR promotes access to education, culture, and information.
ii. To understand the role of media in supporting cultural participation and dissemination of knowledge.
iii. To examine how media contributes to the realization of economic, social, and cultural rights.

5. International Conventions on Freedom of Expression and Information

i. To study various international conventions that safeguard freedom of expression and the right to information.
ii. To analyze how these agreements encourage transparency, accountability, and democratic governance.
iii. To evaluate the role of international legal frameworks in protecting journalists and promoting open communication.

9.3 MAIN BODY

Media and Human Rights: Conceptual Relationship

Human rights are fundamental rights and freedoms that belong to every individual regardless of nationality, gender, race, religion, or social status.[212] These rights include civil, political, economic, social, and cultural rights that are essential for human dignity and development.[213]

[212] Universal Declaration of Human Rights, 1948, arts. 1, 2, 19, 21, 25.
[213] International Covenant on Civil and Political Rights, 1966, art. 19.

Media plays a critical role in ensuring that these rights are recognized, respected, and protected in society.[214]

The relationship between media and human rights can be understood in two major ways.[215] First, media itself exercises a human rights . freedom of expression[216]. Journalists and media institutions have the right to gather, produce, and disseminate information without undue interference.[217] Second, media acts as a guardian of other human rights by exposing abuses, raising public awareness, and promoting accountability among governments and institutions.

In democratic societies, the media is often referred to as the "fourth pillar of democracy" because it monitors the activities of the government and ensures transparency. Investigative journalism has historically played a significant role in uncovering corruption, human rights violations, and social injustices[218]. Through reporting and analysis, media organizations help create an informed citizenry capable of participating in democratic processes.[219] However, media freedom is not guaranteed everywhere. In many countries journalists face censorship, harassment, imprisonment, and even death for reporting on sensitive issues. Authoritarian governments often restrict media freedoms to control public opinion and suppress dissent.[220] In such contexts, international media organizations and global human rights frameworks become essential for protecting journalists and promoting press freedom.

International Media Organizations and Their Role

International media organizations refer to institutions that operate across national boundaries to provide news, information, and advocacy related to media freedom and human rights[221]. These organizations may include global news agencies, non-governmental organizations, professional journalist associations, and intergovernmental institutions.

One of the most important roles of international media organizations is monitoring and reporting violations of press freedom.[222] They collect data on attacks against journalists,

[214] Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* (2nd edn., N.P. Engel 2005).
[215] Edwin Baker, *Media, Markets, and Democracy* (Cambridge University Press 2002).
[216] Thomas I. Emerson, "The System of Freedom of Expression" (1970) 1 Random House.
[217] Pippa Norris, *A Virtuous Circle: Political Communications in Postindustrial Societies* (Cambridge University Press 2000).
[218] Amartya Sen, *Development as Freedom* (Oxford University Press 1999).
[219] Reporters Without Borders, *World Press Freedom Index* (latest available edition).
[220] Reporters Without Borders, *World Press Freedom Index* (latest available edition).
[221] Committee to Protect Journalists, *Global Impunity Index, 2024*
[222] Article 19, *Global Expression Report, 2025*.

censorship policies, and restrictions on media operations.[223] Their reports help inform the international community and influence policy decisions by governments and international bodies.[224]

Another important function is advocacy. International media organizations advocate for stronger legal protections for journalists and media workers.[225] They campaign for the release of imprisoned journalists, demand accountability for crimes against reporters, and promote policies that protect freedom of expression.[226] Training and capacity building are also essential aspects of their work. Many organizations provide professional training to journalists, especially in developing countries.[227] This training includes investigative reporting techniques[228], ethical journalism practices, digital security, and human rights reporting.[229]

International media organizations also support independent journalism[230] by providing financial assistance, legal support, and technological resources.[231] This support is particularly important in countries where local media faces economic or political pressures that threaten its independence.[232] Furthermore, these organizations encourage international cooperation among journalists.[233] They create networks and partnerships that allow media professionals from different countries to share information and collaborate on cross-border investigations.[234] Such

[223] Freedom House, *Freedom of the Press Report* , 2025.
[224] UNESCO, *World Trends in Freedom of Expression and Media Development Report2022-2025*
[225] Reporters Without Borders, *2024 World Press Freedom Index* (Reporters Without Borders, Paris, 2024).
[226] Committee to Protect Journalists, *Attacks on the Press 2023* (Committee to Protect Journalists, New York, 2023).
[227] International Federation of Journalists, *Global Charter of Ethics for Journalists* (International Federation of Journalists, Brussels, 2019).
[228] International Consortium of Investigative Journalists, *About ICIJ and Investigative Projects* (International Consortium of Investigative Journalists, Washington, D.C., updated 2024).
[229] UNESCO, *World Trends in Freedom of Expression and Media Development: Global Report 2021/2022* (UNESCO Publishing, Paris, 2022).
[230] Global Investigative Journalism Network, *GIJN Resource Center and Training Programs* (Global Investigative Journalism Network, Washington, D.C., latest updated 2024).
[231] ARTICLE 19, *Global Expression Report 2023: The State of Freedom of Expression Around the World* (ARTICLE 19, London, 2023).
[232]International Center for Journalists, *Annual Report 2022–2023* (International Center for Journalists, Washington, D.C., 2023).
[233] Marina Walker Guevara, "The Power of Collaborative Journalism" in Mark Lee Hunter (ed.), *Story-Based Inquiry: A Manual for Investigative Journalists* (UNESCO Publishing, Paris, 2019).
[234] UNESCO, *World Trends in Freedom of Expression and Media Development: Global Report 2021/2022* (UNESCO Publishing, Paris, 2022).

collaborations have been instrumental in exposing global issues such as corruption, environmental crimes, and human rights violations.[235]

Chart No.1
INTERNATIONAL MEDIA ORGANISATIONS

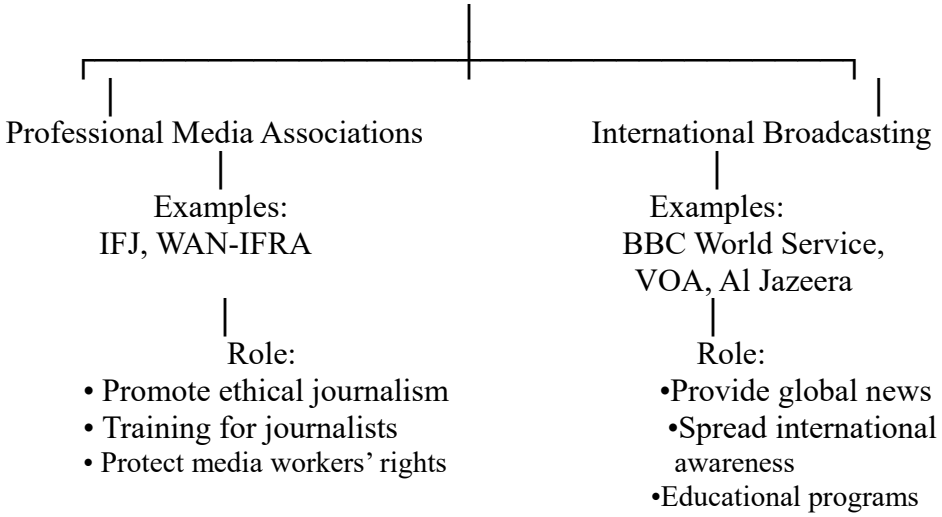
Intergovernmental Organizations	International News Agencies	Media NGOs (Non-Governmental)
Examples: UNESCO, ITU	Examples: Reuters, AP, AFP	Examples: RSF, CPJ, IPI
Role:	Role:	Role:
• Promote media freedom • Develop communication freedom • Policies worldwide against • Support media Development	Collect global news Distribute news Provide reliable information	Protect journalists Monitor press Campaign censorship

Above Chart No.1 showing International Media Organizations & Role

Chart No.2

INTERNATIONAL MEDIA ORGANISATIONS

[235]Richard Sambrook, "Are Foreign Correspondents Redundant? The Changing Face of International News" (2010)
Reuters Institute for the Study of Journalism, University of Oxford.



Above Chart No.2 showing International Media Organizations

Chart No.3

Above Chart No.3 showing International Media Platforms

Universal Declaration of Human Rights and Media

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, is one of the most significant documents in the history of human rights.[236] Although it is not legally binding, it provides the moral and philosophical foundation for international human rights law.[237]

[236] Universal Declaration of Human Rights, adopted by the United Nations General Assembly, Resolution 217 A (III), Paris, 10 December 1948.
[237] *Ibid.*

The declaration contains 30 articles that outline the fundamental rights and freedoms of all individuals. Among these, Article 19 is particularly important for media and journalism.[238] 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 and regardless of frontiers.[239]

This provision recognizes the central role of media in facilitating the free exchange of information and ideas. It emphasizes that communication should not be limited by national boundaries and that individuals have the right to access information from diverse sources. This principle is essential for the functioning of democratic societies and the protection of human rights.[240]

The Universal Declaration also highlights the importance of other rights that are closely connected to media activities. For example, Article 20 guarantees the right to peaceful assembly and association, which allows journalists and media organizations to organize and collaborate.[241] Article 21 affirms the right to participate in government, which depends on an informed public and a free press.[242]

Media organizations play a crucial role in promoting the values of the Universal Declaration of Human Rights. By reporting on human rights issues and raising awareness among the public, they help ensure that governments fulfill their commitments under international law.[243] International media coverage often draws attention to human rights abuses that might otherwise remain hidden.[244]

Furthermore, the declaration has inspired numerous national constitutions and laws that protect freedom of expression and media independence. Many countries have incorporated the principles of Article 19 into their legal systems, recognizing the importance of a free press in promoting democracy and human rights.[245]

International Covenant on Civil and Political Rights (ICCPR) and Media Freedom

[238] Universal Declaration of Human Rights, 1948, Art. 19.
[239] *Ibid.*
[240] *Ibid.*
[241] Universal Declaration of Human Rights, 1948, Art. 20.
[242] Universal Declaration of Human Rights, 1948, Art. 21.
[243] United Nations, *Universal Declaration of Human Rights*, 1948.
[244] Hersch Lauterpacht, *International Law and Human Rights* (Stevens & Sons Ltd., London, 1950).
[245] United Nations, *Universal Declaration of Human Rights*, 1948.

The International Covenant on Civil and Political Rights (ICCPR), adopted in 1966 and entered into force in 1976, is a legally binding treaty that expands upon the principles established in the Universal Declaration of Human Rights. The covenant obligates participating states to respect and protect various civil and political rights, including freedom of expression.

Article 19 of the ICCPR is particularly significant for media freedom. It guarantees three key aspects of expression: the freedom to hold opinions without interference, the freedom to seek and receive information, and the freedom to impart information and ideas through any media of choice. These rights apply regardless of national borders, emphasizing the global nature of communication.

However, the covenant also acknowledges that freedom of expression may be subject to certain restrictions. These restrictions must be clearly defined by law and must be necessary for protecting national security, public order, public health, or the rights and reputations of others. The purpose of these limitations is to balance individual freedoms with societal interests.

The ICCPR also includes provisions related to political participation, fair trials, and protection against discrimination. These rights are closely linked to the work of journalists and media organizations. For example, media reporting on elections helps ensure transparency and fairness in the democratic process.

International media organizations often rely on the ICCPR when advocating for press freedom. When journalists are imprisoned or censored, advocacy groups use the covenant to hold governments accountable for violating their international obligations. The United Nations Human Rights Committee, which monitors the implementation of the ICCPR, also reviews complaints related to restrictions on freedom of expression.[246]

Through these mechanisms, the ICCPR provides a strong legal foundation for the protection of media freedoms and the promotion of independent journalism around the world.[247]

International Covenant on Economic, Social and Cultural Rights (ICESCR) and Media

[246] International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations General Assembly,
Resolution 2200 A (XXI), 16 December 1966, entered into force on 23 March 1976.
[247] United Nations Human Rights Committee, *Rules of Procedure* and practice under the ICCPR, United Nations, New York.

While the ICCPR focuses on civil and political rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR) addresses the rights necessary for social and economic development.[248] These rights include access to education, health, work, and cultural participation.

Although the ICESCR does not explicitly focus on media freedom in the same way as the ICCPR[249], it still has important implications for the media sector. For instance, the right to education supports media literacy and the ability of individuals to critically analyze information. An educated population is better equipped to engage with media content and participate in democratic debates.[250]

The covenant also recognizes the right to participate in cultural life and benefit from scientific progress. Media organizations play a significant role in promoting cultural diversity and disseminating knowledge across societies. Television, radio, newspapers, and digital platforms provide access to cultural expressions and educational resources.[251]

Another important aspect is the right to work, which includes fair conditions for media professionals. Journalists, editors, photographers, and other media workers should have safe working environments and protection against exploitation. International organisations often advocate for labor rights within the media industry.[252]

Furthermore, the ICESCR[253] emphasizes the importance of reducing inequalities and ensuring access to information technologies.[254] In the modern digital age, access to the internet and communication infrastructure is increasingly considered essential for exercising freedom of expression[255]. International initiatives aimed at bridging the digital divide contribute to expanding media access and promoting information equality[256].

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[248] International Covenant on Civil and Political Rights, 1966, Art. 19.
[249] *Ibid.*
[250] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations General Assembly, Resolution 2200 A (XXI), 16 December 1966, entered into force on 3 January 1976.
[251] *Ibid.*
[252] International Covenant on Economic, Social and Cultural Rights, 1966, Art. 13 (Right to Education).
[253] International Covenant on Economic, Social and Cultural Rights, 1966, Art. 13 (Right to Education).
[254] International Covenant on Economic, Social and Cultural Rights, 1966, Art. 15 (Right to participate in cultural life
and enjoy the benefits of scientific progress).
[255] International Covenant on Economic, Social and Cultural Rights, 1966, Art. 7 (Right to just and favourable conditions of work).
[256] Philip Alston & Gerard Quinn, "The Nature and Scope of States Parties' Obligations under the International Covenant on Economic, Social and Cultural Rights" (1987) 9 *Human Rights Quarterly* 156.

International Conventions on Freedom of Expression and Information

Beyond the UDHR, ICCPR, and ICESCR, several international conventions and agreements address freedom of expression and access to information[257]. These frameworks provide additional protections for journalists and promote transparency in governance.

One important instrument is the UNESCO Declaration on Media Freedom and the Safety of Journalists.[258] UNESCO actively promotes press freedom as a fundamental human right and works to protect journalists from violence and intimidation. The organization organizes training programs, research initiatives, and international campaigns to strengthen media independence.[259]

Regional human rights systems also play an important role in protecting media freedoms. For example, the European Convention on Human Rights includes Article 10, which guarantees freedom of expression and information.[260] Similarly, the American Convention on Human Rights[261] and the African Charter on Human and Peoples' Rights[262] contain provisions that protect the right to communicate and receive information.

Another significant development is the growing recognition of the right to access information held by public authorities. Freedom of Information laws allow citizens and journalists to obtain government records and documents. These laws promote transparency and accountability by enabling the public to scrutinize government actions.[263]

International conventions also address the safety of journalists in conflict zones and politically unstable regions. Attacks on journalists are considered serious violations of human rights

[257] United Nations, *The International Bill of Human Rights* (comprising the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights), UN Publications, New York.

[258] UNESCO, *UNESCO Declaration on Media Freedom and the Safety of Journalists*, UNESCO, Paris.

[259] UNESCO, *World Trends in Freedom of Expression and Media Development Report*, UNESCO Publishing, Paris.

[260] European Convention on Human Rights, adopted by the Council of Europe, Rome, 4 November 1950, entered into force on 3 September 1953, Art. 10.

[261] American Convention on Human Rights, adopted at San José, Costa Rica, 22 November 1969, entered into force on 18 July 1978, Art. 13.

[262] African Charter on Human and Peoples' Rights, adopted at Nairobi, 27 June 1981, entered into force on 21 October 1986, Art. 9.

[263] Toby Mendel, *Freedom of Information: A Comparative Legal Survey* (UNESCO Publishing, Paris, 2008).

because they undermine the public's right to know. International organizations advocate for investigations into such crimes and call for stronger legal protections.[264]

The rise of digital media has introduced new challenges related to freedom of expression. Governments sometimes attempt to regulate online content through censorship, surveillance, or internet shutdowns. International conventions emphasize that the same rights that apply offline must also be protected online.[265]

A table 1 is given for students showing how major international human rights frameworks protect freedom of expression, access to information, and journalists. It highlights the article and protection contained in it.

Table 1

International Framework / Convention	Year Adopted	Key Article(s)	Protection for Freedom of Expression & Information	Importance for Journalists & Transparency
Universal Declaration of Human Rights (UDHR)	1948	Article 19	Everyone has the right to freedom of opinion and expression, including seeking, receiving, and imparting information through any media.	Establishes the global foundation for press freedom and access to information.
International Covenant on Civil and Political Rights (ICCPR)	1966	Article 19	Protects freedom of expression and the right to seek, receive, and share information and ideas.	Legally binding treaty requiring governments to protect media freedom and limit censorship.
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	Articles 13 & 15	Supports education, cultural participation, and access to knowledge and scientific progress.	Encourages access to information and knowledge that supports informed journalism and public awareness.
European Convention on	1950	Article 10	Guarantees freedom of expression and the freedom to receive and	Strong legal protection for journalists and media organizations in Europe.

[264] United Nations, *Plan of Action on the Safety of Journalists and the Issue of Impunity*, UN, New York, 2012.
[265] United Nations Human Rights Council, *The promotion, protection and enjoyment of human rights on the Internet*,
UN Doc. A/HRC/32/L.20, 27 June 2016.

Human Rights (ECHR)			impart information without interference.	
American Convention on Human Rights	1969	Article 13	Protects freedom of thought and expression and prohibits prior censorship.	Protects investigative journalism and the free flow of information in the Americas.
African Charter on Human and Peoples' Rights	1981	Article 9	Recognizes the right to receive information and express opinions.	Promotes media freedom and public access to government information in Africa.
United Nations Convention Against Corruption	2003	Articles 10 & 13	Encourages transparency in public administration and public access to information.	Supports investigative journalism and anti-corruption reporting.
Aarhus Convention	1998	Articles 4 & 5	Ensures public access to environmental information and participation in decision-making.	Enables journalists and citizens to obtain environmental data and hold governments accountable.

Above table 1 showing major international human rights frameworks protect freedom of expression, access to information, and journalists

Challenges to Media Freedom

Despite the existence of international legal frameworks, media freedom faces numerous challenges across the world. Governments may impose censorship laws, restrict access to information, or pressure media organizations through political and economic means. In some cases, journalists are subjected to harassment, arrest, or violence for reporting on sensitive topics such as corruption or human rights abuses.

Another challenge is the concentration of media ownership in the hands of a few powerful corporations. When media outlets are controlled by large conglomerates, there is a risk that commercial interests may influence editorial decisions and limit the diversity of viewpoints available to the public.[266]

[266] Eli M. Noam, *Media Ownership and Concentration in America* (Oxford University Press, New York, 2009).

The spread of misinformation and disinformation in the digital age also poses a serious threat to the credibility of media institutions.[267] False information can undermine public trust and distort democratic processes. Media organizations must adopt responsible journalism practices and fact-checking mechanisms to address this issue.[268] Technological advancements have created new opportunities for communication but have also raised concerns about surveillance and privacy. Governments and private companies can collect large amounts of personal data through digital platforms. Ensuring that these technologies are used responsibly while protecting freedom of expression is an ongoing challenge.[269] International media organizations play a crucial role in addressing these issues. They advocate for stronger legal protections, provide support to journalists under threat, and promote ethical journalism standards.[270]

The relationship between international media organizations and human rights is fundamental to the functioning of democratic societies.[271] Media freedom enables the free exchange of information and ideas, empowers citizens, and holds governments accountable for their actions. Without an independent and vibrant media landscape, the protection of human rights would be severely weakened.[272] International frameworks such as the Universal Declaration of Human Rights[273], the International Covenant on Civil and Political Rights[274], and the International Covenant on Economic, Social and Cultural Rights[275] provide the legal and ethical foundation for protecting freedom of expression and information.[276] These instruments recognize the essential role of media in promoting transparency, accountability, and public participation.[277]

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[267] UNESCO, *World Trends in Freedom of Expression and Media Development Report* (UNESCO Publishing, Paris).

[268] Claire Wardle & Hossein Derakhshan, *Information Disorder: Toward an Interdisciplinary Framework for Research and Policy Making* (Council of Europe, Strasbourg, 2017).

[269] *Ibid.*

[270] United Nations Human Rights Council, *The Right to Privacy in the Digital Age*, UN Doc. A/HRC/RES/34/7, 23 March 2017.

[271] Reporters Without Borders, *World Press Freedom Index* (annual report, Paris).

[272] Committee to Protect Journalists, *Annual Report on Attacks on the Press* (New York).

[273] Universal Declaration of Human Rights, adopted by the United Nations General Assembly, Resolution 217 A (III), Paris, 10 December 1948.

[274] International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations General Assembly, Resolution 2200 A (XXI), 16 December 1966, entered into force on 23 March 1976.

[275] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations General Assembly, Resolution 2200 A (XXI), 16 December 1966, entered into force on 3 January 1976.

[276] UNESCO, *Journalism, 'Fake News' and Disinformation: Handbook for Journalism Education and Training* (UNESCO Publishing, Paris, 2018).

[277] United Nations, *Plan of Action on the Safety of Journalists and the Issue of Impunity*, UN, New York, 2012.

International conventions and organizations further strengthen these protections by advocating for the safety of journalists, supporting independent media, and promoting access to information[278]. Through their monitoring and advocacy efforts, international media organizations bring global attention to human rights violations and encourage governments to respect their commitments under international law.[279]

However, challenges to media freedom continue to exist in many parts of the world. Political pressures, censorship, violence against journalists, and the spread of misinformation threaten the integrity of the media landscape.[280] Addressing these challenges requires collective efforts from governments, international institutions, civil society, and media professionals themselves[281]. Ultimately, the protection of media freedom is inseparable from the protection of human rights. A society that values open communication, transparency, and accountability is more likely to uphold the dignity and rights of all individuals[282]. International media organizations will continue to play a vital role in advancing these principles and ensuring that the voices of people around the world are heard.[283]

9.4 SUMMARY

This unit explains how international organizations, human rights declarations, and global conventions protect freedom of expression and access to information. It highlights the important role of media in promoting transparency, protecting human rights, and supporting democratic societies.

International media organizations play an important role in protecting human rights and promoting press freedom around the world. These organizations monitor violations against journalists, advocate for free media, and support ethical journalism. Institutions such as

[278] United Nations, *Plan of Action on the Safety of Journalists and the Issue of Impunity* (United Nations, New York,
2012).
[279] UNESCO, *World Trends in Freedom of Expression and Media Development Report* (UNESCO Publishing, Paris).
[280] United Nations Human Rights Council, *The promotion, protection and enjoyment of human rights on the Internet*,
UN Doc. A/HRC/32/L.20, 27 June 2016.
[281] Universal Declaration of Human Rights, adopted by the United Nations General Assembly, Resolution 217A (III),
Paris, 10 December 1948.
[282] International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations General Assembly,
Resolution 2200 A (XXI), 16 December 1966, entered into force on 23 March 1976.
[283] United Nations, *The International Bill of Human Rights* (UN Publications, New York).

UNESCO[284] work to promote freedom of expression and media development, while Reporters without Borders tracks press freedom and defends journalists facing threats or censorship. Through research, campaigns, and legal advocacy, these organizations encourage governments to respect media rights and democratic values.

The Universal Declaration of Human Rights[285], adopted in 1948, is a foundational document that outlines basic human rights for all people. Article 19 of the declaration guarantees the right to freedom of opinion and expression, including the right to seek, receive, and share information through any media.[286] This principle forms the basis for global media freedom and ensures that journalists and citizens can communicate ideas and information without fear of censorship or punishment.[287]

The ICCPR is a legally binding international treaty that strengthens the principles established in the UDHR.[288] Article 19 protects freedom of expression and the right to access information. It also allows certain limited restrictions to protect national security, public order, or the rights of others. The ICCPR obligates governments to respect media independence and protect journalists from unjust interference.[289]

The ICESCR focuses on economic, social, and cultural rights such as education, participation in cultural life, and access to knowledge.[290] Media plays an important role in supporting these rights by spreading information, encouraging cultural exchange, and providing educational content. By facilitating the sharing of ideas and knowledge, the media helps individuals participate fully in society.[291] Various international conventions and agreements strengthen the protection of freedom of expression and access to information.[292] These frameworks encourage

[284] UNESCO, *World Trends in Freedom of Expression and Media Development Report* (UNESCO Publishing, Paris).
[285] Universal Declaration of Human Rights, adopted by the United Nations General Assembly, Resolution 217A (III),
Paris, 10 December 1948.
[286] Universal Declaration of Human Rights, 1948, Art. 19.
[287] I*bid.*
[288] International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations General Assembly,
Resolution 2200 A (XXI), 16 December 1966, entered into force on 23 March 1976.
[289] International Covenant on Civil and Political Rights, 1966, Art. 19.
[290] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations General Assembly, Resolution 2200 A (XXI), 16 December 1966, entered into force on 3 January 1976.
[291] International Covenant on Economic, Social and Cultural Rights, 1966, Arts. 13 & 15.
[292] UNESCO, *Freedom of Information: A Comparative Legal Survey* by Toby Mendel (UNESCO Publishing, Paris,
2008).

transparency in governance, protect journalists, and promote the free flow of information across societies. By supporting open communication and accountability, these conventions help strengthen democracy and ensure that citizens are informed about issues affecting their lives.[293]

9.5 GLOSSARY

1. UDHR – A global human rights document adopted by the United Nations in 1948 that sets basic rights and freedoms for all people.
2. Article 19 (Freedom of Expression) – The right to hold opinions and to seek, receive, and share information and ideas through any media.
3. Freedom of the Press – The right of media organizations to publish news and opinions without censorship or government control.
4. Right to Information – The right of citizens to access information held by public authorities.
5. Media Independence – The ability of media institutions to operate without political or corporate interference.
6. Censorship – Government or authority control that restricts publication or broadcasting of information.
7. Pluralism – Existence of diverse media sources and viewpoints in society.
8. ICCPR (International Covenant on Civil and Political Rights) – A legally binding treaty adopted by the United Nations in 1966 protecting civil liberties and political rights.
9. Article 19 of ICCPR – Protects freedom of expression, including the freedom to seek, receive, and impart information.
10. Human Rights Committee – The UN body that monitors implementation of the ICCPR.
11. Restrictions on Expression – Limits allowed only for reasons like national security, public order, or protection of others' rights.
12. Media Accountability – Responsibility of journalists and media organizations to follow ethical standards and laws.
13. ICESCR (International Covenant on Economic, Social and Cultural Rights) – A UN treaty (1966) protecting rights related to education, work, health, and culture.

[293] United Nations Human Rights Council, *The promotion, protection and enjoyment of human rights on the Internet*,
UN Doc. A/HRC/32/L.20, 27 June 2016.

14. Cultural Rights – Rights of people to participate in cultural life and express cultural identity.
15. Right to Education – Access to education that enables people to understand and use media information.
16. Information Access Equality – Ensuring all groups have equal access to communication and media technologies.
17. Freedom of Expression – The right to express opinions and ideas without interference.
18. Freedom of Information (FOI) – The right to access information from government bodies.
19. International Covenant – A legally binding agreement between countries regarding human rights obligations.
20. Media Ethics – Principles guiding responsible journalism such as accuracy, fairness, and objectivity.
21. Digital Rights – Rights related to freedom of expression and information in the online environment.
22. Public Interest – Information that benefits society and helps citizens make informed decisions.
23. Transparency – Openness in government and institutions that allows citizens to access information.

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7. International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966.
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9.8 SHORT ANSWERS QUESTIONS

1. What is the significance of the Universal Declaration of Human Rights in protecting freedom of expression and media rights?
2. Explain the role of Article 19 of the International Covenant on Civil and Political Rights in safeguarding media freedom.
3. How does the International Covenant on Economic, Social and Cultural Rights contribute to access to information and cultural expression?
4. What are the permissible restrictions on freedom of expression under international human rights law?
5. Discuss the importance of international conventions in promoting transparency and the right to information in democratic societies.

9.9 TERMINAL QUESTIONS

1. Discuss the role of the Universal Declaration of Human Rights in establishing the foundation for freedom of expression and the role of media in democratic societies.
2. Examine the provisions of the International Covenant on Civil and Political Rights relating to freedom of expression and analyze their impact on media freedoms.
3. Critically analyze how the International Covenant on Economic, Social and Cultural Rights contributes to the promotion of cultural rights and access to information through media.
4. Evaluate the significance of international conventions and treaties in protecting freedom of expression and the right to information at the global level.
5. Discuss the relationship between international human rights instruments and media freedom, highlighting the role of the United Nations in promoting and protecting freedom of expression worldwide.

9.10 TRUE AND FALSE

1. The Universal Declaration of Human Rights recognizes freedom of opinion and expression as a fundamental human right.

   Answer: True

2. Article 19 of the International Covenant on Civil and Political Rights protects the right to seek, receive, and impart information and ideas through media.

   Answer: True

3. The International Covenant on Economic, Social and Cultural Rights focuses only on political rights and does not relate to cultural participation.

   Answer: False

4. International conventions completely prohibit any restrictions on freedom of expression.

   Answer: False

5. The United Nations plays an important role in promoting international standards for freedom of expression and media rights.

   Answer: True

UNIT 10

CONFLICTS, WAR AND HUMAN RIGHTS VIOLATIONS

SYNOPSIS

10.1 INTRODUCTION

10.2 OBJECTIVES

10.3.1 CONCEPT OF CONFLICTS, WAR AND HUMAN RIGHTS VIOLATIONS

10.3.2 TYPES OF ARMED CONFLICTS

10.3.2.1 International Armed Conflict (IAC)

10.3.2.2 Non-International Armed Conflict (NIAC)

10.3.2.3 Other Situations of Violence

10.3.3 INTERNATIONAL HUMANITARIAN LAW (IHL): THE RULES OF WAR

10.3.3.1 Sources of IHL

10.3.3.2 Core Principles of IHL

10.3.3.3 IHL and Human Rights Law: Key Differences

10.3.4 HUMAN RIGHTS VIOLATIONS IN ARMED CONFLICT

10.3.4.1 Unlawful Killing

10.3.4.2 Torture and Ill-Treatment

10.3.4.3 Forced Displacement

10.3.4.4 Sexual Violence

10.3.4.5 Starvation and Destruction of Infrastructure

10.3.4.6 Enforced Disappearances

10.3.4.7 Recruitment of Child Soldiers

10.3.5 CIVILIANS AND VULNERABLE GROUPS IN WAR

10.3.5.1 Women

10.3.5.2 Children

10.3.5.3 Refugees and Internally Displaced Persons

10.3.5.4 Ethnic and Religious Minorities

10.3.6 ACCOUNTABILITY MECHANISMS

10.3.6.1 The International Criminal Court (ICC)

10.3.6.2 Ad Hoc International Tribunals

10.3.6.3 Universal Jurisdiction

10.3.6.4 Truth and Reconciliation Commissions

10.3.6.5 The Responsibility to Protect (R2P)

10.3.7 CASE STUDIES

10.3.8 SUMMARY

10.4 GLOSSARY

10.5 REFERENCES

10.6 SUGGESTED READINGS

10.7 SHORT ANSWER QUESTIONS

10.8 TERMINAL QUESTIONS

10.9 TRUE AND FALSE

10.1 INTRODUCTION

Conflicts, wars, terrorism, and armed struggles are serious problems in today's world. They create political and economic instability and cause major human rights violations. During such situations, civilians, women, children, refugees, and minority groups suffer the most.

Conflict has existed since ancient times, but its impact on human rights has become a major concern in the modern world. The twentieth century saw two World Wars, genocide, and many civil wars that caused huge human suffering. Because of this, the international community developed laws, treaties, and institutions to protect people during armed conflicts and punish those responsible for violations. It is important to understand these laws and why human rights violations still continue despite them.

This unit discusses the meaning of armed conflict, the legal rules related to war, the human rights violations that occur during conflicts, the problems faced by vulnerable groups, and the systems created to ensure justice and accountability.

10.2 OBJECTIVES

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

1. Understand the concept of conflicts, war, terrorism, and armed conflicts.
2. Distinguish between types of armed conflicts and their legal implications.
3. Explain the framework of International Humanitarian Law and its core principles.
4. Identify the major human rights violations that occur during armed conflict.
5. Examine the specific challenges faced by women, children, refugees, and minorities in conflict.
6. Evaluate the mechanisms available for accountability for war crimes and crimes against humanity.

10.3.1 CONCEPT OF CONFLICTS, WAR AND HUMAN RIGHTS VIOLATIONS

Conflict means a serious disagreement or struggle between individuals, groups, communities, or countries. When conflicts become violent and organized, they may turn into war or armed conflict. Armed conflicts can be international, between different countries, or internal, within the same country.

Media and Human Rights

War usually involves the use of armed force between states or organized groups. Terrorism means using violence and fear to achieve political, ideological, or religious goals. Terrorist acts often target civilians and create fear and insecurity in society.

Human rights violations during conflicts are not always accidental. In many cases, they are planned and carried out deliberately.

Violations include:

- Killing of civilians
- Torture and enforced disappearances
- Sexual violence used as a weapon of war
- Recruitment and use of child soldiers
- Destruction of civilian property
- Forced displacement of populations
- Denial of food, water, and medical care
- Attacks on journalists and humanitarian workers

International Humanitarian Law and international human rights instruments seek to regulate conduct during armed conflicts and protect civilians. The major international instruments governing this area are:

Instrument	**Key Significance**
Geneva Conventions, 1949	Protect wounded soldiers, prisoners of war, and civilians
Universal Declaration of Human Rights, 1948	Establishes universal human rights standards
ICCPR, 1966	Protects civil and political rights; allows limited derogation in emergencies

Rome Statute of the ICC, 1998	Defines war crimes, crimes against humanity, and genocide
Convention on the Rights of the Child, 1989	Protects children, including in armed conflict

Table 10.1: Major International Instruments Governing Armed Conflict and Human Rights

10.3.2 TYPES OF ARMED CONFLICTS

It is important to identify the type of conflict taking place because different rules of international law apply to different kinds of conflicts.

10.3.2.1 International Armed Conflict (IAC)

This refers to war between two or more states (countries). When one nation's armed forces engage those of another, the full framework of the Geneva Conventions applies. Examples include the two World Wars, the Korean War, and the 1991 Gulf War.

10.3.2.2 Non-International Armed Conflict (NIAC)

This is armed conflict within a single country — between a government and one or more armed groups, or between armed groups themselves. Most of today's conflicts are of this type. Examples include the Syrian civil war, the conflict in the Democratic Republic of Congo, and many others. The legal framework applicable to NIACs is less comprehensive than that for international conflicts, though Common Article 3 of the Geneva Conventions and Additional Protocol II provide important protections.

10.3.2.3 Other Situations of Violence

Not every situation of violence qualifies as an armed conflict in a legal sense. Riots, sporadic acts of banditry, or isolated terrorist attacks may involve violence but may not cross the threshold of 'armed conflict' in international law. However, human rights law continues to apply in all such situations.

10.3.3 INTERNATIONAL HUMANITARIAN LAW (IHL): THE RULES OF WAR

International Humanitarian Law (IHL), also known as the 'laws of war' or 'law of armed conflict', is a set of rules that seeks to limit the effects of armed conflict. It protects people who are not participating in fighting and restricts the methods and weapons that may be used. The fundamental goal of IHL is not to prohibit war itself, but to humanize its conduct.

10.3.3.1 Sources of IHL

(i) The Geneva Conventions (1949)

There are four Geneva Conventions, adopted in the aftermath of World War II. Together they protect wounded soldiers, shipwrecked sailors, prisoners of war, and civilians. Almost every country in the world has signed these conventions, making them near universal in application.

(ii) Additional Protocols (1977 and 2005)

Two Additional Protocols were added in 1977 to strengthen protections, particularly in non-international conflicts and for civilian populations. A Third Protocol was added in 2005.

(iii) The Hague Conventions

These rules, developed from 1899 onwards, regulate the conduct of hostilities — including restrictions on weapons and methods of warfare.

(iv) Customary International Law

Many rules of IHL have become customary law — meaning they are binding on all states regardless of whether they have signed a specific treaty, because the rules are so widely accepted and consistently practised.

10.3.3.2 Core Principles of IHL

IHL is built on four fundamental principles, which every party to a conflict is bound to respect:

(i) Distinction

During conflict, parties must clearly differentiate between fighters and civilians. Attacks can only be made against fighters and military targets. Civilians and civilian property must not be targeted.

(ii) Proportionality

Even when attacking a military target, civilian harm should not be excessive. Causing large civilian casualties for a small military benefit is against this principle.

(iii) Precaution

All possible steps should be taken to reduce harm to civilians. This may include giving warnings, carefully selecting weapons, and stopping attacks if civilian damage is likely to be too high.

(iv) Necessity

Force should be used only when necessary to achieve a military objective. Unnecessary suffering or destruction is not allowed.

10.3.3.3 IHL and Human Rights Law: Key Differences

Both IHL and International Human Rights Law (IHRL) aim to protect people, but they differ in important ways:

- Human rights law applies at all times — in peace and in war — and primarily regulates the relationship between states and individuals.
- IHL applies specifically during armed conflict and binds both states and non-state armed groups.
- In situations of armed conflict, both bodies of law apply simultaneously and reinforce each other. The International Court of Justice has confirmed that human rights obligations continue to apply during armed conflict.

10.3.4 HUMAN RIGHTS VIOLATIONS IN ARMED CONFLICT

Armed conflicts often lead to serious human rights violations. These violations are usually widespread and organised. In many cases, they are not accidental but are carried out deliberately as part of a planned policy or pattern during the conflict.

10.3.4.1 Unlawful Killing

The intentional killing of civilians, prisoners of war, or specific individuals is a serious violation of International Humanitarian Law and human rights law. Large-scale killings of

civilians, such as the massacres at My Lai during the Vietnam War, Srebrenica in Bosnia, and Darfur in Sudan, are considered among the most serious human rights violations in modern history.

10.3.4.2 Torture and Ill-Treatment

The absolute prohibition on torture applies even in wartime. The Geneva Conventions explicitly forbid torture, cruel treatment, and outrages upon personal dignity. The prohibition on torture is a jus cogens norm — a fundamental rule of international law from which no derogation is ever permitted under any circumstances, including war.

10.3.4.3 Forced Displacement

During armed conflicts, millions of people are forced to leave their homes. International Humanitarian Law prohibits the forced displacement of civilians unless it is necessary for their safety or due to urgent military reasons. When people across international borders to escape conflict, they may become refugees and receive protection under the 1951 Refugee Convention.

10.3.4.4 Sexual Violence

Sexual violence, including rape, has often been used deliberately during wars and conflicts. It is used to spread fear, break communities, and humiliate people. During the conflicts in the former Yugoslavia and Rwanda in the 1990s, international courts recognized systematic rape as a crime against humanity and, in some cases, an act of genocide. The United Nations Security Council Resolution 1820 (2008) also recognizes sexual violence as a method used in war.

10.3.4.5 Starvation and Destruction of Infrastructure

Deliberately using starvation as a weapon of war is a war crime under the Rome Statute of the International Criminal Court. Destroying objects essential for civilian survival — such as food stocks, water systems, agricultural land, and hospitals — is likewise expressly prohibited under IHL.

10.3.4.6 Enforced Disappearances

In many conflicts, people are taken away by government forces or armed groups. They may be arrested, detained, or kidnapped. Their families are not told where they are or what has happened to them. This is called enforced disappearance. It causes great suffering to both the missing person and their family members. The International Convention for the Protection of All Persons from Enforced Disappearance (2006) was adopted to prevent this serious human rights violation and protect people from disappearing without a trace.

10.3.4.7 Recruitment and Use of Child Soldiers

Recruiting children under the age of 15 into armed forces or using them actively in hostilities is a war crime under the Rome Statute. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000) raises this age threshold to 18 for direct participation in hostilities.

10.3.5 CIVILIANS AND VULNERABLE GROUPS IN WAR

While all civilians suffer in conflict, certain groups are particularly at risk because of their social position, age, gender, or identity.

10.3.5.1 Women

Women face many special difficulties during armed conflicts. They are often victims of sexual violence, trafficking, and other forms of abuse. Many women also carry the responsibility of caring for displaced families during conflicts. Even though women are greatly affected by war, they are often left out of peace talks and decision-making processes. The Women, Peace and Security agenda, based on UN Security Council Resolution 1325 (2000), aims to increase women’s participation in conflict prevention, peace-building, and post-conflict reconstruction.

10.3.5.2 Children

Children are among the most vulnerable victims of armed conflicts. They may be killed or injured in attacks, forced to become child soldiers, separated from their families, or denied education and medical care. Many children also face trafficking and sexual exploitation during conflicts. The UN Convention on the Rights of the Child, along with the work of UNICEF and the UN Special Representative for Children and Armed Conflict, helps in protecting children during such situations.

10.3.5.3 Refugees and Internally Displaced Persons (IDPs)

People who escape armed conflicts face many dangers and difficulties. Refugees, who cross international borders, are protected under the 1951 Refugee Convention and the 1967 Protocol. Their protection is supervised by the United Nations High Commissioner for Refugees (UNHCR).

Internally displaced persons (IDPs) are people who leave their homes but remain within their own country. They do not have the same specific international legal protection as refugees. However, the UN Guiding Principles on Internal Displacement (1998) provide guidelines for their protection and support.

10.3.5.4 Ethnic and Religious Minorities

Minority groups are often targeted during armed conflicts, especially in conflicts based on ethnic or religious differences. Serious crimes against minorities may amount to crimes against humanity or genocide. The Genocide Convention of 1948 provides special protection against such acts.

10.3.6 Accountability Mechanisms

In the past, people responsible for war crimes and crimes against humanity often escaped punishment. Today, different national and international systems exist to punish offenders and provide justice to victims.

10.3.6.1 The International Criminal Court (ICC)

The International Criminal Court (ICC) was established in 2002 under the Rome Statute. It is the first permanent international court that deals with war crimes, crimes against humanity, genocide, and the crime of aggression. The ICC can prosecute individuals, including heads of state, when national courts are unable or unwilling to take action. However, the Court also faces several challenges and limitations.

Such as the major powers such as the United States, China, and Russia are not its members. None of these nations recognise the jurisdiction of it over their citizens.

10.3.6.2 Ad Hoc International Tribunals

Before the ICC, special tribunals were created to deal with specific conflicts:

- International Criminal Tribunal for the former Yugoslavia (ICTY) — established in 1993, concluded in 2017

- International Criminal Tribunal for Rwanda (ICTR) — established in 1994 to prosecute those responsible for the genocide
- Special Court for Sierra Leone — addressed crimes committed during the civil war (1991–2002)
- Extraordinary Chambers in the Courts of Cambodia — tried leaders of the Khmer Rouge

10.3.6.3 Universal Jurisdiction

The principle of universal jurisdiction holds that national courts may prosecute individuals for the most serious international crimes regardless of where the crimes were committed and regardless of the nationality of the accused or the victim. This principle has been used in several countries to try suspected war criminals who had settled abroad.

10.3.6.4 Truth and Reconciliation Commissions

These are non-judicial bodies established to document what happened during a conflict or period of repression, acknowledge victims, and recommend reforms. They do not necessarily punish perpetrators but aim to establish a shared historical record and support social healing. South Africa's Truth and Reconciliation Commission following the apartheid era is the most widely studied example.

10.3.6.5 The Responsibility to Protect (R2P)

The Responsibility to Protect (R2P) was adopted at the United Nations World Summit in 2005. It is based on three main responsibilities:

(i) Every state has a duty to protect its people from genocide, war crimes, ethnic cleansing, and crimes against humanity.
(ii) The international community should help states in fulfilling this responsibility.
(iii) If a state fails to protect its people, or is itself responsible for such crimes, the international community has a responsibility to take action. As a last option, this may include military intervention approved by the UN Security Council.
In practice, R2P has remained controversial. Its use in Libya in 2011 created debate because some believed it was used not only for humanitarian protection but also for changing the government.

10.3.7 CASE STUDIES

10.3.7.1 The Rwandan Genocide (1994)

In 100 days in 1994, an estimated 800,000 to one million Tutsi and moderate Hutu were killed in Rwanda. The genocide occurred against the backdrop of a civil war and was preceded by years of systematic ethnic incitement through radio broadcasts. The international community, including the United Nations, largely failed to intervene. The International Criminal Tribunal for Rwanda subsequently prosecuted many of those responsible. The Rwandan genocide remains one of the starkest examples of international failure to protect civilians and of the consequences of state-sponsored hate speech.

10.3.7.2 The Srebrenica Massacre (1995)

In July 1995, Bosnian Serb forces led by General Ratko Mladic killed around 8,000 Bosniak Muslim men and boys in Srebrenica. The town had been declared a United Nations "safe area." Although Dutch UN peacekeepers were present, they could not stop the killings. Later, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Court of Justice declared these killings as genocide. The Srebrenica massacre showed the weaknesses of UN peacekeeping systems and the need for stronger protection measures.

10.3.7.3 The Syrian Conflict (2011–present)

The Syrian conflict began in 2011 when peaceful protests were suppressed with violence. Over time, it became one of the biggest humanitarian crises of the twenty-first century. Many parties involved in the conflict were accused of serious human rights violations. These included using chemical weapons against civilians, attacking hospitals and schools, stopping food and medicines from reaching people, and carrying out mass violence. More than 13 million Syrians were displaced from their homes, leading to one of the largest displacement crises in the world.

10.3.8 SUMMARY

Conflicts, wars, and armed struggles create serious threats to human rights and human dignity. During armed conflicts, civilians often suffer from violence, forced displacement, sexual crimes, and lack of basic necessities.

International Humanitarian Law, mainly based on the Geneva Conventions and related laws, tries to control how wars are fought. Its main principles — distinction, proportionality, precaution, and necessity — are meant to protect people who are not taking part in fighting. However, violations of these rules still happen frequently.

Some groups, such as women, children, refugees, and minorities, are more vulnerable during conflicts. International law provides special protection for these groups, but proper implementation remains a major challenge.

Ensuring accountability for violations is important for justice and to prevent future crimes. The International Criminal Court, special international tribunals, universal jurisdiction, and truth commissions together help in providing international justice. The Responsibility to Protect principle states that when a state fails to protect its people, the international community has a collective responsibility to take action.

10.4 GLOSSARY

Armed Conflict: A situation involving organized violence between states or non-state groups, governed by International Humanitarian Law.

International Humanitarian Law (IHL): The body of international law that regulates the conduct of armed conflict and seeks to limit its effects on people.

War Crime: A serious violation of International Humanitarian Law during an armed conflict, such as deliberately targeting civilians or using prohibited weapons.

Crime against Humanity: A widespread or systematic attack directed against any civilian population, including murder, torture, rape, forced displacement, and enforced disappearance.

Genocide: Acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group.

Refugee: A person who has fled their country due to a well-founded fear of persecution on grounds of race, religion, nationality, political opinion, or membership of a particular social group.

Internally Displaced Person (IDP): A person who has been forced to flee their home but remains within their own country's borders.

Jus Cogens: Fundamental, non-derogable norms of international law from which no departure is ever permitted, such as the prohibition of torture and genocide.

R2P (Responsibility to Protect) is an international principle adopted by the United Nations in 2005. It means that every state has a responsibility to protect its people from serious crimes such as genocide, war crimes, ethnic cleansing, and crimes against humanity.

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10.7 SHORT ANSWER QUESTIONS

1. Define International Humanitarian Law.
2. What is the principle of distinction in IHL?
3. Mention any two human rights violations that occur during armed conflicts.
4. What is the Responsibility to Protect?

10.8 TERMINAL QUESTIONS

1. Explain the types of armed conflicts recognized under international law and the legal framework applicable to each.

2. Critically examine the human rights violations that occur during armed conflict with reference to relevant international instruments.
3. Analyse the specific challenges faced by women, children, and refugees in conflict situations.
4. Evaluate the effectiveness of the International Criminal Court as a mechanism for accountability for war crimes and crimes against humanity.

10.9 TRUE AND FALSE

1. Human rights violations increase during armed conflicts. — True
2. The Geneva Conventions apply only to conflicts between states. — False
3. The International Criminal Court has jurisdiction over all countries in the world. — False
4. Forced displacement of civilians as a deliberate strategy is prohibited under International Humanitarian Law. — True

UNIT – 11

MEDIA AND DEVELOPMENT: HUMAN RIGHTS PERSPECTIVE

SYNOPSIS

11.1 INTRODUCTION

11.2 OBJECTIVES

11.3.1 MEDIA AND DEVELOPMENT: HUMAN RIGHTS PERSPECTIVE

11.3.1.1 What is Development?

11.3.1.2 Relationship between Media and Development

11.3.1.3 Media as a Watchdog for Human Rights

11.3.2 ROLE OF MEDIA IN PROMOTING EDUCATION

11.3.2.1 Media and Literacy

11.3.2.2 Digital Media and Learning

11.3.2.3 Media and Girls' Education

11.3.3 ROLE OF MEDIA IN PROMOTING HEALTH

11.3.3.1 Health Awareness Campaigns

11.3.3.2 Media during Health Emergencies

11.3.3.3 Risks of Irresponsible Health Reporting

11.3.4 ROLE OF MEDIA IN PROMOTING GENDER EQUALITY

11.3.4.1 Media highlighting Gender Issues

11.3.4.2 Women's Representation in Media

11.3.4.3 Negative Portrayals and Stereotypes

11.3.5 SOCIAL MEDIA AS A PLATFORM FOR RIGHTS-BASED DEVELOPMENT MOVEMENTS

11.3.5.1 The Empowering Role of Social Media

11.3.5.2 Major Rights Movements on Social Media

11.3.5.3 Challenges and Negative Effects

11.3.6 COMMERCIALIZATION OF MEDIA VS. DEVELOPMENTAL RESPONSIBILITY

11.3.6.1 What is Commercialization?

11.3.6.2 Effects of Commercialization

11.3.6.3 Developmental Journalism

11.3.7 MEDIA ETHICS AND SOCIAL RESPONSIBILITY

11.3.7.1 Meaning of Media Ethics

11.3.7.2 Core Ethical Principles

11.3.7.3 Social Responsibility Theory of Media

11.3.8 SUMMARY

11.4 GLOSSARY

11.5 REFERENCES

11.6 SUGGESTED READINGS

11.7 SHORT ANSWER QUESTIONS

11.8 TERMINAL QUESTIONS

11.9 TRUE AND FALSE

11.1 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.

11.2 OBJECTIVES

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

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

11.3.1 MEDIA AND DEVELOPMENT: HUMAN RIGHTS PERSPECTIVE

Media and development are deeply connected. To understand this connection, we need to first understand what development means — and then see how media supports or undermines it.

11.3.1.1 What is Development?

Development is not just about economic growth. It is not just about roads, factories, or GDP figures. True development is about people.

Nobel Prize-winning economist Amartya Sen described development as 'freedom.' A society is developed when its people are free — free from poverty, free from ignorance, free from discrimination, free from disease, and free from fear.

From a human rights perspective, development means that every person — regardless of their gender, religion, caste, class, or location — should enjoy:

- Access to quality education
- Access to adequate healthcare
- The right to a decent livelihood
- Equal treatment before the law
- Freedom of expression and participation
- Protection from violence and discrimination

When any of these rights are denied, development is incomplete. Media plays a key role in making development possible by informing, educating, and mobilizing people.

11.3.1.2 Relationship between Media and Development

Media connects governments with citizens. It tells people about welfare schemes, laws, and opportunities they may not otherwise know about.

Media educates people. A farmer who hears about a new agricultural technique on the radio can improve their livelihood. A woman who watches a program about her legal rights can protect herself from abuse. A student who accesses online learning materials can improve their knowledge.

Media also motivates people. Stories of success and change inspire others to take action. When media covers the achievements of women leaders, it encourages other women to participate in public life. When it highlights community-led development projects, it motivates others to replicate them.

Furthermore, media holds power accountable. Investigative journalism exposes corruption, misuse of public funds, environmental damage, and human rights abuses. Without media, many of these wrongs would go unnoticed and unpunished.

11.3.1.3 Media as a Watchdog for Human Rights

One of the most important roles of media is acting as a watchdog. This means media watches over the actions of governments, corporations, and other powerful institutions on behalf of ordinary citizens.

When a government fails to deliver food rations to the poor, the media can report it. When a factory illegally dumps waste into a river, the media can expose it. When minorities are targeted with violence and the state does nothing, the media can highlight it.

This watchdog function is crucial for human rights protection. It creates accountability. It makes it harder for those in power to act with impunity. It gives voice to those who have no other platform.

For media to perform this role effectively, it must be independent. A media that is controlled by the government or by powerful business interests cannot honestly expose their wrongs. Press freedom the freedom of journalists to report without censorship, threats, or interference is therefore a fundamental condition for media to serve development and human rights.

11.3.2 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.

11.3.2.1 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.

11.3.2.2 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.

11.3.2.3 Media and Girls' Education

In many parts of India and the world, girls are still denied education. Poverty, social customs, early marriage, and safety concerns keep millions of girls out of school.

Media has played an important role in changing these attitudes. Television serials dealing with girls' education, news stories about women achievers, and campaigns like 'Beti Bachao, Beti Padhao' have helped shift public opinion.

When media repeatedly shows stories of girls who went to school, got educated, and transformed their lives, it sends a powerful message to families and communities. It normalizes the idea that girls deserve education just as much as boys.

Media also informs parents about government schemes — free textbooks, mid-day meals, scholarships, free uniforms — that reduce the cost of sending children to school. This information can make the difference between a child staying in school or dropping out.

11.3.3 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.

11.3.3.1 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 handwashing, 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.

11.3.3.2 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.

11.3.3.3 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.

11.3.4 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.

11.3.4.1 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 under-representation 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.

11.3.4.2 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.

11.3.4.3 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.

11.3.5 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.

11.3.5.1 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.

11.3.5.2 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 #MeToo 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.

11.3.5.3 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.

11.3.6 COMMERCIALIZATION OF MEDIA VS. DEVELOPMENTAL RESPONSIBILITY

Today, most media organizations are businesses. They need money to operate. This money comes largely from advertisers — companies that pay to show their products to the media's audience. The larger the audience, the more advertisers pay. This creates a powerful incentive for media to do whatever attracts the biggest audience, regardless of whether it serves the public interest.

11.3.6.1 What is Commercialization?

Commercialization of media means that profit has become the primary objective of media organizations. News and content decisions are made based on what will generate the most revenue, rather than what is most important or useful to the public.

This is not entirely new — media has always had commercial elements. But in recent decades, with the explosion of television channels, news websites, and digital platforms, competition for audiences has intensified greatly. Media organizations are under constant pressure to attract viewers, readers, and clicks.

11.3.6.2 Effects of Commercialization

Commercialization has both positive and negative effects on media.

Positive Effects

Commercial pressures have driven investment in technology and infrastructure. They have expanded media's reach to remote areas. Competition has improved production quality. The availability of numerous news channels and platforms has increased the overall amount of information available.

Negative Effects

However, commercialization has also pushed media away from its developmental and social responsibility role.

- **Entertainment over information:** Media often focuses on celebrity news and sensational stories instead of important social and development issues.
- **Paid news:** Some media outlets publish favorable stories for money, reducing public trust in journalism.
- **Advertiser influence:** Dependence on advertisers can affect editorial independence and limit critical reporting.
- **Neglect of marginalized groups:** The issues of rural and disadvantaged communities often receive little media attention.
- **Sensationalism:** Media may exaggerate stories to attract viewers, leading to misinformation and fear.

11.3.6.3 Developmental Journalism

Developmental journalism focuses on social welfare, human rights, and development issues. It goes beyond reporting events and examines the causes of problems such as poverty and inequality. It highlights the concerns of poor and marginalized communities and seeks solutions to social issues. Public service media, such as Doordarshan and All India Radio, have traditionally supported this role. While media organizations need financial sustainability, they must also balance commercial interests with their responsibility to serve the public good.

11.3.7 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.

11.3.7.1 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.

11.3.7.2 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.

11.3.7.3 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.

11.3.8 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.

11.4 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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11.7 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?

11.8 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.

11.9 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-12

DIGITAL MEDIA, TECHNOLOGY AND HUMAN RIGHTS

12.1 Introduction

12.2 Objectives

12.3.1 Digital Media and Human Rights

12.3.2 Social Media and Human Rights Awareness

12.3.3 Fake News and Misinformation

12.3.4 Hate Speech in Digital Media

12.3.5 Privacy and Data Protection

12.3.6 Cyber Security and Digital Safety

12.3.7 Digital Rights and Internet Freedom

12.3.8 Responsible Use of Digital Media

12.3.9 Summary

12.4 Glossary

12.5 References

12.6 Suggested Readings

12.7 Short Answer Questions

12.8 Terminal Questions

12.9 True and False

12.1 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.

12.2 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.

12.3.1 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.

12.3.2 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.

12.3.3 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.

12.3.3.1 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.

12.3.3.2 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.

12.3.4 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.

12.3.5 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.

12.3.6 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 cybercrime police units, and international cooperation to fight digital crime.

12.3.7 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.

12.3.8 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.

12.3.9 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.

12.4 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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12.7 SHORT ANSWER QUESTIONS

1. What is digital media?
2. Define fake news.
3. What is meant by privacy?
4. Define data protection.

12.8 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?

12.9 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

UNIT – 13

MEDIA TRIALS AND HUMAN RIGHTS

13.1 INTRODUCTION
13.2 OBJECTIVES
13.3.1 MEANING OF MEDIA TRIAL
13.3.2 ROLE OF MEDIA IN A DEMOCRACY
13.3.3 HUMAN RIGHTS AND FAIR TRIAL
13.3.4 FREEDOM OF SPEECH AND FREEDOM OF PRESS
13.3.5 IMPACT OF MEDIA TRIALS ON HUMAN RIGHTS
13.3.5.1 Violation of Presumption of Innocence
13.3.5.2 Influence on Judicial Process
13.3.5.3 Violation of Privacy
13.3.5.4 Mental Harassment and Social Pressure
13.3.5.5 Sensationalism and Misinformation
13.3.6 MEDIA TRIALS IN INDIA
13.3.7 IMPORTANT JUDICIAL DECISIONS
13.3.7.1 Sahara India Real Estate Corporation Ltd. v. SEBI (2012)
13.3.7.2 Manu Sharma v. State (NCT of Delhi)
13.3.7.3 R.K. Anand v. Registrar, Delhi High Court
13.3.7.4 Jessica Lal Murder Case
13.3.8 ROLE OF SOCIAL MEDIA IN MEDIA TRIALS
13.3.9 ETHICS AND RESPONSIBILITIES OF MEDIA
13.3.10 NEED FOR BALANCE BETWEEN MEDIA FREEDOM AND HUMAN RIGHTS
13.3.11 SUMMARY
13.4 GLOSSARY
13.5 REFERENCES
13.6 SUGGESTED READINGS
13.7 SHORT ANSWER QUESTIONS
13.8 TERMINAL QUESTIONS
13.9 TRUE AND FALSE

13.1 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.

13.2 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.

13.3.1 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.

13.3.2 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.

13.3.3 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.

13.3.4 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.

13.3.5 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.

13.3.5.1 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.

13.3.5.2 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.

13.3.5.3 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.

13.3.5.4 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.

13.3.5.5 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.

13.3.6 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.

13.3.7 IMPORTANT JUDICIAL DECISIONS

13.3.7.1 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.

13.3.7.2 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.

13.3.7.3 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.

13.3.7.4 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.

13.3.8 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.

13.3.9 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.

13.3.10 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.

13.3.11 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.

13.4 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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13.7 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?

13.8 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.

13.9 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