

MEDIA AND HUMAN RIGHTS

"We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights."

-UN Secretary-General Kofi Annan

Etymology of Human Rights

The concept of human rights indeed has deep roots in human civilizations, but the contemporary conception of human rights, as we understand it today, emerged during the period of the Renaissance and the Enlightenment. These historical eras, spanning from the 14th to the 18th centuries, witnessed significant intellectual, social, and political transformations that shaped the modern understanding of human rights.

During the Renaissance, there was a renewed interest in human dignity, individualism, and human potential. During this period emphasis was laid on the importance of human reason, education, and cultural achievements. However, it was during the Enlightenment that the ideas of human rights took a more concrete shape. The Enlightenment, characterized by rational thinking, scientific progress, and a questioning of traditional authority, laid the foundation for the modern conception of human rights. It is important to note that the understanding of human rights continued to evolve and expand over time.

The Universal Declaration of Human Rights¹, adopted by the United Nations General Assembly in 1948, stands as a milestone in the international recognition of human rights. It sets out a comprehensive framework of rights and freedoms to which all individuals are entitled, regardless of their race, gender, nationality, or other characteristics. In almost all liberal democracies, it is generally recognized that restrictions should be the exception and free expression the rule; nevertheless, compliance with this principle is often lacking.

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[https://www.ohchr.org/en/universal-declaration-of-human-rights#:~:text=The%20Universal%20Declaration%20of%20Human%20Rights%20\(UDHR\)%20is%20a%20milestone,rights%20to%20be%20universally%20protected.](https://www.ohchr.org/en/universal-declaration-of-human-rights#:~:text=The%20Universal%20Declaration%20of%20Human%20Rights%20(UDHR)%20is%20a%20milestone,rights%20to%20be%20universally%20protected.)

Media

In the contemporary world, the media holds a significant and indispensable role. It is often regarded as the fourth pillar of governance, alongside the legislative, executive, and judicial branches. This is due to its ability to shape public perception by influencing the portrayal of innocence or guilt, granting it substantial control. Such control is made possible through the media's ability to frame the collective mindset of the masses and determine what is considered just and fair. Social media, in particular, acts as a powerful equalizer, providing a platform for anyone who wishes to engage, empowering individuals with knowledge, strength, and a voice.²

The media has a profound impact on society in various ways. It serves as a means for the general public to access information about various topics, influencing their perspectives and decision-making processes. Through its ability to keep individuals informed and aware of current events and global affairs, the media becomes a primary source from which everyone derives current updates. The media is regarded as a "mirror" of modern society; tainted or not, it is the media that molds our lives. The media's main objective should be the swift dissemination of information to the public. This implies that the more active the media is, the faster human rights can be safeguarded. Increased media activity holds the potential to address social injustices and human rights violations promptly. It is the role of the media to monitor individuals in positions of authority, restraining their arbitrary actions, and revealing any misconduct to the general public. By fulfilling this role, the media contributes to holding power accountable and raising awareness about wrongdoing.

The media has experienced a significantly dramatic increase in influence, scale, and globalization in recent years. However, the close relationships that have developed between the commercial sector, politics, and the news media have rendered it challenging to perceive the media as objective or unbiased. In order for the media to have meaningful value in democracies, it is crucial that its ownership and control adhere to democratic principles and promote transparency. Additionally, the media should actively advocate for human rights. By ensuring democratic ownership and transparent control, the media can fulfill its essential role in providing accurate information and fostering an informed citizenry. The primary responsibility of the press is to offer comprehensive and impartial coverage of a nation's social, economic, and political landscape. By doing so, it serves as a vital check on potential abuses of power by government officials and aids in holding those in positions of authority accountable to the public they are meant to represent.

The freedom of the press is a fundamental pillar of a thriving democracy, playing a crucial role in the personal and societal development of every individual. It is through the media that the truth can be investigated and uncovered, making it an invaluable tool for promoting transparency and unveiling important information. Article 19(1)(a) of the Indian Constitution safeguards the right to express ideas and opinions through various means, such as speaking, writing, printing, and visual or auditory communication. This provision encompasses the freedom to publish and disseminate information through print media. It includes the right to voice one's thoughts and the freedom of the press. Newspapers, magazines, and movies are

² Role of Media in Protection of Human Rights, Vikas Yadav, Higher Education of Social Science, 19(1), 81-84, <https://core.ac.uk/download/pdf/353679816.pdf>

all recognized as viable mediums for sharing information. In India, press freedom is considered equal to the right to free speech, without any special privileges beyond those available to all citizens. The Supreme Court of India has emphasized the importance of protecting press freedom in a democratic society through various judgments. The press plays a vital role in serving the public interest by providing information necessary for informed decision-making.

At times, the press publishes articles and stories that uncover the flaws of the government, which can lead to attempts by the government to restrict press freedom. Freedom of the media is essential for the protection of all other human rights. It allows journalists and media organizations to gather and disseminate information without undue interference or censorship. This enables them to shed light on instances of torture, discrimination, corruption, and misuse of power. Investigative journalists often uncover facts and bring them to the public's attention, initiating a process of addressing human rights violations. By making information known to the public, the media acts as a watchdog, holding governments and powerful individuals accountable. Transparency and public awareness are fundamental for redressing human rights violations. When the media exposes such violations, it creates pressure for action and serves as a catalyst for change. Media coverage can contribute to public discourse, shape public opinion, and mobilize collective action to address human rights abuses. Moreover, the media acts as a platform for diverse voices and opinions, providing a forum for open debate and discussion. It allows marginalized groups and individuals to express their views and concerns, contributing to a more inclusive and participatory society.

However, it's important to note that media freedom and independence can face challenges in many parts of the world. Threats to journalists, censorship, and attempts to control the media undermine the vital role it plays in protecting human rights.

World Press Freedom, India

On World Press Freedom Day (WPFD) (3rd May), the World Press Freedom Index 2023 was published by Reporters Without Borders (RSF).³

World Press Freedom Day was proclaimed by the UN General Assembly in 1993, following the recommendation of UNESCO's General Conference in 1991. The day also marks the 1991 Windhoek Declaration (adopted by UNESCO). To raise public awareness of the value of press freedom, the importance of protecting journalists' rights, and the importance of encouraging independent, free media.⁴

The theme for 2023: "Shaping a Future of Rights: Freedom of Expression as a Driver for All Other Human Rights"

Norway, Ireland, and Denmark occupied the top three positions while Vietnam, China, and North Korea were at the bottom of the list.

Since the 1990s, the Indian media sector has experienced tremendous growth. Today, more than 100,000 newspapers and publications are registered, and there are close to 400 news stations available in different languages. The government has not yet approved 150 news channels. Broadcast television networks in India, like print media, are self-regulated, frequently have substantial corporate ownership and political links, and there are no restrictions on cross-media ownership. Many media owners, who are beholden to the political elite or who wish to further their commercial interests, have begun pressuring journalists to limit their reporting, alter their editorial stance, or simply engage in self-censorship. Because major media owners are so reliant on government advertising and do not challenge the government on its press freedom record, press freedom is in a sad state. Around 13 journalists are detained in India, and one has been slain since January of this year, according to the RSF report. According to a number of precise identities, 55 journalists were detained, lodged, and intimidated for covering COVID-19 during the epidemic.

Journalists have been trapped in the middle of fighting in Kashmir, which India administers, and their predicament has been significantly worse after India withdrew the region's semi-autonomy in 2019. In Kashmir, where journalists are frequently harassed by police and paramilitaries and some are held in what is referred to as "provisional" detention for years, the situation is still highly concerning, the study stated. This narrative has led critical journalists to be systematically deemed as anti-national and anti-India. This can have dramatic repercussions, like the dreadful murder of journalist Gauri Lankesh in 2017.

Lankesh, 55, who was the publisher and editor of the regional daily Gauri Lankesh Patrika, was gunned down by unidentified assailants at her home in the southern city of Bengaluru. Gauri's murder had revived memories of the 2015 murder of Kalburgi, the 77-year-old former vice-chancellor of Hampi University. According to her friends and close allies, Lankesh was known for her outspoken writings in which she fearlessly expressed her thoughts and was never afraid to call a spade a spade, which plainly irritated the governing elite. Journalists have almost constantly reported threats, intimidation, and harassment from political figures,

³ Reporters Without Borders, <https://rsf.org/en>

⁴ 2023 World Press Freedom Index – journalism threatened by the fake content industry, Christophe Deloire, RSF Secretary-General, <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>

security personnel, and criminal gangs in various places, particularly smaller towns and cities. Attacks have occasionally been fatal. The murder of journalist Jamal Khashoggi, a longtime resident of the United States, at the Saudi Arabian Consulate in Istanbul, Turkey, in October 2018 appalled the whole world. People should be allowed to practice their fundamental rights and human rights without worrying about retaliation from the government, punishment, or injury. Jamal Khashoggi gave his life as payment for his political views. Many nations made an effort to appear to be press-friendly after Khashoggi's death by criticizing the Saudis responsible. They concealed themselves under his sacrifice. But just as we demand justice from Saudi Crown Prince Mohammed bin Salman, who gave the order that resulted in Khashoggi's killing, these leaders must also answer for their nations' crimes against the media.

An everyday reality of contemporary life is the worldwide attack on journalists. The Committee to Protect Journalists' statistics show that since 1992, 1,455 journalists have died, 1,979 have been imprisoned, and 69 have gone missing in different parts of the world. Many of these nations profess support for UN standards and make human rights commitments even as they assault journalists. Press freedom in the nation had come under scrutiny following the departure of one of India's most well-known TV journalists from a network that was recently bought by a wealthy entrepreneur. The network's initial investors Prannoy and Radhika Roy resigned from the board of directors and a day later, 47-year-old Ravish Kumar announced his departure from New Delhi Television Ltd (NDTV).⁵

Security personnel and other Central forces physically assaulted three journalists covering the resurgence of violence at New Checkon, Imphal on Monday, May 22.

The incident unfolded when the three journalists were capturing footage of a burning building from an unfinished structure near Brighter Academy School, New Checkon, Imphal.

The three journalists who were allegedly assaulted are Soram Inaoba, Nongthombam Johnson and Brahmacharimayum Dayananda, however, no major injuries were reported.

As per a report, the three media persons along with a few other journalists were taking photos and videos of the arson from the said structure when personnel of the Jat Regiment, who were spread out below the building accused the media persons of pelting stones at the UAV reportedly operated by the Security Forces.⁶

⁵ Aljazeera,
<https://www.aljazeera.com/news/2022/12/1/concerns-over-free-press-in-india-after-ndtvs-ravish-kumar-quits>

⁶ India Today,
<https://www.indiatodayne.in/manipur/story/manipur-indian-journalists-union-demands-suspension-of-personnel-involved-in-alleged-attack-on-scribes-by-security-forces-563047-2023-05-24#:~:text=The%20three%20journalists%20who%20were.no%20major%20injuries%20were%20reported.>

WORLD: ABUSES IN REAL TIME

Killed since 1st January
2023

9

- 8 journalists
- 1 media workers

Detained as of today

558

- 536 journalists
- 22 media workers

-RSF: REPORTERS WITHOUT BORDERS.

The 21st edition of Reporters Without Borders (RSF) World Press Freedom Index shines a light on significant and frequently drastic developments related to political, social, and technical upheavals. The situation is "very serious" in 31 countries, "difficult" in 42, "problematic" in 55, and "good" or "satisfactory" in 52, according to the 2023 World Press Freedom Index, which assesses the environment for journalism in 180 countries and territories and is released on World Press Freedom Day (3 May). In other words, just three out of 10 nations have adequate journalism environments, while the other seven have "bad" environments. The result of the bogus content industry is threatening. The 2023 Index draws attention to the quick changes in press freedom brought about by the false content market in the digital environment. Most of the respondents to the Index questionnaire stated that political players in their nations were frequently or routinely involved in extensive misinformation or propaganda efforts in 118 countries (two-thirds of the 180 countries analyzed by the Index). The line between genuine and fake, accurate and false, facts and fabrications is becoming increasingly hazy, endangering the right to knowledge. The unparalleled power to manipulate material is being exploited to discredit those who uphold high standards for reporting and to damage journalism as a whole.

Africa has had some of the largest drops in the 2023 Index. A regional leader until recently, Senegal has dropped 31 spots to 104th rank, mostly as a result of the criminal charges brought against two journalists, Pape Alé Niang and Pape Ndiaye, and the steep deterioration in media staff security. Tunisia (121st in the Maghreb) has dropped 27 places as a result of President Kais Saied's escalating authoritarianism and intolerance of media criticism. Peru (110th in Latin America) has dropped 33 spots as a result of journalists there paying a high price for the region's ongoing political unrest and suffering harassment, assaults, and smear campaigns due to their proximity to powerful leaders. The continued reduction in security is mostly to blame for Haiti's downfall (down 29 places to 99th).

This is the second edition of the World Press Freedom Index, which was put up using a fresh methodology created in 2021 by a group of media and academic professionals.

The methodology is based on the definition of press freedom, which is "the ability of journalists as individuals and collectives to select, produce, and disseminate news in the public interest independent of political, economic, legal, and social interference and in the absence of threats to their physical and mental safety"

It makes use of five new variables, including political environment, legal framework, economic backdrop, sociocultural context, and safety, to help build the Index and give a comprehensive picture of press freedom. These metrics are evaluated on the basis of the 180 nations and territories listed by RSF. These indicators are rated according to a qualitative analysis based on the responses of hundreds of press freedom experts chosen by RSF (including journalists, academics, and human rights advocates) to more than 100 questions, as well as a quantitative tally of abuses against journalists and media outlets in the 180 countries and territories that RSF ranks.⁷

⁷ Report of 2023 by RSF, Reporters Without Borders, https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry?year=2023&data_type=general

The State of Press Freedom in Southeast Asia

The majority of the countries in the area have improved on the most recent RSF World Press Freedom Index, although actual circumstances can range from constrictive to overtly oppressive. According to the most recent edition of the Reporters Without Borders (RSF) annual media freedom index, press freedom in Southeast Asia continues to range from being stretched to being overtly restrictive. Yesterday, in honor of World Press Freedom Day, the Paris-based press watchdog released the World Press Freedom Index, which evaluates the health of journalism across 180 nations and territories.

In a statement released along with the index's release this year, RSF attributed some major increases and decreases over the previous year to "the rapid effects that the fake content industry in the digital ecosystem has had on press freedom."

In Southeast Asia, the media can enact three roles or functions, as postulated by renowned Southeast Asian political science scholar Duncan McCargo. The first function is a conservative one, where media practitioners act as "agents of stability" who preserve a given sociopolitical order and hence defend the status quo. Second, they can also function as "agents of restraint," monitoring the government and providing checks and balances. The third role is transformative, in that they can act as "agents of change" in times of political transformation and crisis. Categorizing the media's role allows conclusions to be made about the current democratic status or development of a country. Looking at the annual surveys of Reporters Without Borders (RWB) and Freedom House, it becomes clear that the Asia Pacific is the only region where, despite violations, "steady gains in civil liberties" during the past five years can be noticed. For 2014, Freedom House categorized the Asia Pacific as 38% free, in contrast to Europe (86%), the Middle East and North Africa (2%) and Eurasia (0%).

In the Reporters Without Borders 2014 Press Freedom Index, Southeast Asian countries ranked between 77 and 174 in a list of 180 surveyed nations. In relation to 2013, the democratic situation in five countries worsened, while another five showed improvement, with Singapore showing no change at all. Most noticeably, East Timor—the youngest nation in the region—ranked highest in journalistic freedom by some way, while Laos (171) and Vietnam (174) were positioned among the ten worst-rated countries.

With nine of 11 Southeast Asian countries ranking among the 50 nations with the least amount of journalistic freedom, the steady gains in civil liberties as described by Freedom House need to be looked at in greater detail. According to Freedom House, Vietnam and Laos set the most negative examples. Press freedom is guaranteed by both countries' constitutions, but in practice, the governments tightly restrict and control media outlets. In addition, especially in Laos, one of the world's least developed countries, telecommunication infrastructure is virtually non-existent for the majority of its people—a hindrance that makes for a harsh environment for news journalism when considered alongside the high rate of illiteracy. Therefore, due to Vietnam and Laos' underdeveloped technological and educational infrastructure, it is an easy task for both incumbent regimes to translate their political power into power over public opinion, utilizing the media as agents of stability.

The Philippines and Malaysia are a somewhat different matter. Although both countries are economically more advanced and more than 50% of both populations have Internet access, journalistic freedoms deteriorated in recent years. Notwithstanding an increasing number of violent attacks on journalists, the Philippines was able to maintain its status as "partially free"

due to a relatively low number of government attempts at censorship. In Malaysia, government censorship is frequent, and only the Internet “remains a bright spot in the media landscape.” Consequently, it has kept its categorization as “not free.”

On the opposite end of the spectrum, positive developments can be witnessed in Indonesia, East Timor, and Myanmar. Not even ten years prior, all three countries—especially the latter—were seen as some of the world’s most restrictive states.

Although Myanmar’s “democratic spring” has had a faltered start, there are still civil liberty advancements to be recognized, like the novelty of privately-owned newspapers being launched in 2013. In Indonesia, many observers feared a return to authoritarian political practices, as the presidential electoral race dragged on in 2014. Despite these fears, free journalistic practice seems to have become consolidated, although Freedom House downgraded the country from “fully free” to “partially free.” East Timor bucked common expectations. Although Internet access is still very limited, low standards of training and low salaries prevail, and a “culture of deference and respect for hierarchy continues to pervade journalism,” the country was ranked as “partially free” and improved by 14 spots in RWB’s index. The categorization of Singapore, the region’s wealthiest nation, as “not free” in 2014 by Freedom House does not come as a surprise. All in all, the state of journalistic freedom has remained stagnant in recent years. Although the Constitution guarantees freedom of speech and expression, several restrictions can be issued easily if the news is deemed to interfere with national security.

Thailand, however, poses somewhat of a riddle. In RWB’s index, it gained six positions between 2013-14; although the so-called “lèse-majesté cases” have led to several harsh punishments for journalists who allegedly defamed the Thai king. Since the 1930s, Thailand has experienced more than ten coups. As such, the country’s politics appear to be in a state of constant crisis. Here, the media have naturally acted as agents of change, and it remains to be seen whether the current government can establish political stability. All in all, it is obvious that as the majority of governments and regimes in the region are mostly of an authoritarian nature and the ruling classes are steady in their seats of power, media in most countries can be categorized as a stabilizing factor for the status quo. Since the function of the media sheds light on the state of a country’s political development, it needs to be conceded that a clear majority of Southeast Asian media organizations—in Brunei, Cambodia, Laos, Malaysia, Myanmar, the Philippines, Singapore, and Vietnam—are acting as agents of stability, supporting the status quo as their authoritarian government’s exact power over them.

Only in East Timor and Indonesia do media organizations currently act as agents of restraint, able to keep a watchful eye on the political process. Thai media, meanwhile, appear to play the role of being “agents of change”—a situation that has resulted in political instability and a high turnover of governments.

Nonetheless, given that Indonesian media have now shed their three-decade-long heritage of censorship, and East Timor’s media now function as agents of restraint, it is clear that Southeast Asia’s opinion landscape has the potential to be a vibrant one.⁸

⁸Breaking down freedom of press in South East Asia, Akshan de Alwis, August 24, 2016, <https://www.diplomaticcourier.com/posts/breaking-freedom-press-south-east-asia>

A free press reporting on the issues that interest us and shape our lives is a key building block of any rights-respecting society. Yet in Azerbaijan, Türkiye and Venezuela to name just a few countries, journalists face repression and attacks.

In June 2019, Tanzania's parliament fast-tracked the passing of the Written Laws Bill, which would entrench censorship, among other violations. Journalists in the country already operate within the tight confines of a media law that requires media houses to "broadcast or publish news or issues of national importance as government may direct".

In July 2019, the libel trial began in the Philippines against Maria Ressa, the executive editor of online news outlet Rappler. Ressa, a prominent critic of President Rodrigo Duterte, was arrested in February 2019 on trumped up libel charges after Rappler published detailed investigations into some of the thousands of extrajudicial executions committed by police and unknown armed persons, with Duterte's explicit encouragement, during drugs-related operations. Her case is widely seen as an attack by the government on press freedom.

During conflict, repression can get worse, such as in Myanmar where journalists investigating the killing of Rohingya men and boys by security forces in Rakhine State were arrested and jailed, before being freed under international pressure.⁹

⁹ Freedom of Expression, Case Studies and Report, Amnesty International, <https://www.amnesty.org/en/what-we-do/freedom-of-expression/>

Challenges to Media

The fall in India's ranking in the index since 2016, coupled with increased violence against journalists and a politically partisan media, indicates challenges to media independence and freedom of expression. Violence against journalists is a serious issue that undermines press freedom and the ability of journalists to carry out their work without fear of reprisals. Such violence can have a chilling effect on reporting, as journalists may self-censor to protect themselves from harm. This compromises the free flow of information and hampers the ability of the media to fulfill its role as a watchdog and hold power to account.

The phenomenon of media outlets being acquired by oligarchs with close ties to political leaders is another concern. Such ownership structures lead to conflicts of interest, bias, and limited diversity of perspectives in media coverage. It can erode the independence of the media and hinder its ability to provide objective and critical reporting.

The pressure on journalists to self-censor due to extreme pressure is distressing. It suggests that journalists may face threats, harassment, or other forms of coercion, which impede their ability to report freely and objectively. Self-censorship restricts the diversity of information available to the public and limits their right to access a wide range of viewpoints.

These challenges underscore the importance of safeguarding media freedom and ensuring an environment where journalists can work without fear or undue influence. Protection of journalists' safety, promoting media ownership transparency, and fostering an atmosphere that encourages free expression are vital for upholding democratic principles and protecting human rights.

It's worth noting that these issues are not unique to India and can be observed in various countries worldwide. Addressing them requires a concerted effort from civil society, media organizations, governments, and international bodies to protect and promote media freedom, ensure the safety of journalists, and support an independent and pluralistic media landscape.

Media vis-a-vis Human Rights Violation

The conference on Media Freedom and Human Rights was held on 11 February 2022 by UN High Commissioner for Human Rights Michelle Bachelet at Tallinn, Estonia to highlight contemporary issues on the topic.¹⁰

In 2021, the Committee to Protect Journalists confirmed that 27 journalists around the world were killed because of their work – and this was certainly an undercount. Highlighting the alarming global situation regarding the safety and protection of journalists, the high number of journalists killed, particularly in countries like India and Mexico, is deeply concerning. It is even more distressing that most attacks against journalists go uninvestigated and unpunished, leading to a culture of impunity. The misuse of emergency powers and exceptional measures to justify censorship, restrictions on media workers' movement, and arbitrary arrests and detentions is a significant issues. This abuse of power curtails freedom of expression and undermines the essential role of journalists in holding governments accountable. The increase in the number of journalists detained, as reported by Reporters Sans Frontières, is indicative of the growing threats faced by media workers worldwide.

Online and offline harassment targeting journalists, especially women reporters, is another unfortunate trend. The use of smear campaigns and harassment tactics silences voices and perpetuates a hostile environment that undermines the free flow of information. Journalists covering sensitive topics, such as demonstrations or corruption allegations, are particularly vulnerable to attacks, sometimes even by state agents.

The United Nations has called on states to strengthen their efforts to ensure the safety of journalists, with a specific focus on addressing the gender dimensions of these attacks. Recognizing the importance of these issues for national and global development, the 2030 Agenda for Sustainable Development includes reporting requirements on violence against media workers. The conference also aims to address critical issues related to the Internet, such as disinformation and Internet freedom. The Human Rights Council has consistently affirmed that human rights, including freedom of expression and information, should be protected both online and offline. It underscores the need to safeguard individuals' rights in the digital sphere, ensuring that all people can freely exercise their rights and access information without undue restrictions. The protection of journalists and the promotion of a free and open internet are critical for upholding human rights, fostering transparency, and maintaining democratic principles. Efforts to address these challenges must involve collaborative actions from governments, civil society organizations, international bodies, and the public to create an environment where journalists can work safely and freely, and where the digital space is conducive to the exercise of human rights.

¹⁰ Conference on Media Freedom and Human Rights, 11 February 2022, UN High Commissioner for Human Rights Michelle Bachelet, Tallinn, <https://www.ohchr.org/en/statements/2022/02/conference-media-freedom-and-human-rights>

The Media Trial Show

Justice Patanjali Shastri in one of the earliest cases on press freedom, namely, *Romesh Thapper v. State of Madras*¹¹, underlined the special role of the press in a democratic organization.

In *Indian Express Newspapers (Bombay) Pvt. Ltd. v Union of India*¹², the court after pointing out that communication needs in a democratic society should be met by the extension as the specific right to inform, the right e.g., the right to be informed, the right to inform, the right to privacy, the right to participate in public communication, the right to communicate, etc. proceeded to observe as follows:-

“In today’s fine world freedom of the press is the heart of social and political intercourse. The press has now assumed the role of the public educator making formal and nonformal education possible on a large scale, particularly in the developing world where television and another kind of modern communication are not still available for all sections of society. The purpose of the press is to advance the public interest by publishing facts and opinions without which the democratic electorate cannot make responsible judgments. Newspapers being purveyors of news and views have a bearing on public administration, and very often carry material that would not be palatable to Governments and other authorities. The authors of the articles, which are published in the newspapers, have to be critical of the action of the government in order to expose its weaknesses. Such articles tend to become an irritant or even a threat to power.”

The digital age, which has sparked the growth of a huge number of television and web-based news service providers and engendered severe rivalry amongst them, is to blame for the shifting patterns in media coverage. Editors and journalists seek sensationalist stories (or sensationalist approaches to news stories) in an effort to attract and hold the public's attention due to the pressure on each news network to increase and maintain their TRP ratings and/or sales indices in comparison to their rivals. Thus, news coverage that presents the raciest and most appealing point of view on a crime and is arresting, and engaging, has forced journalistic integrity, neutrality, and detachment to take a backseat, all without regard for how such coverage stands to affect court proceedings and the lives of the parties involved in the case. The media trial has now practically progressed to a media judgment and media punishment, which is unquestionably an illegal use of freedom and beyond the reasonable line separating legal bounds. It is important to look into any negative press around the case that is now in court. The legality of imposing restraining orders on the media should be established. The law in the criminal justice system, which we have been studying, is ruled by senses rather than feelings, and guilt must be proven beyond a reasonable doubt.

The media and the general public tend to forget that expressing our feelings puts a lot of pressure on the judge sitting over the case.

¹¹ *Romesh Thapper v. State of Madras*, AIR 1950 SC124

¹² *Indian Express Newspapers (Bombay) Pvt. Ltd. v Union of India*, 1986 AIR 515, 1985 SCR (2) 287

Be it the case of KM Nanawati¹³ or the Aarushi Talwar Murder Case¹⁴ or Nirbhaya Kand¹⁵, the media has unimaginably managed to influence the cases and the verdicts.

One of the most significant cases in Indian law is the K.M. Nanavati case, which is frequently used to illustrate how serious and abrupt provocation should be measured. High-profile media coverage of this case affected the jury's verdict. The court's rational decision, which was based on how criminal laws were interpreted and was unaffected by the media as was initially feared, makes the case extremely significant, one that has been referenced in numerous recent cases today, and one that hasn't lost any of its relevance. The ruling in the case of KM Nanavati v. State of Maharashtra is historic not only for the media attention it received but also for the way it interpreted the applicable criminal codes. Due to the press surrounding the case as well as the way K.M. Nanavati's character was portrayed, this case was still able to hold a unique place in people's minds.

Not to be overlooked is the press' obligation to demonstrate how it advances the general public interest. The press also has a crucial responsibility to find the correct balance between the public's right to knowledge and people's right to privacy in relation to the press's function in the media. The media ought to display its operational accountability. Remember that unlike allowing complete freedom of speech and expression, this freedom of the press is not total, limitless, and unaffected at all times and under all situations.

To quote from the report of Mons Lopez to the ECOSOC¹⁶ of the UN¹⁷

“If it is true that human progress is impossible without freedom, then it is no less true that ordinary human progress is impossible without a measure of regulation and discipline”. It is the duty of a true and responsible journalist to strive to inform the people with the accurate and impartial presentation of news and their views after dispassionate evaluation of the facts and information received by them and to be published as a news item. The presentation of the news should be truthful, objective, and comprehensive without any false and distorted expressions. It is the task of the media to ensure the objectivity of commercial decision making by fearless and honest reporting so that the averment that such decisions are in the greater good of the consumer or the public is indeed followed in principle and spirit.”

¹³ K.M. Nanavati v. State of Maharashtra, 1962 AIR 605

¹⁴Dr. (Smt.) Nupur Talwar vs State Of U.P. And Anr., 12 October 2017, Criminal Appeal No.293/2014

¹⁵ Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1

¹⁶ Economic and Social Council, United Nations, <https://www.un.org/ecosoc/en/home>

¹⁷ United Nations, <https://www.un.org/en/>

Conclusion

Free and Reliable press fights for the truth, holds power accountable, informs voters, and strengthens democracy, but what supports maintaining a free and thriving press? One of the most crucial stages is passing legislation that safeguards press freedom and the rights of journalists. There are several jurisdictions that have "shield laws," which are regulations that grant journalists an unqualified or limited right to withhold their sources. Shield legislation safeguards the source as well as the journalist. Since there is no federal shield legislation in the US, several campaigners are attempting to get this. By being informed about threats to press freedom and initiatives to promote free media, people may contribute to the protection of press freedom on a personal level.

Freedom of expression and information are pillars of a healthy democratic society and for social and economic growth, allowing for the free flow of ideas necessary for innovation and bolstering accountability and transparency. "Journalism thrives when media is free and independent, when journalists are safe to report when impunity is the exception.

Even if the press can merely carry out its most fundamental duty, which is to report on issues of public concern, it still promotes accountability, openness, and transparency. Even authoritarian governments and the private sector detest unfavorable media coverage. Naturally, a government may attempt to respond to unfavorable press coverage by restricting press freedom in legal and illicit ways, but this is not a long-term solution and typically just helps to expedite the erosion of public trust in and support for the government.

"Peace can only last where human rights are respected, where the people are fed, and where individuals and nations are free."

-14th Dalai Lama

After all, it's the human rights that give birth to the media, and it's the media that lets human rights breathe.

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