



ISSN (P) 2319-4766, ISSN(E) 2288-8808 SJIF 2024 : 8.153

**AN INTERNATIONAL, PEER REVIEWED & REFEREED QUARTERLY
SCHOLARLY RESEARCH JOURNAL FOR
INTERDISCIPLINARY STUDIES**

APRIL-JUNE, 2024, VOL-12/70

SPECIAL ISSUE OF KES' SHRI. JAYANTILAL H. PATEL LAW COLLEGE



EDITOR IN CHIEF

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*I/c Principal, KES' Shri. Jayantilal H. Patel Law College
Kandivli West, Mumbai*

IMPACT FACTOR SJIF 2024 = 8.153
ONLINE ISSN 2278-8808

PRINTED ISSN 2319-4766

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TCG's, SAI DATTA NIWAS, S. No. 5+4/ 5+4, D-WING, Flat No. 104, Dattnagar, Near Telco
Colony, Ambegaon (Kh), Pune. Maharashtra. 411046. India.

Website: www.srijs.com Email: srijsarticles16@gmail.com

**An International Peer reviewed, Refereed & Quarterly
Scholarly Research Journal for Interdisciplinary Studies**

ANNUAL SUBSCRIPTION: Individual Subscription Rate: ₹750 (Print Only); 150\$; £80. Combined Subscription Rates for Online as well as Print ₹2000, 300\$; £160. Individual Subscription Rate (Print & Online access): ₹3550/- for One Year. Institutional Subscription Rate (Print & Online access): ₹ 5550/- for Five Year. If the manuscript possesses Multiple Author the subsequent Price is ₹ 650 for per author. The said prices include postage. Institutional subscription includes the right for members of subscribing the institute to access the online journal no extra charges will be applied from SRJIS. Summary of the publication charges is mentioned below.

PUBLICATION FEE: Subscription fee should be directly Deposited / Transferred/ D. D through SBI Net Banking in favors of

Banking Details

Int. Scholarly Research Journal, Account No: 32806695852 Branch: Ambegaon (Bk). Pune, Maharashtra. INDIA, IFSC Code: SBIN0011648. MICR: 4110020, SWIFT CODE: SBININBB238.

Content	Online	Print	Total	Duration
Non Member	₹ 2000/-	₹ 650/-	₹ 2650/-	One Issue
Individual Membership	₹ 550/-	₹ 3000/-	₹ 3550/-	One Year
Institutional Membership	₹ 2000/-	₹ 3050/-	₹ 5550/-	Five Year

CLAIMS: Claims for undelivered copies may not be made later than four months from the respective month and date of Publication.

PERIODICITY: QUARTERLY (JAN-MAR, APR-JUNE, JULY-SEPT, OCT- DEC)

CHANGE IN POSTAL ADDRESS: One month notice for change in address should be communicated, notified by Sending old postal address and current postal address to Editor in Chief by specifying the Journal Name and ISSN number through postal or e mail: srjisarticles16@gmail.com

Printed and Published by **Mrs. Supriya Y. Netragaonkar** on behalf of Scholarly Research Journal for Interdisciplinary Studies.

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SJIF 2024 = 8.153
ONLINE ISSN 2278-8808

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An International, Peer Reviewed, & Refereed Quarterly
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APRIL-JUNE, 2024. VOL-12, ISSUE-70

1. DEVELOPMENT OF NEWS MEDIA IN INDIA

Maitreyee Sanjay Raut (1-6)

2. UNVEILING PRESS FREEDOM: A COMPREHENSIVE STUDY OF MEDIA LAWS IN INDIA AND THEIR IMPACT ON JOURNALISTIC LIBERTIES

Prasanna Barure & Rupal Bhandari (7-15)

3. POLITICAL INFLUENCE ON MEDIA & ITS FREEDOM OF EXPRESSION AND SPEECH THROUGHOUT INDIAN HISTORY AND MODERN TIMES

Avik Karmakar & Bajrangi Babu (16-25)

4. OTT AND LEGAL CHALLENGES

Jason Herbert (26-33)

5. NAVIGATING THE LEGAL CONUNDRUM: A CRITICAL ANALYSIS OF MEDIA TRIALS IN INDIA AND POSSIBILITIES FOR A LEGAL AMELIORATION

Afrin Khan & Dr. Vrinda Mohan (34-40)

6. MEDIA CONVERGENCE AND IPR PROTECTION IN INDIA: CHALLENGES AND PROSPECTS

Dr. Suvarna S Nilakh (41-48)

7. ACTA PUBLICA: REVIEWING THE ROLE OF NATIVE AND ANGLO-INDIAN PRESS IN THE SANITARY DEVELOPMENT OF COLONIAL BOMBAY CITY

Dr. Madhu Kelkar (49-57)

8. FREEDOM OF PRESS IN INDIA: EXPLORING THE MEDIA LAWS SINCE INDEPENDENCE

Manju Devi Shivcharan Raj Kumari Gautam (58-62)

9. ANALYSIS OF THE HISTORY OF PRESS MEDIA: RELEVANCE OF INDIAN FREEDOM STRUGGLE

CS Dr. Chetan Vasantlal Gandhi (63-72)

10. BALANCING ARTISTIC FREEDOM AND SOCIETAL INTERESTS: EXPLORING THE DEBATE AROUND CENSORSHIP ON OTT PLATFORMS

Dr. Arti P. Gadre (73-80)

11. EVOLUTION OF FEMALE PROTAGONISTS IN CONTEMPORARY BOLLYWOOD: GENDER DYNAMICS AND EMPOWERMENT

Dr. Anita Luther Bhasin & Dr. Vidhi Rajora (81-88)

12. PRESS FREEDOM IN THE DIGITAL AGE NAVIGATING TECHNOLOGICAL ADVANCEMENTS & ETHICAL CHALLENGES IN BHARAT & BEYOND

Adv. Ramashankar Dashrath Singh (89-101)

13. FAIR TRIAL RIGHTS IN THE AGE OF SOCIAL MEDIA: ADDRESSING CHALLENGES POSED BY MEDIA TRIALS IN INDIA

Dr. Mohammed Salim Khan & Ms. Vibhuti Shrivastava (102-113)

14. TO STUDY THE PSYCHOLOGY OF MASS MEDIA MARKETING AMONGST YOUTH OF THANE REGION

Richa .B. Kotak & Varsha R. Dhotre (114-122)

15. A STUDY ON THE APPLICATION OF MASS MEDIA IN THE PROCESS OF TEACHING AND LEARNING WITH REFERENCE TO MAHARASHTRA (THANE REGION)

Rahul R. Jaiswal (123-127)

16. FREEDOM OF PRESS AND MEDIA LAWS IN INDIA

Dr. Berlina Lopes & Anushree Bhatt (128-131)

17. INDIAN JOURNALISM IN THE DIGITAL ERA: CASE STUDIES IN EVALUATING THE ROLE OF NEW MEDIA

Vishalakshi Sathianathan & Pinny Pathak (132-139)

18. MEDIA INDEPENDENCE IN INDIA: AN ANALYSIS OF THE IMPACT OF RIGHT TO FREEDOM OF SPEECH AND EXPRESSION ON PRESS

Ambari Patwardhan & Nilima Gupta (140-145)

19. ARTIFICIAL INTELLIGENCE IN MASS MEDIA – THE GLOBAL OUTLOOK

Ms. Namrata Shetty & Ms. Shivani Negi (146-151)

20. MEDIA AND POLITICS: THE INTERSECTION OF INFLUENCE AND POWER

Harsh Choksi (152-160)

21. CRITICAL EVALUATION OF CREATIVE LIBERTY IN THE DEPICTION OF HISTORY THROUGH MASS MEDIA

Vidya Kolhatkar (161-168)

22. SOCIAL MEDIA AND ITS IMPACT ON SOCIETY

Sukhbir Kaur Dadiala & Riya Soni (169-173)

23. EVOLUTION OF ENTERTAINMENT MEDIA AND CHANGING SCENARIO

Jui Bhat (174-177)

24. INTERWINING MEDIA AND POLITICS

Nilesh Patel (178-181)

25. UNVEILING THE INFLUENTIAL FACTORS AND THE IMPACT OF DEMOGRAPHICS ON JOB EMBEDDEDNESS OF EMPLOYEES WORKING IN MEDIA INDUSTRY IN MUMBAI REGION

Dr. Ganga Susheel Warriar (182-191)

26. THE EVOLUTION OF MEDIA - A JOURNEY FROM CHINESE WHISPERS TO MODERN DAY ARTIFICIAL INTELLIGENCE (A.I)

Manan Sanghvi (192-201)

DEVELOPMENT OF NEWS MEDIA IN INDIA

Maitreyee Sanjay Raut

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Abstract

The media's main function is to inform and educate the masses about the Government policies and incidents that directly or indirectly affect them. It is a crucial organ of democracy, which acts as a watchdog. The strength of media lies in the trust and response of the people. News means information on the current happenings around the world. News Media is the industry that focuses on delivering news to the public. There has been a tremendous change in the News Media Sector in India. Newspaper is the oldest medium since 1780. All India Radio regularly broadcasts news; no private Radio Company is allowed to give news. The news channels on Television revolutionized the way of news delivery to the masses. It visually and emotionally connects the audience with its live reporting, breaking news, and headlines. Meanwhile, new-age media like Mobile-based applications for news, and Social Media Platforms have become the leading sources to receive updates about current affairs anytime, anywhere. This paper studies the origin and reach of the different kinds of news media prevalent in India and how they influence the people. Further, it discusses the agencies and laws controlling them. Though the media industry has immensely developed, there are several shortcomings. Misinformation, lack of bias-free news, paid news, false ratings, and manipulated information are a few of them. These shortcomings affect the credibility of the fourth pillar of democracy. At present-day, the public has abundant choices to read, listen, and watch news from various media platforms. Online platforms have made access to unfiltered news quick and easy to share with others. In this age of media pluralism, a person must become 'media literate' to understand the workings of media and identify the quality of news. Media literacy will empower people to make informed decisions.

Keywords: *News, Influence, Change, Media Pluralism, Media Literacy.*

Research Objectives:

1. To study the development of different news media in India.
2. To find the laws and agencies governing news media.
3. To study the impact of different news media on people.
4. To analyse the limitations of news media in India.

Introduction:

Right information encourages people to take good action and such actions bring change in the Society. Information can be spread by word of mouth. However, people need a reliable, trustworthy source of data that news media can provide. A responsible news media keeps a watch on the Government and other important activities, and analyses its impact on the common citizens. It makes people aware of the current affairs and keeps them updated. Honest news reporting helps to point out the different issues in the Society and the need for effective policies to address those issues. Sometimes, it becomes the voice of people,

whenever they are in crisis. This in turn awakens the Politicians and Authorities to come to the rescue of the affected ones. The news media sector becomes the ears and eyes of the Society.

With time, the news media sector is undergoing big changes. The pace and coverage of news reporting have become fast. Technology has immensely contributed to this development. Even though the form of news delivery has become diverse, the purpose of infotainment¹, education, and awareness remains the same. The majority of the media sector in India is subject to self-regulation. They are expected to follow the rules, ethics and guidelines set in the Laws. There are self-regulatory bodies independent of Government control to resolve the issues regarding any news published, that allegedly violates the Code of media ethics. It ensures freedom and the right to self-determination in the news media sector.

Each media format has its limitations that directly influence the Public – the viewer, listener, and reader of news. Manipulated, fake, biased, paid news affect the Public faith in the media. Trust is not built in a day; it takes years of quality journalism to build a name in the media sector.

Newspaper:

A newspaper is a printed periodical that reports on current affairs happening within 24 hours, and includes articles, opinions and advertisements. It contains written information and images. Earlier, the newspapers were printed in black ink. With the emergence of colour printing, the appearance of newspapers changed. Regional newspapers can better cover the news of a particular region. It is usually produced everyday or once a week. It targets the literate audience who can read. A news report has to be accurate and based on facts brought by the Journalists daily. All the facts are turned into reports, then they are edited and compiled into a newspaper. It gives a detailed analysis of an event or case to the readers. Readers can re-read anytime; they can choose to read a particular news/ column.

The first newspaper in India was Hicky's Bengal Gazette started by James Augustus Hicky in 1780. This newspaper was closed down within two years as it criticised the British Government². Payam-e-Azadi³, a Hindi and Urdu newspaper, exposed the divide & rule policy of the British and openly supported the rebel of 1857. Newspapers like Amrita Bazar Patrika, Maratha, and Mathrubhumi across the Nation encouraged people to become literate, and induced public discussions even in remote areas. They spread awareness against the oppressive policies of the Colonial Rule and the sufferings of the masses. This threatened the British Government and they suppressed the freedom of the press under the Sedition Law and other laws like the Vernacular Press Act, 1878 and Licensing Act, 1857.⁴ Bal Gangadhar Tilak was sentenced to 6 years of transportation for his fiery articles in the Marathi newspaper Kesari.

In 2022, the total no. of daily newspaper publications was 20,278 available in various languages like Hindi, Urdu, English, Telugu, Malayalam, Marathi, Gujarati, Kannada, etc. More than 3 crore copies of

¹ Infotainment means to present news or information in an entertaining, interesting manner.

² <https://www.cnbctv18.com>. (2024, January 29). Indian Newspaper Day 2024: History, significance and other facts about India's print media. CNBCTV18. <https://www.cnbctv18.com/india/indian-newspaper-day-2024-history-significance-of-india-print-media-18871831.htm>.

³ Mahotsav, A. (n.d.-a). Payam-e-Azadi (Newspaper). Azadi Ka Amrit Mahotsav, Ministry of Culture, Government of India. <https://amritmahotsav.nic.in/district-repository-detail.htm?9487>

⁴ History of press in India. (2022, November 9). Unacademy. <https://unacademy.com/content/upsc/study-material/ancient-history/history-of-press-in-india/>.

daily newspapers are printed and published in Uttar Pradesh and Maharashtra, more than 2 crore copies in Madhya Pradesh and above 1 crore copies in Delhi, Andhra-Pradesh, Rajasthan and Gujarat.⁵

Freedom of Speech and Expression includes the freedom of the press under Article 19(1)(a) of the Indian Constitution⁶. However, this freedom is not absolute it is regulated. The Press Council of India is a statutory body consisting of a Chairman and 28 members. Its main function is to set a code of conduct for maintaining the standards of newspaper – Norms of Journalist Conduct, 2022. In case a newspaper breaches the standard or journalism ethics, then the Council has the power to admonish it⁷. Before publishing, a newspaper must be registered with the Press Registrar General of India.

Television and Digital media have stunted the growth of the newspaper industry yet many households still begin their day with newspapers.

Radio:

Radio is a communicative device that transmits sound using electromagnetic/ radio waves and the receiver translates these waves into the sound form. It is one of the mediums to broadcast news. The news is presented in sequence and short crisp manner to interest the listeners. They patiently listen the news one by one, they have no choice to skip, play forward or rewind.

It played an important role during India's freedom movement when all the newspapers were censored.⁸

Usha Mehta with her associates started an underground radio called 'Congress Radio' in August 1942 to broadcast the suppressed news and encourage the public to participate in the Quit India Movement. They remained undetected by constantly changing their location before being caught in November 1942. Azad Hind Radio started by Netaji Subhash Chandra Bose in 1942, regularly broadcasted news and called people to resist the British until 1945.

The Indian Broadcasting Company began broadcasting news at different radio stations in 1927. Later, the Government of India took over this Company and named it All India Radio (AIR) in 1936. AIR and its regional units continue to deliver news, news programs and comments in several languages daily across India and abroad.⁹

Private Radio Companies cannot disseminate news in India. They cannot gather news from other agencies or on their own. An NGO Common Cause had filed a PIL in 2013 to allow the Private Radio Stations to broadcast news. They argued that such a ban violates Article 14 of the Indian Constitution, as it does not bar a newspaper or television in such a manner.¹⁰ The Government replied that allowing the Private Radio to disseminate news is a security risk, and can easily manipulate people's minds. Because there is no way

⁵ RNI. (n.d.). https://rni.nic.in/all_page/press_india.aspx.

⁶ *Indian Express Newspapers v. Union of India* (1985) 1 SCC 641.

⁷ Section 14 of the Press Council Act, 1978.

⁸ Mahotsav, A. (n.d.-a). More than Just a Melody: The Role of Radio Stations in the Indian Freedom Struggle. Azadi Ka Amrit Mahotsav, Ministry of Culture, Government of India. <https://cmsadmin.amritmahotsav.nic.in/district-repository-detail.htm?25108>.

⁹ News Services | Prasar Bharati. (n.d.). <https://prasarbharati.gov.in/news-services/#1531424196673-1f291df8-2ab4>.

¹⁰ Sarkar, T., Grover, G., Seal, R., Trivedi, N., & Centre for Internet and Society. (2019). EXAMINING THE CONSTITUTIONALITY OF THE BAN ON BROADCAST OF NEWS BY PRIVATE FM AND COMMUNITY RADIO STATIONS [Journal-article]. <https://cis-india.org/internet-governance/files/ban-of-news-on-radio.pdf>.

to monitor the news content.¹¹ However, Private stations are allowed to play the unaltered news of Akashwani.¹² Many people as well as the Telecom Regulatory Authority of India recommend allowing Private Radio channels to broadcast news¹³, as it will certainly boost the growth of Radio.

Before Television, radio was the primary means of mass communication. Now people listen to it while driving, cooking or doing other tasks. They do not attentively listen to the radio news due to the availability of other forms of media.

Television News-channels

Television is an electronic device with a screen that receives electrical signals and transmits them into sound, moving images and colour. A channel on television that is dedicated to broadcast news and other information is a news channel. In 1959, 'Doordarshan' began its telecast and by 1965, there was a regular one-hour news program on it. It was criticised for being a mouthpiece of the Government.¹⁴ From 1990s onwards, many private news channels started and the monopoly of Doordarshan ended. Today there are more than 400 news-channels in India in different languages and covering different regions.

Television has revolutionised how people access news. When information is shared using sound, video, and images in a synchronized manner, it greatly influences the viewers. They understand and remember much better what they watch and listen to at the same time. TV news is more widely consumed than any other medium, as many households possess a television. There is round-the-clock reporting of news. The Television Rating Points system has led the news channels to focus on covering and live reporting of major incidents. They can escalate a matter to draw public attention quickly. There is a cut-throat competition between news channels to be the first to report any breaking news.

The News Broadcasters Association regulates the majority of Private News channels in India. It is a private, non-statutory body established in 2007 by Private News Broadcaster groups. They have laid down a code of conduct to be followed by its member broadcasters. As news media platforms have begun to use digital platforms to broadcast news simultaneously with television, the NBA now extends its regulation to digital news media. It changed its name to News Broadcasters and Digital Association (NBDA) in 2021¹⁵. There is a grievance redressal body named News Broadcasting and Digital Standards

¹¹ Nair, H. V. (2017, February 12). News on private FM could threaten 'national security', says government. India Today. <https://www.indiatoday.in/mail-today/story/government-ban-news-broadcasting-on-private-fm-services-mha-national-security-960246-2017-02-12>.

¹² Government of India & Ministry of Information and Broadcasting. (n.d.). PRIVATE FM RADIO- FREQUENTLY ASKED QUESTIONS. In PRIVATE FM RADIO- FREQUENTLY ASKED QUESTIONS. https://mib.gov.in/sites/default/files/faq_10052013a.pdf

¹³ exchange4media Staff. (2023, September 5). TRAI recommends govt to allow private FM radio to broadcast news bulletins. Indian Advertising Media & Marketing News – Exchange4media. <https://www.exchange4media.com/media-radio-news/trai-recommends-govt-to-allow-private-fm-radio-to-broadcast-news-bulletins-129657.html>.

¹⁴ TV Journalism in India: 10 Decisive Periods of Media Landscape - Indian Media Studies. (2023, November 1). Indian Media Studies. <https://indianmediastudies.com/history-of-tv-journalism-in-india/>

¹⁵ exchange4media Staff. (2021, August 12). News Broadcasters Association is now News Broadcasters & Digital Association. Indian Advertising Media & Marketing News – Exchange4media. <https://www.exchange4media.com/announcements-news/news-broadcasters-association-is-now-news-broadcasters-digital-association-114986.html>.

Authority (NBDSA) of nine members chaired by an Eminent Jurist. This Authority has the power to admonish, warn and fine up to ₹ 1 Lakh in case a broadcaster fails to comply the Code of Conduct laid down by NBDA. In 2024, the Authority fined Times Now Navbharat and News 18 India and warned Aaj Tak channel for violating the code of impartiality, accuracy and neutrality – displaying a community in a bad way.

The limitations of TV news have increased. Paid or sponsored news shows an event or a person in a good light in exchange for money. They conduct media trials in sensational cases to keep the public glued to televisions; it tarnishes the names of people related to the case. There is selective reporting of news as a result many important news are neglected, lack of news analysis (no effort is taken to search ‘why’). Lack of transparency in media working and the influence of political groups affects the independence and quality of journalism. There is a sense of distrust around news media due to these limitations. In addition, the television viewership has reduced due to the influx of digital media which is accessible anywhere.

Digital News Media:

Due to smartphones and easy access to fast internet, digital media is a growing trend. The use of digital platforms to disseminate news in written, audio and video formats is increasing. The Hindu was the first to upload news online in 1995.¹⁶ Many newspaper dailies in India now publish their E-edition (digital version of a newspaper, E-newspaper) and Web editions (online news websites, mobile-based applications).

Several newspaper brands and majority of the television broadcasters have invested in Social Media Platforms like YouTube, Facebook, X (Twitter), WhatsApp to share news and connect with more audience. Some independent brands/ groups/ individuals only use digital media platforms to share news and critical analysis.

Today there are multiple choices are available to people on Digital platform. One event can be presented in numerous versions, with different perspectives and motives. Online news media allows people to choose the news they wish to consume. It is gradually replacing the traditional sources like newspapers and radio, because it matches the pace of the younger generation. Its user-friendly format allows people to interact or give instant feedback. Here the news is updated immediately; they report the actual event happening through live updates. On Social media, citizens are playing the role of a journalist by reporting the incidents and share with its photos and video.

Digital News Media are self-regulated; they must follow the code of ethics and the laws. The publisher of such platforms are required to appoint a grievance officer and address the complaint if filed against its content¹⁷. There are several self-regulatory bodies like ‘*Journalist and Media Association Grievances Council*’, ‘*Print and Digital Media Association*’, ‘*Digital Media Publishers and News Portal Grievance Council*’, etc. formed to take further action on a complaint against its registered media members¹⁸.

Big media groups’ domination over digital Media undermines local and independent journalism. There is abundant news available on digital platforms, which may confuse the reader, to believe in which version. There is no strict editing and verification, unlike traditional newspapers. It results in the publishing of

¹⁶ About us. (n.d.). The Hindu. <https://www.thehindu.com/aboutus/>.

¹⁷ Rule 11 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

¹⁸ Rule 12 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

inaccurate, incomplete and biased information. Due to computer programs/ algorithms, users are exposed only to that news which are personalised, and aligned with their interests. This hinders a user's awareness and polarises his views.¹⁹ The digital platforms before accessing news often ask for sensitive data, as a result, there are security concerns regarding the privacy of the online users.

Digital Media is not static; it will keep changing with time and newer technology.

Use of Artificial Intelligence in News Media:

With the advance of AI (artificial intelligence) in news media, it is replacing the routinely work of a journalist in the newsroom such as gathering information, discovering and analysing trends, producing news articles, etc.²⁰ There are mixed reviews regarding the use of AI in news media. On one hand, it allows experimentation, giving media people time to explore this new tool, it has increased the efficiency in production of news. On the other hand, AI intervention threatens decrease in human jobs, manipulations in data and difficulties in retaining public trust. Because of the ease of work brought by AI, it is predicted that more number of news applications and websites will come into the market.²¹

Conclusion:

This is the age of media pluralism. Diverse modes/ mediums are available today to express our views, opinions and consume data. 'News' can be accessed in print, audio, video and on the internet. Presently, we have enough resources but there is a shortage of time. To get quick and faster updates, modern news media is a good choice, which presents news in a short, crisp and visually appealing manner. If one wishes to understand the matter in depth then the traditional news media serves better. News media must be consumed with caution as it shapes our decisions, opinions and influences our critical thinking. It is necessary to be a media literate person. It is an ability to understand the news served to us²², and respond instead of react. If it is a fake or biased news published on any platform, then we must report and question the publisher of such a news. Media literacy means protecting oneself from the negativity spread through different media.

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UNVEILING PRESS FREEDOM: A COMPREHENSIVE STUDY OF MEDIA LAWS IN INDIA AND THEIR IMPACT ON JOURNALISTIC LIBERTIES

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Abstract

India is a democratic country and democracy stands as a cornerstone of modern societies. It is a system that guarantees that the government works for the benefit of the people by empowering them and upholding their rights. At its core, the pillars that provide support, strength, and balance, ensuring the smooth functioning of the democratic machinery. As The legislature, Executive, Judiciary are the three pillars of the Democracy, the Media is the fourth abstract pillar of Democracy. It serves as a watchdog by giving citizens accurate, unbiased information and keeping those in positions of authority responsible. People are better equipped to make educated judgments and actively engage in the democratic process when there is a free and vibrant media. Press freedom is a cornerstone of democracy, facilitating the dissemination of information and fostering public discourse. In India, a vibrant and diverse media landscape operates under a framework of laws and regulations that ostensibly balance freedom of expression with societal interests. This paper examines the intricate web of media laws in India, exploring their historical evolution, key provisions and judgements, and practical implications for journalistic liberties. Through a comprehensive analysis, it delves into the various legal mechanisms governing press freedom, including constitutional provisions, statutory laws, and judicial precedents. Additionally, it scrutinizes the challenges and constraints faced by journalists in navigating these legal frameworks, particularly in the context of political pressures, censorship, and regulatory overreach. By elucidating the complex interplay between media laws and journalistic freedoms, this paper seeks to inform scholarly discourse and public debate on the state of press freedom in India.

Keywords: Press freedom, Media laws, Journalism, India, Constitutional provisions, Statutory laws, Judicial precedents, Censorship, Regulatory framework.

Introduction

Freedom of speech is the cornerstone of democratic governance. The democratic process cannot work properly without this freedom of speech and expression. One of the primary requirements for liberty is thought to be the freedom of speech and expression. It holds a privileged place in the hierarchy of rights, supporting and safeguarding every other right. It really is the mother of all other liberties, as has been remarked.

The freedom of speech and expression includes freedom of press also. Press freedom is widely regarded as a fundamental pillar of democratic governance, serving as a watchdog on power and holding public institutions accountable to the citizenry. In India, a country with a rich tradition of free expression and vibrant media culture, the legal landscape governing press freedom is complex and multifaceted. This

paper aims to provide a comprehensive examination of media laws in India and their impact on journalistic liberties, shedding light on the legal, institutional, and societal dynamics that determine the parameters of journalistic freedom in the nation.

However, the exercise of press freedom in India is not without its challenges, as the legal framework governing media operations often intersects with broader socio-political dynamics, impacting the liberties enjoyed by journalists. By examining the legal framework governing the media in India and assessing its implications for journalistic liberties, this study aims to shed light on the opportunities and constraints faced by journalists operating within the Indian context.

By uncovering the complex interplay between law, politics, and media freedom, this research aims to contribute to ongoing discussions surrounding the promotion and protection of press freedom in India and beyond.

Historical Evolution of Media Laws in India:

The evolution of media laws in India can be traced back to the colonial era, when stringent censorship measures were imposed by the British Raj to suppress dissent and control the flow of information. The advent of independence in 1947 heralded a new era of press freedom, as enshrined in the Constitution of India, which guarantees the right to freedom of speech and expression as a fundamental right. However, the exercise of this right is subject to certain restrictions, including concerns related to national security, public order, and defamation. The Historical development of media Laws in India basically classified into two categories **Pre- Independence and Post-Independence era.**

Prior to Independence

The Press Regulations, issued by Lord Wellesley in 1799, essentially pre-censored the nascent newspaper publishing industry, marking the beginning of legislative limits. At the start of 1835, the Press Act was passed, eliminating most of the restricted provisions of earlier legislation pertaining to the matter. Then, on June 18, 1857, the government passed the "Gagging Act," which prohibited the distribution of any news or statements that might be interpreted as undermining the legitimacy of the government, imposed likening requirements on printing press owners and operators, and granted it the power to stop the publication or distribution of any book, newspaper, or other printed material.

The "Proclamation of Queen Victoria (1858)" eliminated press freedom and established colonial rule in India. The "Waqaya Navis" and "Kautilya Arthashastra" were previously described as the regulations governing the dissemination of information related to state activities. Before colonial laws were imposed, pre-censorship and press content licensing were unknown concepts. J. A. Hickey founded the "Bengal Gazette," India's first typographic press, in 1780. It made the wrongdoing of the E.I.C. regarding Indians public. It quickly caught fire because of media restrictions that threatened Hickey with severe penalties and jail time.

The "Madras Courier" was the first newspaper in Madras to analyze the military tactics of the colonial government. It was also the first newspaper to be censored due to a pre-censorship law (1795) requiring that all of their content be sent for approval before publishing. Because they violated this new law, the press publishers faced deportation. Aristocratic pressure on the colonial rulers resulted in the pre-censorship regulations being completely repealed in 1818. This led to the creation of "Samachar Darpan," a newspaper that carried news in both Bengali and English. A new rule restricting communications

between any Crown servants and the media was introduced in 1823. It also granted the Council of Governors complete control over the media.

The "Metcalfe Act, 1830" was a comprehensive statute designed to regulate newspaper printing and distribution in colonial India. The Indian Penal Code, 1860 replaced this after the "Revolt of 1857." The majority of Indian journalists who wrote on the Indian Independence Movements faced accusations of slander, which is still prohibited.

The "Press and Registration of Books Act," which was approved in 1867, is still in effect today. Using IPC Section 124-A, the "Sedition statute" of 1870 imprisoned a number of Indian journalists from the "Swarajya Press" and activists for independence. Once more, press freedom was restricted. arrived later. The "Vernacular Press Act" of 1878 was signed into law by Governor General Lord Lytton, granting the government the power to punish printers and publishers who disobeyed the regulations and to prohibit the publication of any materials deemed seditious.

After Independence

The Indian National Congress, India was declared an independent state in 1947. An investigation and recommendations regarding the current media law were made by the "Press Law Enquiry Committee, 1947." The "Indian Press (Emergency Powers) Act" and the "Foreign Relations Act" were repealed, and Section 124-A of the IPC was revised. There were amendments made to the Telegraph Act of 1885 and the Post Office Act of 1898. The "Press (Objectionable Matters) Act, 1951" was passed in an attempt to control the press to some extent, however it was later repealed in 1957. The "Press Commission of India, 1952" gave rise to the "Press Council of India."

Still, the most significant day in the evolution of media restrictions was January 26, 1950, the day the Constitution became operative. The colonial experience of the Indians aided in their comprehension of the vital significance of "Freedom of Press." In order to allow the press to enlighten the public, this freedom was consequently incorporated into the Constitution, and the Constituent Assembly decided to uphold this "Freedom of Press" as a fundamental right. Press freedom is clearly included in the right to free speech and expression under Article 19(1) of the Indian Constitution, even though this is not stated explicitly. It is crucial to remember that this independence has limitations. Not only do newspapers and magazines fall under this freedom under Article 19(1)(a) but pamphlets, leaflets, handbills, circulars, and any other kind of publication that conveys information and opinion are also included.

Therefore, even though press freedom is safeguarded as a fundamental right, we must deal with the multiple laws governing the different media outlets in order to comprehend the vast diversity of media rules.

The Indian and Eastern Newspaper Society founded the "Press Trust of India, 1949" with the goal of establishing autonomous news outlets. In an attempt to regulate newspaper prices and put an end to unfair competition, the Newspaper (Price and Page) Act of 1956 was adopted. Without increasing its charge, the journal was unable to publish papers on a more frequent basis. The Supreme Court held in the well-known case of *Sakal Papers v. Union of India* [AIR 1962 SC 305] that it was unlawful. It was determined that Article 19(2) only allowed the government to use indirect arguments in order to restrict journalistic freedom.

Legal Framework of Media in India

In addition to constitutional protections, media freedom in India is also governed by a complex array of statutory laws and regulatory mechanisms. The Press Council of India, established under the Press Council Act of 1978, serves as an independent regulatory body tasked with preserving the freedom of the press and maintaining high standards of journalistic ethics. However, the enforcement of media laws is often fraught with challenges, as political interference, corporate influence, and regulatory overreach undermine the autonomy and independence of the press. The legal framework of media in India encompasses various laws and regulations governing different aspects of media, including print, broadcast, digital, and online platforms. Several essential elements of this structure consist of:

1. **Constitutional Provisions:** The Indian Constitution guarantees freedom of speech and expression under Article 19(1)(a), subject to certain reasonable restrictions.
2. **Press Council of India (PCI):** Established under the Press Council Act of 1978, PCI is a statutory body that regulates the conduct of the print media and ensures freedom of the press.
3. **Broadcasting Regulations:** The broadcast media, including radio and television, are regulated by the Ministry of Information and Broadcasting (MIB). The key legislation governing this sector is the Cable Television Networks (Regulation) Act, 1995, and the Telecom Regulatory Authority of India (TRAI) Act, 1997.
4. **Digital Media Regulations:** The Information Technology Act, 2000, along with its amendments, regulates digital and online media platforms. The government has also proposed guidelines for intermediary liability and content regulation under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
5. **Defamation Laws:** Defamation laws, both civil and criminal, exist to protect individuals and entities from false and damaging statements made by the media.
6. **Copyright Laws:** The Copyright Act, 1957, governs intellectual property rights related to media content, including literary, musical, and artistic works.
7. **Advertising Regulations:** The Advertising Standards Council of India (ASCI) regulates advertising content to ensure it complies with ethical standards and does not mislead consumers.
8. **Regulatory Bodies:** Various regulatory bodies, such as the Telecom Regulatory Authority of India (TRAI), the Press Council of India (PCI), and the Ministry of Information and Broadcasting (MIB), oversee different aspects of media regulation and policy enforcement.
9. **Cinematograph Act, 1952:** Regulates the exhibition of films in India and certification of films by the Central Board of Film Certification (CBFC).
10. **Information Technology Act, 2000 (amended in 2008):** Addresses various issues related to electronic communication, including digital media, electronic commerce, and cybercrime.
11. **Telegraph Act, 1885:** Regulates telegraphy and telecommunications in India, including provisions for interception of communications in the interest of national security.

Challenges and Constraints to Press Freedom in India

Despite constitutional guarantees and statutory safeguards, journalists in India frequently encounter a host of challenges and constraints in the exercise of their profession. Intimidation, harassment, and violence against journalists have become disturbingly commonplace, as vested interests seek to silence dissent and suppress critical voices. Moreover, the rise of digital media platforms has ushered in

new challenges for press freedom, with concerns over online censorship, surveillance, and privacy rights. Press freedom in India faces several challenges, including:

- 1. Legal Restrictions:** Laws like sedition, criminal defamation, and the Official Secrets Act are often used to suppress journalists and media organizations critical of the government.
 - 2. Violence and Intimidation:** Journalists face physical attacks, threats, and harassment, particularly in conflict zones and areas where organized crime or political interests are dominant.
 - 3. Censorship:** Government pressure leads to self-censorship among journalists and media outlets, fearing repercussions such as withdrawal of advertising revenue or regulatory action.
 - 4. Ownership Influence:** Many media outlets are owned by powerful corporations or politicians, leading to biased reporting and manipulation of news content to serve vested interests.
 - 5. Online Surveillance:** The government's increased surveillance powers and regulations like the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, raise concerns about privacy and freedom of expression online.
 - 6. Financial Pressures:** Economic challenges in the media industry, including declining advertising revenue and the rise of digital platforms, can undermine editorial independence and quality journalism. Addressing these challenges requires ongoing efforts to safeguard press freedom, uphold journalistic integrity, and ensure accountability for violations against journalists and media organizations.
 - 7. Threats to Whistleblowers:** Lack of adequate protection for whistleblowers and sources discourages investigative reporting on sensitive issues like corruption and human rights abuses.
 - 8. Government Interference:** There are concerns about government censorship and pressure on media outlets, especially those critical of government policies or officials.
 - 9. Corporate Influence:** Media ownership by large corporations or political entities can lead to biased reporting and self-censorship to protect corporate interests.
 - 10. Online Harassment:** Journalists, especially women and minority reporters, face online harassment and trolling, which can deter them from reporting on sensitive issues.
- Addressing these challenges requires a commitment to upholding press freedom, strengthening legal protections for journalists, promoting media diversity, and fostering a culture of transparency and accountability.

Case Studies

The freedom of press or media relates to the rights granted under Article 19(1)(a) of the Indian Constitution, which deals with the freedom of speech. By enabling citizens to express their thoughts in favor of or against the activities of the government, it fosters independent media and advances democracy. Following the **Romesh Thappar v. State of Madras case**, which attracted attention to the significance of the media as the cornerstone of all democratic organizations, Article 19 came to light. Nonetheless, it rejected the case and acknowledged "public safety and public order" in accordance with Article 9 (1-A).²³

In **Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India**, Venkataramiah J. of the Supreme Court of India declared: "In today's free world, freedom of the press is the heart of political and social intercourse." In the developing nations, where televisions and other forms of contemporary

²³ Romesh Thapper v. State of Madras, AIR 1950 SC 124, 128. 22 Brij Bhushan v. State, AIR 1950 SC 129, Express Newspapers (P) Ltd v. Union of India, AIR 1958 SC 578, Sakal Papers (P) Ltd v. Union of India, AIR 1962 SC 305

communication are still unavailable to some segments of the population, the press has taken on the role of public educator, enabling widespread access to both formal and non-formal education. A democratic electorate (Government) cannot make responsible decisions without the publication of facts and opinions, which the press exists to promote. Newspapers, as aggregators of news and opinions relevant to public administration, frequently publish content that authorities such as governments would find objectionable.²⁴In India, press and media freedom is universally acknowledged. According to Article 19(2), it is subject to appropriate limitations in order to ensure the security of the country's citizens.

Article 19 of the declaration declares that "Everyone has a right to freedom of expression and opinion, including the freedom to hold views without interference and the freedom to seek, receive, and impart ideas and knowledge by any media and regardless of borders." This is the central statement of the declaration."

The Legislature's watchful eye, along with the exceptional care and direction of public opinion and the press, are essential for the flourishing of democracy. Subject to reasonable constraints imposed under Article 19(2), the right to free expression includes the ability to disseminate one's opinions through print media and any other communication medium, such as radio or television. **Romesh Thappar v. the State of Madras** (1950 SCR 594, 607; AIR 1950 SC 124) was one of the first instances the Supreme Court ruled on, establishing press freedom as an integral component of speech and expression rights. It was noted correctly by Patanjali Sastri, J., "Freedom of Speech and of the Press lay at the basis of all democracy organizations, for without free political debate, no public learning is possible, which is so essential to the proper operation of the process of Government."

According to the judgment in **Indian Express v. Union of India**, (1985) 1 SCC 641, the press is a vital component of the democratic apparatus. It is the responsibility of the courts to protect journalistic freedom and to declare unconstitutional any legislation or government acts that restrict it. Press freedom encompasses the rights to free speech, unrestricted publishing, and freedom from pre-censorship.

The Daily Newspapers (Price and Page) Order, 1960, which set the maximum number of pages that a newspaper could publish at a price, was upheld in **Sakal Papers Ltd. v. Union of India**, [AIR 1962 SC 305]. In **Bennett Coleman and Co. v. Union of India**, [AIR 1973 SC 106; (1972) 2 SCC 788], the Supreme Court of India invalidated the Newsprint Control Order, which set the maximum number of pages, ruling that it violated Article 19(1)(a) and was not a reasonable restriction under Article 19(2). The Government's argument that it would support the expansion of small newspapers was rejected by the court.

Romila Thapar v. Union of India [AIR 2018 SUPREME COURT 4683], This case dealt with the arrests of several activists and intellectuals in connection with the Bhima Koregaon violence case. The Supreme Court of India, in its judgment, emphasized the importance of dissent and upheld the activists' right to freedom of speech and expression. The judgment highlighted the role of the media in a democratic society.

Anuradha Bhasin v. Union of India [AIR 2020 SUPREME COURT 1308], This case addressed the shutdown of internet services in Jammu and Kashmir following the abrogation of Article 370. The Supreme Court ruled that freedom of speech and expression through the internet is a fundamental right

²⁴ (1985) 1 SCC 641

under Article 19(1)(a) of the Constitution, and any restrictions on internet access must adhere to the principles of necessity and proportionality.

Siddharth Varadarajan v. State of Uttar Pradesh [AIR ONLINE 2020 ALL 1540], In this case, the Supreme Court of India protected the right to free speech and quashed an FIR against journalist Siddharth Varadarajan for his critical tweets about the Chief Minister of Uttar Pradesh. The court emphasized the need to protect free speech, especially in matters of public concern.

Kishorechandra Wangkhemcha v. Union of India (2020), The Supreme Court of India reiterated the importance of free speech and expression when it quashed the detention of a journalist under the National Security Act (NSA) for criticizing the government in Manipur.

Common Cause (A Regd. Society) v. Union of India [AIR 2018 SUPREME COURT 1665], This case involved the legality of the Ministry of Information and Broadcasting's guidelines on fake news. The Supreme Court held that the guidelines were too broad and could potentially curb press freedom. The court emphasized the need for a free press and cautioned against any attempts to suppress media freedom.

Manohar Lal Sharma v Union of India, (2021), The SC recognised the link between the Right to Privacy and Freedom of Speech, noting that a breach of privacy can lead to self-censorship. They said that press freedom and privacy were allies and that the fear of surveillance is an 'assault' on the press, which is the fourth pillar of democracy.

Vinod Dua v. Union of India & Others [AIR 2021 SUPREME COURT 3239], The SC held that criticism of the government and its policies is not seditious and that the right to free speech and expression extends to the press.

Thus, the judiciary has played a pivotal role in interpreting and upholding the constitutional guarantees of press freedom, through landmark judgments that have reinforced the primacy of free expression in a democratic society.

Suggestions and Recommendations: -

- 1. Legal Reforms:** Advocate for reforms in existing media laws to align them more closely with international standards of press freedom. This may include amendments to restrictive laws and regulations that hinder journalistic liberties.
- 2. Transparency and Accountability:** Emphasize the importance of transparency and accountability in media governance. Propose mechanisms for ensuring that media regulations are implemented fairly and without bias, with accountability measures for those who infringe upon press freedom.
- 3. Public Awareness Campaigns:** Launch public awareness campaigns to educate citizens about the importance of press freedom and the role it plays in democracy. This could involve workshops, seminars, and media literacy programs aimed at empowering the public to recognize and challenge instances of censorship or media suppression.
- 4. Journalist Protection:** Advocate for stronger legal protections for journalists, including measures to prevent harassment, violence, and arbitrary arrests. Support initiatives to provide training and resources for journalists to navigate legal challenges and defend their rights.
- 5. Media Ownership Regulation:** Push for regulations that promote media pluralism and diversity of ownership, reducing the risk of undue influence on journalistic content. Encourage policies that foster a vibrant and competitive media landscape, with safeguards against monopolization and undue concentration of media ownership.

6. Digital Media Regulation: Address the unique challenges posed by digital media platforms, including issues of misinformation, privacy, and online harassment. Advocate for regulatory frameworks that balance the need for freedom of expression with measures to combat online abuse and disinformation campaigns.

7. International Collaboration: Promote international collaboration and exchange of best practices in promoting press freedom. Engage with global organizations, such as UNESCO and Reporters Without Borders, to share experiences and strategies for advancing media freedom in India and beyond.

8. Continued Research and Monitoring: Support ongoing research and monitoring of media laws and their impact on journalistic liberties. This could involve collaborations between academics, journalists, and civil society organizations to track developments, identify emerging challenges, and evaluate the effectiveness of policy interventions.

By implementing these suggestions and recommendations, stakeholders can work towards enhancing press freedom in India and creating an environment where journalists can fulfil their vital role as watchdogs of democracy without fear of censorship or reprisal.

Conclusion

The comprehensive study of media laws in India and their impact on journalistic liberties reveals the intricate relationship between legislation and press freedom. While India boasts a vibrant media landscape, characterized by diverse voices and perspectives, the presence of restrictive laws and their selective enforcement poses significant challenges to journalistic freedoms. Despite constitutional protections, laws such as defamation, sedition, and national security measures are often used to curb dissent and silence critical voices. To safeguard press freedom and uphold democratic values, there is a pressing need for legislative reforms that prioritize the protection of journalists' rights, ensure transparency, and foster an environment conducive to free and independent journalism.

In this age of exponential media growth, one cannot just confine oneself to the walls of traditional media. The reach of online media within its domain has expanded, contributing to the expansion of the media world's scope. Consequently, several legal frameworks are applicable to them. While discussing every media law would be outside the purview of this article, it does inform readers about the major laws governing the various media forms of communication, their rights, and how to exercise those rights within the bounds of Indian law, thereby promoting the causes of "Freedom of Speech and Expression" and "Dissemination of Knowledge."

The conflict between press freedom and press suppression has shaped media law. Press freedom is seen as the ark of a covenant democracy such as India. It is essential for uncovering administrative fraud and influencing public opinion. Currently, there are rules that somewhat regulate the media through the employment of auxiliary laws and contempt jurisdiction. It still falls short of what is needed to guarantee that the media respects the rights of those who are accused. The media's coverage of trials prompts calls for strict control and regulation.

Additionally, promoting media literacy and fostering public awareness about the importance of press freedom are crucial steps in nurturing a vibrant and democratic media ecosystem in India.

Press freedom directly impacts the liberties and rights of journalists, who play a critical role in disseminating information, holding power to account, and fostering public debate. The impact of press freedom on journalists' liberties can be understood in several key ways:

Freedom of Expression: Press freedom ensures that journalists have the right to freely express their opinions, investigate stories, and report on matters of public interest without fear of censorship or reprisal. It protects their ability to publish information that may be critical of governments, corporations, or other powerful entities.

Safety and Protection: Press freedom is closely linked to journalists' safety and protection. In countries where press freedom is upheld, journalists are less likely to face harassment, threats, physical violence, or legal repercussions for their work. They can operate with a greater sense of security.

Access to Information: A free press ensures that journalists have access to diverse sources of information and can conduct investigative reporting without undue restrictions. This enables them to uncover stories that may otherwise remain hidden and provide accurate and reliable news to the public.

Professional Autonomy: Press freedom allows journalists to exercise professional autonomy in selecting, researching, and reporting stories. They are not subject to government interference or pressure to censor their work based on political agendas or corporate interests.

Legal Protections: In countries with strong press freedom, journalists benefit from legal protections that safeguard their rights. This includes protections against arbitrary arrest, detention, or prosecution for carrying out their journalistic duties.

Promotion of Ethical Journalism: Press freedom encourages the practice of ethical journalism, where journalists adhere to professional standards of accuracy, fairness, and accountability. They can responsibly report on sensitive issues while respecting privacy and dignity.

Public Trust and Recognition: Journalists in environments of press freedom enjoy greater public trust and recognition for their role as information providers and guardians of democracy. They are seen as essential contributors to an informed and engaged citizenry.

However, it's important to note that press freedom is not absolute and can face challenges, including censorship, intimidation, and attacks on journalists' rights in various parts of the world. Ensuring and protecting press freedom requires ongoing advocacy, legal protections, and societal commitment to upholding the principles of a free press. The impact of press freedom on journalists' liberties underscores its significance in safeguarding democracy, human rights, and the public's right to know.

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POLITICAL INFLUENCE ON MEDIA & ITS FREEDOM OF EXPRESSION AND SPEECH THROUGHOUT INDIAN HISTORY AND MODERN TIMES

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Abstract

The invention of the printing press by Gutenberg in 1450 marked a significant shift in the dissemination of knowledge, breaking the oligarchy of the knowledge system. The churches in Europe utilized this innovation to propagate the teachings of the Bible. Subsequently, the Declaration of the Rights of Man and of the Citizen during the French Revolution in 1791 and the First Amendment of the United States Constitution profoundly enshrined the concept of freedom of speech and expression. Over time, freedom of speech and expression has emerged as a fundamental right. This paper aims to examine different periods in Indian history, particularly pre- and post-independence when political parties harnessed freedom of expression and speech through media channels. A detailed exploration of how political parties leveraged various forms of media to advance their ideologies and movements during the pre-independence period will be undertaken. The British-Indian Government sought to suppress this freedom through legislative measures, labeling dissent as a threat to the state, mutiny, and public disorder. Following independence, the nation experienced an emergency period in 1975, during which leaders of opposition parties were detained and media censorship was imposed. In the contemporary era, India is ranked 161st out of 180 countries in terms of press freedom, which is an extension of the freedom of speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution. This paper will also analyze how political parties have utilized media as a tool to disseminate their ideologies post-2014, providing an overview of the political influence on media and its impact on freedom of speech and expression.

Keywords : Freedom of Speech and expression, Media, Political parties, Fundamental Rights

Introduction

MAN is born morally free but society binds him. When we go through history, we see religions worldwide were the primitive source of laws that restrict freedom, and tell MAN what to do or not to do. We saw this phenomenon in the ancient Roman Empire, Greece, Egypt, etc. In those places, criticizing GOD means punishment of the death sentence. In the 'Apology', Plato described how his master, the great Socrates had to drink poison only to defend his right to freedom of expressing true knowledge and logical thoughts. He was accused of plundering the minds of the youths of the nation (Hassan, 2015). Later on, Johannes Gutenberg invented the printing press which challenged the oligarchy of true knowledge. Churches first welcomed the new invention as it helped them to spread words of the Bible but later on same technology became a bane for churches. It challenged authority of churches; printing of books was allowed only after permission of local bishops. Against this oppression, John Milton wrote 'Areopagitica' in 1644, where he called for right to freedom and expression which is a natural right not given by any

state. It is inherent to each individual. This idea carried into the 'Declaration on Human Rights of the French Revolution' of 1791 and the 'First Amendment' of the Constitution of the United States of America. The First Amendment reads as "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." (*Freedom of Speech: Historical Background*, n.d.)

As we progressed, we observed an interrelation between political power and individual rights. Where the 17th and 18th centuries were the age of local affairs of information and communication, the 19th century became the age of international affairs of speech and expression for new-age technology. The invention of the telegraph became one of the greatest tools for the free passage of information but it also brought power to monarchs to restrict the freedom of speech and expression.

Later on, in World War II the international community saw extreme levels of Nazi oppression for suppression of the free flow of information and media. The international community gathered in Paris on 10th December 1948. They signed the Universal Declaration of Human Rights by the United Nations General Assembly of which Article 19 became the ultimate cornerstone of free speech and expression as it is-

"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." (*A History of the Right to Freedom of Expression*, n.d.)

British Period and Media

The Indian press has battled against every social and political development in the country for nearly two centuries, as documented in its history. The Indian Press has a unique past that outlines its significance and function in the fight for Indian Freedom.

The history of journalism in India during the pre-independence era can be broadly following phases- Phase 1(1780-1826): In India, journalism debuted during that time. On January 29, 1780, James Augustus Hickey launched the Bengal Gazette, also referred to as the Hickey Gazette, making history as the country's first newspaper proprietor. Seeking retribution and denouncing the East India Company was the central focus of his journalism. After being contacted by some business tycoons to promote their ideas and philosophy later in 1818, James Silk Buckingham began his journey in India as an editor with the "Calcutta Chronicle." He then went on to publish the "Calcutta Herald," a newspaper in which he brought up various concerns and issues about Indian society. The man regarded as the founding father of Indian language journalism, Raja Ram Mohan Roy, lends his support as well. His publications, such as "Sambad Kaumudi" (Bengali) and "Mirat-UL-Akbar" (Persian), were oriented towards nationalism and democracy. Press censorship is among the many restrictions East India Company attempts to impose on the press during this phase. Drastic Acts such as the Press Ordinance Act of 1823, which required all newspapers to be examined by the government before publishing, and the Censorship of the Press Act of 1799 were imposed on newspapers. Ram Mohan Roy was the pioneer of press freedom and the first to criticise the government. In support of press freedom in India, Raja Ram Mohan Roy, Dwarkanath Tagore, Harchandra Ghose, Chandra Kumar Tagore, Prasanna Kumar Tagore, and others submitted a memorandum to the Supreme Court when the Press Ordinance Act was put into effect. India's national movement has been fundamentally shaped by the struggle for press freedom against the British government. During this

period, the Indian vernacular press also experienced growth. The first Hindi newspaper, "Udant Martand," was published in 1826 by Pt. Jugul Kishor Shukla. The Indian Mirror was another widely read newspaper at the time.

Phase II (1851-1900): Among the Indian press, it saw the emergence of nationalism. Press coverage of political and social issues raised public awareness, which made the national movement possible. They succeeded in transferring ideas about their representative government among the populace by using the press as a potent communication tool. Public awareness of their own circumstances in India was also increased by the media. Numerous newspapers from all over the nation begin to appear during this time, including "The Hindu" (1878) by G Subramaniam Aiyer, "Amrita Bazaar Patrika" (1868) by Ghosh Brothers, "The Times of India" (1861) by Robert Knight, "Statesman" (1875) by Robert Knight, and "The Tribune" (1881) by Sardar Dayal Singh Majithia. The Vernacular Press Act, which has as its main goal the suppression of the nation's regional press, is one of the seditious acts that the Indian press had to deal with during this period. As a result of this act, regional newspapers suffered greatly. Amrita Bazaar Patrika, which was published nightly, changed its name to Anand Bazaar Patrika and became an English daily. The Indian National Congress was established in 1885, which serves as another reminder of the nationalism-focused Indian press's past. The Indian people's nationalist ambitions are further strengthened by the Congress' establishment. Prominent Indian National Congressmen include renowned newspaper editors and journalists, such as Dada Bhai Naoroji Ranade.

Phase III (1900-1947): Press coverage is always significant, whether it's the Indian National Congress's Surat Session, the Swadeshi Movement, or Lord Curzon's 1905 divided Bengal. Within the context of the tactics and strategies of the freedom movement, this phase witnessed the Indian press becoming more differentiated into "radical" and "moderate" tendencies. In addition, we witnessed the conflict between the pro-British and nationalistic media. In order to combat the British, Mahatma Gandhi utilized the press as a weapon because he recognized its power. His piece inspired readers to take part in different anti-British movements. A nationwide heroic response occurred in 1922 when Mahatma Gandhi was put on trial for charges of sedition. Newspapers that were deemed nationalistic, such as "Indian Express" and "Hindustan Time," were said to be expanding in terms of readership and impact. At this phase, news agencies, news services, and the expansion of foreign news coverage in India are all witnessing significant professional development in the press. Another publication that was instrumental in the Indian independence movement was Vandematram, which was founded in 1906 by Subodha Chandra Malik, Chittaranjan Das, and Bipin Chandra Pal. A newspaper like "Indian Express" also saw growth during this time. [Sharma and Uniyal (2019)]

The British period also saw the rise of prominent journalists who took pen for revolution. We will discuss some about them also.

Bhagat Singh- Singh was a brilliant multi-linguist journalist who produced frequently politically fulfilled and socially connected writings in mainly three different languages: Punjabi, Urdu, and Hindi, and occasionally in English. He crafted his journalism journey in a very early age through media organizations like *Pratap* and *Vir Arjun*. His journalism aura went unnoticed due to write in pseudo names like 'Vidrohi', 'B.S Sindhu', and 'Balwant Singh.' An article by Singh in Kirti in 1927 titled '*Introduction to the Heroes of Kakori*' sparked the whole India- intrigued British Officials and went to the extent of hunting down and arresting him. He didn't get much recognition due to his affiliation with Marxist and

Leninist ideas where main stream ideas like -Gandhian and Nationalist ideas were in peak. During jail period, his ideas didn't shut down. It is worth mentioning here that some of his most famous political works, such as, *Why I am an Atheist*, *Letter to Young Political Workers*, and *Jail Notebook*, were written while he was in prison. (*The Wire: The Wire News India, Latest News, News From India, Politics, External Affairs, Science, Economics, Gender and Culture*, n.d.)

Bal Gangadhar Tilak- Colombia Encyclopaedia describes Bal Gangadhar Tilak as an 'Indian Nationalist Leader. He was a journalist in Pune and his newspapers, the Marathi language Kesari[lion] and the English language Mahratta, he set forth his nationalist ideals. He sought a Hindu revival based on Maratha traditions and independence[swaraj] from Britain'

His famous declaration, "Swaraj is my birth right and I shall have it" favoured as master stroke to the Indian Revolution. British officials became so annoyed at that extent termed as "father of Indian Unrest". He openly criticized British Government and its policies. On 23rd July 1908, he was sentenced to six years of rigorous imprisonment and deportation by the Bombay High Court for publishing article in newspaper *Kesari* dated 15th May, 1908. He declared imperial laws illegitimate and exposed trial openly. He didn't hire any lawyer and fought his own case. By challenging the discriminatory British judicial system and demanding impartial representation, Tilak opened a new discourse for political freedom. (Mahotsav, n.d.)

Mahatma Gandhi- The sole aim of journalism should be service. - *M.K. Gandhi*

The true function of journalism is to educate the public mind, not to stock it with wanted and unwanted impressions. - *M.K. Gandhi*

The newspapers should be read for the study of facts. They should not be allowed to kill the habit of independent thinking. - *M.K. Gandhi*

Freedom of the press is a precious privilege that no country can forgo. - *M.K. Gandhi*

These quotes well defined what is journalism is for Mahatma Gandhi. Gandhi was a master communicator in addition to being a national leader and social reformer. Above all, he understood that the best way to influence public opinion and garner support is through communication. His latent communication skill, which first manifested in South Africa, where he had first established his legal practice, was the reason for his success.

In his message for the editor of the newspaper, 'The Independence', on 30 January 1919, he wrote: In wishing you success in your new enterprise, I would like to say how I hope your writings would be worthy of the title you have chosen for your journal; and may I further hope that to a robust of independence you will add an equal measure of self-restraint and the strictest adherence to truth? Too often in our journals as in others do we get fiction instead of fact and declamation in place of sober reasoning. You would make 'The Independence' a power in the land and a means of education for the people by avoiding the errors I have drawn attention to.

Mahatma Gandhi's speech during his visit to 'The Hindu' sums up his philosophy and vision of journalism: I have, therefore, never been tired of reiterating to journalists whom I know that journalism should never be prostituted for selfish ends or for the sake of merely earning a livelihood or, worse still, for amassing money. Journalism, to be useful and serviceable to the country, will take its definite, its best for the service of the country and, whatever happens the views of the country irrespective of consequences. I think that we have in our midst the making of newspapers which can do. (*Mahatma Gandhi and Mass Media / Journalist Gandhi*, n.d.)

(Kaur, 2018)

After Independence and Media

As the Constitution of India is the best practice from different parts of the world, freedom of speech and expression has become one of the key fundamental rights in our constitution. However, a small section of distinguished minds demanded the freedom of the press as a separate right. Dr. B.R Ambedkar in his book 'States and Minorities' submitted to constituent assembly and hereby declared: '*No law shall be made abridging the freedom of Speech, of the Press, of Association and of Assembly except for consideration of public order and morality*'. Sapru Committee Report and M.N Roy demanded the same "the freedom of Press and Association". Also, KT Shah was another strong advocate of freedom of the press. He wanted to insert "*freedom of speech and expression; of thought and worship; of press and publication*". He pointed out that several countries underwent 'constitutional struggles' to ensure freedom of the press. Further, he implied that freedom of the press is explicitly guaranteed where 'liberal constitutions prevailed'. Shah insisted that leaving this out, as described by another member, was a "black Act". He further noted:

"To omit it altogether, I repeat, and I repeat with all the earnestness that I can command, would be a great blemish which you may maintain by the force of the majority, but which you will never succeed in telling the world is a progressive liberal constitution, if you insist on my amendment being rejected.

Following an extensive discussion regarding the necessity of separate press freedom, the Chairman of the Drafting Committee, BR Ambedkar, responded succinctly. Unlike his earlier stance in States and Minorities, he did not see the need to explicitly state freedom of the press. He maintained that the press "is merely another way of stating an individual or a citizen" and that it had no special rights. An editor or press manager is a citizen with the ability to effectively exercise their right to free speech. Thus, "the freedom of the press requires no special mention at all."

(*Freedom of the Press: A Constitutional History - Centre for Law & Policy Research*, 2020)

Chief Justice Patanjali Shastri, in **Romesh Thappar v. State of Madras**, expressed his views, that without open political deliberation and public education, the appropriate functioning of the popular governmental institutions will not be possible. Issues of misuse of these rights might arise from the bestowal of such enormous freedom. However, the framers of the Constitution may well have agreed with Madison, who was the driving force behind the First Amendment's drafting, who believed that it is better to leave in some demerits in the concept than take away all of the merits of the same only to ensure that the demerits don't reflect.

(Manupatra, n.d.)

During reign of Pandit Jawaharlal Nehru, India saw a remarkable journey of press freedom and Art. 19(1)(a). But liberal Nehru had to take resort of curbing freedom of press due to communal violence spread across. Thus the *Press objectionable Matters Act* was passed in 1951. In one of his speeches in the Parliament (on 29/05/1951), Nehru poignantly pointed out "*The Press if it wants freedom – which it ought to have, must have some balance of mind which it seldom possesses. Every freedom in this world is limited, limited not so much by law as by circumstances.*" Nehru wanted the Press to discriminate between right and wrong circumstances and report accordingly.

During the period of Indira Gandhi, she became iron lady due to her policy in both domestic and foreign policy. Bangladesh liberation war gave her massive popularity among Indians. But the popularity didn't

last so long. New face like Jayprakash Narayan challenged the legacy of Madam Gandhi. Mr. Narayan was critical of parliamentary democracy and believed in party-less democracy. The entire political landscape was altered by a court decision, on June 12, 1975. After finding Mrs. Gandhi guilty of engaging in dishonest campaigning tactics during the 1971 parliamentary elections, Justice Jagmohanlal Sinha of the Allahabad High Court declared her election to be invalid. The court was hearing a petition regarding electoral malpractices. Because of the conviction, she was also unable to retain her position as prime minister. The opposition and JP took advantage of the situation, accusing her of "clinging to an office corruptly gained" and calling for her resignation right away. JP and his allies called for her resignation through a nationwide civil disobedience campaign during a rally in the nation's capital. On June 26, 1975, Mrs. Gandhi took a bold stand and declared an internal emergency throughout the entire nation. It was the lowest point in India's post-independence history for democracy.

From her earliest days, Mrs. Gandhi attempted to bind the Press. She anticipated uncritical support for her government from the Press, without any doubts about her capacity to carry it out. Indira thought that the Press ought to represent the government, even though Nehru encouraged the Press to express its independent opinions. Their approaches to press freedom during two distinct wars made evident the differences in their points of view. While press censorship was enforced during the 1962 Sino-Indian War, the Nehru administration did not take strong action to enforce it; conversely, censorship of the Press was also mandated at the outset of the 1971 India-Pakistan War.

She introduced the Monopoly and Restrictive Trade Practices (MRTP) Act in an attempt to control the larger English-medium dailies' circulation and reduce the amount of newsprint they used. Mrs. Gandhi stated in the Parliament that exercising press freedom did not entail disobeying the government's policies. The major newspapers were "the only medium" of mass communication in India and "the only counterbalance to the ruling party's views," so they successfully fought the 1972 restrictions, claiming that the act would "cut at the roots of democracy."

Indira Gandhi took control of the Press in the summer of 1975, declaring an internal emergency and forbidding them from covering any domestic or foreign news without government approval. She felt that the Press was becoming more and more supportive of JP and the opposition movement, and she was growing more and more threatened by the growing criticisms of her government. In addition to barring 29 foreign journalists from entering India, her government expelled seven of them. In addition to 258 journalists being detained during the 21-month Emergency period, it revoked the accreditation of over 46 reporters, 2 cartoonists, and 6 photographers who typically covered the capital. A well-known journalist from across the world, Kuldip Nayar, was detained under the Maintenance of Internal Security Act. 100 newspapers and magazines did not receive government ads, suffocating them.

Talking about the response of the print media in general to the emergency and pre censorship laws, one of the legal luminaries, Soli Sorabjee observed, "The first and most crucial round of battle for freedom of the Press and civil liberties was lost without a struggle in the first week after the emergency." The absurdity and illegality of the Censor's action was not lost on the newspapers and their editors but barring a valiant few the others were unwilling to challenge it in the court of law. This was unfortunate as contesting in the court of laws proved effective. In the Binod Rau V/S M R Masani case the Bombay High Court on April 1976 ruled among other things, "if there is a right to praise either an individual or the government, there is equally a right to criticize the individual or the government....." The fact of the

matter was that fear had struck the print media. Editors were more interested in saving their jobs and printers did not want to risk forfeiture of their presses. This stance of the majority of the print media was thus disapproving. The clamour for Press freedom did not translate into fight to stave off attack on Press freedom. We know that Article 19(1) (a) of the Indian constitution guarantees Freedom of Speech and Expression to all citizens of India including the Press. The second part of Article 19 enumerates the restrictions on the Freedom of Speech and Expression. The Indira Gandhi government used the "security of the state" and "promotion of disaffection" specified in Article 19 (2) as its defense for imposing strict control on the Press. The airwaves comprising the radio and television were under state control in India during 1975; by imposing restrictions through Article 19(2) on the print media the government was successful in controlling.

(Ghosh, n.d.)

Press coverage was abysmal. Press freedom returned after Indira Gandhi lost her position of authority and Morarji Desai was elected. Following the request of his Minister for Information and Broadcasting, L.K. Advani, a journalist by trade who had been detained during the emergency, he repealed the Prevention of Publication of the Objectionable Matter Act of 1976 with the proper procedural approval of both houses in the Parliament. But, Indira Gandhi returned to power by 1979, after Morarji Desai had lost it. Although it was not as bad as it was during the emergency, the press was still met with resistance this time. Still, the Press was disregarded by many State governments. Rajiv Gandhi became influential following the death of Indira Gandhi in 1984. But by 1988, Rajiv Gandhi was also growing cautious of the media because of the unfavourable impressions it was creating about his administration. The "Defamation bill," which he brought in with the intention of restricting press freedom, was not approved at the outset, just like his mother's. After several years, even the liberal Rajiv Gandhi could not bear the criticism from the media.

Despite the long-term economic pressures and influence, the press appeared to be unrestricted. Development journalism and resumé journalists were well-liked.

Newspapers still offer news, amusement, education, and a healthy dose of Yellow journalism. Newspapers now include news with a lot of features for students regarding fashion, style, environment, etc., unlike in the past. The newspapers are filled with pages covering a wide range of subjects, including business, sports, national, state, and international news. The majority of these are now accessible online as well. However, the 21st century has witnessed extreme corporatization and monetization of the press as a whole, with news being compromised in favor of advertisements to obtain the much-needed. (Michelle, n.d.)

2014 and onwards-

In this paper, we segregated a part for 2014 and onwards. We feel that it was a most interesting turnaround when Mr. Narendra Damodar Das Modi became Prime Minister of India for the first time in 2014 with a thumping majority. However, analysts are referring to the vote as India's first "social media elections," since social media was involved for the first time in the nation's history. "For the BJP, the social media effect was enormous. They truly realised that social media is a more expansive form of the campaign trail," stated Michael Kugelman, a senior programme associate at the Woodrow Wilson Centre for South and Southeast Asia. Narendra Modi was the world's sixth most followed leader on Twitter and had

amassed over 16 million "likes" on Facebook by the time he took office, making him the second most liked politician worldwide.

The BJP won the most seats in India's parliament in forty years thanks to Modi's popularity, taking 282 of the 543 seats. The BJP won over a large number of young voters by using social media. Furthermore, the BJP handily prevailed in the race for India's youth vote, even though official figures have not yet been tallied. (Ali, 2014)

The RSF's 2022 makes clear that journalists are being forced to limit their content because they are afraid of a political backlash. Modi's army of followers hunts down any internet content deemed to be critical of the government and launches horrifying campaigns of intimidation against the sources. The reality is that a lot of journalists have to self-censor. With concerns about the sample size and methodology, the Indian government rejected the RSF's 2022 findings. Given the RSF's "very low sample size, little or no weightage to fundamentals of democracy, adoption of a methodology which is questionable and non-transparent," Information and Broadcasting Minister Anurag Thakur stated in Parliament that the government did not consider the findings.

The acquisition of the anti-establishment television station NDTV by business magnate Gautam Adani in 2022—who is rumoured to be close to Prime Minister Modi—was one of the factors that kept the situation of Indian media in the headlines throughout the world. Such a purchase wasn't an isolated incident. An additional pro-establishment corporate behemoth, Mukesh Ambani, purchased Network18 in 2014, not long after Modi took office. Over 70 media outlets that at least 800 million Indians follow are owned by Mukesh Ambani, according to the RSF report. Despite the fact that media corporatization is a worldwide phenomenon, it appears to have occurred in India at the price of ethical journalism. The latest report from international media watchdog Reporters Without Borders, or RSF, indicates a sharp drop in India's ranking for press freedom. Out of 180 countries, India was ranked 161st in the report, which was released on May 3, World Press Freedom Day. Some experts point to the generally restrictive environment in which reporters work and the recent raids at the BBC headquarters in India, which drew international criticism, as contributing factors to this decline. By 2022, India was ranked 150th. (Bhakto, 2023)

A horde of trolls that propagate false information on social media platforms has also been amassed by the BJP. That is not where the story ends. These trolls have been abusing respectable journalists and intimidating critics with derogatory remarks. Fascinatingly, Modi is pursuing a few of them. One of these was the person who sparked a debate on Twitter by celebrating Gauri Lankesh's death. Actually, Lankesh had written about these trolls who propagate false information via fake news in order to incite hatred towards Muslims in one of her last editorials. She had meticulously documented in her editorial the instances of fabricated news reports that could have led to her assassination. Soon after Prime Minister Modi was elected, the first indications of the impending attack on freedom of expression began to appear. Thirteen students were detained in Kerala, a state in South India, for making fun of Modi in their campus publications. George W. Bush, Adolf Hitler, Osama Bin Laden, and other "negative faces" were among the students of one college who were arrested for including him. BJP supporters pressured Chandigarh to ban a comedy play that was named after the party's election slogan, "Ache Din Aane Wale Hain" (Happy days are coming). A play that made fun of the BJP government's policies was performed. (*Media Under Modi*, 2018)

In current times, however, not only is much of the media willing to toe the government line but it has been weaponized against opposing voices. Terms like “urban Naxal,” “anti-national,” “fake media,” and “Lutyens Delhi media” are freely used on news channels to categorize and discredit intellectuals, liberals, and anyone disagreeing with government actions. The term “**urban Naxal**” is being used by Modi himself. Just for carrying out their duties, journalists are now in danger under Modi. Reporters sometimes relate anecdotal stories about being harassed by coworkers, especially if those colleagues belong to underrepresented groups. The COVID-19 pandemic was reported, and a female journalist recounts how her colleagues harassed them. Because of their reporting during the farmers' protest in 2020–2021, a number of prominent Indian journalists were accused of sedition under colonial laws. Sedition cases filed have surged by nearly thirty percent since Modi's 2014 election. (*In Modi's India, Press Freedom Is Curbed and Journalists Are Under Threat for Doing Their Jobs*, n.d.)

Conclusion

Developing a legitimate opposition party with strong organisational foundations is the best way to ensure India's democratic comeback in the future. India is definitely trending away from democracy, but it is not unabated. Elections are still legitimate forums for accountability as long as voting is conducted fairly and in secret, even in hybrid regimes that are frequently stable. The structures of autocratic power also hinder such regimes from accurately understanding citizens' concerns, something that democracies excel at. For this reason, even fully autocratic regimes with highly developed surveillance policies are vulnerable to moments of effective protest. Recent demonstrations against the farm laws of India, the morality police of Iran, and China's zero-covid policy have all brought attention to the long-lasting potential of mass activism. As an opposition party, a legitimate media outlet can be that.

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OTT AND LEGAL CHALLENGES

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Abstract

We live in an era of mushrooming OTT apps, which are available as free downloads on multiple app stores such as Google Play Store or Apple App Store. These OTT apps either provide their services or content for free or charge a premium for the same. Further they can also be downloaded on mobile phones, tablets, or smart TVs. The benefits many of these OTT apps provide include facilitating entrepreneurship, providing a source of income, and most importantly, encouraging creativity. For an end consumer, the benefit of using an OTT app is ready accessibility as they can access content on the go through their mobile phones. They can also become creators of content on these OTT apps and earn revenue based on views and reviews. However, the darker side to some of these OTT apps is that they are mostly unregulated and not completely accountable under Indian laws, as it is cumbersome to monitor all the content, some of the app are hosted outside India by unfriendly nations and are non-traceable due to a lack of digital footprint, etc. Many OTT apps absolve themselves of any responsibility over the content they provide by forcing users to accept their terms and conditions at the time of registration, without which these users wouldn't be able to use the OTT apps. Below are some of the LEGAL Challenges that arise because of OTT

- Defining the level of acceptable creativity vs Vulgarity*
- cultural insensitivity*
- Intellectual Property Rights*
- inadequate content regulation*
- content that can impact the sovereignty and integrity of the Nation.*

And many such more.

While India has introduced multiple laws such as the Information Technology Act, Digital India Act, Digital Personal Data Protection Bill, etc., the question remains: Are these laws sufficient? Does the Government of India need to take further action? Are consumers adequately protected?

Introduction

Have you ever got onto a local train or a metro recently? What is the most common sight to behold? Most of the travelers are browsing through their phones, watching some web series or some reels or some movies. Imagine a few years ago, it was more travelers listening to music or reading books or having basic conversations. What has changed?

Content - Yes, content that wasn't easily available before or was costly to obtain is now easily and readily available. Content they say is king and the current generation is always hungry for quality entertainment. In the last few years, the entertainment industry has gone through dramatic changes in redefining content that should be easily and readily available to the masses. Nowadays, movie rights are sold even before the movie is released, not only for cinematic releases but for online releases as well

What has made all this possible? - One of the main drivers for the demand for such content is the mushrooming of OTT platforms and the easy accessibility of diversified content.

What is OTT

OTT stands for Over-the-Top. This is the latest innovation in delivery of media content over the internet where content tailored to the consumer needs is available to be viewed either on single or multiple platforms that provide such content freely or through a nominal subscription fee. No longer are we reliant on traditional age-old methods such as cable TV or satellite TV systems. Some of these OTT platforms have now become household names, such as Netflix, Disney Hotstar, Amazon Prime, Jio Cinema etc.

Some facts on OTT²⁵:

- OTT means control over your content, brand, user experience, audience, monetization, and most of all, your data.
- OTT is the ultimate platform for reaching your targeted audience directly with quality content and delivering a premium video experience that viewers control entirely.
- Most viewers don't like ads! OTT has opened up the possibility for ad-free content, by enabling subscription services

Mobile connections in India:

Data from GSMA Intelligence shows that there were 1.12 billion cellular mobile connections in India at the start of 2024.

We are, however, aware that these do not account for only a single connection only, but would also include users having a mobile connection for themselves or their family members. GSMA Intelligence's numbers further indicate that mobile connections in India were equivalent to 78.0 percent of the total population in January 2024. The number of mobile connections in India increased by 23 million (+2.1 percent) between the start of 2023 and the start of 2024.²⁶

Growth of OTT in India

The OTT market in India has been growing from strength to strength. In 2023, the market is currently pegged at Rs. 10,500 crores including the subscription revenues. It's expected to touch 12,000 crore by financial year 2024 and 30,000 crore by 2030 with a 20 percent growth on year-on-year basis.²⁷

Revenue in the OTT Video market in India is projected to reach US\$4.06bn in 2024. The market is expected to show an annual growth rate (CAGR 2024-2029) of 7.43%, resulting in a projected market volume of US\$5.81bn by 2029. The largest market segment within the OTT Video market is Video Streaming (SVoD), with a market volume of US\$2.02bn in 2024.

In the OTT Video market in India, the number of users is expected to reach US\$5.81bn by 2029. User penetration is projected to be 45.8% in 2024 and is expected to increase to 54.5% by 2029. The average revenue per user (ARPU) in the OTT Video market is projected to be US\$6.16, 2024. India's OTT video

²⁵ <https://www.endavomedia.com/what-is-ott/#ott>

²⁶ <https://datareportal.com/reports/digital-2024-india#:~:text=Mobile%20connections%20in%20India%20in,total%20population%20in%20January%202024.>

²⁷ <https://www.thehindubusinessline.com/news/indian-ott-market-set-to-reach-30000-crore-by-2030/article66760012.ece>

market is booming, with a surge in local content consumption and increased competition among streaming platforms.²⁸

These numbers tell a simple story. Thanks to an ever growing population and the ever growing concentration of youth in India, the OTT video market is set to soar. And we are not speaking just of towns and cities. Internet connections have spread to small villages and in remote areas. This has broadened the market base for many of these OTT platforms. Some of these OTT platforms offer their content and services for free, while some of these provide them for a nominal monthly / yearly subscription, which, in many ways, tends to be cheaper than what you would pay for subscribing to cable or satellite TV. And again, not to forget, the benefit to the viewers where you are not restricted to observing your content from one corner of the house, but from any place where you choose, whether a bus-stop, cafe, restaurant, train station, etc.

For content creators, OTT platforms have provided a big boon, a revenue source, especially for newcomers in the entertainment industry and new entrepreneurs. Not only is content from India making its way onto these OTT platforms, but content from foreign countries too is making their way to multiple OTT platforms. Eg. K-drama or Korean drama is the current craze amongst the younger generation of India. Not to forget the number of OTT platforms keeps increasing month on month.

So, should OTT content be regulated?

There has been a clamour of voices that state that unlike the censor board monitoring done on theatrical releases and satellite TV, the content on OTT platforms should be left out of regulations as it gives a chance to innovation and allows content creators to experiment with themes that would normally be ignored by mainstream cinema without fear of being held accountable for any overtures.

Article 19(1) of the Constitution provides that all persons shall have “freedom of speech and expression”. Article 21 of the constitution further states that no person shall be deprived of his life or personal liberty except according to procedure established by law. Hence, many subscribers and content providers believe that it is their right to create content or access content as their right to free expression without having the government or any superior law make that decision for them.

To put this to test, I decided to ask 31 individuals whether they accessed OTT platforms and whether they felt that content on OTT platforms should be regulated. It wasn't surprising to know that most of them do watch content on OTT platforms. But it was surprising to note that many of them do feel that OTT platforms should be regulated.

²⁸ [OTT Video – India | Statista Market Forecast](#)



When you look at some of the recent headlines, you may understand why some may feel that OTT platforms should be regulated.

From India

Netflix removes Nayanthara-starrer 'Annapoorani' after right-wing outrage²⁹

VHP said the film had hurt the sentiments of the Hindu community, especially the Brahmins. The Tamil film tells the story of a temple cook's daughter who dreams of becoming the country's best chef and learns to make non-vegetarian food against her family's wishes

Tandav row: Amazon Prime Video offers an apology again for objectionable scenes in the web series

30

Tandav makers have removed the controversial scene from the Amazon Prime web series. The Union Ministry of Information and Broadcasting had received a number of complaints against Tandav for its depiction of Hindu Gods in the show. Three FIRs have been registered against the makers of the series in three different cities. These include Lucknow, Mumbai and Greater Noida. The show, a political drama, has been drawing flak on social media and is accused of hurting religious sentiments.

Justice for Rights Foundation V. Union of India - WRIT seeking to Frame guidelines in order to regulate online platforms and contents broadcasted on the online platforms. This was however, dismissed. **Amazon Prime Video India Originals V. Union of India** - WRIT is seeking to restrict the release of the Webseries Mirzapur as it brings disrespect to the culture of the people of Mirzapur. Similarly, this was dismissed.

From outside India

Netflix subscribers 'sickened' by X-rated 'Supersex' series: 'Are we just making porn mainstream now?'³¹ The series rated by Netflix strictly for viewers aged 18 and over, is based on famed Italian adult

²⁹ [Netflix removes Nayanthara-starrer Annapoorani after right-wing outrage - The Hindu](#)

³⁰ [Tandav row: Amazon Prime Video offers apology again for objectionable scenes in the web series \(moneycontrol.com\)](#)

³¹ [Netflix subscribers 'sickened' by X-rated 'Supersex' series: 'Are we just making porn mainstream now?' \(nypost.com\)](#)

star Rocco Siffredi. Several social media users expressed their disgust over the subject of Netflix's new controversial series, while others threatened to cancel their subscriptions to protect their children.

Current Regulations for OTT Applications

OTT platforms, including TSPs in their provision of OTT services, are required to abide by the Information Technology (Intermediaries Guidelines) Rules, 2021 under Section 87(2) read with Section 79(2) of the Information Technology Act, 2000. But this is mainly from the ecommerce point of view as well for addressing grievances raised with the OTT platforms.

Currently, there are no specific regulations that govern OTT platforms and that is one of the many legal challenges that are faced when dealing with content provided by existing OTT platforms

In India, for any cinematic releases or content to be made available on satellite TV channels, they need to adhere to the strict guidelines of the CBFC (Central Bureau of Film Certification). For the CBFC to certify the same, they need to adhere to the below guidelines³²:

- ❖ The Cinematograph Act, 1952.
- ❖ The Cinematograph (Certification) Rules, 1983.
- ❖ The Guidelines issued by the Government under Section 5B of the Cinematograph Act.
- ❖ The Cable Television Networks (Regulation) Act, 1995 r.w. The Cable Television Network Rules, 1994 (Programmes and Advertising Codes therein).
- ❖ The Cigarettes and other Tobacco Products Act (COTPA) , 2003 & Rules 2004.
- ❖ The Prevention of Cruelty to Animals Act. The Emblems and Names (Prevention of Improper Use) Act, 1950. The Prevention of Insults to National Honour Act, 1971.
- ❖ The Drug and Magic Remedies Act.
- ❖ The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.
- ❖ The Indecent Representation of Women (Prohibition) Act 1986.
- ❖ The Protection of Children from Sexual Offences Act (POCSO Act) 2012, Etc.

The CBFC follows the below objectives before certifying that the content is worthy of being watched by the viewers³³.

- a) Ensure that anti-social activities such as violence are not glorified or justified.
- b) Do not depict visuals or words that are likely to incite the commission of any offence
- c) does not show scenes that show the involvement of children in violence as victims or perpetrators or as forced witnesses to violence, or show children as being subjected to any form of child abuse. Also, ensure not to show any abuse or ridicule of physically and mentally handicapped persons; and show cruelty to, or abuse of animals,
- d) Does not show scenes that depict pointless or avoidable scenes of violence, cruelty and horror that may have the effect of de-sensitising or de-humanising people.
- e) Does not show scenes which have the effect of justifying or glorifying drinking.
- f) does not show scenes tending to encourage, justify or glamorise consumption of tobacco or smoking
- g) It does not show scenes depicting vulgarity, obscenity or depravity;

³² [CBFC | Act & Rules \(cbfcindia.gov.in\)](http://cbfcindia.gov.in)

³³ [CBFC | GUIDLINES \(cbfcindia.gov.in\)](http://cbfcindia.gov.in)

- h) does not show scenes degrading or denigrating women in any manner. does not show scenes involving sexual violence against women, like attempts to rape, rape or any form of molestation, or any scenes showing sexual perversion
- i) does not show scenes where the sovereignty and integrity of India is called into question; and where the security of the State is not jeopardized or endangered or friendly relations with foreign states are not strained; or public order is not endangered.
- j) does not show visuals or words involving defamation of an individual or a body of individuals, or contempt of court are not presented.

Now, for any content released on OTT platforms, there is no mandatory requirement that OTT platforms should adhere to any of the above. Instead, OTT platforms have themselves adhered to self governance called the CODE OF BEST PRACTICES FOR ONLINE CURATED CONTENT PROVIDERS ³⁴

The gist of these best practices is that OTT platforms should have a dedicated person / team / department to receive and address any consumer related concerns and complaints in relation to the content of the respective providers. The function of this Department is to act as the single Point of Contact for receiving all complaints from users; and examine the complaints in accordance with the principles in this Code and accordingly advise other departments / internal stakeholders within the relevant provider. Further, OTT platforms will ensure that their content is in line with the objectives followed by CBFC. One drawback. This code was agreed to by a few OTT platforms and does not represent all OTT platforms or the new OTT platforms. While such a plethora of guidelines exists for content depicted in cinemas and satellite TV, there are no specific guidelines governing content on OTT platforms.

OTT platforms thus pose some of the following legal challenges

1. No certification for movies opting out of theatrical releases directly on OTT platforms.

In the pre-Covid2019 world, a Bollywood feature film's release will be first a theatrical release followed by a 36-day hold back-period then, OTT release a further 120 days from theatrical release date to satellite release. For the theatrical release the film needed to get a CBFC certificate. CBFC, as per the above guidelines, may recommend some cuts in order for the distributor to obtain the relevant certificate. However, if the same film was to opt for an OTT release, the same could be displayed with minimum cuts unless requested by the OTT platforms themselves.

2. Accountability for content shown on OTT platforms

OTT platforms don't always produce or create the content they display. They provide a base more like a library for providing content for viewing purposes. The maximum accountability from an OTT platform which shows such content which is considered objectionable is tendering an apology and then removing the content or modifying it altogether. There is no further action taken in terms of fines or personal accountability from the content creators or the OTT platforms

3. Inability to regulate all online content

With OTT applications having a plethora of contents, even if a governing body was to be setup to review all the content on the OTT application, it would be next to impossible to review all the content to ensure it is audience-worthy based on the similar guidelines of the CBFC. Hence, reliance is placed on OTT

³⁴ <https://iprmentlaw.com/wp-content/uploads/2019/01/Code-on-OCC-Providers.pdf>

applications themselves that they show content that is within the framework of the best practices or within the objectives of CBFC as discussed above.

4. Limited purpose of Information Technology Rules, 2021:

The Information Technology Rules 2021 lay down guidelines and obligations for OTT applications in the aim of regulating digital content. However, instead of being more preventive, these guidelines are more reactive in nature. Eg. OTT platforms are required to take down content after 36 hours of receiving a government order on any offensive content. OTT platforms are required to merely self-classify their content into age-based categories. The disputes that are received through the ombudsman of the OTT platforms are supposed to provide such details to the Minister of Broadcasting on a periodical basis

5. Limited purpose of the Information Technology Act, 2000:

The Government's own agency, Ministry of Electronics and Information Technology (MEITY) has admitted that the IT Act 2000 is as good as redundant as there is a lack of distinct regulatory approaches for harmful and illegal content³⁵. Therefore, for any grievances, either WRITs are filed under Article 32 / 226 of the constitution, or the Information & Broadcasting Ministry is informed of any grievances or cases are filed under Penal law.

6. Redressal under age old penal provisions

For the contents that are mainly in dispute and that needs redressal the most common penal provisions used are under Section 153A (promoting enmity between groups) and 3A of the Indian Penal Code and Section 295 & 295A viz. deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs. These, however, are raised against the content providers, actors, distribution houses at most. There is no real accountability again. Hopefully, there be more accountability in the new Bharitya Nyay Sanhita. Also, till now, there have hardly been any convictions for all the previous contentious issues raised.

7. Maintaining privacy for registrations done with OTT platforms

OTT Platforms tend to store some of the most private details of their consumers. The most common are the consumer's name and telephone number. Further, in the case where a payment fee is charged, then it could store the users' credit card initials or details. Hence, every OTT platform needs to have a secure mechanism in place to store its consumer details securely. However, these platforms are open to attacks from hackers who can potentially steal consumer data. Hence, if the data of an OTT platform has been compromised it would be a nightmare for the consumer to know where and how their data has been leaked. Further based on the viewing pattern of the consumer, OTT applications tend to harmlessly track consumer usage eg. What are the most frequent programs watched, what are the peak hours where usage of OTT is at an all time high, what type of content is commonly watched and at what hours? These patterns are then provided to the content creators, who accordingly use them to further enhance, create or modify content.

8. OTT is protected under foreign laws.

In the recent past, there has been a mushrooming number of OTT platforms that cater to content that would normally be banned in India. One cannot forget the Raj Kundra case which got blown into the

³⁵ https://www.meity.gov.in/writereaddata/files/DIA_Presentation%2009.03.2023%20Final.pdf

media and alongside that there was a censure of some of these applications.³⁶ Action was taken against some of the promoters of these OTT platforms for showing censored content because the promoters of these applications are based in India. But if an OTT platform is created in a country not in India, then it becomes difficult to ban or block the same. Even if the government issues a notice to have these blocked .apk files are available online for download and all a user needs to do is either use a vpn to bypass local search engines and locate these app and download the same. Eg. During the Raj Kundra case, there were some foreign OTT applications that were also highlighted. They were merely blocked and the press shifted their focus into the background because they couldn't be held accountable and the focus was more on the celebrity at hand. Was their sins much less than their Indian counterparts?

What will the future hold? Digital India Act 2023³⁷

A lot has been spoken about the new Digital India Act 2023. This Act is touted to reduce the legal challenges faced when governing OTT applications. OTT platforms do not need complete regulation. However, it needs some supervision. The Government of India has in the works proposed the Digital India Act 2023, which may come in force after the 2024 elections.

Here are some of the proposed regulations³⁸

- The new Digital law would be evolvable and consistent with changing market trends, disruption in technologies, development in international jurisprudence and global standards for qualitative service/products delivery framework.
- Accountable Internet
 - Whole-of-Government Response for a unified, coordinated, efficient and responsive governance architecture including an effective appropriate government structure, a dedicated inquiry agency and a specialised Dispute resolution/adjudication framework.
 - Disclosure Norms for data collected by Data Intermediaries, collecting data above a certain threshold.
 - Standards for ownership of anonymized personal data collected by Data Intermediaries
- The new Digital law is expected to regulate online content, establish mechanisms for content take down, and hold intermediaries accountable for illegal or harmful content.

³⁶ <https://timesofindia.indiatimes.com/india/porn-aired-on-7-ott-services-summons-to-be-issued-to-heads/articleshow/79140124.cms>

³⁷ <https://government.economictimes.indiatimes.com/news/governance/curbing-creative-liberty-centre-to-regulate-ott-content-under-digital-india-act/99571719>

³⁸ https://www.meity.gov.in/writereaddata/files/DIA_Presentation%2009.03.2023%20Final.pdf

NAVIGATING THE LEGAL CONUNDRUM: A CRITICAL ANALYSIS OF MEDIA TRIALS IN INDIA AND POSSIBILITIES FOR A LEGAL AMELIORATION

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Abstract

There are instances when the media oversteps its boundaries, not merely informing the public but also passing judgment on issues. This behavior can jeopardize the guarantee of a "right to a fair trial." Freedom of the press must be exercised within reasonable boundaries, like any other freedom. In essence, the phenomenon of media trials poses profound legal implications, necessitating a nuanced understanding of the intersection between media freedom, judicial independence, and the right to a fair trial. This research endeavors to contribute to the ongoing discourse on media ethics and legal reform, with the overarching goal of safeguarding the principles of justice and upholding the rule of law in India's vibrant democracy.

Keywords: *Media trials, free and fair trial, right to privacy, freedom of speech and expression.*

The realm of journalism resembles a funhouse of mirrors found at carnivals. In one reflection, you appear too fat; in another, absurdly thin; in another, with an elongated neck; and in another still, with a flat head. Yet, despite these bizarre distortions, you stand before them fully formed, bearing little resemblance to any of the images. However, unlike the amusement of a funhouse, the media's distortions are rarely a laughing matter."³⁹

I. Introduction

In 2020, a popular news house ran a report titled, "Why Rhea Chakraborty, the accused in Sushant Singh Rajput case, should not be granted bail?" The report went out to list several factors that painted the accused as a criminal with a record and further portrayed her as a member of an organized crime group.⁴⁰ With no evidence to support these assertions and interviews conducted with a heavy cognitive bias, the media channel declared the accused as an offender even before the court heard the preliminary arguments. The phrase innocent until proven guilty in such cases then appears to be an "empty rhetoric." Similar to the above context, media houses are often acting as a "public court," interfering with court proceedings and disregarding the crucial distinction between an "accused" and a "convict." This oversight undermines the fundamental principles of "presumption of innocence until proven guilty" and "guilt

³⁹ Prithvi, K. G., & Punnaigai, M. (2019). Media Trial - an Overview. International Journal of Trend in Scientific Research and Development (IJTSRD), 3(2), e-ISSN: 2456 - 6470. Retrieved from <http://www.ijtsrd.com/volume-3/issue-2/IJTSRD18992.pdf>

⁴⁰ The Wire. (2020, August 29). Rhea Chakraborty and Sushant Singh Rajput: Trial by Media. The Wire. <https://thewire.in/women/rhea-chakraborty-sushant-singh-rajput-trial-by-media>

beyond reasonable doubt," prejudicing the public and sometimes even the judges and tarnishing the lives of several innocents.⁴¹ Consequently, individuals who should be presumed innocent are unjustly portrayed as criminals, with their rights and liberties left unaddressed.

On the contrary, the importance of the media cannot be denied, as it keeps the public informed, educated, and vigilant, serving as the "fourth pillar" of democracy. It acts as a watchdog over government functions and exposes abuses through various mediums like television, radio, and newspapers. There have been various instances of sting operations or investigative journalism that eventually serve as a shred of evidence in the court of law or help build momentum to create access to justice for the voiceless. Take for instance the Jessica Lal Murder Case, which was closed due to most of the witnesses turning hostile. Still, a media sting operation was able to uncover the truth, and that led to re-investigation of the matter and eventual conviction of the offender.

There are instances when the media oversteps its boundaries, not merely informing the public but also passing judgment on issues. This behaviour can jeopardize the guarantee of a "right to a fair trial." Therefore, freedom of the press must be exercised within reasonable boundaries, like any other freedom. In essence, the phenomenon of media trials poses profound legal implications, necessitating a nuanced understanding of the intersection between media freedom, judicial independence, and the right to a fair trial. This research endeavors to contribute to the ongoing discourse on media ethics and legal reform, with the overarching goal of safeguarding the principles of justice and upholding the rule of law in India's vibrant democracy.

The paper in Part II, begins by outlining the historical context of media trials in India and the evolution and growth of media influence in shaping public perceptions and legal narratives. In part III, the paper addresses the legal framework governing media trials ranging from constitutional provisions to Acts and varied judicial interpretations on the subject matter. It explores the numerous challenges and problems associated with media trials such as sensationalism versus fair reporting, information versus misinformation, the right to privacy of the accused and the victim in the domain of fair reporting of court cases, and finally, manipulation vide heuristics leading to a bias in the minds of the public and judiciary. Part IV of this paper attempts to provide the criminalisation of excessive media trials and better data protection mechanisms as suggestions to the problem identified.

II. Historical Context of Media Trials in India

A. Evolution and Growth of Media Influence:

While trial by media is a popular term in the 21st century and the late 20th century, the impact of media on the population is not a new phenomenon.⁴² It is well documented across research that media has played a key role in shaping the thoughts, conduct, and perceptions of the public. Some of these influences have been positive while others may be negative.⁴³ The influences may also be interim or perpetual.

⁴¹ Nundy, M., & Nariman, H. K. (2009). *Courting the Media: Public Relations for the Accused and the Accuser*. Oxford University Press.

⁴² Sen, A. (2004). Media trials and the Rajan Pillai case. In *Media at Work in China and India: Discovering and Dissecting* (pp. 63-76). Sage Publications.

⁴³ Bhattacharyya, D. K. (2017). *Media Justice: An Ethical Study of Media Coverage on Court Cases*. Kalpaz Publications.

Historically, radio and television-based content could create panic and public curiosity even to the extent of causing communal riots or genocide. The Rwandan genocide serves as a glaring example, wherein radio announcements were made calling out the members of the Hutu tribes to kill those from the Tutsi tribes.

During World War I, several nations applied propaganda systems intending to unite the public against an alleged adverse enemy. Several theories have developed around the ability of propaganda systems to influence the public and hamper their cognitive skills. One such is the Magic Bullet Theory (MBT). The MBT-viewed audiences are the targets of the information bullets given by the media houses. The bullets are incapable of missing their targets.

The Payne studies were carried out across the US in the 1930s. It explored in a qualitative format on how the media developed perceptions of the youth.

"The emergence of local radio networks, cable television, and the internet throughout the past 20 years has significantly expanded the influence and audience for mass media. In our nation, the number of newspapers and periodicals published in both English and other vernacular languages has been steadily increasing. Due to their constantly growing readership and viewership as well as their use of contemporary technologies in news gathering, media outlets now have an unparalleled influence on public opinion. The media is regarded as the "fourth pillar" of democracy because it makes the work of the other three pillars—the legislative, executive, and judicial branches—transparent for the public to see.

B. Landmark Cases subjected to media trials:

1. Noida Double Murder Case 2008:⁴⁴

Aarushi Talwar, age fourteen, and Hemraj Baanjade, age forty-five, were murdered in this case; the murders are still unsolved. Drs. Rajesh and Nupur Talwar were the parents of Aarushi, their lone child, and Hemraj, their domestic helper, shared their home. The primary suspect at the time of Aarushi's discovery of her body on May 16, 2008, was the missing servant Hemraj. But Hemraj was discovered dead on the patio on May 17. For not securing the crime scene, the cops came under intense fire. Rajesh Talwar was initially thought to be the major suspect by the police when Hemraj was found dead. They said that Talwar killed both Hemraj and Aarushi because he found them in an "objectionable" position or because Hemraj had blackmailed him and confronted Aarushi over it.

The Allahabad High Court granted the parents the benefit of the doubt in 2017 and exonerated them, citing a lack of evidence against the Talwars. Media coverage of the case was substantial, with news of Aarushi Talwar's murder in May 2008 dominating print and electronic platforms alike. Without a court's ruling, the media's insensitivity was exposed in their reporting, which included simulations of graphic events that portrayed Rajesh as the murderer. Certain media publications even went so far as to talk about wife swapping and how it could have contributed to Aarushi's demise, damaging the reputations of the young girl, her family, and others the media had linked to such misconduct.

⁴⁴ The Wire. (n.d.). Rhea Chakraborty, Sushant Singh Rajput, Aarushi Talwar: Media Trials. The Wire. Retrieved from <https://thewire.in/media/rhea-chakraborty-sushant-singh-rajput-aarushi-talwar-media-trial>

2. Sunanda Pushkar Death Case⁴⁵:

Sunanda Pushkar, the wife of renowned politician Shashi Tharoor, was found dead in a hotel in Delhi on January 17, 2014. Initial reports suggested suicide, but later findings from the preliminary autopsy report by AIIMS indicated that the cause of death was not natural, revealing injury marks on the body.

It was clarified that the cause of death might not necessarily be the injuries. Drug overdose was indicated as the reason for death by the autopsy report. By October 2014, the medical team examining Pushkar's death concluded that the death was due to poisoning. When the Delhi Police Commissioner was asked by the media about labelling Tharoor as the prime suspect, he refused to do so, stating that they were in no hurry to question Tharoor. However, the media, as it often does, began a media trial, declaring Shashi Tharoor as the murderer. Half-truths, cherry-picked facts, and twisted statements were considered preferable to presenting the facts of the case.

Some media outlets continuously aired statements from distant cousins of Pushkar, claiming it was a clear case of murder with Tharoor as the perpetrator. The media blatantly narrated personal conversations, maligned people, and disclosed confidential medical reports. These journalists, for the sole purpose of remaining competitive, played various roles such as autopsy surgeon, cop, scientist, investigator, forensic expert, and, most significantly, judge, which hindered the proper administration of justice.⁴⁶

C. Shifts in Public Perception and Media's Role in Shaping Legal Narratives:

Any accused person is usually shown as the guilty party in a television trial. This has the potential to affect the legal system, but it shouldn't. According to several research, conviction rates for crimes involving celebrities are comparatively higher. A fear of 'public opinion', prejudice, and bias are obstacles to the legal system. Media coverage of a trial is a political as well as a legal matter. Law enforcement is diverted from the legal path by it, but it also serves to divert public attention from important problems like economic downturns, joblessness, or increasing levels of insecurity. Distraction ministries of authoritarian regimes are always present and manifest through the media outlets under their control. Democracy necessitates constant watchfulness.

The print and electronic media are engaged in fierce and ruthless competition, a phenomenon often referred to as 'aggressive journalism.' This competition manifests in a multitude of cameras flashing at suspects or the accused, preventing the police from even escorting them to or from the courts. In the past, journalism operated without the pressure to boost TRP ratings or sales. Journalists approached their work with seriousness, conviction, courage, and integrity. They refrained from pronouncing guilt without thorough investigation and independent conclusions, free from fear or favor. Their credibility earned public trust. However, today we witness a different role assumed by the media, termed as 'media trial.'

In a democratic society, press freedom is granted, but it is not without limits. Reasonable restrictions can be imposed if press freedom jeopardizes justice. Press freedom does not encompass conducting media

⁴⁵ Times of India. (2020, September 14). HC cautions TV anchor against media trial in Pushkar case. The Times of India. <https://timesofindia.indiatimes.com/city/delhi/hc-cautions-tv-anchor-against-media-trial-in-pushkar-case/articleshow/78047949.cms>

⁴⁶ Editorji. (2021, August 18). Sunanda Pushkar death case: Mystery, media trial and clean chit to Shashi Tharoor. Editorji. <https://www.editorji.com/story/sunanda-pushkar-death-case-mystery-media-trial-and-clean-chit-to-shashi-tharoor-1629316896265>

trials. The fundamental principle of the Indian criminal justice system presumes innocence until proven guilty by a competent criminal court. However, during media trials, this principle is often disregarded, leading to premature judgments that undermine justice.

Media trials also infringe upon the right to privacy, risking the exposure of an individual's private life to the public domain, and invading their privacy and personal space. Moreover, media trials tarnish the reputation of the involved parties and their families. This was evident in the Double Murder Case, where both print and electronic media violated the privacy of the entire family, including a minor girl, damaging their reputation and implicating others mentioned in the case. While the media plays a positive role in democracy by keeping the public informed and holding the government accountable, it must not sensationalize news, distort facts, damage reputations, or pass judgments.

Therefore, press freedom should not be absolute, as it may impede the administration of justice and harm individuals and society at large. Media trials are a serious issue that requires proper address, including the imposition of strict restraints on media if necessary. The media must realize that freedom of speech and expression does not grant them unrestricted freedom. Their credibility lies in unbiased, objective reporting, and they should ensure that the administration of justice remains intact without their interference.

III. Challenges and Problems in Media Trials

A. Sensationalism vs. Fair Reporting

It has been observed that when a sensational case comes to light, the media not only starts reporting the facts of the case but goes as far as possible to conclude whether the accused has committed the crime. Investigative journalism then starts to play a key role in identifying the background of the accused, his records, and generic interviews with those who may know him in whatever limited capacity. For instance, in the Ryan International Murder of the Child, at a preliminary stage, the police arrested the bus driver. The media revealed his complete identity and portrayed him as a criminal. In reality, the bus driver was found to be innocent by the court. Nonetheless, he may have found justice in the court but lost his job, dignity, and social identity due to the vast reporting by the media.

B. Privacy and Rights of the Accused/Victims

The right to privacy has been now declared as a fundamental right of a person under Article 21 of the Constitution of India. Yet, it can be observed, that little or no regard is given to this right when it comes to an accused. High-profile cases such as Aryan Khan and Sushant Singh Rajput have stirred the debate between Free speech and the rights of an accused. In both these cases, the heavy investigation was done by the media even before the court could take a look at any evidence. The trouble about media trials is that it does not follow as rules and regulations of trial and evidence that are used in court. Every hearsay evidence or irrelevant fact is used to draw a nexus to an accused.

In the case of *Nipun Saxena v. Union of India*⁴⁷, it was directed by the Apex Court that the media should exercise restraint while reporting about sexual offenses and child sexual abuse cases. The petition was filed given various media reports indirectly giving out the identity of the victim such as the name of the school, residence, or a specific event. The court directed the media houses to maintain the confidentiality of victims' identities under section 228A of the Indian Penal Code and the Protection of Children from

⁴⁷ Writ Petition (Civil) No. 565 Of 2012

Sexual Offences Act, 2012. This case is one of the many that have sought to rightly limit the unbridled powers handed over to the media.

The Juvenile Justice Act, 2015 has also provided a restriction on reporting details of a child in conflict with law and a child in need of care and protection. Such provisions aim to give a fresh start to a juvenile. Such provisions keep a strict check and balance on the media houses from exercising absolute rights.

C. Are media trials considered a kind of judicial contempt?

Article 19(1)(a) of the Constitution of India assures the freedom of speech and expression through which the media derives its powers of reporting any case. *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*,⁴⁸ the Apex court has iterated: "Freedom of press is the heart of social and political intercourse. The press has now presumed the role of the public educator making formal and non-formal education feasible in a large scale particularly in the developing world, where television or modern communication devices are not still available for all sections of society."

However, Article 19(2) lists a number of grounds—including the law of contempt—on which this right may be curtailed, so long as the limitations are justifiable. The Indian Constitution's Articles 129 and 215 grant the Supreme Court of India and State High Courts, respectively, the authority to penalize a person for contempt. A publication may be in criminal contempt under the Contempt of Courts Act of 1971 if it impedes or tends to impede the administration of justice. This can only be avoided by placing "reasonable restrictions" on the "right to freedom of speech and expression." Justice Shah summed up the law in re P.C. Sen. by saying, "The law relating to contempt of Court is well settled." A contempt of court is any act or publication that is intended to undermine the authority of a court or judge, to bring them into disrepute, or to obstruct the administration of justice or the court's legal process.⁴⁹

In *R.K Anand v. Delhi, Registrar*⁵⁰, the court held that concurrent trial by media has no legal standing in the court as it creates a conflict between the judiciary and public opinion. Similarly, in *Shreya Singhal v. Union of India*⁵¹, the court held that there must be some restrictions via legislation on the content that is shared on social media platforms. This case mentioned that an opinion may be unpopular but it still receives protection under the freedom of speech. Nonetheless, no one has unbridled powers to trample over the rights of another. In *Re: Hairjai Singh*⁵², it was stated that "Freedom is neither total nor endless." In *Nilesh Navalakha v. Union of India*⁵³, the court issued certain constitutional directives regarding the reporting of legal proceedings:

1. Privacy and dignity of victims should be preserved.
 2. Sensitive information should not be reported.
 3. Interviews of those connected to the matter should not be taken when the proceedings are sub judice.
- It can be observed that there are a string of cases attempting to regulate media reporting along with constitutional provisions. Despite the presence of such a framework, major violations are witnessed.

IV. Conclusion and Suggestions:

To protect the rights of the accused as well as any other interested party from the media trial, it is pertinent to look for penal liability as a deterrent. A heavy fine may serve as a mechanism to restrict the media from reporting the identity of persons as well as lowering their dignity. Clarity in the law is also an important

⁴⁸ (1962) 3 S.C.R. 842

⁴⁹ Higginbotham, S. (2018). Media trials and their impact on judicial proceedings in India. *Journal of Indian Law and Society*, 9(2), 45-58.

⁵⁰ (2009) 8 SCC 106.

⁵¹ (2015) 5 SCC 1.

⁵² (1996) 6 SCC 466.

⁵³ 2021 SCC OnLine Bom 56.

step in creating media accountability. For instance, section 228A of the IPC permits the disclosure of the identity of the victim upon an application by the family members of the victims and with the permission of the magistrate. For a long time, it was not clear who would fall under the definition of family members. Such ambiguities lead to misuse of the legal framework.

Restriction on the statements given by police officials can be another mode to reduce media trials as several details are further used and twisted by channels for entertainment purposes. With the advent of data protection laws, the right to be forgotten may also be recognized so that all previous proceedings and opinions that were published about an accused can be taken down after his acquittal.

The media is the fourth pillar of democracy as mentioned earlier but in the absence of a strong legal framework, it can become a demon that can cripple democracy and make a shift towards an authoritarian approach. Such an unbridled power is a failure of the constitutional values and foundations laid by our forefathers. Further research areas can include the possible pathways of criminalising media trials that violate rights of accused and victims.

MEDIA CONVERGENCE AND IPR PROTECTION IN INDIA: CHALLENGES AND PROSPECTS⁵⁴

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Abstract

Media convergence, the amalgamation of traditional and digital media forms facilitated by technological advancements, presents a myriad of legal challenges and prospects in India. The convergence of various media forms has blurred traditional industry boundaries and transformed the media landscape in India. While media convergence offers opportunities for innovation, content creation, and audience engagement, it also raises complex legal questions pertaining to intellectual property rights, competition law, privacy protection, content regulation, and freedom of expression. One of the primary legal challenges of media convergence in India relates to intellectual property rights (IPR) protection. Determining ownership and rights in converged content poses challenges due to the multiplicity of contributors, interdisciplinary collaboration, lack of clear legal precedents, and technological complexities. Privacy and data protection emerge as critical legal concerns in the era of media convergence. The collection, processing, and sharing of vast amounts of personal data across digital platforms raise questions about user consent, data security, and regulatory compliance. Despite the legal challenges, media convergence presents prospects for regulatory reform, technological innovation, and legal harmonization in the area of Intellectual Property. This research paper explores the legal issues arising from media convergence in India, analysing relevant laws, regulations, and judicial precedents and examines the impact of convergence on intellectual property and related regulatory frameworks. Further it seeks to emphasize the importance of a comprehensive understanding of the relationship between media convergence and intellectual property rights, advocating for adaptive legal frameworks and industry practices that promote both innovation and protection in the digital ecosystem. Finally, the paper discusses potential solutions and recommendations to address issues and challenges of media convergence for ensuring a balanced and sustainable media ecosystem in India.

Keywords: Media convergence, legal issues, India, copyright, intellectual property, freedom of speech, competition, privacy, regulation.

Introduction

Convergence means coming together of two or more things. Media convergence refers to the merging of previously distinct media technologies, platforms, and content formats into unified systems (Garon, 1999). It deals with blending of media, telecommunications, and computer related technologies. It represents a transformative process wherein traditional distinctions between different types of media, such as print, broadcast, and digital, are blurred, leading to the creation of integrated and interconnected content experiences. In India, a country marked by cultural diversity, rapid technological advancements, and a

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burgeoning media industry, the phenomenon of media convergence holds profound implications for content creators, consumers, and regulators alike.

This paper explores the complicated relationship between media convergence and intellectual property rights (IPR), focusing on the problems and opportunities posed by the convergence of traditional and digital media platforms. The author investigated the influence of media convergence on content generation, distribution, and consumption in the digital age and IP regime using a thorough examination of current trends and legal frameworks. The findings will emphasize the complexity of intellectual property rights in a period of convergence, as traditional medium differences blur and new ways of content transmission arise as the author has investigated the role of copyright, trademark, and patent laws in managing digital content across converging platforms, providing insight into the changing environment of rights management and enforcement.

The very object of this research is to find and analyse the present position of law on the Media Convergence and its interface with IP. The subject under study required doctrinal work. Author has made a thorough review of the treatises, textbooks, reference books, articles from journals, online articles, various websites, the judgements of Hon'ble Supreme Court & various High Courts. Several decisions of the Supreme Court of India pertaining to media convergence reported in the reputed legal journals were identified, collected, and accordingly analysed. All such decisions were perused and carefully studied while understanding critical relationship of Media Convergence and IPR.

What is the Significance of Media Convergence?

In the Indian context, media convergence holds significant implications across various spheres. It enhances access to diverse sources of information and entertainment, bridging geographical and socio-economic divides. With the proliferation of internet-enabled devices and digital platforms, Indian audiences can now access news, entertainment, and educational content from a wide range of sources. Further such convergence empowers individuals and communities to create and share their own content, amplifying diverse voices and perspectives. Social media platforms, blogs, and online forums enable citizen journalism, grassroots activism, and cultural expression, fostering a more participatory media ecosystem. It has created new economic opportunities for content creators, entrepreneurs, and investors. India's burgeoning digital economy, encompassing sectors such as e-commerce, digital advertising, and streaming media, is fuelled by convergence-driven innovations and investments.

Legal Framework for Media Convergence in India

The legal framework for media convergence in India encompasses a complex network of laws, regulations, and judicial decisions that govern the integration of various media forms and technologies. Freedom of speech and expression is a cornerstone of democracy and a fundamental human right that must be upheld and protected in the context of media convergence in India. As digital technologies continue to reshape the media landscape, it is essential to promote an enabling environment that fosters free expression, pluralism, diversity, and democratic values while addressing the challenges and risks posed by convergent media platforms. Freedom of speech and expression is a fundamental right enshrined in the *Constitution of India under Article 19(1)(a)*, which guarantees to all citizens the right to freely express their thoughts and opinions through various mediums. As media convergence reshapes the communication landscape in India, the intersection of freedom of speech and expression with convergent media brings forth both opportunities and challenges.

Media convergence has led to the proliferation of diverse platforms for expression, including traditional print and broadcast media, online news portals, social media platforms, blogs, podcasts, and user-generated content platforms (Elefant, 2011). These platforms offer individuals and communities unprecedented opportunities to express themselves, share information, and engage in public discourse on a wide range of topics.

But despite the constitutional guarantee of freedom of speech and expression, press freedom in India faces various challenges, including censorship, government interference, intimidation of journalists, legal threats, and online harassment. Media convergence exacerbates these challenges by blurring the lines between professional journalism and user-generated content, leading to regulatory uncertainty and threats to editorial independence. Balancing regulatory objectives with constitutional guarantees of free speech is essential to ensure a vibrant and pluralistic media ecosystem.

Further the proliferation of social media platforms and messaging apps has raised questions about intermediary liability, content moderation, and platform accountability (*Information Technology Act, 2000*, s.2). Government efforts to regulate social media content in the name of preventing misinformation, hate speech, and incitement to violence must be balanced with respect for freedom of expression and due process rights (*Constitution of India*, Art. 19(2)). Transparent and accountable mechanisms for content moderation, user redressal, and platform governance are essential to uphold free speech principles while addressing legitimate concerns about online harms.

Intellectual Property Rights:

Media convergence and intellectual property rights are closely intertwined in India's evolving media landscape. This convergence has transformed the media landscape, blurring the lines between different types of media and creating new opportunities as well as challenges. Intellectual Property Rights (IPR) play a crucial role in this convergence, as they protect the rights of creators and owners of intellectual property in the digital age. As digital technologies continue to reshape the way content is created, distributed, and consumed, ensuring effective protection of intellectual property remains crucial for fostering innovation and creativity in the media industry. Brief analysis of Intellectual Properties affected by Media Convergence is given below: -

The Copyright Act, 1957

The Copyright Act, 1957, is the primary legislation governing copyright protection in India. It grants creators exclusive rights over their original works, including literary, dramatic, musical, and artistic works. In the context of media convergence, copyright law plays a crucial role in determining ownership and usage rights in converged content. However, challenges arise in applying traditional copyright principles to complex converged works, such as multimedia productions and digital mashups. Challenges in determining ownership and rights in converged content arise due to the complex nature of media convergence, which involves the integration of multiple forms of media, content creators, and distribution channels (Singleton, 2021). Converged content often involves contributions from multiple creators, including writers, musicians, filmmakers, and programmers.

Determining the respective ownership rights of each contributor becomes challenging, especially when their contributions are intertwined or interdependent. For example, a multimedia project combining music, visuals, and text may involve separate copyrightable elements contributed by different individuals or entities. Media convergence encourages interdisciplinary collaboration between professionals from

diverse fields, such as journalism, filmmaking, graphic design, and software development. As a result, determining ownership and rights in converged content requires understanding the respective legal frameworks governing each discipline. This complexity can lead to disputes over ownership and exploitation rights, particularly in the absence of clear agreements or contracts delineating the parties' rights and obligations. Media convergence blurs traditional boundaries between different forms of media, leading to a dearth of clear legal precedents or guidelines for determining ownership and rights in converged content. Courts and regulatory bodies may struggle to apply existing copyright laws and principles to emerging forms of converged content, leading to uncertainty and inconsistency in legal outcomes. This ambiguity can hinder innovation and investment in converged media projects, as creators may hesitate to develop or distribute content without clear legal protection.

Converged content often relies on advanced technologies, such as digital editing software, virtual reality platforms, and artificial intelligence algorithms. These technologies may introduce new complexities in determining ownership and rights, particularly concerning the use of proprietary algorithms, data, and software tools. Moreover, digital distribution platforms and content aggregators may employ digital rights management (DRM) systems to protect copyrighted content, complicating the identification and enforcement of ownership rights. In an increasingly interconnected world, converged content may be created, distributed, and consumed across national borders, raising jurisdictional challenges in determining ownership and rights.

Differences in copyright laws, contract principles, and enforcement mechanisms across jurisdictions can complicate legal proceedings involving converged content. Additionally, the absence of international harmonization in intellectual property laws may create disparities in the protection afforded to creators and rights holders in different countries.

The proliferation of digital platforms, subscription services, and user-generated content has led to the emergence of new business models for monetizing converged content. However, these business models often involve complex licensing arrangements, revenue-sharing agreements, and distribution contracts, which can obscure ownership and rights issues. Creators may face challenges in negotiating fair compensation and retaining control over their works in the face of dominant intermediaries and distribution platforms.

Trademark Protection:

Trademark protection is essential for protecting brand identities, logos, and slogans associated with converged media products and services. Trademarks help consumers identify and distinguish the source of goods or services, thereby preventing confusion and deception in the marketplace. In the context of media convergence, trademarks play a critical role in establishing brand recognition and loyalty across multiple platforms and channels (Greene, 2003).

Patent Protection:

Patent protection is relevant to media convergence in cases involving technological innovations, software algorithms, and hardware devices that enable the creation, distribution, and consumption of converged media content. Patents grant inventors exclusive rights to exploit their inventions for a limited period, thereby incentivizing investment in research and development. Patents may cover inventions related to streaming technologies, content delivery systems, interactive interfaces, and digital rights management solutions.

Trade Secret Protection:

Trade secret protection is essential for safeguarding confidential information, proprietary algorithms, and business strategies related to converged media products and services. Trade secrets provide a competitive advantage to companies by allowing them to maintain secrecy over valuable information that is not publicly known. In the context of media convergence, trade secret protection may apply to algorithms, data analytics, user behavior insights, and distribution strategies (Garon, 1999).

The protection of intellectual property rights is essential for fostering innovation and creativity in converged media environments. However, balancing the interests of creators, consumers, and other stakeholders requires careful consideration of the legal framework governing intellectual property rights.

Emerging trends in IP litigation related to media Convergence

Emerging trends in intellectual property (IP) litigation related to media convergence in India reflect the evolving landscape of digital media, technological advancements, and changing consumer behaviours. As media convergence continues to reshape the industry, new legal challenges and opportunities arise for rights holders, content creators, and digital platforms. Here are some emerging trends in IP litigation related to media convergence in India:

Copyright Infringement in User-Generated Content:

With the proliferation of user-generated content platforms and social media networks, copyright infringement disputes arising from the unauthorized use of copyrighted material in user-generated content have become prevalent. Rights holders increasingly file lawsuits against individuals or platforms that host or distribute user-generated content containing copyrighted material without proper authorization. These cases raise complex legal questions about intermediary liability, fair use, and the scope of copyright protection in the digital environment.

Technological Protection Measures (TPMs) and Digital Rights Management (DRM):

As rights holders employ TPMs and DRM technologies to protect their digital content from unauthorized access and copying, disputes over the circumvention of these measures have emerged. Litigation related to TPM circumvention, reverse engineering, and anti-circumvention provisions under copyright law has increased, with courts grappling with questions of technological innovation, consumer rights, and the balance between copyright protection and user freedoms.

Data Privacy and Security Concerns:

The convergence of media and technology raises significant data privacy and security concerns, particularly concerning the collection, storage, and use of personal data by digital platforms and content providers. IP litigation related to data privacy breaches, cybersecurity incidents, and violations of data protection laws has become more prevalent. Courts are increasingly called upon to adjudicate disputes involving data breaches, privacy violations, and regulatory compliance in the context of media convergence.

Fair Use and Transformative Works:

Courts are grappling with the application of fair use and transformative use doctrines in cases involving the creation and distribution of transformative works in converged media environments. Disputes over the use of copyrighted material for purposes such as parody, criticism, commentary, and educational use raise complex questions about the boundaries of fair use and the extent to which transformative works are protected under copyright law.

Cross-Border Enforcement and Jurisdictional Challenges:

Media convergence blurs traditional geographical boundaries, leading to challenges in enforcing intellectual property rights across multiple jurisdictions. Rights holders face difficulties in enforcing their IP rights against infringers operating in foreign jurisdictions or distributing infringing content globally. IP litigation involving cross-border enforcement, jurisdictional disputes, and international cooperation has become more common as digital content crosses national borders seamlessly.

Emerging Technologies and Emerging IP Challenges:

The rapid pace of technological innovation, including developments in artificial intelligence, virtual reality, augmented reality, and blockchain, presents new IP challenges for rights holders and content creators. Litigation related to the protection of IP rights in emerging technologies, the ownership of AI-generated content, and the integration of blockchain technology in digital media distribution has begun to emerge, shaping the future landscape of IP litigation in media convergence.

Overall, IP litigation related to media convergence in India is characterized by its dynamic nature, driven by technological advancements, evolving consumer behaviors, and regulatory developments. As media convergence continues to evolve, stakeholders must stay abreast of emerging trends in IP litigation and adapt their strategies to protect their rights and interests effectively in the digital age.

Case studies and Judicial Interpretations***The Chancellor, Masters & Scholars of the University of Oxford and Ors. v. Rameshwari Photocopy Services and Ors, 2016***

This case, commonly referred to as the "Delhi University photocopying case," involved a dispute over the reproduction of copyrighted academic materials by a photocopying service operating within the premises of Delhi University. Publishers of academic textbooks, including Oxford University Press, Cambridge University Press, and Taylor & Francis, filed a lawsuit alleging copyright infringement. The defendants argued that the reproduction of course packs for educational purposes constituted fair dealing under Indian copyright law. The Delhi High Court ruled in favor of the defendants, holding that the reproduction of copyrighted works for educational purposes fell within the scope of fair dealing and was not an infringement of copyright.

ITC Limited v. Nestle India Limited, 2020

In this case, ITC Limited, a multinational conglomerate, filed a lawsuit against Nestle India Limited, alleging trademark infringement and passing off. ITC claimed that Nestle's launch of a new product called "MAGGI Pazzta" infringed upon its trademark rights in the term "PASTA" for a similar product. The Delhi High Court granted an interim injunction in favor of ITC, restraining Nestle from using the mark "MAGGI Pazzta" until the final disposal of the case. The court held that ITC had established a prima facie case of trademark infringement and passing off, and there was a likelihood of confusion among consumers due to the similarity between the marks.

Star India Pvt. Ltd. v. Prasara Bharati & Ors, 2016

This case involved a dispute between Star India Pvt. Ltd., a leading television broadcaster, and Prasara Bharati, the public broadcaster of India, regarding the retransmission of television channels under the mandatory sharing provisions of the Cable Television Networks (Regulation) Act, 1995. Star India argued that Prasara Bharati's retransmission of its channels on the DD Free Dish platform without entering into a licensing agreement constituted copyright infringement. The matter was litigated before the Delhi High

Court, which held that Prasar Bharati's retransmission of Star India's channels without a licensing agreement amounted to copyright infringement. The court directed Prasar Bharati to enter into a mutually acceptable agreement with Star India for the retransmission of its channels.

Sony Pictures Networks India Pvt. Ltd. v. Saregama India Ltd. & Ors, 2016

This case involved a dispute over the broadcasting rights of old Hindi film songs on television channels and digital platforms. Sony Pictures Networks India Pvt. Ltd., a television broadcaster, filed a lawsuit against Saregama India Ltd., a music label, alleging copyright infringement and breach of contract. The case underscored the complexities of licensing agreements and distribution rights in the digital era. The Bombay High Court's ruling in favor of Sony emphasized the importance of securing proper licensing arrangements for the broadcast of copyrighted content on multiple platforms, including television and digital media.

These landmark cases illustrate the evolving legal landscape surrounding media convergence in India, encompassing issues such as copyright infringement, licensing agreements, fair dealing, and access to educational materials. As media convergence continues to reshape the industry, these cases serve as important precedents for addressing legal challenges and ensuring the protection of intellectual property rights in a digital age.

Way forward

We should have policy recommendations on media convergence in India aiming to address the challenges and opportunities arising from the integration of various media forms and technologies while promoting innovation, diversity, and consumer welfare. Few recommendations are :-

- Developing a comprehensive regulatory framework which will addresses the unique challenges of media convergence and will also ensure consistency, clarity, and coherence across different sectors and platforms. This framework should encompass laws and regulations related to copyright, broadcasting, telecommunications, data protection, competition, consumer protection, and digital rights.
- Fostering interdisciplinary collaboration among government agencies, regulatory bodies, industry stakeholders, academic institutions, and civil society organizations to address the multifaceted nature of media convergence.
- Promoting dialogue, knowledge-sharing, and joint initiatives to develop policies and regulations that balance competing interests and promote the public good.
- Encouraging innovation, entrepreneurship, and investment in converged media industries by creating an enabling environment that fosters creativity, experimentation, and technological advancement.
- Providing incentives, grants, tax breaks, and regulatory support for startups, small and medium-sized enterprises (SMEs), and content creators to develop innovative content, services, and business models.
- Empowering consumers with information, tools, and resources to make informed choices and protect their interests in converged media environments.
- Promoting digital literacy, media literacy, and data literacy programs to educate consumers about their rights, privacy risks, and online safety practices.
- Enhancing transparency, disclosure, and accountability requirements for media companies and digital platforms to improve consumer trust and confidence.
- Promoting openness, interoperability, and accessibility in converged media ecosystems to foster competition, diversity, and innovation.
- Encouraging open standards, open access policies, and interoperable platforms that enable content creators, developers, and users to collaborate, share, and remix content across different media formats and devices.

- Ensuring the accessibility and affordability of digital infrastructure, including broadband networks and digital devices to all segments of society.
- Adopting a flexible and adaptive regulatory approach that accommodates rapid technological changes and emerging business models in media convergence.
- Incorporating safeguards for public interest objectives, such as media plurality, cultural diversity, editorial independence, and freedom of expression, into regulatory frameworks governing media convergence.
- Ensuring that media policies and regulations promote democratic values, pluralism, and inclusivity while mitigating risks of concentration, bias, and misinformation in converged media markets.
- Strengthening international cooperation and collaboration with other countries, regional organizations, and global forums to address cross-border challenges and harmonize regulatory approaches in media convergence.
- Participating in bilateral and multilateral initiatives, including trade agreements, regulatory dialogues, and standard-setting bodies, to promote interoperability, mutual recognition, and harmonization of regulatory frameworks.

Conclusion

By implementing the above-mentioned policy recommendations, we can harness the transformative potential of media convergence for promoting innovation, diversity, and consumer welfare while addressing regulatory challenges and safeguarding public interest objectives in the digital age. Further, we have to strengthen the protection of intellectual property rights (IPR) in the context of media convergence by updating and enforcing existing laws and regulations. We need to ensure that creators, rights holders, and innovators have adequate legal protection for their works, inventions, and investments in converged media projects. Promoting licensing agreements, collective management organizations, and alternative dispute resolution mechanisms to facilitate fair compensation and rights management will further strengthen the IPRs in converged media.

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ACTA PUBLICA: REVIEWING THE ROLE OF NATIVE AND ANGLO-INDIAN PRESS IN THE SANITARY DEVELOPMENT OF COLONIAL BOMBAY CITY

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Abstract

The art of printing first entered India through Goa. James Augustus Hicky earned the distinction of launching the first English newspaper in India, the Bengal Gazette alias Calcutta General Advertiser, on 29th January, 1780 while in Bombay the first English newspaper, The Bombay Herald, a weekly, appeared in 1789, followed by the Bombay Courier and the Bombay Gazette in 1790 and 1791 respectively. The vernacular press, which rose as a consequence of the social resurgence and English education in India, was represented in Bombay by some leading papers such as the Bombay Samachar, Jam-e-Jamshed, Rast Goftar, Chandrodaya and Bombay Chabuk. Whereas the objectives of the early press, both in Calcutta and Bombay, were advertisements and statement of political matters, later newspapers increasingly turned their attention to government policies, manifest in their changing content. The press in Bombay followed closely, among other issues, the sanitary developments, subsequent to the mutiny of 1857. It threw a searchlight on the discriminatory character and shoddy execution of these 'modern' edifices visible in the form of municipal waterworks and drainage and sewerage of colonial Bombay city. Based on a study of archival sources, this article highlights the role of both the Anglo-Indian and native press in apprising the public of the nature of these sanitary changes. It asserts that such writing, not only portrayed the urban transformation of Bombay, but also played a critical part in building a public civic consciousness, through a trenchant criticism of Government administration, thus paving the way for municipal reform. It also focuses on the impact of technology on the newspapers as well as the shifting government strategies to control the press in the second half of the 19th century.

Keywords: sanitation, newspapers, Bombay, municipal, sanitation

Introduction

The term Acta publica (also synonymous with Acta diurnal or acta populi) refers to matters of general knowledge and concern that are transacted before certain public officers and is said to date from before 59 BCE. In the Roman empire the *Acta diurna* constituted a type of daily gazette and thus it was, in a sense, the archetype of the modern newspaper.¹ Although the art of printing first entered India through Goa the first English newspaper in the country, the Bengal Gazette alias Calcutta General Advertiser, was launched by James Augustus Hicky on 29th January, 1780. In Bombay (Presidency to be distinguished from the city) the first English newspaper, the Bombay Herald, a weekly, appeared in 1789, followed by the Bombay Courier and the Bombay Gazette (BG) in 1790 and 1791 respectively. English newspapers were followed by those in vernacular. The latter, which rose as a consequence of the social resurgence and English education in India, were encouraged by the British government with the intention of smooth passage of information. While both types of presses played an important role in the colonial period in creating political awareness, this article looks at their impact in disseminating information about the

sanitary measures taken by the colonial government in the 19th century. Based on a study of archival material it asserts that these newspapers were highly critical of the government policies and influenced the process of municipal transformation in Bombay city.

- **Newspapers in Bombay Presidency and City**

The first printing press was imported into Bombay as early as 1670 by the Parsi businessman Bhimjee Parikh.ⁱⁱ The Bombay Herald, Bombay's first Anglo-Indian paper was started in 1789 and baptized the Bombay Gazette in 1791, provided a sobering record of British colonial governance in India. 'Printed and Published with the Permission of Government,' the publication for many years, traced Bombay's development into an important trading post. It contained articles of local interest regarding Bombay, obituaries of British residents as well as birth and marriage notices. Additionally, it carried advertisements for a plethora of local services (including dentists) and products, like the latest fashions for the 'ladies of Bombay.' By the 1860s, the BG was being published daily and was 'circulated throughout the Presidency, British India, and the East.'ⁱⁱⁱ The Bombay Courier (BC) which appeared in 1791, received substantial income from official patronage that made it an almost semi-official publication. BG on the other hand, edited by Mr. Faire, was highly critical of Government so much so that Mr. Fair was sent back home. (Priyolkar, 1958, p 109) The Bombay Times and Journal of Commerce (BTJC) was founded in 1838 to serve the British residents of western India. Initially published twice a week, the paper became a daily in 1851 and changed its name to The Times of India in 1861, a morning daily in English, and proved to be influential too.^{iv}

The first vernacular press, in Gujarati, in Bombay was established by Fardunji Marzabaan in 1812. The Bombay Samachar^v (see Fig 3) was started on 1st July 1822. (Priyolkar, 1958, p 78) The first Marathi daily *Dig-Dursan* appeared in 1837 and the first Hindu-Gujarati newspaper, *Vartaman* in 1849 (in Ahmedabad). Initially, the newspapers concentrated on social issues. In 1851, Dadabhai Naoroji started the first political paper- *Rast Goftar*.^{vi} By the second half of the 19th century there were 7 Anglo Marathi, 16 Marathi, 2 Anglo Gujarati, 19 Gujarati, 01 Persian and 03 Hindustani papers circulating in many cities of Bombay Presidency such as Bombay, Karachi, Ahmedabad, Kaira, Rajkote, Thana, Poona, Ahmedabad, Kolhapur Satara, Ratnagiri, etc. Most were weekly, bi-weekly or fortnightly. Only the Prabhakar of Bombay was a daily.

The native newspapers though humble in appearance were like the ballads of a nation and often acted where the law failed. (Natrajan, 1955, p 47) Lord Elphinstone, governor of Bombay maintained that the press had the immediate practical advantage as an instrument of popular education. (Priyolkar, 1958, p 105) Yet, he did admit that "introduction of printing among natives must ultimately lessen our power to keep them in subjugation." As a matter of fact, the native press was regarded more dangerous than the native army. (Ibid, pp 120-124)

Sir Richard Temple Bart, Governor of Bombay opined that while many of these were ‘signally and consistently loyal,’ though preserving independence of thought and freedom in their criticism, others were marred occasionally by writings which, though not actually seditious or treasonable were objectionable in their political tendency and likely to cause ill-feeling against British rule. Native newspapers, he felt had a disposition to find fault with everything and to be pleased with nothing under British rule. He was convinced that importance of the Native vernacular press should not be exaggerated, for while it was read more or less by most of the educated, its circulation was far from reaching the mass of the people and that the best and ablest natives, read chiefly the newspapers published in English. (Temple, 1880, pp 131-33)

- **Vehar Water works and the reports in Print media**

The growth of the press also coincided with a remarkable advance of sanitary sciences and services in England and their replication in Bombay city. Following the mutiny of 1857 wherefrom, the British, driven by anxiety for the safety of their troops, initiated piped water supply, drainage and sewerage systems in the three Presidency Towns of Bombay, Madras and Calcutta. The Vehar (sic) water supply scheme, inaugurated in 1860, and the subsequent developments of drainage and sewerage, were critically covered by some of the leading papers such as the Bombay Samachar, the Jam-e-Jamshed ^{vii} Rast Goftar, Chandrodya and Bombay Gazette.

Water scarcity in pre-Vehar Bombay city was noted as early as 1845 in the BTJC which voiced people’s grievances regarding the issue and showed the temerity to expose people’s sentiments about the material progress of the island by writing “how little has, on the whole been done by our rulers to advance the interests and augment the comforts of the poorer orders in India.” It even questioned “the degree of interest felt for the poor by the powers that be.” ^{viii} The inhabitants of Bombay, they wrote, had a right to ask something at the hands of Government. “Give them at least pure water to drink, though you leave their streets and roads in a state of unimaginable filth.” ^{ix} Public desperation was stated in the words “there is no indication of any intention to act upon them” and concern was expressed about the considerable quantities of water wasted at the different wells of the island. “Official delay” and the “practice of procrastination” were held responsible for this state of affairs. ^x

And yet, in the same breath, it also manifest discrimination towards the natives by censuring them for wasting water on their ablutions around the wells and suggesting to the government to give strict orders to the police “that water should not be used for bathing purposes or for washing the dirty clothing of the natives.” Natives are urged to use sea water for the same purpose as salt water was known for its cleansing properties. ^{xi} Writings on water management in these reports not only describe the problem but also paint a picture of a city which seemed to take interest in solving its problems locally. Water supply systems were as yet decentralized and natives seemed actively involved in finding solutions to their water woes through donations towards creating or supplementing the existing sources. Influential natives such as Jugganath Sunkersett Esq. (philanthropist and educationist) Christians and the Church ^{xii} as well as members of other communities did such charities alike.



Figure 1-Bombay Samachar office,
http://asu.thehoot.org/story_popup/living-legends-indias-oldest-newspapers-9426

Even though Vehar emerged as a victorious symbol of modern piped water supply in 1860, it was highly flawed and the BTJC was stringent in its criticism about the shoddily executed works while simultaneously foregrounding the high level of corruption involved in its realization. Henry Conybeare, who conceived it, Major JHG Crawford the Chief Engineer, and Mr. Henage Walker the resident Engineer were lacerated by BTJC for what was titled as “Vehar Water Works swindle”^{xiii} and its extravagant work they claimed, could be explained by only one hypothesis “the existence of a corrupt understanding between the contractor and the chief resident engineer”^{xiv}

The arrival of Vehar water was neither smooth nor effective. The Jam e Jamshed criticized the discrimination faced by the natives in water supply,^{xv} The BG describes how the locals, denied of piped water supply, rejoiced on all those occasions when pipes burst as they could avail of pure water.^{xvi} It also talks about native ingenuity to acquire this pure water by prising open hydrants and draw water with the help of hollow bamboos^{xvii} and how this became a general practice, so much so that Parsi ladies too began using these methods much to the dread of the municipality.^{xviii} One also gets glimpses of native charity such as the offer by Cursetjee Furdoonjee, a well-known merchant, to erect a drinking fountain in the memory of Sir Jamshetjee Jeejeebhoy, which was to be maintained by the Municipality.^{xix} The case of heavy rents on Vehar water is articulated by the BG which stated clearly that it was heavier than rents charged in England.^{xx}

Nor was it accepted easily by many natives, especially those of the higher caste. Even in 1868, there were several who would not drink it and preferred to acquire water from well and tanks situated at considerable distances. Native anxieties and prevalent social prejudices were reflected by the Chandrodaya which explained how the new arrangement interfered with the religious scruples of the people as the lower and higher castes were expected to take water from the same cisterns filled with Vehar water. Many Hindus, it wrote, were especially anxious to remove this inconvenience which they viewed as ‘no small cruelty’ and proposed on their behalf the creation of separate cisterns for the sweepers, Musalmans and other castes.^{xxi}

BTJC also voiced public dismay over inconvenience caused in the execution of the Vehar Water Works due to a lack of communication between the various civic bodies and lack of clarity regarding the terms of the contract between the Government and the contractors and the neglect of a systematic supervision, due to which roads were dug up. “the arrangements of the water pipes in several of the roads is very careless, ----- The mouth of the spout rises so very high over the ground that it is always a stumbling block in the night, to the people who walk about the street.”^{xxii}

But what is more interesting is the fact that the same media was also used by Indians to suggest the use of nuisance law^{xxiii} for the clean-up of the existing but neglected water bodies of the city. This is instanced in the coverage of Bombay Chabuk, a Gujarati biweekly started in 1830, which repeatedly criticised the unsatisfactory functioning of the Vehar works and also voiced not only the anguish of citizens of Bombay against the closure of their tanks and wells, often used by the poorer classes to wash their clothes, and formed an alternate source of water supply, but also their strong petition to legally protect these water bodies. Since the unused tanks got spoiled by tree leaves and animal substance falling into them, they urged the municipality to control the consequent nuisance. Many of these tanks, close to public roads, were situated within the compounds of private parties. Citizens now expected the Municipality to compel the owners to keep them in good condition to prevent them from becoming harmful to public health. The

Municipal Commissioner's action of cleansing the tanks of the temples at Mumba Devi and Bhoolesthwara and suing the trustees, was approved by the inhabitants who also rejected the claim of the trustees that the tanks were public property.^{xxiv}

Subsequent issues of the Bombay Gazette show records of water levels, discussions among the medical practitioners and Engineers regarding future water supply schemes,^{xxv} rainfall recorded at the Vehar, Tulsi and Powai lake and so on.^{xxvi} By 1891, however one finds the BG giving a very neutral description proceedings of the standing Committee of Bombay Municipality of the proposed Tansa waterworks and the capacity of Vehar.^{xxvii} It also reports concerns about the impurity of Tulsi water and the excess water being delivered at certain portions of Bombay which could potentially harm public health.^{xxviii}

Tulsi: Media Exposures and Public Outlook

Bombay continued to suffer from water deficit in spite of Vehar. The inconvenience caused to the poor classes whenever the Vehar supply was cut off for repairs or due to accidents and their inability to store water for exigencies due to paucity of space and vessels was also revealed by the native newspapers who suggested that water cisterns be built near their quarters and before closing the Vehar supply these be filled up to the brim.^{xxix} Building large tanks and storing Vehar water in them to meet contingencies was urged. "There is stern necessity that Bombay shall not depend solely on the Vehar works for the supply of drinking water. Another reservoir should be constructed, and means for bringing water from it into the town should be provided. The necessity for this second lake has already been acknowledged in all quarters. Want of funds alone prevents the execution of this project" wrote the Jam e Jamshed.^{xxx} The Times of India showcased public criticism of Conybeare's knowledge as well as the inadequacy of the distribution system caused due to insufficiently sized pipes. The rectification of the defects in the older scheme was demanded, instead of investing in new 'gigantic expensive and therefore impractical' schemes.^{xxxi} The appalling status of supply made bhists indispensable. Hence it was urged that rate payers (tax payers) be satisfied first, otherwise it would be impossible to finance the next scheme.^{xxxii}

The native newspapers once again captured the mood of the people when the Tulsi scheme was proposed to address the water problems. Their reports display that though the prospect of additional water was welcomed public demand for loan free works and the desired that the burden of construction be borne by the succeeding generation which would also partake of its blessing. Scepticism regarding the future supply as also the opinion that insufficiency of water was due to waste and bad economy more than anything else is also visibly painted in the papers. Many opined that the existing supply if wisely husbanded would prove quite ample.^{xxxiii} People were also dissatisfied at the thought of additional taxation entailed by the project. Weary of the taxation imposed under Commissioner Crawford, they doubted that there were funds enough for the new reservoir and demanded retrenchment of the municipal expenditure without delay^{xxxiv} and demanded that the Justices (people other than the civil servants appointed by the governor, to represent the Indian community) take a more active part in the affairs which can be gauged from newspaper reports. Many of the Bombay papers approved of Municipal Commissioner Mr. Arthur Crawford's proposal to build a new lake at Tulsi for a further supply of water to the island of Bombay, and hoped that the Justices would sanction it.^{xxxv} The appointment of the Justices of Peace by the Governor was also criticized and their appointment via elections was strongly mooted.

But dismayed by the fact that no Native Justice had been appointed in the committee formed for examining and reporting upon the feasibility of the Tulsi scheme and that no native Justice claimed the right of having

one of their class nominated, some native newspapers demanded greater inquiry into the project since it, "is a costly one, and the natives are not less concerned in the expenditure than the Europeans. It is said that the level of the proposed Tulsi Lake is far below that of Vehar, and that low level water is not good."^{xxxvi} In stark contradiction, the Rast Goftar approved of the proposal to construct a new lake, expressing its pleasure in the fact that the Justices did not listen to the recommendations made by some among themselves, they urged that the plans and estimates made by the Municipal Engineer regarding the Tulsi scheme should be adopted, as they had every confidence in him. Commenting on the difference of opinion between the engineers on the Tulsi scheme the paper wrote, "Any two engineers sometimes differ materially on any point as physicians do in their own branch, and leave the public no wiser than before. - ---- The Vehar Lake has also conveyed us a costly lesson not to depend implicitly on the estimate of a single engineer. The drainage of Bombay has confirmed the same lesson. The Justices must, therefore, be thanked for not hastily adopting the scheme, and jeopardizing a large amount from the municipal funds. The commissioner also deserves praise for suggesting the appointment of the committee"^{xxxvii}

- **Municipal awareness**

The installation of piped water supply had not been followed by an adequate drainage and sewerage of the city. The condition of the Native Town was particularly disgraceful. Inadequate drainage and heat combined to make it home to fevers dysentery, cholera and other terrible maladies- a fact noted by the BTJC as early as 1845. "The shameful neglect of the local authorities here in omitting to construct drainage by means of which the mud and the filth of the place might be carried to the sea was deeply lamented.... "The Government" they audaciously declared, "had plenty of money, but was not willing to apply it to proper purposes."^{xxxviii}

Further attempts to impose a municipal tax on Vehar water, let into public tanks and wells for the free use of the poorer classes, was very strongly and indignantly opposed. The NNP regarded it as not only unjust and illegal but excessively mean and wicked. "We may as well impose a tax," they noted with scornful irony, "on the air which the poor breathe and which has been improved by the Municipal expenditure"^{xxxix} There were complaints that the heavy rate of impost levied by the municipality for cleaning the town privies of certain portions of the community. The draconian decision of the Municipality to levy from two to one and a half a rupee, on those who used their own privies/ resorted to municipal latrines and those who used government privies or went out in the open air to answer the call of nature respectively was deeply resented. This rate was to be levied from each family, consisting of any number of members. "By this arrangement a poor lonely widow, who cooks her own food and lives sparingly will have to pay the same tax as large family in good circumstances." pointed out the Samsher Bahadur.^{xl}

In spite of the poor sanitary conditions of the city the Municipal Health Officer's quarterly reports flatteringly cited diminished death rate of the island which was put at only 17 deaths per thousand inhabitants. Pointing out the lacunae in these accounts a disgusted Bombay Samachar complained that since the Health Officer had concealed the reason of this decrease as well as the diseases that had increased or lessened in the city; and among what castes and in what quarters of the town there was an increase or decrease of deaths, the death rate thus depicted, was much less than that in most English towns which surprisingly contained improved drainage, and which were not periodically visited by epidemics like cholera, smallpox, like Bombay. The latter, on the contrary was a city whose open gutters emitted every moment deadly effluvia and which was at a disadvantage in every one of the above essentials of public

health. Bombay, noted the paper scornfully, almost looked like a sanitarium in comparison! Samsher Bahadur rightly attributed the error to the Health Officer's calculations based on the rate per thousand of the census of 1864 which had overstated the population.^{xli}

Further, Commissioner Crawford's improvement schemes for Bombay, under which costly but unproductive works were promoted while many of the most needed works of civic improvement remained in abeyance threatened the municipal finance. While he had succeeded in improving the appearance of the city nothing was done to increase its health or comfort. Bitter reports of the native newspapers emphasized the five or seven-fold increase in municipal expenditure, as large as that of an ordinary Native State and the mortgage of the principal sources of the Municipal Revenue.^{xlii} The *Rast Goftar* noted that due to Crawford's improvidence the municipal debt rose from five to thirty lacs. Many of the Municipalities even in contemporary England spent much less sums. The Municipality of Calcutta, considered the Metropolis of the whole of India, did not spend even half as much as was spent by the Municipality of Bombay, while the expenses of the Madras Municipality were only 5 lacs.^{xliii} The Bombay Chabuk complained about the exceedingly filthy condition of the gutters on the Dhobi Talao and Marine Line road. The complaints of the natives of these quarters remained unattended by the Municipal Commissioner and the Health Officer. It was strongly felt that if this or any similar nuisance had existed in any of the quarters inhabited by Europeans, the Municipal Officers would have taken immediate steps to remove it. Aware of their entitlements they asserted that since municipal taxes were realized from all sections of the Bombay inhabitants equally, it was the duty of the Corporation to attend to the wants and convenience of all alike.^{xliv} By 1871 the municipality was overwhelmed by a serious crisis which resulted in the overhauling of the municipal organization with the passage of the Act of 1872.

Conclusion

Printing provided to the world a huge form of mass communication. By mid-19th century there were many Anglo Indian and native newspapers in circulation in India which apart from political issues and advertisements also disseminated knowledge about sanitary developments. After 1857, particularly, the local media became more public and took the initiative of pointing out unfair government legislation, policies and discriminatory practices. By exposing the colonial exploitation and continuous resource drain particularly in the arena of local sanitary growth they became the mouth pieces of the common man. These resultant mobilization of public opinion and participation made sanitation a common concern. Further, these Newspapers also gave suggestions to the administration of what could be done to improve the sanitary management practices in the city. Finally, it goes to the credit of both the native and Anglo-Indian press that they did their job fearlessly in an age when muzzling them was the order of the day.

END NOTES

ⁱ <https://www.britannica.com/topic/Acta>

ⁱⁱ <https://theory.tifr.res.in/bombay/history/newspaper.html>, accessed on 23/03/24, 8.22 pm

ⁱⁱⁱ <https://blog.britishnewspaperarchive.co.uk/2020/04/20/new-titles-20-april-2020/>, accessed on 23/3/2024, 8.20 pm

^{iv} <https://www.britannica.com/topic/The-Times-of-India>, accessed on 21/3/2024 at 7.15 pm

^v *Mumbai Samachar* is still being published from the same place where it was started and is India's oldest newspaper.

^{vi} <https://theory.tifr.res.in/bombay/history/newspaper.html>, accessed on 23/03/24, 8.22 pm.

That distinction was held by the Bengali newspaper *Sangbad Kaumudi*, published from Calcutta

^{vii} Jam-e-Jamshed is Asia's second oldest newspaper. Ten years after Bombay Samachar was launched in Mumbai, the Marzbans, an influential Parsi family, started mainly for the Parsi community. It was first published as a weekly on 12th March 1832 from its own distinctive red brick building at Ballard Pier near the Mumbai Docks. In 1853, it was converted into a daily

^{viii} Bombay Times and Journal of Commerce Aug 30 1845, Supply of water to Bombay, p 572. Hereafter BTJC.

^{ix} BT JC August 30th 1845, Supply of Water to Bombay, p 572

^x Ibid, 10th Dec 1845, p802

^{xi} Ibid, Waste of Water, June 3rd 1846, p 360

^{xii} Ibid, June 13th 1846, p391

^{xiii} Ibid, 16th September 1859, p 1757

^{xiv} Ibid, Letter from Henry Conybeare, 7th November 1859, p 2109

^{xv} Report on Native Newspapers, 6th June 1868, p 12. Hereafter RNNP

^{xvi} Bombay Gazette, 5th April 1859, p 322. Hereafter BG

^{xvii} Ibid, 6th June 1859, p 531

^{xviii} Ibid, 9th June 1859, p 542

^{xix} Ibid, 18th November 1861, p 1103

^{xx} Ibid, 23rd November 1861, p 1123

^{xxi} RNNP, op. cit, The Chandrodaya of May 25th. January to December volume no 8178, for the week ending 23rd May 1868- p 14

^{xxii} BTJC, op. cit, Letter to the Editor, 24th September 1859, p1812

^{xxiii} Inspired by British sanitarian Edwin Chadwick's ideas, of enforcing norms of cleanliness, in certain areas and classes, along with legislative penalties and provisions, required to maintain the sanitary conditions among the poor these laws basically told people how they could and could not use their lands. Thus, they regulated the activities of people on land in such a way that no harm was caused to the public. These could also be applied to water bodies.

^{xxiv} RNNP, op. cit, Bombay Chabuk, 24th February, for the week ending 27th February 1869, p 10

^{xxv} BG op. cit, 5th May 1870

^{xxvi} These are now regular features of many of the local newspapers today.

^{xxvii} Ibid, 8 October 1891, p 6

^{xxviii} Ibid, 17th May 1894, p 6

^{xxix} RNNP, op. cit, 6th November 1869, p12

^{xxx} RNNP The Jam e Jamshed of the 12th December, for the week ending 17th December 1870 np

^{xxxi} Times of India, 3rd May 1871, p 2

^{xxxii} Ibid, 8th May 1871, p 2

^{xxxiii} RNNP, op. cit, 1870, For the week ending 9th July 1870, p 10

^{xxxiv} Ibid, 17th December 1870, np

^{xxxv} Ibid, for the week ending 9th July 1870, p10

^{xxxvi} Ibid, 16th July 1870, pp 7-8

^{xxxvii} Ibid, 1870, 16th July 1870, p 8

^{xxxviii} BT and JC Aug 30 1845, Supply of water to Bombay, p 572

^{xxxix} RNNP, op. cit, 1868, January to December volume no 8178, for the week ending 12th December 1868, np

^{xl} Ibid, Samsher Bahadur of the 29th June 1870, For the week ending 9th July 1870, p 11. **Shamsher Bahadur was a Gujarati weekly, published in Ahmedabad**

^{xli} Ibid, 27th August 1870, p 7-8

^{xlii} Ibid, 1868, January to December volume no 8178, for the week ending 23rd May 1868- pp 10-11

^{xliii} Ibid, for the week ending 13th June 1868 Rast Goftar, 7th June, p 13

^{xliv} Ibid, for the week ending 18th June 1870, np

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FREEDOM OF PRESS IN INDIA: EXPLORING THE MEDIA LAWS SINCE INDEPENDENCE**Manju Devi Shivcharan Raj Kumari Gautam***Assistant Professor, M.S. College of Law, Thane legallaw165@gmail.com*

Abstract

This abstract delves into the intricate web of laws and regulations shaping freedom of the press and media in India. Enshrined in the constitution under Article 19(1)(a), freedom of speech and expression includes the freedom of the press, albeit subject to reasonable restrictions. This paper examines key legislative measures such as the Press Council Act, Defamation Laws, Contempt of Court provisions, and the Official Secrets Act, elucidating their impact on journalistic practices and media freedom. Furthermore, it explores the evolving regulatory framework governing broadcasting and internet content, reflecting the challenges and opportunities posed by technological advancements. By navigating through these legal contours, the abstract sheds light on the delicate balance between upholding press freedom and safeguarding of the complex dynamics at play within India's media landscape. Press is supposed to be the voice of the public to the government, but in modern times, a contrast to this can be observed, where some of the major mainstream media houses are marketing the political parties while criticizing the opposition parties and not discussing the relevant issues like public welfare, corruption, analysis of government schemes, etc. though it is also true that forms like WhatsApp, YouTube, and Facebook which are totally independent have become prone to fake news leading to mob lynching, which highlights the need of some reasonable restrictions of the press.

working in the media should not be just a profession but should be as a social service. Just like our role models Mahatma Gandhi, B.R. Ambedkar and Bal Gangadhar Tilak used the press as an effective medium to sensitise the vast masses of people and trigger the sentiments of patriotism among them to be up in arms for their independence from colonial shackles.

Introduction :

Freedom of the press is a cornerstone of democracy, enabling the dissemination of information, fostering transparency, and holding those in power accountable. In India, the constitution guarantees freedom of speech and expression, including freedom of the press, under Article 19(1)(a)^{xliv}. However, this freedom is not absolute and is subject to reasonable restrictions outlined in Article 19(2). This explores the significance of freedom of the press in India, the legal framework governing media laws, recent developments, challenges faced, and the way forward.

Importance of Freedom of Press:

Freedom of the press is crucial for the functioning of a democratic society. It empowers journalists to report on issues of public interest without fear of censorship or reprisal. The media acts as a watchdog, uncovering corruption, exposing injustices, and informing citizens about government policies and actions. Without a free press, democracy is weakened, and citizens' ability to make informed decisions is compromised.

Constitutional Provisions :

The Indian Constitution guarantees freedom of speech and expression, which encompasses freedom of the press. However, this right is not absolute and can be restricted in the interest of sovereignty, security, public order, decency, or morality, as outlined in Article 19(2). This allows for the imposition of reasonable restrictions on the media, such as defamation laws, contempt of court provisions, and laws related to national security.

Press Council of India:

To safeguard press freedom and maintain journalistic standards, the Press Council of India (PCI) was established as a statutory body. The PCI acts as a watchdog, adjudicating complaints against the press, promoting ethical journalism, and ensuring the independence of the media. However, its effectiveness has been questioned, and concerns have been raised about its ability to address challenges faced by journalists, such as attacks and intimidation.

Defamation Laws:

Defamation laws in India regulate the publication of defamatory content that harms an individual's reputation. Both civil and criminal defamation provisions exist, which can have a chilling effect on investigative journalism and freedom of expression. Journalists and media organizations often face legal threats and lawsuits for reporting on sensitive issues or criticizing powerful individuals or institutions.^{xliv}

Contempt of Court:

Contempt of court laws aim to uphold the authority and dignity of the judiciary. Media outlets must exercise caution to avoid publishing content that could be perceived as contemptuous or prejudicial to legal proceedings. However, there have been instances where these laws have been used to stifle legitimate criticism or scrutiny of judicial decisions.

Official Secrets Act:

The Official Secrets Act, 1923, is another legal instrument that can impact press freedom in India. This law aims to safeguard sensitive government information but can be used to suppress investigative journalism and whistleblowing. Journalists walk a fine line between exposing wrongdoing in the public interest and risking legal repercussions under this act.

Information Technology Act:

With the rise of digital media, the Information Technology Act, 2000, and subsequent amendments have become increasingly relevant. These laws regulate online content and activities, including social media platforms, which have emerged as significant sources of news and information. However, concerns have been raised about the potential for these laws to be misused to curb freedom of expression online.

Recent Developments:

Recent years have seen debates and controversies surrounding press freedom in India. Instances of censorship, attacks on journalists, and government regulations have raised concerns about the state of media freedom. The arrest of journalists, shutdown of news outlets, and the targeting of dissenting voices have highlighted the challenges faced by the media in India.

Challenges and Concerns:

Despite constitutional guarantees, press freedom in India faces numerous challenges. Censorship, intimidation, and self-censorship are prevalent, particularly in regions affected by conflict or political

instability. Media ownership concentration, commercial pressures, and political interference also pose threats to independent journalism. Additionally, the rise of fake news and misinformation has further complicated the media landscape, undermining public trust in the press.

India's rank in the 2023 World Press Freedom Index^{xliv} is 161 out of 180 countries. Whereas Norway, Ireland Denmark Sweden are the top countries who have strongest media power.

Case laws: Ramesh Thapar v. State of Madras (1950)

In Ramesh Thapar v. State of Madras, a law banning entry and circulation of journal in a state was invalid. The court said that there can be, no doubt, that freedom of speech and expression includes freedom of propagation of ideas, and that freedom is ensured by the freedom circulation. Liberty of circulations an essential to that freedom as the liberty of publication. Indeed, without circulation the publication would be of little value. Restrictions of Freedom of speech and expression can only be imposed on grounds mentioned in Article 19(2) of the constitution. A law which authorizes imposition of restrictions on grounds of 'public safety' or the 'maintenance of public order' falls outside the scope of authorized restrictions under clause (2) and therefore void and unconstitutional.

Case law (2)

The Supreme Court declared that the ^{xliv}**Newspaper (Price and Page) Act, 1956** and the **Daily Newspapers (Price and Page) Order, 1960** violated the constitutional right to free speech. The Act and Order regulated the prices publishers could charge for newspapers based on page count and the amount of content, with **Sakal Papers** alleging that this was an unconstitutional violation of free speech. The Court found that the laws in question would either increase prices or reduce the number of pages, both of which would inhibit the dissemination of ideas, a fundamental aspect of the right to free speech.

Facts

Madhukar, J., delivered the opinion of the Court. A private company that published newspapers, its shareholders, and two readers (Sakal) filed petitions against the state. The publishing company challenged the constitutional validity of the Newspaper (Price and Page) Act, 1956 (Newspaper Act), which empowered the central government to regulate the price of newspapers in relation to their pages and the allocation of space for advertising matter. The publishing company also challenged the Daily Newspapers (Price and Page) Order, 1960 (Newspaper Order), which was passed by the Government under the Newspaper Act to put in place such regulations. The petitions argued that the Newspaper Act and Newspaper Order violated the freedom of speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution.

Decision Overview

While the Indian Constitution does not explicitly guarantee freedom of the press, it is recognized as part of the freedom of speech and expression under **Article 19(1)(a)**, which may be restricted on grounds mentioned in **Article 19(2)**. The right to propagate one's ideas includes the right to publish them, disseminate them, and circulate them.

The Court noted that by providing the maximum number of pages for the particular price charged, the effect of **the Newspaper Act and Newspaper Order** was to compel newspapers either to reduce the number of pages or to raise the prices. While the former restricted the dissemination of news and views by the newspapers, the latter would have significantly cut down their circulation. Both involved a direct

infringement of the newspapers' right under Article 19(1)(a). The freedom of a newspaper to publish any number of pages and to circulate to any number of persons is an integral part of the freedom of speech. Regulation of advertising space forced newspapers either to raise their prices and compromise on circulation or to run at losses, eventually forcing them to close down. This was a direct, and not a remote or incidental, infringement on the right to freedom of speech and expression. India contended that advertising is a commercial aspect of speech, and restrictions in the public's interest may be placed on it under **Article 19(6)**. However, the Court held that the right to freedom of speech cannot be taken away with the object of restricting business activities.

The Court held that the Newspaper Act and Newspaper Order were unconstitutional. In view of this relief, the Court did not consider the grievance of the readers that their right under **Article 19(1)(a)** was also infringed.

Famous reporters

Barkha Dutt: - Barkha Dutt emerged as a household name with her frontline war reporting on the Kargil conflict between India and Pakistan.

In **K.A. Abbas v. union of India**, the petitioner for the first time challenged the validity of censorship as violative of his fundamental right of speech and expression. The supreme court however observed that, pre-censorship of films under the cinematograph act was justified under **Article 19(2)** on the ground that films have to be treated separately from other forms of art and expression because a motion picture was able to stir up emotion more deeply and thus, classification of films between two categories 'A' (for adults only) and U (for all) was brought about.

Conclusion: Upholding freedom of the press is essential for the health of democracy in India. It requires a commitment to protecting journalists, promoting media pluralism, and ensuring access to unbiased information for citizens. Addressing legal challenges, strengthening regulatory mechanisms, and fostering a culture of press freedom are essential steps towards safeguarding the media's role as a watchdog and guardian of democracy. Ultimately, a free and vibrant press is indispensable for holding power to account and ensuring the voices of all citizens are heard.

There are many laws in place but we need to follow them strongly in an appropriate way, without coming under pressure from any leader.

Nowadays, most of the news channels try to present only one party. But it should not happen. They should always keep trying to develop the country.

William Blackstone, an 18th- century jurist wrote: the liberty of the press is indeed essential to the nature of a free state: but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published." Because of this and because of the close connection between the media and vital social functions, each nation has its own distinctive pattern of freedom and regulation. In dictatorship and authoritative states, the media is muzzled and gaged.

The regulations and restraints are many. In democracies the regulations are limited and the media enjoy more freedom.

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ANALYSIS OF THE HISTORY OF PRESS MEDIA: RELEVANCE OF INDIAN FREEDOM STRUGGLE

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Abstract

The evolution of press media in India intertwines with the nation's quest for independence, symbolising a crucial moment in its history with the arrival of the printing press. This emergence indicated a new era, giving birth to a nationalist press that showcased the growing national consciousness. Rooted in aspirations for freedom and social justice, the Indian press became a potent force, shaping public opinion and further fuelled the flames of nationalism during the colonial era. This paper critically scrutinises the historical course of Indian press media, illuminating its indispensable role in the struggle for freedom. It seeks to research into the multifaceted dimensions of the Indian press, tracing its emergence, growth, and challenges under colonial rule. An attempt is made to critically examine the evolution of press media in India and its impact on the freedom struggle, assess the role of the press in shaping public opinion, mobilising masses, and contributing to India's journey towards independence. By dissecting key laws and regulations imposed by the British government, the paper tries to explain the intricate link between press freedom and colonial authority, revealing the strategies employed by both sides in this ideological battleground. The paper explains the strategic significance of press media as a tool for political and social reform, and its legacy in contemporary media practices.

Keywords: 1. History, 2. Press Media, 3. Freedom Movement, 4. Laws

INTRODUCTION

The evolution of press media in India stands as a testament to its intrinsic link with the nation's journey towards independence. The introduction of the printing press in India marked a decisive moment in the nation's history, indicating a new era of revolutionary significance. As national consciousness began to stir and grow among the Indian public, it paved the way for the emergence of the nationalist press. This transformative period witnessed the birth of a powerful medium that would not only reflect the aspirations of the people but also shape the course of India's journey towards independence. Rooted in the aspirations of freedom and driven by the quest for social justice, the Indian press played a transformative role in shaping public opinion, mobilising masses, and nurturing nationalist sentiment during the colonial era. This paper critically examines the historical path of press media in India, highlighting its crucial role and enduring impact on the Indian freedom struggle. This paper seeks to research into the multifaceted dimensions of the Indian press, tracing its emergence, growth, and challenges amidst the backdrop of colonial rule. Central to its investigation is an exploration of how the press served as a catalyst for political mobilisation and social reform, shaping the forms of India's nationalist movement. Through an analysis of key enactments and regulations imposed by the British government, the paper aims to unravel the

complex interplay between press freedom and colonial authority, shedding light on the strategies employed by both sides in this ideological battleground.

(1) OBJECTIVES

- The aim of this paper is to critically examine the evolution of press media in India, highlighting its role and impact during the Indian freedom struggle
- To assess how the press shaped public opinion, mobilised masses, and contributed to India's journey towards independence.
- To understand the strategic significance of press media as a tool for political and social reform, and its legacy in contemporary media practices

(2) RESEARCH PROBLEM

Despite extensive acknowledgment of the important role of press media in India's freedom struggle, there remains a need for comprehensive analysis regarding its transformative impact. Further, there is a lack of study into the specific strategies employed by the press and their long-term implications. The research problem centres on investigating the complex role of press media in India's freedom struggle, examining its strategies, narratives, and lasting legacies in the context of political mobilisation, social reform, and the development of modern Indian journalism.

(3) CLASSIFICATION OF THE RESEARCH PAPER:

The Paper reflects on the following dimensions:

- (I) History of Press Media in India
- (II) Enactments of Press Media in India
- (III) Analysis of Impact of Press Media on Freedom movement
- (IV) Emergence of Visionaries: The Rise of National leaders

(I) HISTORY OF PRESS MEDIA IN INDIA

The story of the Indian press commences with the arrival of European colonisers. Among them, the Portuguese hold the distinction of introducing the printing press to India, with the Jesuits of Goa publishing the first book in 1557. Subsequently, in 1684, the English East India Company established a printing press in Bombay.

The inception of newspaper publishing in India can be traced back to the dissatisfied employees of the East India Company who aimed to expose corporate malpractices. In 1776, William Bolts, disillusioned by the Company's censure for private trading, attempted to publish a newspaper revealing confidential information. However, his endeavour was swiftly halted by official intervention.

James Augustus Hickey played a pivotal role in Indian journalism by launching the first newspaper, The Bengal Gazette or Calcutta General Advertiser, in 1780. However, his outspoken criticism of government officials and scurrilous attacks on prominent figures such as the Governor-General and Chief Justice led to the seizure of Hickey's press in 1782. Concerned that these newspapers might reach London and expose their malpractices and abuses of private trading, the Company's officers advocated for restrictions on the press.

Following Hickey's ordeal, new publications emerged, like,

- i. The Calcutta Gazette (1784),
- ii. The Bengal Journal (1785),

- iii. The Oriental Magazine of Calcutta or Calcutta Amusement (1785),
- iv. The Calcutta Chronicle (1786),
- v. The Madras Courier (1788), and
- vi. The Bombay Herald (1789).

The promoters of these publications learned from Hickey's experience and avoided direct confrontations with the authorities.

During this formative period, newspaper circulation remained modest, typically not exceeding a few hundred copies. These publications primarily catered to the intellectual entertainment of the European and Anglo-Indian communities, with little risk of subverting public opinion in India. The primary concern of the Company's officers was the potential exposure of their misdeeds to authorities in London.

(II) ENACTMENTS OF PRESS MEDIA IN INDIA

Until the end of the eighteenth century, there were no press laws in place, leaving newspapers vulnerable to the whims of Company officials. Government actions ranged from pre-censorship to deporting editors critical of anti-government policies. Despite the steady expansion of the newspaper press in India, its growth was hindered by factors such as widespread illiteracy, poverty, and oppressive press laws.

The press wielded significant influence in fostering Indian nationalism and nationalist movements. However, the British Government, hesitant to meet nationalist aspirations and demands, imposed restrictions on the press. The enactment of several Press Acts by the British government underscored the pivotal role of the press in the nationalist movement's development.

Around nine major laws in relation to press media, that were enacted during British rule have been discussed hereunder.

(1) The Censorship of the Press Act of 1799

Under Lord Wellesley's administration, the Censorship of the Press Act of 1799 was introduced as a response to fears of a French invasion and to consolidate British control in India. This act mandated strict regulations on newspapers, requiring them to disclose the names of key personnel and undergo pre-censorship by the government. Violations led to deportation. Later, in 1807, the Act expanded its reach to cover journals, pamphlets, and books.

By 1818, while pre-censorship was abolished, the government imposed general guidelines on newspaper editors to prevent discussions on topics deemed threatening to government authority or public interests.

(2) The Licensing Regulations, 1823

In 1823, John Adams, acting as Governor-General, implemented strict Press Regulations which required printers and publishers to obtain licenses before starting or using a press. Violating this requirement incurred heavy penalties or imprisonment, ex., publishing any literature without the requisite licence was Rs. 400 for each such publication. Adams also held the power to revoke licenses or demand new applications. These regulations were particularly aimed at Indian language newspapers and those edited by Indians, resulting in the cessation of publications like Rammohan Roy's Mirat-ul-Akbar.

(3) Press Act of 1835 or Metcalfe Act

In 1835, the "Liberation of the Indian Press" occurred under Lord William Bentinck's liberal approach. While John Adams' press regulations remained in place, significant freedom of expression was granted to both Indian and Anglo-Indian press. Charles Metcalfe, acting as Governor-General from 1835 to 1836,

repealed the restrictive ordinance of 1823, earning the title of "Liberator of the Indian Press." This move was supported by Lord Macaulay, who advocated for a free press in India, arguing that government interference could address threats to state security without the need for despotic regulations during peacetime. This required publishers to declare accurate information about their publication premises. This liberal press policy led to a rapid expansion of newspapers in India.

(4) The Licensing Act, 1857

The emergency triggered by the Rebellion of 1857 prompted the Government to reinstate press restrictions through Act No. XV of 1857. This legislation reintroduced licensing requirements alongside the registration procedure outlined by the Metcalfe Act. It prohibited the operation of printing presses without government licenses and granted discretionary powers to the Government for issuing or revoking licenses at will. Moreover, the Government gained authority to halt the publication or circulation of any printed material. While this Act was deemed an emergency measure with a one-year duration, Charles Metcalfe's statute remained in effect.

(5) The Registration Act, 1867

The Press and Registration of Books Act XXV of 1867 replaced Metcalfe's Act of 1835 concerning the registration of printing presses and newspapers. Unlike its predecessor, this act was aimed at regulation rather than restriction. It mandated that every newspaper box display the name of the printer and publisher along with the place of printing in legible print. Additionally, within one month of publication, a free copy of any book had to be supplied to the local government. Amendments were made to this Act in 1890, 1914, 1952, and 1953.

(6) The Vernacular Press Act, 1878

Indian newspapers grew increasingly critical of Lord Lytton's administration, particularly condemning its inhumane handling of the victims of the 1876-77 famine. Consequently, the government opted to target Indian language newspapers, recognizing their broader reach beyond just the middle-class readership. The Vernacular Press Act of 1878 aimed to control and punish seditious writings in the vernacular press. It empowered district magistrates to demand publishers to enter bonds, deposit security, and even seize press equipment for violations. No appeal could be made to a court of law, and exemption could be obtained by submitting proofs to a government censor. The Act faced criticism for its discriminatory nature between English and vernacular Press and lack of appeal rights, earning it the nickname "the Gaggling Act." The repeal of the pre-censorship clause and appointment of a press commissioner followed, and Lord Ripon eventually repealed the Act in 1882 amidst strong opposition.

(7) The Newspapers Act, 1908

The disaffection sparked by Lord Curzon's unpopular policies fuelled the rise of an Extremist Party within the Indian National Congress, accompanied by acts of violence. Newspapers frequently criticised government policies during this period. In response, the repressive Newspapers (Incitement to Offences) Act of 1908 was enacted. This legislation empowered magistrates to seize printing presses and related property of newspapers publishing objectionable material inciting violence or murder. Additionally, it allowed Local Governments to revoke declarations made by printers and publishers under the Press and Registration of Books Act of 1867. Editors and printers had the option to appeal to the High Court within fifteen days of a press forfeiture order. Under this law, the government prosecuted nine newspapers and

confiscated seven presses.

(8) The Indian Press Act, 1910

The Indian Press Act of 1910 revived the oppressive elements of Lytton's Press Act of 1878. Under this Act, the Local Government could demand during Registration, security ranging from Rs. 500 to Rs. 2,000 from printing press owners or newspaper publishers. For allowing fresh Registration, Government may demand a security ranging from Rs. 1,000 to Rs. 10,000. Offending newspapers risked forfeiture of security and annulment of registration, with fresh registration requiring higher security. The aggrieved party could appeal to a Special Tribunal of the High Court within two months. Printers were obliged to provide two free copies of each issue to the Government. Additionally, the Chief Customs Officer gained authority to detain imported packages containing objectionable material. During the enforcement of the Act, 991 printing presses and newspapers were targeted, resulting in warnings for 286 and demands for heavy securities in 705 cases. Confiscated securities during the initial five years amounted to approximately five lakh rupees.

(9) The Indian Press (Emergency Powers) Act, 1931

In response to the political upheaval of the 1930s and Mahatma Gandhi's civil disobedience movement, the Government introduced the Press Ordinance in 1930, reviving provisions from the Press Act of 1910. Subsequently, the Indian Press (Emergency Powers) Act of 1931 was enacted, granting extensive powers to provincial governments to quell propaganda related to the civil disobedience movement. This Act penalised any expression inciting or approving violence or offenses against the state. This Act was further expanded in 1932 to encompass activities undermining government authority.

(III) ANALYSIS OF RELEVANCE OF PRESS MEDIA ON FREEDOM MOVEMENT

John Adams' Licensing Regulations, primarily aimed at newspapers published in Indian languages or edited by Indians, had a significant impact. Raja Ram Mohan Roy is recognised as the pioneer of the nationalist press in India. His newspapers, particularly Sambad-Kaumudi in Bengali (1821) and Mirat-ul-Akbar in Persian (1822), were among the first publications in India with a clear nationalist and progressive democratic orientation. His influential publication, Mirat-ul-Akbar, ceased publication due to these regulations. Following the implementation of Adams' regulations, only three Bengali and one Persian newspaper continued publication in Calcutta. Additionally, J.S. Buckingham, a prominent figure, was deported to England.

The Vernacular Press Act, led to subdued tones in the Vernacular press, with newspapers showing little originality and often borrowing from the English press. Lord Ripon's government repealed the Act in 1882, deeming its justifications obsolete. Following the discontent sparked by the famine of 1896-97 and the bubonic plague, political controversies intensified in the Deccan. Act VI of 1898 reinstated and expanded Section 124 of the Penal Code and introduced a new Section 153-A. Additionally, amendments to Section 505 aimed to punish statements potentially leading to public mischief or disaffection among the armed forces, or inciting offenses against the state.

Throughout the early nineteenth century, Indian nationalist leaders championed the cause of Press freedom. Lord Wellesley's administration in 1799 introduced strict censorship measures, which were later repealed by Lord Hastings in 1818.

Further safeguarding civil liberties, notably the freedom of the Press, has been a paramount concern for nationalists. As early as 1824, Raja Rammohan Roy vocally opposed a resolution aimed at curtailing Press freedom. During the initial phase of the nationalist movement, spanning from approximately 1870 to 1918, the emphasis lay on political propaganda, education, and the dissemination of nationalist ideology. This period prioritised arousing public opinion, mobilising support, and consolidating nationalist sentiment, rather than relying on mass agitation or large-scale public gatherings. The Vernacular Press Act of 1878 imposed constraints on vernacular newspapers but was repealed in 1882 during Lord Ripon's tenure.

Until 1908, the Indian Press enjoyed significant autonomy. However, with the surge of the nationalist movement, the Newspaper Act of 1908 and the Indian Press Act of 1910 were enacted. Despite relative freedom until 1930, subsequent legislation like the Press Law of 1932 and the Foreign Relations Act of 1932 curtailed Press freedom.

During this period, early nationalists recognised the Press as a potent tool for political propaganda and ideological dissemination. Following newspapers emerged as platforms for nationalist discourse, led by fearless journalists.

- *Hindu* and *Swadesamitran* under G. Subramaniya Aiyar,
- *Bengalee* under Surendranath Banerjee,
- *Voice of India* under Dadabhai Naoroji,
- *Amrita Bazar Patrika* under Sisir Kumar Ghosh and Motilal Ghosh,
- *Indian Mirror* under N.N. Sen,
- *Kesari* (in Marathi) and *Mahratta* (in English) under Bal Gangadhar Tilak,
- *Sudharak* under Gopal Krishna Gokhale, and
- *Hindustani* and *Advocate* under G.P. Verma

These publications were not mere commercial ventures but were viewed as vehicles for national and public service.

The Press played a pivotal role in nurturing and advancing Indian nationalism across social, cultural, political, and economic spheres. It served as a crucial vehicle for political education and propaganda, enabling nationalist groups to disseminate their ideologies, policies, and methods of resistance, thus fostering broad-based organisations. Without the Press, the preparation and coordination of all-India conferences and large-scale political movements would have been inconceivable.

Throughout the Indian national movement, nationalists fiercely advocated for Press freedom, recognising its significance as a tool for exchanging ideas and nurturing intellectual connections among diverse social groups across the country. The expansion of the Press facilitated daily discussions on programs for inter-provincial and national collaboration in various spheres, enriching India's social and cultural fabric.

Moreover, the Press played a vital role in nurturing provincial literature and cultures, blending provincial forms with national content. It served as a potent weapon for social reform groups, exposing and challenging entrenched social injustices such as caste discrimination, child marriage, and gender inequalities. Additionally, it served as a conduit for international knowledge, nurturing unity among progressive forces worldwide.

The emergence of public awakening during the freedom movement was influenced by a combination of internal and external factors. Socio-religious movements, frequent famines, economic distress, the spread of English education, and global events such as the liberation of Germany and Italy, the Irish Home Rule movement, and Western domination in Africa and Asia were significant catalysts. Press and journalism played a pivotal role in facilitating this transformation, as they not only reflected public sentiment but also shaped and influenced it, leading to an interdependent relationship between the emerging public view and the media.

Overall, the Press was instrumental in cultivating a strong national sentiment and consciousness among the Indian populace, fuelling the growth and consolidation of the nationalist movement, encouraging the development of national and provincial literature and cultures, and promoting harmony with progressive forces globally. It served as a platform for propagating radical ideas and raising an expanding body of reformist and nationalist ideologies. It facilitated discussions on various social issues such as female infanticide, widowhood, child marriage, and untouchability, as well as concerns like official extravagance, taxation, and British racial arrogance. While initially focused on local affairs, over time, there was a noticeable transition towards broader political matters. This shift in focus led to the emergence of common issues and consensus views, particularly evident in the vernacular press.

(IV) EMERGENCE OF VISIONARIES: THE RISE OF NATIONAL LEADERS

During the 18th and 19th centuries, the emergence of visionaries and national leaders in India was greatly facilitated by the print press media. These leaders played instrumental roles in shaping the course of Indian history and the nationalist movement. It may be noted that around one third of the original members of the Congress in 1885 were journalists. Some notable journalist to inspire the freedom struggle were:

(i) Raja Ram Mohan Roy:

Often regarded as the "Father of the Indian Renaissance," Raja Ram Mohan Roy was a prominent social reformer, educationist, and advocate for women's rights. Through his newspaper "Sambad Kaumudi" and later "Mirat-ul-Akbar," Roy championed various causes such as the abolition of Sati, promotion of widow remarriage, and the introduction of Western education in India.

(ii) Bal Gangadhar Tilak:

A prominent nationalist leader and social reformer, Bal Gangadhar Tilak played a key role in stimulating Indian nationalism through his newspapers, including "*Kesari*" (Marathi) and "*Mahratta*" (English). He popularised the concept of Swaraj (self-rule) and advocated for the empowerment of the masses.

(iii) Swami Vivekananda:

Swami Vivekananda utilised the print press media to disseminate his ideas and philosophy, reaching a wide audience across India and the world. Through newspapers, magazines, and pamphlets, like Udbhodan in Bengali language and Prabuddha Bharat (Awakened India), Vivekananda's message of universal brotherhood and religious tolerance resonated with many Indians, inspiring them to take pride in their cultural heritage and work towards social and national regeneration. His speeches and writings in newspapers played a significant role in shaping the nationalist narrative and fostering a sense of unity and purpose among the Indian masses.

(iv) **Netaji Subhas Chandra Bose:**

Netaji Bose utilised the print press media to propagate his vision of complete independence from British rule and to garner support for his cause. Through newspapers and journals, Bose's fiery speeches and writings inspired thousands of Indians to join the struggle for freedom. His publications like Forward Bloc, Swadesh, The Indian Struggle, Azad Hind and The Tribune contributed to the emergence of a nationalist narrative that emphasised self-reliance, sacrifice, and determination in the fight against colonial oppression.

(v) **Mahatma Gandhi:**

From the early 20th century until India's independence in 1947, Mahatma Gandhi played a pivotal role in shaping the country's trajectory, including the evolution of the press. His two influential weeklies, Young India and Harijan, served as potent vehicles for the freedom movement. Gandhi's writing style was characterised by passion, simplicity, clarity, and power. He believed that newspapers should serve three main objectives: understanding popular sentiments and giving them expression, fostering desirable sentiments among the people, and fearlessly exposing defects in public life. Gandhi's proficiency as a journalist was unparalleled, and his weeklies are considered among the greatest in the world. Notably, he sustained these publications solely on subscriptions, without relying on advertisements. Despite this unconventional approach, their circulation was impressive, boasting a large readership and wielding a phenomenal impact on society.

These visionaries, among others, utilised the power of print media to disseminate their ideas, mobilise public opinion, and pave the way for India's struggle for independence. Their contributions were pivotal in shaping the nationalist narrative and fostering a sense of unity and purpose among the Indian masses.

(4) METHODOLOGY

The study undertaken is a descriptive study and survey-based methodology to gather data. While applying Qualitative research method, the literatures concerning Press Media and different reporting frameworks has been reviewed. It is based on secondary data, collected from books, journals, e-resources, etc. have been utilised for undergoing the study.

Based on documents, historical analysis has been carried out by studying primary documents to understand the relationship between the media development and freedom movement. The research paper's overall approach has been to examine how the media framed the freedom movement through language and strong articles. Further by analysing historical documents related to different press laws and media descriptions, we gain deeper insights into the strategies used by both sides.

CONCLUSION

In conclusion, this paper has critically examined the evolution of press media in India and its profound impact on the country's freedom struggle. Through an analysis of historical events, legislative enactments, and the role of prominent figures, it has been demonstrated how the press served as a catalyst for political mobilisation, social reform, and the cultivation of national identity. From the earliest newspapers in colonial India to the emergence of influential national leaders like Raja Ram Mohan Roy, Bal Gangadhar Tilak, Swami Vivekananda, Netaji Subhas Chandra Bose, and Mahatma Gandhi, the paper has traced the evolution of press media and its role in shaping Indian nationalism. Accordingly, the press media played a pivotal role in India's freedom struggle, serving as a platform for political education, ideological

dissemination, and social reform. Its legacy continues to shape contemporary media practices, underscoring its enduring significance in Indian society.

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BALANCING ARTISTIC FREEDOM AND SOCIETAL INTERESTS: EXPLORING THE DEBATE AROUND CENSORSHIP ON OTT PLATFORMS

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Abstract

The paper delves into the complex relationship between artistic freedom and societal interests on Over-the-Top (OTT) platforms, focusing on the debates surrounding censorship. It examines the historical evolution of artistic freedom and censorship, their role in facilitating artistic expression, and the justifications for censorship. It also examines case studies of censorship incidents, highlighting the motivations, controversies, and public responses. The paper compares regulatory frameworks and guidelines from different regions, presenting diverse perspectives on censorship. It suggests strategies for reconciling conflicting interests and fostering a balanced approach to content governance, emphasizing transparency, accountability, and stakeholder engagement. The paper concludes by offering predictions for the future of censorship on OTT platforms, predicting developments in regulatory landscapes and technological advancements that will shape content regulation in the digital age.

Keywords: *Freedom of Expression, OTT, Freedom of Speech and Censorship.*

I. INTRODUCTION

The proliferation of Over-the-Top (OTT) platforms has revolutionized the landscape of entertainment, offering a vast array of content ranging from mainstream blockbusters to niche independent productions. These platforms, with their global reach and digital distribution models, have democratized access to creative expression, empowering artists to produce content that pushes boundaries and challenges societal norms. However, this newfound freedom has not been without its controversies, sparking debates surrounding the delicate balance between artistic autonomy and societal interests, particularly in the realm of censorship.

In recent years, the question of what constitutes permissible artistic expression on OTT platforms has become increasingly contentious. While proponents argue for the preservation of unrestricted creative freedom as a fundamental tenet of democratic societies, critics raise concerns about the potential harms associated with unfiltered content, including moral degradation, cultural insensitivity, and political radicalization. As a result, discussions surrounding censorship on OTT platforms have evolved into a multifaceted discourse, encompassing issues of morality, cultural diversity, and the regulation of digital media.

This paper aims to explore the complex interplay between artistic freedom and societal interests in the context of OTT platforms, delving into the various perspectives and debates surrounding content censorship. By examining the conceptual underpinnings of artistic freedom and censorship, as well as analysing case studies and regulatory frameworks from different regions, this research seeks to provide a

nuanced understanding of the challenges and opportunities inherent in navigating the evolving landscape of digital content distribution.

As OTT platforms continue to shape the cultural and political fabric of societies worldwide, it is imperative to critically examine the implications of censorship on artistic expression, recognizing the need to strike a delicate balance between fostering creativity and safeguarding societal values. Through this exploration, we aim to contribute to a broader dialogue on the role of regulation in the digital age, with the goal of fostering a more informed and inclusive approach to content governance on OTT platforms.

A fundamental component of any democracy is the freedom of speech and expression. The freedom of every person to speak freely and to express their opinions in the fullest manner possible must be guaranteed by the Constitution in order for any democratic process to be successful. The freedom of speech and expression opens doors for open discussion of a range of topics and social circumstances in any functioning democracy. The state can promote national development by implementing public views, which is made possible by the freedom of speech and expression. Public opinion on economic, political, and social issues is constructively admitted when it is allowed. Article 19(1)(a) of the Indian Constitution guarantees the freedom of speech, including the right to voice opinions on any topic by any media of one's choosing. Simply speaking, writing, printing, taking pictures, creating videos, or making movies are all ways to exercise this privilege. Additionally, Article 19(1)(a) guarantees citizens the freedom of speech and the ability to disseminate and publish their opinions. According to Article 19(2) of the Indian Constitution, this freedom is also subject to reasonable limitations. The Constitution's Article 19(2) discusses the limitations placed on certain rights in order to uphold social order. It establishes a precise set of foundations, such as preserving our nation's sovereignty and integrity, guaranteeing state security, maintaining cordial ties with other nations, and preserving peaceable public order. The nation's ideological expression now heavily relies on visual media, with the OTT platform emerging as one of its main components.

II. OBJECTIVE OF STUDY

The primary objective of this study is to comprehensively explore the nuanced dynamics surrounding the debate on censorship on Over-the-Top (OTT) platforms, with a specific focus on balancing artistic freedom with societal interests. To achieve this overarching goal, the study aims to:

1. Analyse the conceptual frameworks of artistic freedom and censorship, examining their historical evolution and theoretical foundations.
2. Examine case studies of notable instances of content censorship on OTT platforms, analysing the underlying motivations, public responses, and regulatory responses.
3. Compare and contrast regulatory frameworks and guidelines governing content censorship across different regions, assessing their impact on artistic freedom and societal values.

By addressing these objectives, this study seeks to contribute to a deeper understanding of the complexities inherent in navigating the intersection of artistic freedom and societal interests in the digital age, ultimately informing policy discussions and guiding stakeholders in their efforts to promote responsible content governance on OTT platforms.

III. HYPOTHESIS

- The regulatory frameworks governing content on OTT platforms have no significant impact on the balance between artistic freedom and societal interests.
- Changes in content regulation on OTT platforms do not lead to measurable shifts in the diversity or creativity of content.

IV. RESEARCH METHODOLOGY

The researcher has conducted doctrinal research for the proposed study project. Using secondary research materials that are relevant to the study's topic, such as books, e-books, scholarly journals, and legal reports, the study has given qualitative research early priority. The researcher also looked at sources that are accessible by relevant statutes and case law.

V. REVIEW OF LITERATURE

The debate over censorship on OTT platforms is a complex one, with implications for both creative freedom and societal interests. Bhutia (2022) argues that censorship can conceal important realities, while Dickinson (2022) suggests that centralized control over online speech can silence unpopular voices. Isa (2020) further explores the relationship between censorship and explicit content on OTT platforms, particularly in the context of Malaysia. These studies collectively highlight the need for a balanced approach that respects both artistic freedom and societal interests.

VI. LIMITATION OF STUDY

- The Researchers used only secondary resources as the study is a review of the Act and is only restricted to Indian laws.
- Availability and accessibility of legal documents and project-related information may vary, affecting the depth and comprehensiveness of the analysis.
- Limited resources, such as funding or personnel, may constrain the scope of data collection, analysis, and dissemination of findings.

VII. UNDERSTANDING ARTISTIC FREEDOM AND CENSORSHIP IN INDIA

In India, the dynamics of artistic freedom and censorship are deeply intertwined with the country's rich cultural heritage, complex sociopolitical landscape, and diverse religious and ethnic traditions. Artistic expression has flourished in India for centuries, encompassing a wide array of forms including literature, visual arts, cinema, theater, music, and dance. However, the exercise of artistic freedom has often been subject to scrutiny, regulation, and censorship, reflecting the tensions between tradition and modernity, communal sensitivities, and state intervention.

Artistic freedom in India is enshrined in the Constitution under Article 19(1)(a), which guarantees the right to freedom of speech and expression. This constitutional protection theoretically safeguards the autonomy of artists and creators to explore a wide range of themes and topics without fear of censorship or reprisal. India's vibrant cultural landscape, characterized by its diversity of languages, religions, and traditions, has given rise to a plethora of artistic expressions that reflect the country's pluralistic ethos and rich cultural tapestry.

However, despite constitutional guarantees, the exercise of artistic freedom in India has often been constrained by various forms of censorship, both formal and informal. The Central Board of Film

Certification (CBFC), commonly known as the Censor Board, is the primary regulatory body responsible for certifying films for public exhibition in India. While the CBFC's mandate includes ensuring that films adhere to certain moral and cultural standards, its decisions have often been criticized for being arbitrary, inconsistent, and prone to political interference.

Censorship in India is not limited to the film industry but extends to other forms of artistic expression as well. Books, plays, paintings, and other artworks have faced censorship or bans on grounds of offending religious sentiments, promoting obscenity, or challenging prevailing social norms. In recent years, the rise of digital media and social networking platforms has further complicated the landscape of censorship, with cases of online content being censored or removed based on subjective criteria.

The reasons for censorship in India are diverse and often reflect the country's complex sociocultural dynamics. Religious sensitivities, caste-based considerations, political ideologies, and concerns about national security are among the factors that can influence decisions regarding censorship. In some cases, censorship is justified to preserve public morality, protect communal harmony, or uphold traditional values. However, critics argue that censorship is often used as a tool to suppress dissent, silence marginalized voices, and perpetuate dominant narratives.

Despite the challenges posed by censorship, India's artistic community has continued to push boundaries and challenge prevailing norms. Artists, writers, filmmakers, and activists have mobilized to resist censorship, advocate for freedom of expression, and promote greater cultural diversity and inclusivity in the arts. Civil society organizations, legal advocacy groups, and media watchdogs play a crucial role in monitoring censorship practices, raising awareness about violations of artistic freedom, and advocating for reforms to ensure greater transparency and accountability in the regulatory process.

As India navigates the complexities of balancing artistic freedom with societal interests, it is imperative to foster open dialogue, respect for diversity, and a robust legal framework that upholds fundamental rights and values. By promoting a culture of free expression and tolerance, India can harness the power of the arts to foster social cohesion, promote dialogue, and enrich its cultural heritage for generations to come.

VIII. THE ROLE OF OTT PLATFORMS IN ARTISTIC EXPRESSION

In recent years, Over-the-Top (OTT) platforms have emerged as significant catalysts for artistic expression in India, revolutionizing the country's entertainment landscape and offering creators unprecedented opportunities to showcase their talent and creativity. OTT platforms, which deliver audio, video, and other media content over the internet without the need for traditional cable or satellite subscriptions, have democratized access to a diverse range of content, including films, web series, documentaries, and short films. In India, the proliferation of OTT platforms has had a transformative impact on the arts and entertainment industry, reshaping the way content is produced, distributed, and consumed. OTT platforms have revolutionized Indian media by providing unprecedented creative freedom for filmmakers, writers, actors, and directors. These platforms allow them to explore diverse themes, genres, and narratives without the constraints of traditional media channels. They also serve as platforms for niche and independent content, enabling creators to produce high-quality content that caters to niche audiences. OTT platforms have also promoted diverse representation and inclusivity in Indian

media, allowing underrepresented communities and marginalized voices to be heard. They have also facilitated global reach and cross-cultural exchange for Indian content, enabling audiences to reach diverse markets worldwide. Moreover, OTT platforms have created new economic opportunities for Indian filmmakers, generating revenue through subscription fees, advertising, and licensing deals. During the COVID-19 epidemic, the only remaining channel for independent film studios to distribute their work to the public and turn a profit is the over-the-top (OTT) platform. All of this content was extremely unregulated due to the quick response to this development. Unlike the current film industry, whose material output is regulated and certified by the Central Board of Film Certification, there is no statutory authority that pre-regulates the content prior to release.

This raises a legitimate question: Should OTT media be subject to regulation? Will the restrictions or censorship turn out to be a hindrance to the right to free speech and expression? What effects would an unrestricted artistic medium have? These are crucial questions that really need to be clarified.

IX. REGULATORY FRAMEWORKS AND GUIDELINES

In India, the regulation of content on Over-the-Top (OTT) platforms is a complex and evolving landscape governed by a combination of statutory laws, regulatory bodies, and self-regulatory mechanisms. While there is no specific legislation exclusively dedicated to regulating OTT platforms, various laws and regulations apply to online content distribution, with oversight from both governmental and industry bodies. Below are the key regulatory frameworks and guidelines relevant to OTT platforms in India:

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, were introduced by the Indian Government in February 2021 to regulate digital media platforms, including OTT platforms. The rules prescribe obligations for intermediaries to implement content moderation, grievance redressal, and compliance with the Code of Ethics and Procedures. OTT platforms are required to classify content based on age-appropriateness and implement parental locks for content unsuitable for minors. Several OTT platforms in India are members of self-regulatory bodies, such as the Internet and Mobile Association of India (IAMAI) and the Digital Content Complaints Council (DCCC), which develop codes of conduct and content guidelines. The Central Board of Film Certification (CBFC) also regulates content distributed on OTT platforms, evaluating content based on nudity, violence, language, and religious sensitivity. The Cable Television Networks (Regulation) Act, 1995, also applies to content distributed through OTT platforms, prohibiting the transmission of content that is obscene, defamatory, or against public decency and morality.

While these regulatory frameworks and guidelines provide a framework for content regulation on OTT platforms in India, there remain challenges related to enforcement, interpretation, and harmonization of laws across different jurisdictions. Moreover, the rapid growth of digital media and the evolving nature of online content distribution pose ongoing challenges for policymakers, regulators, and industry stakeholders in balancing the imperatives of freedom of expression with the need to address societal concerns and protect public interests. As the regulatory landscape continues to evolve, stakeholders must engage in dialogue and collaboration to develop effective and equitable solutions that promote responsible content creation and distribution while upholding fundamental rights and values.

X. FREEDOM OF SPEECH AND OTT MEDIA

Nowadays, no state can guarantee a person's ultimate rights. The guarantee of basic rights is curtailed when the greater good of the society is at risk due to the legitimate constraints imposed by the Indian Constitution on the State. The Indian Constitution aims "to strike a balance between individual liberty and social control," and that is what is meant by that statement. The statement "if intellectual prowess and natural or cultivated power of creation is interfered with without the permissible facet of law, the concept of creativity paves the path of extinction; and when creativity dies, values of civilization corrode" was made in the *Viacom 18 Media (P) Ltd v. Union of India* case.

It's common knowledge that having so much creative freedom may occasionally be quite daunting. Due to the fact that the majority of Indian filmmakers were not permitted to display explicit material in their artistic works on large displays, they were granted unrestricted access to the OTT screens, where they were able to fully express their creativity. This included using explicit language, violence, carnage, and nudity. The political parties in power now impact creative freedom too. Any project that aligns with their rhetoric is distributed without any restrictions. Religious organizations objected to how their ancient past was portrayed in popular films like "Padmavat," which sparked anger. There is a serious issue with the selective regulation of creative works by different organizations. It functions as a barrier to future creative endeavors and develops an economic discourse for those engaged in the development of a certain project. Several well-known OTT platforms signed a self-regulatory agreement in January 2019 that forbade the posting of specific types of content on their platforms. They were certain that any item that offended the national flag or emblem, offended religious sentiment, supported terrorism, or contained child pornography need to be removed. If the job is entirely uncontrolled, it is impossible to trust the filmmakers on the OTT platforms to convey a positive message. Since they are classified as demand services and come under the category of private exhibition, they are exempt from the Information Technology Act of

2000. The courts have held that to maintain a close watch on this platform's operations, an independent body must be constituted if it is not covered by any legislation that has already been passed. Few nations throughout the world have rules or regulations restricting the streaming of movies on over-the-top (OTT) platforms. Nonetheless, several nations possess a body or power to investigate the materials that are distributed. For instance, the "Australian Communication and Media Authority" scans Australia's internet for offensive information. The "Information Communication and Media Development Authority" in Singapore handles the OTT platform in a similar manner. The existence of these organizations indicates that, in addition to India, many other nations have considered regulating internet entertainment.

XI. CHALLENGES REGARDING CONTENT REGULATION

The OTT providers' worries about their freedom of speech and expression are the opposing viewpoint in these debates. The essential concern in their argument is whether they will have the necessary freedom to display their work in its entirety if a controlling organization or mechanism is in place. In our nation's legal history, the Sakal Papers case, the Bennett Coleman ruling, and even the Indian Express case have shown the need of preserving the right to free speech and expression. With the fundamental tenet that every work that communicates with society falls under the creationist's right to freely express her opinions; regulatory measures shouldn't overly magnify censorship lest they violate the creators' rights. Recently, as non-mainstream directors such as Anurag Kashyap and Tigmanshu Dhulia have gained popularity among viewers, people have become more receptive to shows and movies that highlight the unvarnished realities of society. Certain television programs and movies were never given the credit they deserved by the Indian censor board since most of the sequences were removed from the final versions of the goods, and the content that the audience saw was different from what the creators had intended. Since the product is available on-demand, those who choose to view it in its entirety may do so without any interruptions, which attracted filmmakers to the over-the-top (OTT) platforms. Any future regulations must be formulated in a manner that takes into account the aforementioned considerations and offers a fair resolution. Dr. B.R. Ambedkar, who drafted the Indian Constitution, was always keen to point out that the state has the absolute authority to restrict any freedom that it grants, and that the individual's responsibility for using that freedom is far greater than the freedom itself. The British Raj established the largest "censor" in Indian culture. The British maintained that even back then, it was their responsibility as a state to maintain order among their citizens and peace across their territory. Can their argument, which was unfair back then, really be fair after 75 years of Indian Independence? The existence of a built-in barrier to regulation becomes evident when we discuss compelled regulation.

The term "natural barrier" now refers to a linguistic barrier that exists between India and the production of content. Do we control and prohibit content from other nations? Regulating information from nations with distinct or sophisticated languages is considerably more difficult. Although a certain phrase may be considered local vernacular, it may also be offensive to members of another group. As the internet, innovation, and subtitles continue to advance, we can already observe that this barrier is already eroding significantly. This has made things more difficult once more. Manual regulation is one type of regulation that exists.

Although the government has declared that it will control over-the-top (OTT) media, they do not currently have any such agreements. There is no set procedure for managing or controlling content on the internet. The government has stated that it is necessary to control chemicals that cause confusion and are unsettling to the general population. Regardless, there isn't a solid agreement with the administration. In this regard, there have been no nuances on the government's intended course of action regarding regulation as of yet. The "ambiguity" of the meanings of several terminology pertaining to OTT content provides another explanation for this problem. The meanings of phrases like "news" and "current affairs" are not clearly ambiguous; rather, they vary depending on the context and the legislation. It is still not adequate as it is unclear whether statements about reality will be governed by laws or whether their importance will be determined by the application of evaluation and analysis.

Content filtering poses a direct threat to free expression and innovation. Positive or negative public opinion sparked by a certain program or film simply serves to highlight both its inventiveness and the creator's worldview. The creator of an over-the-top (OTT) program or movie is pressuring viewers to generate their own judgments after viewing. It is the finest illustration of a functional democracy. A chain of reasoning cannot be used to permanently shape public opinion and be subject to justifiable limitations. Eventually, it will grant the government the authority to control material. The people who work in the content production sector, both as creators and workers, belong to the same society, which they define in accordance with their own requirements and goals. Should the OTT platforms decide to implement self-regulation, the government need to comply and encourage them in their efforts. Since those who work in the content production sector are members of the same society as the content they produce, they bear social responsibility for their actions, and exercising self-control should not be seen as a complete abuse of one's freedom.

XII. CONCLUSION

The Indian Constitution grants the state the power to regulate OTT platforms, but it must specify a valid reason for doing so. Social consent determines freedom of speech and expression, and analysis is crucial for every idea. The Indian Constitution allows the state to take immediate action if a platform promotes violence or social discrepancy. However, heavy state regulation could hinder the growth of the industry. Restrictions should be applied for content that is violent or dangerous, but self-regulated to maintain platform identity. The OTT platform should provide an equal playing field for creators, and creativity should not be sacrificed for authoritative power.

The future of censorship on Over-the-Top (OTT) platforms in India will be shaped by regulatory reforms, industry initiatives, technological innovations, and societal dynamics. Industry-led efforts to promote self-regulation and responsible content creation will play a crucial role in shaping industry practices and standards. Advancements in content moderation technology and user empowerment initiatives will enhance the effectiveness of content moderation efforts while promoting user safety and well-being. Constructive dialogue and collaboration among government authorities, OTT platforms, content creators, civil society organizations, and other stakeholders will be essential to develop pragmatic and equitable regulatory frameworks that uphold fundamental rights and values while addressing societal concerns. Stakeholders must embrace a shared commitment to upholding democratic principles, respecting cultural diversity, and safeguarding individual rights and dignity.

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EVOLUTION OF FEMALE PROTAGONISTS IN CONTEMPORARY BOLLYWOOD: GENDER DYNAMICS AND EMPOWERMENT

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Abstract

This paper explores the evolving portrayal of female protagonists in contemporary Bollywood cinema through an in-depth analysis of three significant films: Queen (2014), Mardaani (2014), and Thappad (2020). Drawing upon feminist film theory and socio-cultural perspectives, the study examines how these films challenge traditional gender roles, empower women, and amplify diverse voices within the Indian film industry. Queen and Mardaani are films that challenge stereotypes of female dependence on men and celebrate self-discovery and independence. Queen follows Rani's journey to Europe, while Mardaani portrays Shivani Shivaji Roy as an empowered female cop tackling human trafficking. Another film, Thappad, explores domestic violence and its psychological impact on protagonist Amrita, challenging societal norms and promoting self-respect and personal growth. The rise of films like Queen, Mardaani, and Thappad in Bollywood signifies a shift towards more empowered female characters, despite ongoing challenges like patriarchal norms, limited funding, and gender-based discrimination.

Keywords: Films, Gender Stereotype, Media, Bollywood, Gender Dynamics, Empowerment

Introduction:

Bollywood has long been reviled for the stereotypical portrayal of its female protagonists who have been largely portrayed from a male perspective, with their roles limited to being wives, mothers, beloveds or vamps. They were often reduced to providing moral purpose to the hero's struggles or emotional fuel to drive the hero into action. Additionally, female characters were only considered important in their connection to male characters; their own stories and character arcs were often overlooked. Women's limited role in Bollywood both on-screen and off-screen has been a source of complaint, with the imbalance in the number of men and women involved in the creative process playing a significant role in the misrepresentation of female characters in Bollywood films.

The media in general and the Indian film industry in particular reflected this imbalance for a long time. The reason for this is that mainstream Indian cinema has its commercial interests at heart. The Indian film industry has always adhered to patriarchal norms and is dominated by men (Ganti 2004) reinforcing age-old practices and beliefs. However, there is one thing that unites these disparate depictions of women on celluloid: the actors need to be stunning and seductive. Leading filmmakers in Hollywood too capture the "male erotic contemplation" and staged women as an object satisfying the "male gaze" (Berger 1975). Bollywood women, like their Hollywood and British counterparts, are always an "object of desire" for

men; regardless of the roles they play (Pendakur 2003). Thus, the Indian cinema industry also objectifies women according to the male gaze (Nandkumar 2011).

This makes one conclude that there are very few women-centric films made in Bollywood despite the presence of many talented female actors. All this is set to change in contemporary Bollywood for in the past decades, due to technological advancements, globalisation, and shifting audience preferences, there has been a change in trend where we see powerful women protagonists in movies and these movies are bringing significant positive changes into Indian society. Filmmakers have now started to portray women in a positive manner no longer desirable sexual object, victims of male aggression, dependant, submissive, and peripheral. To understand this phenomenon, this discussion will centre around three mainstream Hindi films, *Queen* (2014), *Maardani* (2014) and *Thappad* (2020) wherein we examine the evolving gender dynamics and the increasing representation of women's agency and empowerment.

Queen: A Journey of Self-Discovery and Independence:

Numerous filmmakers have made an effort to challenge the traditional roles of women and *Queen* is one such film. Directed by Vikas Bahl, this film shows Rani, played by Kangana Ranaut, a naive Punjabi girl from Delhi dumped by her fiancé on the eve of her marriage. Rather than let this incident shatter her, Rani decides to go to her honeymoon destinations alone. Surprisingly, her parents allow her to go to Paris and Amsterdam unaccompanied without a male escort. In Paris, she befriends confident and independent Vijaylakshmi (Lisa Hayden), a single mother who has sexual escapades and parties in vacant hotel rooms. She then proceeds to Amsterdam, the sex capital of the world, and is forced to share a room with three male travellers Olexsandro (a white Russian), Taka (a Japanese) and Timy (a black from France). At first Rani has qualms about sharing a room with men but overcomes her inhibitions and goes on to explore the city, visit sex shops, does a pole dance at a bar and visits Vijaylakshmi's friend Ruksaar, a sex worker. She meets a restaurant owner and participates in a local food festival competition in which she wins. Meanwhile, Vijay spots Rani's selfie in Facebook and is again attracted to her. However, Rani rejects his advances and on her return to Delhi returns the wedding ring and walks out of his life forever thus liberating herself from all shackles: societal and mental.

A critic, Nishajyoti Sharma in her article, "*Queen – A Miss Representation?*" maintains that the film is replete with stereotypes. The opening sequence establishes that both Rani and Vijay follow conventional career paths and that Vijay's stalking of Rani is a form of wooing, reinforced in many Bollywood movies even though it amounts to crime and abuse. Throughout the film, her family members are shown as supporting patriarchal norms, from which Rani finds hard to break away and is depicted as a person without any goal or agency. Her international male friends are quite independent and do not need a woman to cook for them. Moreover, the men plan things for her and become her protectors. Instead, she continues in her role as being the perfect Indian woman holding onto her purity despite her escapades with Vijaylakshmi. Moreover, Rani is not at all comfortable about her sexuality and is inhibited when it comes to sexual feelings and activities. (Ghosh 2009, p. 60) and the director does not disturb the idea of India as a Hindu nation (Hindu Idealism). Towards the end despite her westernization, "she is still bound by the ideologies of the Indian nation to some extent." (Ayob 2008, pp. 65-66). In short, the film retains her image of a virtuous Indian woman.

Despite these limitations, this film breaks the stereotypical image of a woman dependent on a man for his happiness as the movie traces her progression towards agency and independence. Left alone, she overcomes her initial fear and embarks on a solo trip, highlighting her newfound independence and resourcefulness. **She has reclaimed the narrative by rejecting Vijay. In so doing,** the director decides to emasculate the man and accentuate the process of female liberation. The film subverts the trope of the "happily ever after" solely dependent on marriage. Vijay no longer controls Rani's happiness. Instead, she finds joy and self-worth through travel, personal growth, and newfound friendships. This shift in focus empowers women to define their own happiness.

Rani's journey is not without its challenges. She experiences moments of loneliness and self-doubt. However, the film does not shy away from portraying her vulnerability. By overcoming these challenges, Rani demonstrates inner strength and resilience, inspiring audiences. She challenges gender stereotypes and societal pressures to get married. The film highlights the need to challenge these outdated norms and celebrate women who choose alternate paths. In so doing, Rani has redefined the narrow definition of **femininity and** breaks free from this mould. She is vulnerable and strong, independent yet enjoys spending time with friends. This nuanced portrayal challenges stereotypical notions of what it means to be a woman. Rani's solo trip to Europe becomes a catalyst for her transformation. She explores new cultures, makes friends, and builds confidence. The film highlights the power of travel and self-discovery in empowering women to step outside their comfort zones and embrace their potential.

Queen has resonated deeply with audiences. It celebrates self-discovery, challenges societal expectations, and displays a new era of empowered women who are not afraid to break free from traditional narratives. Rani's story inspires audiences to embrace their individuality and redefine what it means to be a strong and successful woman. She has become a symbol of female empowerment and the courage to choose one's own path. The movie has paved the way for more films featuring strong, independent female leads who redefine traditional gender roles.

Mardaani: The Empowered Female Cop:

If Queen was a journey of self-discovery Mardaani, directed by Pradeep Sarkar and produced by Aditya Chopra, is a powerful portrayal of an empowered female cop. Shivani (Rani Mukherji) is a dedicated police officer who chases and cracks down on a criminal gang involved in human trafficking. In all this Shivani shows resolve, grit and perseverance in hunting down the gang leaders and bringing them to justice Bollywood style. The film challenges traditional gender dynamics by placing Shivani Shivaji Roy, a tough and upright police inspector, at the centre of the story. In all this, the movie depicts a successful female police officer in a field dominated by men known for wrongdoing and corruption. Furthermore, it illustrates her struggles to strike a balance between her career and personal life; and draws attention to the persistent gender and leadership stereotypes that she continues to confront and dispel.

It must be noted that in popular culture and the movies, where women are frequently, if not always, portrayed as helpless and dependant, gender stereotypes are also visible (Harvey, 2014). In actuality, the media has a significant impact on how leadership is portrayed (Gauntlett, 2008). The underrepresentation and invisibility of women is a related problem. However, this film subverts the trope of the damsel-in-distress. Shivani is an intelligent and resourceful officer who takes charge of the investigation into a child trafficking ring. She does not rely on male colleagues for support and proves her competence throughout

the film. The film portrays the challenges Shivani faces as a woman in authority. She encounters scepticism from her male colleagues and even from some victims who are used to male authority figures. However, she persists and ultimately overcomes these biases through her determination and skill.

In short, Shivani breaks all gender stereotypes. Generally, people consider crime investigation a male domain and Shivani disrupts that idea. . Despite being a police officer, Shivani continues to shoulder her domestic responsibilities and tries to balance her home life with her work. Karan, the villain, calls her “Ma’am,” not because he is deferential but because he is hypocritical in his attitude and is unable to accept the authority of a woman in power. Again, Shivani shows that bravery is not a quality that is exclusive to men; women can possess it as well. She is outspoken and occasionally uses abusive language, which could indicate that the male co-workers and criminals affect her. She works in the police department predominately manned by men; therefore, her demeanour and vocabulary reflect a traditionally masculine mind-set. Naturally, the term "mannish" in the title of the movie "Mardaani" perpetuates a gender stereotype by implying that only men are capable of being brave and fearless. Nevertheless, every woman who behaves in a way that deviates from the stereotypical image of a woman ought to be treated equally and with respect.

Politicians and Shivani's own employers likewise exhibit attitudes that are rife with gender and leadership stereotypes. Her style of leadership is transformational in that she redirects the thinking of her team members thus challenging and inspiring them to take risks in her hunt for the abducted girl Pyaari. The movie highlights the dangers of doing two jobs, which affect working women worldwide. It demonstrates that women's traditional tasks of nurturing and care giving are not undermined by their status as female leaders in the workplace. Women's primary duty continues to be taking care of their children and other family members (Faraj & Al-Hadad, 2015). As a result, the movie depicts these complementary aspects of the self in a realistic manner (Raina, 2014). The movie increases awareness of women's status and inspires all women to become self-sufficient in addition to showcasing the bravery of a woman.

Mardaani could be interpreted as an effort to raise awareness among men and women about the social issue of minors being trafficked for sex as well as to push for a shift in how society and organisations view gender and leadership. The movie shows that women are not inherently weak, even though it also brings attention to some of the problems that young girls in India confront. It shows their tenacity and inspires them to become independent and self-assured leaders.

However, Gopa Bhardwaj and Devapriya Sanyal in their paper, “*Deconstructing Gender Stereotypes in ‘Mardaani’ – A Film from Bollywood,*” maintain that in order to be assertive Shivani gets a husband in a feminine garb and the authors claim that it is commonly believed that women who excel in academics or other high-status professions will have less success in marriage and romance. Traditionally, for a woman to succeed, she needs external authority to vouch for her excellence. Rudman and Glick (p. 743) in their article, “*Prescriptive Gender Stereotypes and Backlash toward Agentic Women*” state, “Agentic women are viewed as socially deficient, compared with identically presented men”.

Because of these prejudices related to competence and intelligence, an actor's success or failure in an intellectual endeavour is determined by their gender. Shivani Shivaji Roy gains the coveted power in Mardaani, but she must make many sacrifices to maintain it. Be it what it may, it is an undeniable fact that Mardaani tackles several important themes that are interwoven throughout the story.

Gender dynamics and empowerment is one such

theme, which is the central focus of the film. Shivani, a female police officer, shatters the stereotypical portrayal of women in Bollywood. She is intelligent, resourceful, and takes charge of the investigation, defying expectations placed on women in positions of authority. Mardaani exposes the brutal reality of child trafficking. It sheds light on the vulnerability of young girls and the social structures that allow this crime to flourish. Shivani's fight against the traffickers becomes a symbolic fight against this social evil and **overcomes gender bias.** Mardaani underscores the importance of a strong legal system and dedicated law enforcement officers in combating crime. Shivani's unwavering commitment to justice and her fight within the system itself is a crucial theme. The film raises awareness about the dangers of child trafficking and the importance of vigilance within communities. It serves as a call to action for viewers to be aware of the issue and potentially play a role in preventing it. Mardaani portrays the societal pressures faced by families, particularly those with daughters. The film highlights the vulnerability of girls within certain social

structures and the need for a shift in attitudes towards their safety and education. By weaving these themes together, Mardaani delivers a powerful message about female empowerment, social justice, and the fight against a heinous crime.

Thappad: Breaking the Silence on Domestic Violence:

Thappad, directed by Anubhav Sinha, stands as a significant film in the portrayal of female protagonists in Bollywood and sheds light on the evolution of gender dynamics. It tackles the sensitive issue of domestic violence, specifically the act of a single slap, and uses it as a catalyst for the protagonist's journey towards self-discovery and empowerment.

One could identify typical Indian marriages as the patriarchy's exemplars. Everything associated with an arranged marriage, including the dowry, gives the groom the upper hand and women themselves, through conditioning, become its torchbearers. This film also questions the role of women in marriage. Through his film, Anubhav Sinha illustrates the countless sacrifices that women must make in marriage and examines the unsaid problems that married women face because of social suppression. The Indian educated upper class, who have benefited from aristocratic privileges for years, nonetheless submits to the prevailing patriarchal narrative even in this postmodern day. The 2020 film Thappad brings these contradictory ideas to light. The movie makes a strong point about how an increase in social and economic standing does not always translate into a shift in the societal perception of gender. Women are expected to assume the role of the carer, both physically and emotionally, because of gender construction. Men provide social mobility, or an increase in socioeconomic standing, in exchange through marriage. Socioeconomic mobility does not eliminate gender inequality or the thappad (slap) of domestic abuse.

Amrita (Taapsee Pannu) is an educated girl from a middle-class family who is married to Vikram Sabharwal (Pavail Gulati) who belongs to an upper middle-class family. The film *Thappad*, which translates to "slap," is a collage of multiple married lives in which Amrita Sabharwal, a.k.a. Ammu, is a homemaker who, in the beginning of the film, has an almost ideal existence until her husband slaps her. From that point on it creates a division of opinion in every character in the film, with some normalising Vikram's behaviour and others castigating it.

In the film, Anubhav Sinha depicts Amrita as a contented homemaker who is happily going about her domestic chores. Domestic abuse begins with Vikram taunting Amrita to learn how to cook. This is the first step in enslaving women for it restricts their access to places. Here Floyd has highlighted the fact that women in the kitchen are viewed as being on par with colonised people, and the kitchen is thought to be the catalyst that unites inequality in the first and third worlds, oppressing women and serving as "the arena for the domestication of the colonised or exploited female 'other'" (Floyd, pp. 61-73). According to T. S., K., & Jose, S. (pp. 1-14), given the restriction on access to space it "fosters female stereotypes of happy housewives." These observations hold true for Amrita who up to this point does not even dream of rebellion. However, this changes when Vikram throws a party to celebrate his promotion he receives a phone call informing him that his

promotion comes with strings attached. This makes him argumentative with the guests and slaps Amrita when she tries to intervene. The next day Vikram tries to explain his frustration to Amrita saying that he could not stay in a job that did not value him. This is when Amrita realises that she is not valued as an equal companion in her own marriage. Amrita's decision to file for divorce is incomprehensible to her husband, her mother-in-law, her mother, and her brother who still operate within the strict patriarchal code and perpetuate it.

Even Amrita's lawyer, Netra Jaisingh, a married woman who has become socially mobile through marriage, does not agree with Amrita. Netra finds Amrita's view that a slap might validate a divorce to be illogical, given her knowledge of Indian tradition. Her husband also abuses Netra literally and physically even though she is a lawyer in her own right. Other women characters too have reconciled to domestic abuse. Amrita's maid Sunita has accepted her husband's alcoholism and beatings. Amrita's mother whose life is a series of compromises and who, in turn, has been slapped by her own parents and husband, does not understand her daughter's desire for divorce. The audience clearly discern this lack of cultural change in all of these newly affluent females and even the upwardly mobile Netra.

Savier Mut Jabraj A and Dr. Christopher G (2024) in "*Demystifying Women's Affordances in Spaces towards Nurturing Noetics: An Analysis of the Movie Thappad (2020)*," argue that *Thappad* is not only about Amrita's decision to file for divorce because of an unforgivable slap or loss of self-respect or a lone voice campaigning against patriarchy and established gender constructions. It is about parents failing to impart ethical values, even to the man, in marriage. It is not only about regaining one's freedom; it is also about trying to comprehend one's rights in marriage. Need for space to think clearly could be observed in the movie. The protagonist Amrita clearly asks for space of her own to process the situation, which will eventually result in her well-being.

In addition to advocating for socioeconomic mobility, progressive cultural reform, and cultural education, Thappad also recognises the role of women's subversion, whether in the workplace or in the kitchen. Without this cultural shift, people will meet initiatives to promote gender equity with resistance.

Here Amrita has broken free of her colonised state, restrictions and subjugation. What is notable is that the movie does not portray men as villains, yet it exposes their inability to understand the issues in a marriage. The movie does not seek to disrupt existing familial relations but make a strong feminine statement that seeks to better their existing lives.

It remains an undeniable fact that Thappad has broken the silence on domestic violence, a subject Bollywood has shied away from portraying in the past. The film breaks this silence by placing Amrita, the protagonist, front and centre nor does it shy away from the emotional and psychological impact of the slap, challenging the normalization of such violence within families. In so doing, it has redefined the ideal woman. Bollywood has often portrayed women who prioritize their families and endure hardships for the sake of the institution of marriage. Amrita challenges this notion. The slap becomes a turning point, forcing her to confront the power imbalance in her marriage and redefine what it means to be a good wife. Hence, Amrita is empowered through choice. Amrita's journey in Thappad is about agency and choice. Here we witness a shifting of the focus. Unlike revenge dramas, Thappad focuses on Amrita's internal struggle and her emotional journey. It highlights the psychological trauma of domestic violence, moving the conversation beyond just the physical act. Nor does she rely on a hero to solve her problems, as Amrita's story is a stark contrast. She is her own hero, finding strength and support within herself and her female friends. This resonates with the growing portrayal of self-sufficient women in contemporary cinema. In conclusion, we can say that Thappad takes a bold step in displaying the evolution of female protagonists in Bollywood. It moves away from the silent sufferer trope and presents a woman who chooses self-respect and personal growth. By centring Amrita's story, the film tackles a critical social issue and paves the way for more nuanced portrayals of women navigating complex realities.

Conclusion:

As films, not only reflect societal norms but also influence society, an examination of these three Bollywood films demonstrate how cinematic narratives can empower women, challenge gender norms, redefine heroism, and amplify diverse voices. These films challenge traditional definitions of heroism, promote inclusivity and foster discussions around gender equality. Empowered female characters can inspire real-world activism and promote social change. We can confidently say that contemporary Bollywood's female protagonists are evolving towards greater gender equality, with films like Queen, Mardaani, and Thappad displaying audience appetite for nuanced, complex female characters challenging patriarchal norms, unlike Mother India (1957) which portrayed a strong woman without challenging these norms.

However, a word of caution is in order. Despite the growing popularity of female-centric films in Bollywood, they continue to face significant challenges and obstacles. Deeply entrenched patriarchal norms, limited funding and distribution opportunities and gender-based discrimination in the industry remain major hurdles for these narratives to gain widespread success and recognition.

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PRESS FREEDOM IN THE DIGITAL AGE NAVIGATING TECHNOLOGICAL ADVANCEMENTS & ETHICAL CHALLENGES IN BHARAT & BEYOND

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Abstract

This Research Paper / Article explores the complex interplay between Press Freedom, Technological Advancements, and Ethical Challenges in both Bharat and global contexts. It delves into the historical evolution of Press and Press Freedom, examining the struggle for autonomy within Bharat's media landscape and contrasting it with the historical dominance of Western media. The paper also scrutinizes constitutional provisions safeguarding press freedom in Bharat compared to other countries. In the digital age, the impact of technology on Press Freedom is profound, with emerging technologies such as Artificial Intelligence (AI) and the proliferation of social media platforms like WhatsApp, Facebook, YouTube, Twitter, and others posing ethical concerns. The credibility of these platforms is questioned, and their influence on shaping public discourse is explored. Furthermore, the paper analyzes the role of Judicial Review in upholding Freedom of Press and the challenges faced in ensuring effective oversight in the digital era. It highlights the complexities of balancing Press Freedom with legal scrutiny, especially in light of technological advancements and global interconnectedness. In conclusion, the paper proposes avenues for strengthening Freedom of Press amidst the evolving Scientific and Technological landscapes. It underscores the importance of upholding duties and responsibilities under the broader umbrella of Freedom of Speech and Expression, advocating for measures to safeguard Press Autonomy and credibility in Bharat and beyond.

Keywords: Bharat, Press Freedom, Digital Age, Technological Advancements, Ethical Challenges, Artificial Intelligence (AI), Social Media, Judicial Review, Press Autonomy, Freedom of Speech and Expression.

INTRODUCTION

Freedom of the press is a cornerstone of democratic societies, serving as a crucial pillar that upholds transparency, accountability, and the right to information. Its significance is profound both in Bharat and worldwide, playing a pivotal role in shaping public opinion, fostering informed citizenry, and holding those in power accountable. The evolution of freedom of press in Bharat reflects a continuous struggle for the right to express, question, and critique – principles that are foundational to a vibrant and thriving democracy.

Research Questions:

1. How has the historical evolution of press freedom differed between Bharat and Western countries, and what factors have influenced these differences?
2. What are the constitutional provisions safeguarding press freedom in Bharat compared to other countries, and how do they contribute to the autonomy of the press?
3. What specific ethical challenges arise from technological advancements such as AI and social media platforms in the context of press freedom, and how do these challenges affect credibility and misinformation?

4. What are the empowering aspects of social media platforms in providing a voice to marginalized communities and individuals from diverse backgrounds, and how do derogatory terms like "WhatsApp University" seek to discredit the credibility of information shared through these platforms?
5. How does judicial review function in upholding press freedom, and what challenges does it face in adapting to the digital era, particularly in Bharat?
6. In what ways can measures be proposed to strengthen freedom of the press amidst evolving scientific and technological landscapes, considering the complexities of balancing freedom of expression with ethical considerations and legal scrutiny?

This research endeavors to delve into the multifaceted landscape of press freedom, examining its historical, constitutional, ethical, and technological dimensions, with a focus on Bharat's unique context and its implications for the broader global media landscape.

In Bharat:

Democratic Backbone: Bharat, being the world's largest democracy, relies on a free press to ensure the functioning of democratic institutions. Media acts as a watchdog, keeping a check on the government's actions and policies.

Diverse Voices: Bharat's rich cultural and linguistic diversity is reflected in its media landscape. A free press ensures the representation of various perspectives, fostering a pluralistic society where different voices can be heard.

Social Justice: The press plays a vital role in advocating for social justice issues, bringing attention to marginalized communities, and challenging societal norms that may perpetuate inequality.

Accountability: Investigative journalism holds public officials accountable for their actions. Media exposes corruption, inefficiency, and abuse of power, contributing to a more transparent and responsive governance.

Worldwide:

Information Flow: Globally, a free press facilitates the flow of information across borders, enabling citizens to be well-informed about international events, fostering global understanding and cooperation.

Human Rights Advocacy: Journalists worldwide often serve as advocates for human rights, shedding light on atrocities, censorship, and injustice. They play a critical role in promoting accountability and challenging oppressive regimes.

Innovation and Progress: A free press acts as a catalyst for innovation and progress by disseminating knowledge, scientific advancements, and ideas. It fosters an environment where societies can adapt to change and embrace new possibilities.

Checks and Balances: In democratic and non-democratic nations alike, a free press acts as a crucial check on power. It helps prevent the abuse of authority, ensuring that those in power are held accountable to the people they serve.

RESEARCH OBJECTIVES

- To examine the historical evolution of press freedom in Bharat and its contrast with Western media dominance.
- To analyze constitutional provisions safeguarding press freedom in Bharat compared to other countries.
- To assess the impact of technological advancements, particularly AI and social media platforms, on press freedom and ethical challenges.

➤ To investigate the role of judicial review in upholding press freedom and addressing challenges in the digital era.

➤ To propose measures for strengthening freedom of the press amidst evolving scientific and technological landscapes.

HYPOTHESIS

The hypothesis of this research paper is that the interplay between press freedom, technological advancements, and ethical challenges is complex and dynamic, with implications for both Bharat and the global media landscape. It is hypothesized that while technological advancements offer new opportunities for freedom of expression, they also present ethical challenges related to credibility and misinformation. Additionally, it is hypothesized that judicial review plays a crucial role in upholding press freedom but faces challenges in adapting to the digital era.

METHODOLOGY

This research paper will employ a qualitative research methodology, including literature review, case studies, and comparative analysis. Primary sources such as constitutional documents, legal judgments, and media reports will be consulted to gather data on press freedom, technological advancements, and ethical challenges. Comparative analysis will be conducted to examine differences and similarities between Bharat and other countries in terms of press freedom and technological influences. Additionally, interviews with media professionals and legal experts may be conducted to gather insights and perspectives on the research topic. The research findings will be analyzed using thematic analysis and interpreted to draw conclusions and propose recommendations.

HISTORICAL CONTEXT OF BHARATIYA PRESS

The history of the Bharatiya press is rich and diverse, reflecting the country's journey through different phases of colonial rule, independence, and socio-political changes. Here's a brief historical overview:

Early Beginnings: Bharatiya press has its roots in the 18th century during the colonial period. The first newspaper in Bharat, the **Bengal Gazette**, was published by **James Augustus Hickey** in 1780 under British rule.¹

19th Century: Rise of Vernacular Press and Social Reform: The 19th century witnessed the emergence of vernacular newspapers in various Bharatiya languages, contributing to the spread of information among diverse linguistic communities. Reformist newspapers like **Ishwar Chandra Vidyasagar's "Samachar Chandrika"** played a crucial role in social and educational reforms.²

Bharatiya Nationalist Movement: The press played a pivotal role in the Bharatiya nationalist movement against British rule. Newspapers like **"The Hindu"** in 1878 and **"Bande Mataram"** by **Bipin Chandra Pal** in 1906 were influential voices in the struggle for independence.³

¹ Media Ownership Monitor India 2018: History of Mass Media in India—
<https://india.mom-gmr.org/en/context/history/> (last visited Mar 24, 2024).

² J. Natarajan, History of Indian Journalism in Report of the Press Commission, Part II, pp. 18-27, (Ministry of Information and Broadcasting, Government of India), 1955 (Saka 1877).

³ Ahana Bhattacharya, Indian Newspaper Day: Newspapers which played an important role in India's freedom movement, The CSR Journal, (2024).
https://thecsrjournal.in/indian-newspaper-day-newspapers-important-role-india-freedom-movement-british-rule/#google_vignette (last visited Mar 24, 2024).

Emergency Period (1975-1977): Bharatiya press faced a significant challenge during the period of emergency (1975-1977) when press freedom was curtailed, and censorship was imposed by the government under Prime Minister Smt. Indira Gandhi.

Technological Advances: The late 20th century saw the advent of television as a major medium of communication. The growth of electronic media added new dimensions to the Bharatiya media landscape. The 21st century witnessed the rise of digital media, with online news portals and social media platforms becoming increasingly influential.

HISTORICAL DOMINANCE OF WESTERN MEDIA: REVIEW

The historical dominance of Western media has been a significant aspect of global information broadcast, shaping narratives, influencing public opinion, and setting the agenda for news coverage. Several factors have contributed to this dominance such as: **Colonial Legacy in Print Media, Technological Advancements, Globally News Networks, Global Cultural Influence, Language Dominance (English as a Global Language), Economic Power & Information Flow Control (Gatekeeping Role)**. In the Year 2023, the 21st edition of the **World Press Freedom Index**, compiled annually by **Reporters Without Borders (RSF)**, was published on World Press Freedom Day (3 May) which sheds light on major and often radical changes linked to political, social and technological upheavals.⁴ According to the 2023 World Press Freedom Index – which evaluates the environment for journalism in 180 countries and territories, Bharat's rank was 161 and this clearly shows the dominance of Western Media Input around the world with the narrative to demean some countries who are challenging their unwanted leadership using media as a tool.



⁴ 2023 World Press Freedom Index –

<https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry> (last visited Mar 28, 2024).

Source: Daily News Analysis Drishti IAS | World Press Freedom Index 2023

I know Bharat has issues with Press Freedom but such a low score makes no sense especially when countries like Pakistan, Palestine, Afghanistan, Sri Lanka, Syria, Yemen and many more stand ahead in the ranking list as compared to Bharat. The compilation of World Press Freedom Index is based on their own sets of Evaluation Criteria, Contextual Indicators and Scoring Criteria which is nowhere related to the current situations or dimensions of any country.

Overall Western media was and is always in the position of getting justification of their false agendas from the rest of the world, precisely from the countries challenging their dominance.

However, it's essential to note that the landscape is changing. Non-Western media outlets, particularly from Asia and the Middle East, are gaining prominence, challenging the historical dominance of Western media. The rise of digital platforms and increased connectivity has facilitated diverse voices and perspectives from around the world. The ongoing shift underscores the importance of a more pluralistic global media landscape.

Can Narratives of Western Media & Bharatiya Media Co-exist?

“Instead of considering the narrative on moral high grounds let’s be realistic about what is good in the interest of the Nation. I think the binary division between Western Media and Bharatiya Media no longer exists because it is not a question of who’s from the West & who’s from Bharat, perhaps the question should be who’s batting for Bharat’s interests and that is what ultimately matters because there are several journalists in the west who are willing to speak the truth about Bharat and who do not share the colonial cynicism of the rest of their western compatriots. Similarly there are several journalists from Bharat who are more than happy to be lackeys of Anti-Bharat mouthpieces from the west and that’s a fact. So instead of focusing on binary argument people must be conscious about nation’s interest first.”

CONSTITUTIONAL PROVISIONS SAFEGUARDING PRESS FREEDOM

In Bharat, the Constitution includes key provisions that safeguard press freedom, recognizing the vital role of a free press in a democratic society. The primary constitutional provisions related to press freedom are:

Article 19 (1) (a): This article guarantees the right to freedom of speech and expression. It explicitly includes freedom of the press, recognizing the importance of disseminating information, ideas, and opinions without governmental interference.

Article 19 (2): While **Article 19 (1) (a) of the Indian Constitution**⁵ ensures the freedom of speech and expression, **Article 19 (2) of the Indian Constitution**⁶ imposes reasonable restrictions on this right in the interest of the sovereignty and integrity of Bharat, the security of the state, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, or incitement to an offense.⁷

Article 21: Although **Article 21 of the Indian Constitution**⁸ primarily addresses the right to life and personal liberty, the Supreme Court has interpreted it expansively to include the right to information. This

⁵ India Const. art. 19 (1) (a).

⁶ India Const. art. 19 (2).

⁷ Blasphemy Laws in India: A Legal Overview and Judicial Interpretations

<https://lawsstudy.com/blasphemy-laws-in-india-a-legal-overview-and-judicial-interpretations/> (last visited Mar 30, 2024).

⁸ India Const. art. 21.

interpretation has implications for press freedom as it underscores the right of journalists to seek and disseminate information. q az

44th Amendment Act (1978): The 44th Amendment reinforced the importance of fundamental rights, including the right to freedom of speech and expression. **Landmark judicial decisions, such as the Bennett Coleman case⁹ and the Sahara case¹⁰, have further clarified and strengthened the protection afforded to press freedom.**

Press Council of India Act: The Press Council of India Act, 1978¹¹, established the Press Council as a statutory body to preserve the freedom of the press and maintain and improve the standards of newspapers and news agencies. The Act provides a mechanism for self-regulation within the press industry. The Press Council works to preserve the freedom of the press, maintain professional standards, and address grievances related to the violation of journalistic ethics.

These constitutional provisions collectively establish a framework that recognizes and protects the freedom of the press in Bharat. However, it's crucial to note that the right to freedom of speech and expression, including press freedom, is not absolute. The Constitution allows for reasonable restrictions to safeguard other vital interests, ensuring a delicate balance between the need for a free press and the broader concerns of the state.

CONSTITUTIONAL ADAPTATIONS TO TECHNOLOGICAL CHALLENGES: GLOBAL PERSPECTIVE:

Global perspectives on constitutional adaptations to technological challenges are different for every country, reflecting diverse legal traditions, cultural contexts, and approaches to balancing free speech with potential harms.

United States:

Adaptations: The First Amendment of the U.S. Constitution protects freedom of speech, including freedom of the press.¹² Courts have adapted constitutional interpretations to include digital media and online platforms.

Challenges: Ongoing debates focus on the responsibilities of tech platforms regarding misinformation and hate speech. The balance between free expression and content moderation remains a complex issue.

European Union:

Adaptations: EU member states, guided by the Charter of Fundamental Rights, address digital challenges through legislation like the General Data Protection Regulation (GDPR) and the Digital Services Act (DSA). These frameworks aim to protect privacy while addressing online content issues.¹³

Challenges: Balancing the right to free expression with the need to combat online disinformation poses ongoing challenges. The EU seeks to regulate platforms without stifling press freedom.

⁹ Bennett Coleman & Co. & Ors v/s. Union of India & Ors (1973) SCR (2) 757

¹⁰ Sahara India Real Estate Corp. Ltd. & Ors v/s. Securities & Exchange Board Of India & anr (2013) 1 SCC 1

¹¹ The Press Council Act, 1978, Acts of Parliament 1978 (India)

¹² 1st Amendment U.S. Constitution | Religion and Expression

<https://www.govinfo.gov/content/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-10-2.pdf> (last visited Apr 01, 2024).

¹³ The Digital Services Act | Social Science Research Network.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4007389 (last visited Apr 04, 2024).

China:

Adaptations: China's constitution ostensibly guarantees freedom of speech,¹⁴ but the legal system is subject to government control. The country employs extensive censorship and surveillance measures.

Challenges: Technological adaptations often align with government control, limiting press freedom.¹⁵ The Chinese approach reflects a significant divergence from Western ideals.

Brazil:

Adaptations: The Brazilian Constitution protects freedom of expression.¹⁶ Courts have grappled with issues like disinformation, and legislation has been introduced to address online harms.¹⁷

Challenges: The balance between tackling misinformation and avoiding censorship has led to debates over regulatory approaches. Efforts are made to adapt to challenges posed by digital media.

South Africa:

Adaptations: The South African Constitution protects freedom of expression, including freedom of the press. The right to access information is recognized.¹⁸

Challenges: South Africa faces challenges related to online hate speech, disinformation, and the regulation of digital platforms. The adaptation involves finding ways to address these issues without compromising constitutional freedoms.

United Kingdom:

Adaptations: The UK recognizes freedom of expression under the Human Rights Act. The Online Safety Bill is being introduced to regulate online platforms and protect users.¹⁹

Challenges: Balancing the need for online safety with freedom of expression remains a challenge. The evolving legal landscape reflects efforts to address digital challenges.

Australia:

Adaptations: Australia protects freedom of expression through common law and legislation. Recent discussions have focused on media bargaining laws and the regulation of digital platforms.²⁰

¹⁴ Constitution of the People's Republic of China

http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/2007-11/15/content_1372964.htm (last visited Apr 04, 2024).

¹⁵ China: Freedom in the World 2022 Country Report

<https://freedomhouse.org/country/china/freedom-world/2022> (last visited Apr 06, 2024).

¹⁶ Brazil: Freedom on the Net 2022 Country Report

<https://freedomhouse.org/country/brazil/freedomnet/2022#:~:text=Brazil's%20Marco%20Civil%20has%20clarified,after%20a%20specific%20court%20order>. (last visited Apr 06, 2024).

¹⁷ Global Freedom Of Expression- Columbia University | The Case of the Brazil Fake News Inquiry

<https://globalfreedomofexpression.columbia.edu/cases/the-case-of-the-brazil-fake-news-inquiry/> (last visited Apr 08, 2024).

¹⁸ Prof. Yvonne M Burns Department of Constitutional and Public International Law University of South Africa | Freedom of expression under the new constitution

https://journals.co.za/doi/pdf/10.10520/AJA00104051_327#:~:text=Introduction%20Section%2016%20of%20the%20Constitution,and%20impart%20information%20and%20ideas (last visited Apr 09, 2024).

¹⁹ Freedom of Expression Online: Communications and Digital Committee Report | House of Lords Library.

<https://lordslibrary.parliament.uk/freedom-of-expression-online-communications-and-digital-committee-report/> (last visited Apr 09, 2024).

²⁰ News Media and Digital Platforms Mandatory Bargaining Code | The Treasury- Australian Govt. November 2022

Challenges: Balancing the power dynamics between traditional media and digital platforms has been a key challenge. Australia seeks to ensure fair compensation for news content while preserving press freedom.

These global perspectives highlight the diverse approaches countries take in adapting constitutional principles to address technological challenges impacting the freedom of the press. Striking the right balance between protecting free expression and mitigating potential harms in the digital age remains an ongoing and nuanced endeavor.

IMPACT OF TECHNOLOGY ON FREEDOM OF PRESS

Technology is transforming the way journalists work, but it is also changing the way governments are able to censor the media.²¹ New information technologies - the global, interconnected internet, ubiquitous social media platforms; smart phones with cameras were supposed to make censorship obsolete. Instead, they have just made it more complicated.²²

Instantaneous Dissemination of Information:

Technology enables rapid and widespread dissemination of news through digital platforms and social media. The positive aspect is that it allows for quick sharing of information, facilitating real-time reporting and citizen journalism. But along with this there is a challenge which can lead to the spread of misinformation or "fake news," challenging the credibility of journalism.

Global Reach and Connectivity:

Journalists can connect with global audiences, breaking down geographical barriers. It enhances International Journalism, promotes cross-cultural understanding. But sometimes governments may attempt to restrict access to information, leading to censorship concerns.

Citizen Journalism and User-Generated Content:

Technology empowers individuals to participate in news creation through blogs, videos, and social media. It actually diversifies perspectives and brings attention to grassroots issues. But verification becomes crucial; misinformation can thrive in the absence of editorial gatekeeping is the biggest challenge.

Deepfakes and Manipulation:

Technology allows for the creation of convincing manipulated content which threatens the credibility of authentic media, leading to challenges in trust. But on the other side this raises awareness about the potential for misinformation.

In conclusion, while technology has brought about transformative changes, its impact on press freedom is complex. Balancing the opportunities technology provides with the challenges it poses requires ongoing efforts to uphold the principles of free and responsible journalism in a rapidly evolving media landscape, both in Bharat and Worldwide.

<https://treasury.gov.au/sites/default/files/2022-11/p2022-343549.pdf> (last visited Apr 10, 2024).

²¹ Attacks on The Press - The Impact of Technology - Reuters Institute.

<https://reutersinstitute.politics.ox.ac.uk/news/attacks-press-impact-technology> (last visited Apr 01, 2024).

²² Introduction: The New Face of Censorship.

<https://cpj.org/2017/04/introduction-the-new-face-of-censorship/> (last visited Apr 03, 2024).

ETHICAL CONCERN FOR FREEDOM OF PRESS WITH RESPECT TO ARTIFICIAL INTELLIGENCE & OTHER TECHNOLOGICAL ADVANCEMENTS

The integration of AI, deep fakes, and other technological advancements in the realm of journalism raises significant ethical concerns, particularly regarding the freedom of the press. Here's an exploration of these concerns:

Bias in AI Algorithms:

Concern: AI algorithms used in news administration and content recommendation systems may exhibit biases, leading to the amplification of certain perspectives and the suppression of others.²³ This can result in a distorted representation of news and events.

Impact on Press Freedom: Unintentional biases in algorithms may affect the diversity of voices represented in the media. Journalists may face pressure to conform to algorithmic preferences, impacting the editorial independence of news organizations.

Automated Content Generation:

Concern: AI systems can generate news articles, raising questions about the authenticity and transparency of content creation. Automated content generation may compromise journalistic standards and integrity.

Impact on Press Freedom: If not clearly disclosed, the use of AI-generated content may mislead the audience about the origin and intent of news stories. This blurs the line between genuine reporting and algorithmic output.²⁴

Lack of Accountability in AI Decision-Making:

Concern: The opacity of AI algorithms and decision-making processes raises concerns about accountability. Biased or discriminatory outcomes from AI systems may lack transparency, making it challenging to hold responsible parties accountable.

Impact on Press Freedom: Journalists and news organizations may find it difficult to challenge or understand algorithmic decisions that influence the visibility and reach of their content.

In navigating these ethical concerns, it becomes crucial for journalists, technologists, policymakers, and the public to collaborate in establishing clear guidelines, ethical frameworks, and regulatory mechanisms that ensure the responsible and ethical use of AI in the context of press freedom. Balancing technological innovation with journalistic ethics is essential for maintaining the integrity of the press in the digital age.

WHATSAPP UNIVERSITY

The advent of social media platforms such as WhatsApp, Facebook, Twitter, YouTube, and others has democratized the dissemination of information and provided individuals from all walks of life with a platform to share their voices globally. In the past, traditional media channels were dominated by a select few, often controlled by powerful entities or individuals with vested interests. This monopoly over the media allowed them to shape public opinion and control the narrative.

However, with the rise of social media, this hegemony has been challenged. Now, individuals from even the remotest villages have the ability to express their thoughts, opinions, and concerns to a global

²³ Freedom of the Media and Artificial Intelligence <https://www.osce.org/files/f/documents/4/5/472488.pdf> (last visited Apr 11, 2024).

²⁴ AI has own set of challenges and ethical questions | Press Council of India on National Press Day 2023. Ministry of Information & Broadcasting <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1977454> (last visited Apr 14, 2024).

audience. This decentralization of media power has broken down barriers and provided a voice to the previously marginalized and silenced.

The term "**WhatsApp University**" along with other derogatory terms coined by those who previously held sway over the media landscape, seeks to discredit the credibility of information shared through social media platforms. However, while there are certainly concerns about the spread of misinformation and fake news on social media, it is important to recognize the empowering aspect of these platforms.

JUDICIAL REVIEW & PRESS FREEDOM

The judiciary plays a crucial role in interpreting and upholding constitutional provisions. Landmark judgments, such as those related to prior restraint, defamation, and the right to privacy, have contributed to the nuanced understanding of press freedom within the Bharatiya legal system. Several specific cases in Bharat highlight the judiciary's crucial role in protecting and shaping the freedom of the press.

Analysis of specific cases where the judiciary played a crucial role with reference to freedom of press in Bharat:

Romesh Thappar v/s State of Madras (1950):²⁵

Issue: The case dealt with the state of Madras banning Romesh Thappar, the editor of the magazine "Cross Roads," from entering the state under the Madras Maintenance of Public Order Act, 1949.

Judicial Role: The Hon. Supreme Court, in a landmark judgment, struck down the order and asserted the fundamental importance of free speech and expression. **Chief Justice Harilal Kania** highlighted the role of the press in propagating ideas, reinforcing the idea that restrictions must be reasonable and in the interests of public order.

Impact: The case set a strong precedent affirming the constitutional protection of the freedom of the press, emphasizing that restrictions must meet the standards of reasonableness.

Bennett Coleman & Co. v/s Union of India (1973)²⁶

Issue: The case involved the government's power to impose restrictions on the quantity of newsprint that newspapers could import under the Newsprint Control Order, 1962.

Judicial Role: The Hon. Supreme Court, through **Justice H.R. Khanna**, emphasized the crucial role of the press in a democracy. The court held that any law imposing restrictions must have a proximate relation to the interests mentioned in Article 19(2), ensuring that the restrictions are reasonable and not excessive.

Impact: The judgment reinforced the link between a free press and democracy, setting a precedent for evaluating the constitutionality of restrictions on the media.

Indian Express Newspapers v/s Union of India (1985)²⁷

Issue: The case challenged the constitutional validity of the Newsprint Control Order, 1972, and the Newsprint Policy, 1979.

Judicial Role: The Hon. Supreme Court, in a significant judgment, reiterated the importance of the freedom of the press. **Justice Y. V. Chandrachud** emphasized that the freedom of the press is of utmost importance for the democratic functioning of society, and restrictions must be reasonable.

Impact: The case contributed to the understanding that any attempt to restrict the availability of newsprint must be based on reasonable grounds and should not unduly impede the functioning of the press.

²⁵ Romesh Thappar v/s. State of Madras (1950) SCR 594

²⁶ Bennett Coleman & Co. & Ors v/s. Union of India & Ors (1973) SCR (2) 757

²⁷ Indian Express Newspapers (Bombay) Pvt. Ltd. & Ors v/s. Union of India & Ors. (1985) SCR (2) 287

Sakal Papers v/s Union of India (1962)²⁸**Express Newspapers v/s Union of India (1959)²⁹**

Issue: Both cases dealt with the issue of governmental restrictions on the number of pages newspapers could publish, known as "page limitation."

Judicial Role: The Hon. Supreme Court, in these cases, held that the restrictions imposed by the government were arbitrary and violated the freedom of the press. The court emphasized that the right to circulate and receive information is an integral part of the freedom of speech and expression.

Impact: These cases reinforced the understanding that any attempt to curtail the size or content of a newspaper must be based on reasonable grounds and not infringe on the essential functions of the press. These cases collectively underscore the judiciary's pivotal role in defining and defending the freedom of the press in Bharat. The judgments emphasize the need for reasonable restrictions, highlight the press's vital role in democracy, and contribute to the evolving jurisprudence surrounding media freedom.

CHALLENGES FACED - ENSURING EFFECTIVE JUDICIAL REVIEW

While judicial review is a crucial aspect of protecting the freedom of the press, it is not without its challenges. Here is a critique of some challenges faced in ensuring effective judicial review with respect to freedom of press in Bharat:

Lengthy Legal Processes:

Judicial reviews often involve lengthy legal processes, which can hinder timely resolution. This delay may have a chilling effect on press freedom, as media organizations might hesitate to pursue legal remedies due to the prolonged nature of court proceedings. The delayed resolution can lead to self-censorship and reluctance among journalists and media organizations to challenge restrictions promptly.

High Legal Costs:

Legal proceedings involve significant costs, making it financially challenging for smaller media outlets or independent journalists to engage in comprehensive judicial reviews. This economic barrier may limit access to justice for certain segments of the press. The financial burden may deter media entities from challenging potentially unconstitutional restrictions, limiting the effectiveness of judicial review in protecting press freedom.

Emerging Technologies and Jurisprudence Gaps:

Rapid advancements in technology pose new challenges that the existing legal frameworks may not fully address. Courts may struggle to keep pace with technological developments, leading to gaps in jurisprudence concerning issues like online content regulation or digital surveillance.³⁰ These gaps may leave the press vulnerable to arbitrary restrictions or intrusive measures, as legal frameworks struggle to adapt to the evolving media landscape.

Political Interference:

Political interference in the judiciary can influence decisions related to press freedom cases. External pressures may compromise the independence of the judiciary, hindering its ability to provide an impartial

²⁸ Sakal Papers (P) Ltd. & Others v/s. The Union of India (1962) SCR (3) 842

²⁹ Express Newspapers Pvt. Ltd. & Ors v/s. Union of India & Ors. (1959) 1 SCR 12

³⁰ In Book: The Growing Gap Between Emerging Technologies and Legal-Ethical Oversight (Chapter 2), pp. 19-33, April 2011.

and effective review. Such interference can lead to decisions that are not in line with constitutional principles, diminishing the judiciary's role as a protector of press freedom.

Lack of Clarity in Defamation Laws:

Ambiguities and lack of clarity in defamation laws can be used to stifle investigative journalism. The threat of defamation suits may deter journalists from pursuing critical stories, even if they are in the public interest. This can result in self-censorship, limiting the press's ability to hold those in power accountable.³¹ Addressing these challenges requires a concerted effort from the legal system, policymakers, and civil society to strengthen judicial review mechanisms, ensure timely justice, and adapt legal frameworks to the evolving media landscape. It is crucial to create an environment where journalists feel empowered to challenge restrictions without fear of reprisals and where the judiciary can effectively uphold the constitutional principles of press freedom.

CONCLUSION

The freedom of press in Bharat is a cornerstone of democracy, fostering transparency, accountability, and the free flow of information. However, it is not without challenges, especially in the context of new scientific developments. As technology continues to advance, the media landscape undergoes transformation, presenting both opportunities and obstacles. The historical context, constitutional provisions, and the role of the judiciary shape the dynamics of press freedom.

Challenges such as misinformation, censorship concerns, and the impact of evolving technologies highlight the need for continuous review and adaptation of legal frameworks.³² Bharat's media ecosystem reflects a diverse array of voices challenging dominant narratives, contributing to a more inclusive and nuanced understanding of global events.

SUGGESTIONS**Legal Framework Adaptation:**

Regularly review and update legal frameworks to address emerging challenges posed by new scientific developments, ensuring they strike a balance between press freedom and responsible journalism.

Media Literacy Programs:

Implement comprehensive media literacy programs to empower the public in critically evaluating information, distinguishing between credible journalism and misinformation.

Protection of Journalists:

Strengthen measures to protect journalists from threats, harassment, and violence, creating an environment where they can report fearlessly.

International Collaborations:

Encourage international collaborations and partnerships to share best practices, insights, and technological solutions that uphold press freedom in the face of global challenges.

Promotion of Ethical Journalism:

Emphasize the importance of ethical journalism, promoting responsible reporting, fact-checking, and unbiased coverage to maintain the credibility of the media.

³¹ Defamation and Freedom of Expression | Media Division Directorate General of Human Rights Strasbourg | Council of Europe (March 2003). <https://rm.coe.int/1680483b2d> (last visited Apr 15, 2024).

³² Scope of Journalism in India: The Role of Media in Shaping Public Opinion and Democracy (2023) <https://lnct.ac.in/scope-of-journalism-in-india-the-role-of-media/> (last visited Apr 15, 2024).

Public Awareness Campaigns:

Conduct public awareness campaigns highlighting the importance of press freedom and its role in a democratic society, fostering public support for a free and independent media.

Digital Media Regulations:

Develop and refine regulations for digital media platforms, addressing issues such as misinformation, privacy concerns, and algorithmic transparency to ensure responsible and ethical journalism in the digital age.

Support for Investigative Journalism:

Provide support and recognition for investigative journalism, encouraging in-depth reporting that holds power accountable and uncovers issues of public interest.

Judicial Safeguards:

Strengthen judicial safeguards for press freedom, ensuring that legal interventions are proportionate, transparent, and in line with constitutional principles.

Diversity and Inclusivity:

Promote diversity and inclusivity in media ownership, ensuring that a variety of perspectives are represented in the media landscape.

Technological Innovation for Press Freedom:

Encourage technological innovation that supports press freedom, such as secure communication tools for journalists and the development of platforms that facilitate responsible journalism.

“A nation with a conscious mind will always look forward towards scientific & technological advancements, but when it comes to freedom of speech & expression it is our duty to carry out such freedom with a sense of responsibility...”

FAIR TRIAL RIGHTS IN THE AGE OF SOCIAL MEDIA: ADDRESSING CHALLENGES POSED BY MEDIA TRIALS IN INDIA

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Abstract

The advent of social media has revolutionized the landscape of public discourse and information dissemination, significantly impacting the administration of justice worldwide. In India, the proliferation of social media platforms has led to the emergence of what is commonly termed as "media trials" - instances where high-profile legal cases are tried, judged, and condemned by the public through online platforms before they even reach the courtroom. This phenomenon raises profound concerns regarding the preservation of fair trial rights, a cornerstone of democratic jurisprudence. This research article delves into the multifaceted challenges posed by media trials in India and explores potential strategies to safeguard fair trial rights in the age of social media. The article begins by examining the pervasive influence of social media in shaping public opinion and its potential to unduly prejudice legal proceedings. Drawing from case studies and legal analysis, it elucidates the detrimental effects of pre-trial publicity on the impartiality of jurors, judicial independence, and the presumption of innocence. Furthermore, it scrutinizes the ethical implications of media sensationalism and trial by media, highlighting the need for responsible journalism and balanced reporting in high-profile cases. Moreover, the article investigates the inadequacies of existing legal frameworks in addressing the unique challenges posed by social media-driven media trials. It critiques the limitations of contempt of court laws and explores alternative regulatory mechanisms to mitigate the prejudicial effects of online commentary and information dissemination. In conclusion, the article proposes a holistic approach towards safeguarding fair trial rights in the age of social media. It advocates for a synergy between legal reforms, media ethics, and public awareness campaigns to promote a culture of responsible communication and uphold the principles of justice and due process in India's evolving media landscape.

Keywords: *Fair trial rights, Social media, Media trials, India, Pre-trial publicity, Judicial independence.*

Introduction

The advent of social media has revolutionized communication and information dissemination on a global scale, fundamentally altering various aspects of society, including the legal landscape. One area significantly impacted by this digital transformation is the administration of justice and the preservation

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of fair trial rights. In India, the intersection of social media and trial proceedings has given rise to a plethora of challenges, often leading to what is commonly referred to as "media trials."³⁵

Background of the Issue

Media trials, fueled by the rapid dissemination of information and opinions through social media platforms, have become increasingly prevalent in India. These trials involve the public adjudication of legal cases outside of the courtroom, with social media users and traditional media outlets often playing a central role in shaping public opinion and influencing the course of justice. High-profile cases, sensationalized by the media, can result in undue prejudice against the accused, interference with the judicial process, and erosion of the right to a fair trial.³⁶

Significance of Fair Trial Rights

Fair trial rights are fundamental principles enshrined in the Indian Constitution and international human rights instruments. They serve as a cornerstone of the justice system, ensuring that individuals accused of crimes are afforded due process, impartial adjudication, and protection from prejudicial influences. Upholding fair trial rights is essential not only for safeguarding the rights of the accused but also for maintaining public confidence in the integrity and legitimacy of the legal system.

Emergence of Social Media and its Impact on Trial Proceedings

The emergence of social media platforms such as Facebook, Twitter, and YouTube has democratized the dissemination of information, allowing for real-time reporting and public commentary on legal proceedings. While this increased accessibility to information has the potential to enhance transparency and accountability, it also presents significant challenges to the administration of justice. Social media users, often operating without editorial oversight or adherence to ethical standards, can spread misinformation, perpetuate biases, and engage in trial by public opinion, thereby undermining the principles of fair trial.³⁷

Statement of the Problem

The proliferation of media trials in India raises concerns about the erosion of fair trial rights and the integrity of the judicial process. The unchecked influence of social media on trial proceedings poses a threat to the impartiality of jurors, the independence of judges, and the rights of the accused. Despite the recognition of these challenges, there remains a lack of comprehensive legal and regulatory mechanisms to address the phenomenon of media trials effectively.

Purpose of the Study

This research aims to critically examine the impact of social media on fair trial rights in India and to identify the challenges posed by media trials. By analysing relevant case law, scholarly literature, and empirical evidence, the study seeks to elucidate the extent to which social media influences trial proceedings and undermines the principles of fairness, impartiality, and due process. Additionally, the research endeavours to propose strategies and recommendations for mitigating the negative effects of media trials and strengthening protections for fair trial rights in the digital age.

³⁵ Ahuja, P. (2019). Media and Justice: The Need for Balance. *Indian Journal of Constitutional Law*, 1(2), 45-63.

³⁶ Chopra, P., & Grewal, J. S. (2020). Impact of Social Media on Judicial Proceedings: A Study of the Rhea Chakraborty Case. *Journal of Legal Studies*, 15(3), 210-225.

³⁷ Ganguly, P. (2018). Media Trials: An Analysis of Legal and Ethical Implications. *Indian Journal of Law and Ethics*, 5(1), 78-94.

Overview of the Paper Structure

The paper is structured as follows: after this introduction, the conceptual framework will provide definitions and theoretical underpinnings related to fair trial rights and media trials. The subsequent sections will delve into the evolution of media trials in India, the challenges posed by social media, legal and ethical implications, mitigation strategies, and recommendations. The paper will conclude with a summary of key findings and suggestions for further research.

Conceptual Framework

Definition and Importance of Fair Trial Rights

Fair trial rights encompass a set of legal principles and procedural safeguards designed to ensure that individuals accused of crimes receive a fair and impartial trial. These rights are fundamental components of the rule of law and are enshrined in various domestic legal systems and international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.³⁸

Fair trial rights include the right to be presumed innocent until proven guilty, the right to a public trial by an impartial tribunal, the right to legal representation, the right to confront and cross-examine witnesses, the right to remain silent, and the right to appeal. These rights are essential for protecting the accused from arbitrary or unfair treatment by the state and for maintaining public confidence in the administration of justice.³⁹

Understanding Media Trials and Their Implications

Media trials refer to the public adjudication of legal cases through traditional media outlets, such as newspapers, television, and radio, as well as through social media platforms. These trials often involve sensationalized reporting, biased commentary, and the dissemination of unverified information, which can prejudice the public against the accused and undermine the presumption of innocence.⁴⁰

Media trials can have significant implications for the administration of justice, as they may lead to undue pressure on judges and jurors, interfere with the right to a fair trial, and distort public perceptions of guilt or innocence. Moreover, media trials can compromise the privacy and dignity of individuals involved in legal proceedings and can contribute to a culture of trial by public opinion rather than by evidence and legal argumentation.

Role of Social Media in Shaping Public Opinion and Influencing Trials

Social media platforms have amplified the phenomenon of media trials by providing a platform for real-time reporting, commentary, and discussion of legal cases. Social media users, including journalists, commentators, and ordinary citizens, can disseminate information rapidly and reach vast audiences, often without the constraints of traditional journalistic standards or ethical guidelines.⁴¹

The interactive nature of social media allows for the rapid spread of rumors, misinformation, and inflammatory rhetoric, which can exacerbate biases and prejudices and distort public perceptions of legal

³⁸ Gupta, A., & Sharma, R. (2021). The Role of Traditional and Social Media in Shaping Public Opinion: A Comparative Analysis. *Journal of Media Studies*, 10(2), 145-160.

³⁹ International Covenant on Civil and Political Rights, 1966.

⁴⁰ Kaur, M., & Singh, R. (2019). Social Media and Fair Trial Rights: A Comparative Study. *Journal of Law and Society*, 20(4), 335-350

⁴¹ Wadhwa, S., & Sharma, A. (2019). Legal and Ethical Challenges of Media Trials: Insights from Indian Jurisprudence. *Journal of Legal Ethics and Practice*, 6(2), 180-195

cases. Moreover, social media algorithms and echo chambers may contribute to the polarization of public opinion and the formation of online mobs or "cancel culture" movements, which can exert undue pressure on judicial proceedings and compromise the right to a fair trial.⁴²

Legal Frameworks and International Standards Pertaining to Fair Trial Rights

Legal frameworks and international standards pertaining to fair trial rights provide important guidelines for protecting the rights of the accused in the context of media trials. These frameworks typically include provisions for ensuring the independence and impartiality of the judiciary, protecting the privacy and dignity of individuals involved in legal proceedings, and promoting transparency and accountability in the administration of justice.⁴³

International human rights instruments, such as the European Convention on Human Rights and the American Convention on Human Rights, recognize the right to a fair trial as a fundamental human right and provide specific protections against the undue influence of the media on judicial proceedings. Moreover, domestic legal systems may impose restrictions on media coverage of legal cases, such as gag orders, publication bans, and contempt of court laws, to mitigate the negative effects of media trials on fair trial rights.⁴⁴

In summary, fair trial rights are essential for upholding the rule of law and ensuring justice and accountability in society. Media trials, fueled by the emergence of social media, pose significant challenges to the protection of fair trial rights, as they can undermine the presumption of innocence, interfere with judicial proceedings, and distort public perceptions of legal cases. Legal frameworks and international standards provide important guidelines for mitigating the negative effects of media trials and safeguarding fair trial rights in the digital age.⁴⁵

Evolution of Media Trials in India

Historical Perspective on Media Trials

Media trials in India have a historical precedent, albeit with varying degrees of influence, depending on the socio-political context. In the pre-independence era, newspapers served as the primary medium for disseminating information and shaping public opinion. Notable cases, such as the trial of Bal Gangadhar Tilak in the early 20th century, saw extensive media coverage, albeit within the constraints of colonial censorship.

Post-independence, media trials continued, albeit sporadically, with high-profile cases receiving significant attention from the press. The 1959 Nanavati case, a sensational murder trial involving a naval officer, saw intense media scrutiny and public interest. However, it wasn't until the late 20th century, with the liberalization of the media sector, that media trials gained prominence as a regular feature of Indian public discourse.

⁴² Smith, J. (2021). Fair Trial Rights in the Age of Social Media: Challenges and Solutions. *Journal of Legal Studies*, 15(2), 45-62

⁴³ Press Council Act, 1978

⁴⁴ Puri, R., & Kapoor, S. (2020). Media Sensationalism and Its Impact on Fair Trial Rights: Case Studies from India. *Journal of Legal Ethics*, 8(3), 275-290

⁴⁵ Sareen, K., & Aggarwal, N. (2017). Media Trials and Their Ethical Implications: A Critical Analysis. *Indian Journal of Media Studies*, 12(1), 55-70.

Landmark Cases Involving Media Sensationalism and Its Impact on Fair Trial Rights

Several landmark cases have underscored the impact of media sensationalism on fair trial rights in India. The Jessica Lal murder case in 1999, where a model was shot dead in a high-profile Delhi restaurant, garnered widespread media attention and public outrage. The media's relentless coverage, including pressure from social media, played a crucial role in galvanizing public support for the victim and pushing for justice.⁴⁶

Similarly, the Aarushi Talwar murder case in 2008 captured national headlines and sparked intense speculation and debate. The media's sensational reporting, fueled by rumors and conjecture, created a prejudicial environment that influenced public opinion and possibly impacted the legal proceedings. The case illustrated how media sensationalism could interfere with fair trial rights by tainting the jury pool and prejudicing the accused.⁴⁷

Analysis of the Role of Traditional Media versus Social Media in Influencing Trial Outcomes

Traditional media, including newspapers, television, and radio, have long been influential in shaping public opinion and influencing trial outcomes in India. Their extensive reach and credibility often lend legitimacy to their narratives, impacting public perception and, consequently, judicial proceedings. In landmark cases like those mentioned earlier, traditional media played a pivotal role in shaping the narrative and mobilizing public opinion.

However, the emergence of social media has introduced a new dynamic into the realm of media trials. Social media platforms such as Twitter, Facebook, and YouTube enable instantaneous sharing of information and facilitate public discourse on legal matters. Unlike traditional media, social media allows for a more diverse range of voices to participate in the conversation, including laypersons, activists, and even the accused themselves.⁴⁸

Social media's influence on trial outcomes is multifaceted. On one hand, it can serve as a platform for advocacy and mobilization, amplifying marginalized voices and bringing attention to miscarriages of justice. On the other hand, it can also exacerbate sensationalism, spread misinformation, and perpetuate biases, potentially compromising fair trial rights. The absence of editorial oversight and the rapid spread of unverified information pose significant challenges to maintaining a fair and impartial judicial process.

In conclusion, the evolution of media trials in India reflects broader shifts in media consumption and communication patterns. While traditional media continues to wield significant influence, social media's rise has introduced new complexities into the landscape of media trials. Balancing freedom of expression with the need to uphold fair trial rights remains a critical challenge for Indian society in the digital age.⁴⁹

Challenges Posed by Social Media Trials

Speed and Spread of Information on Social Media Platforms

One of the primary challenges posed by social media trials is the rapid speed and wide dissemination of information. Unlike traditional media, where editorial processes and fact-checking

⁴⁶ Khan, M. (2021, August 10). Understanding the Jessica Lal Case: Key Points. *Legal Analysis Today*. <https://www.legalanalysistoday.com/jessica-lal-case-key-points/>

⁴⁷ Sharma, R. (2019, June 15). Aarushi Talwar Case: Timeline of Events. *Legal Studies Online*. <https://www.legalstudiesonline.com/aarushi-talwar-case-timeline/>

⁴⁸ Johnson, A. (2019). Media Trials in India: A Historical Analysis. *Indian Law Review*, 8(3), 112-128

⁴⁹ Brown, M. (2018). Social Media and Its Impact on Judicial Proceedings. *Journal of Media Ethics*, 20(1), 78-89

mechanisms are in place, social media platforms facilitate instantaneous sharing of content, often without verification. As a result, rumors, speculation, and misinformation can spread rapidly, shaping public perception and influencing trial outcomes before accurate information can be disseminated.⁵⁰

Lack of Editorial Oversight and Verification Processes

Another significant challenge is the lack of editorial oversight and verification processes inherent in social media platforms. Unlike traditional media outlets that adhere to professional standards and ethics, social media platforms operate on a decentralized model where users can publish content without gatekeeping. This lack of accountability can lead to the proliferation of false or misleading information, further complicating efforts to ensure a fair and impartial judicial process.⁵¹

Potential for Prejudice and Bias Among Users and Influencers

Social media trials also exacerbate the potential for prejudice and bias among users and influencers. The anonymity and echo chambers afforded by social media platforms can amplify existing biases and prejudices, leading to the formation of online mobs or "cancel culture" movements. These movements often target individuals accused of crimes, subjecting them to public shaming and harassment based on unverified information or unfounded allegations. Such behavior not only undermines the presumption of innocence but also erodes public trust in the fairness of the judicial process.⁵²

Impact on the Impartiality of Jurors and Judicial Proceedings

Social media trials can significantly impact the impartiality of jurors and judicial proceedings. Jurors, who are expected to render verdicts based on evidence presented in court, may be influenced by pretrial publicity and public opinion circulated on social media. Exposure to biased or inflammatory content online can prejudice jurors against the accused, impairing their ability to render a fair and impartial verdict. Similarly, judges may face pressure from public sentiment expressed through social media, potentially compromising their independence and impartiality in adjudicating cases.⁵³

Case Studies Illustrating the Negative Consequences of Social Media Trials

Several case studies illustrate the negative consequences of social media trials on fair trial rights and the administration of justice. One such example is the 2013 Boston Marathon bombing case, where social media played a significant role in disseminating information and speculation about the suspects. False rumors and misinformation circulated online, leading to the wrongful identification of innocent individuals and contributing to a climate of fear and mistrust.⁵⁴

Another example is the 2020 George Floyd case, where the widespread circulation of video footage depicting the death of George Floyd sparked outrage and protests on social media. While the videos served as crucial evidence in holding law enforcement accountable, they also fueled divisive rhetoric and online harassment directed at both the victim and the accused officers. The intense public

⁵⁰ Patel, R. (2020). The Contempt of Courts Act: Implications for Media Trials. *Indian Journal of Constitutional Law*, 12(4), 210-225

⁵¹ Wilson, S. (2017). Media Literacy Campaigns: Educating the Public on Fair Trial Rights. *Journal of Legal Education*, 25(2), 145-160

⁵² Gupta, N. (2016). Ethical Considerations in Media Coverage of Legal Cases. *Journal of Media Studies*, 18(3), 200-215

⁵³ International Covenant on Civil and Political Rights, art. 14, Dec. 16, 1966, 999 U.N.T.S. 171

⁵⁴ Thompson, R. (2021). Media Trials and Their Impact on Public Perception. *Journal of Mass Communication*, 30(2), 175-190

scrutiny and pressure generated by social media coverage may have influenced the subsequent legal proceedings, highlighting the challenges of ensuring a fair trial in the digital age.

In conclusion, social media trials present significant challenges to the protection of fair trial rights and the integrity of the judicial process. The speed and spread of information, lack of editorial oversight, potential for prejudice and bias, and impact on the impartiality of jurors and judicial proceedings all contribute to the complexity of addressing these issues. Efforts to mitigate the negative consequences of social media trials require collaboration among stakeholders, including policymakers, media platforms, legal professionals, and civil society, to uphold the principles of fairness, impartiality, and due process in the digital age.⁵⁵

Legal and Ethical Implications

Examination of Existing Legal Provisions Addressing Media Trials in India

In India, legal provisions addressing media trials primarily stem from constitutional guarantees of freedom of speech and expression, balanced against the right to a fair trial. The Contempt of Courts Act, 1971, and the Press Council Act, 1978, offer some guidance, but they often lack specificity in dealing with media trials directly. Additionally, judicial pronouncements have played a significant role in shaping jurisprudence around media trials, with courts occasionally issuing guidelines or directives to regulate media coverage during sensitive trials.⁵⁶

Critique of the Adequacy of Current Legal Frameworks in Safeguarding Fair Trial Rights

Despite the existence of legal provisions and judicial interventions, the adequacy of current legal frameworks in safeguarding fair trial rights in the context of media trials remains questionable. The Contempt of Courts Act, while intended to prevent interference with the administration of justice, has been criticized for its broad and vague language, potentially chilling legitimate criticism and discussion of judicial proceedings. Similarly, the Press Council Act primarily focuses on promoting ethical standards in journalism but lacks enforcement mechanisms to address media sensationalism or misconduct.⁵⁷

Furthermore, the absence of specific legislation targeting media trials leaves significant gaps in regulating the spread of misinformation, protecting the privacy and dignity of individuals involved in legal proceedings, and ensuring the impartiality of jurors and judges. While courts have the authority to restrict media coverage or issue gag orders in exceptional circumstances, such measures are often reactive and may not fully address the systemic challenges posed by media trials.⁵⁸

Ethical Considerations Regarding the Responsibility of Media Organizations and Social Media Users

Ethical considerations play a crucial role in addressing the responsibility of media organizations and social media users in the context of media trials. Media organizations have a duty to adhere to professional standards of journalism, including accuracy, fairness, and objectivity. They should refrain from sensationalizing legal cases, engaging in trial by public opinion, or publishing information that could

⁵⁵ Kumar, A. (2019). Legal Frameworks for Regulating Media Trials: A Comparative Analysis. *Indian Journal of Law and Technology*, 14(1), 45-60

⁵⁶ United Nations Human Rights Office of the High Commissioner. (n.d.). Universal Declaration of Human Rights. Retrieved from <https://www.ohchr.org/en/udhr/pages/introduction.aspx>

⁵⁷ Sharma, P. (2018). Case Studies on Media Sensationalism: Lessons Learned. *Journal of Legal Studies*, 19(4), 300-315

⁵⁸ Kapoor, S. (2020). Social Media and the Judiciary: A Case for Reform. *Indian Journal of Legal Research*, 11(2), 175-190

prejudice the outcome of a trial. Additionally, media organizations should prioritize the privacy and dignity of individuals involved in legal proceedings and refrain from exploiting their personal tragedies for sensationalist purposes.⁵⁹

Similarly, social media users have a responsibility to exercise caution and restraint when discussing legal cases online. They should refrain from spreading rumors, sharing unverified information, or engaging in harassment or intimidation of individuals involved in legal proceedings. Social media platforms also bear ethical responsibility for moderating content and preventing the spread of misinformation and hate speech, although their effectiveness in this regard remains a subject of debate.

Comparative Analysis with International Legal Standards and Best Practices

A comparative analysis with international legal standards and best practices reveals significant disparities in the regulation of media trials across jurisdictions. While countries such as the United States have robust protections for freedom of speech and press freedom, they also have stringent legal mechanisms, such as contempt of court laws and pretrial publicity guidelines, to safeguard fair trial rights. In contrast, countries like the United Kingdom have adopted more proactive measures, such as reporting restrictions and anonymity orders, to prevent prejudicial media coverage during legal proceedings.⁶⁰

International human rights instruments, such as the European Convention on Human Rights and the International Covenant on Civil and Political Rights, recognize the right to a fair trial as a fundamental human right and provide guidelines for balancing freedom of expression with the protection of fair trial rights. However, the implementation of these principles varies significantly from country to country, highlighting the need for a nuanced and context-specific approach to regulating media trials in India.⁶¹

In conclusion, addressing the legal and ethical implications of media trials in India requires a multifaceted approach that combines legislative reform, judicial oversight, ethical guidelines for media organizations and social media users, and international cooperation. By enhancing legal frameworks, promoting ethical journalism practices, and fostering responsible social media behavior, India can mitigate the negative consequences of media trials and uphold the principles of fairness, impartiality, and due process in the administration of justice.

Mitigation Strategies and Recommendations

Proposed Reforms in Legal and Regulatory Frameworks to Address Challenges Posed by Media Trials

Specific Legislation: Introduce comprehensive legislation specifically targeting media trials to address the gaps in existing legal frameworks. This legislation should define the parameters of permissible media coverage during legal proceedings, establish penalties for misconduct, and provide mechanisms for redressal of grievances.

Pretrial Publicity Guidelines: Develop clear guidelines for managing pretrial publicity to prevent the dissemination of prejudicial information that could impact fair trial rights. Courts should have the

⁵⁹ Johnson, L. (2017). Public Opinion and Media Trials: A Survey Analysis. *Journal of Communication Studies*, 22(3), 250-265

⁶⁰ Das, A. (2019). The Role of Judiciary in Ensuring Fair Trial Rights: Challenges and Opportunities. *Indian Journal of Judicial Studies*, 25(1), 80-95

⁶¹ Rajput, R. (2016). Social Media and Its Influence on Legal Proceedings: A Case Study. *Journal of Legal Issues*, 17(2), 110-125

authority to issue gag orders or impose reporting restrictions in cases where extensive media coverage poses a risk to the administration of justice.⁶²

Media Monitoring Mechanisms: Establish independent media monitoring bodies tasked with overseeing media coverage of legal cases and enforcing compliance with ethical standards and legal requirements. These bodies should have the power to investigate complaints, issue warnings or fines, and recommend corrective action to media organizations.

Importance of Media Literacy and Awareness Campaigns

Public Education Initiatives: Launch media literacy and awareness campaigns to educate the public about the role of the media in the administration of justice and the importance of fair trial rights. These initiatives should provide guidance on identifying misinformation, understanding the legal process, and critically evaluating media coverage of legal cases.⁶³

School Curriculum Integration: Integrate media literacy education into school curricula to equip students with the skills to navigate the digital media landscape responsibly. Curriculum modules could include topics such as media ethics, critical thinking, and the legal implications of sharing information online.

Community Engagement: Foster dialogue and collaboration between media organizations, educational institutions, civil society organizations, and government agencies to raise awareness about media trials and promote responsible media consumption practices at the community level.

Role of Judiciary in Ensuring Fair Trial Rights in the Age of Social Media

Judicial Training Programs: Conduct training programs for judges and court staff to familiarize them with the challenges posed by social media trials and provide guidance on managing media coverage during legal proceedings. Judges should be equipped to recognize and address instances of media bias or interference with fair trial rights effectively.⁶⁴

Case Management Strategies: Implement case management strategies to minimize the impact of social media on judicial proceedings, such as limiting the use of electronic devices in the courtroom, restricting live reporting of sensitive testimony, and providing clear guidelines for courtroom behavior.

Transparency and Accountability: Foster transparency and accountability in judicial decision-making processes by ensuring that judgments are based solely on evidence presented in court and are free from external influence or pressure exerted through social media or traditional media channels.⁶⁵

Collaborative Efforts Involving Legal Experts, Media Professionals, and Policymakers

Multi-Stakeholder Dialogues: Facilitate multi-stakeholder dialogues involving legal experts, media professionals, policymakers, and civil society representatives to identify shared challenges and develop collaborative solutions for addressing media trials effectively.

⁶² Contempt of Courts Act, 1971, No. 70, Acts of Parliament, 1971 (India)

⁶³ Das, A. (2019). The Role of Judiciary in Ensuring Fair Trial Rights: Challenges and Opportunities. *Indian Journal of Judicial Studies*, 25(1), 80-95

⁶⁴ Rajput, R. (2016). Social Media and Its Influence on Legal Proceedings: A Case Study. *Journal of Legal Issues*, 17(2), 110-125

⁶⁵ Singh, M. (2018). Media Trials and the Right to Privacy: A Legal Analysis. *Journal of Privacy Law*, 15(3), 220-235

Joint Task Forces: Establish joint task forces or working groups comprising representatives from the legal fraternity, media industry, government, and academia to develop guidelines, draft legislation, and implement initiatives aimed at mitigating the negative effects of media trials.

Capacity-Building Initiatives: Invest in capacity-building initiatives to enhance the skills and knowledge of legal professionals, journalists, and policymakers in navigating the complex intersection of media and the law. Training programs, workshops, and seminars can help build a shared understanding of the legal and ethical considerations involved in media trials.⁶⁶

In conclusion, mitigating the challenges posed by media trials requires a multi-faceted approach involving legal reforms, media literacy initiatives, judicial training, and collaborative efforts among stakeholders. By addressing the root causes of media sensationalism, promoting responsible media practices, and strengthening legal protections for fair trial rights, India can uphold the principles of justice, transparency, and accountability in the digital age.

Case Study Analysis

Case Study Analysis: The Rhea Chakraborty Case

The arrest of actress Rhea Chakraborty in connection with the death of Bollywood actor Sushant Singh Rajput in 2020 serves as a pertinent case study of the impact of media trials in India. The case garnered widespread media attention, with sensationalized reporting and intense public scrutiny.⁶⁷

In-depth Analysis: The legal proceedings in the case were heavily influenced by media sensationalism, with various media outlets engaging in speculative reporting, character assassination, and trial by public opinion.⁶⁸ Rhea Chakraborty was subjected to relentless vilification and harassment on social media platforms, with baseless allegations and conspiracy theories circulating widely.

Examination of Media Coverage and Public Reaction: The media coverage of the case played a significant role in shaping public perception, with many individuals forming strong opinions about the guilt or innocence of the accused based on sensationalized headlines and biased reporting. The intense public pressure exerted through social media may have influenced the course of the investigation and judicial proceedings, raising concerns about the fairness and impartiality of the trial.

Lessons Learned and Implications for Future Cases: The Rhea Chakraborty case highlights the dangers of media trials and the erosion of fair trial rights in India. It underscores the need for robust legal protections to safeguard the rights of the accused and prevent undue interference with the judicial process. Furthermore, it underscores the importance of responsible journalism and ethical reporting practices in ensuring a fair and impartial trial. Moving forward, policymakers, media professionals, and civil society must work together to address the systemic challenges posed by media trials and uphold the principles of justice, transparency, and accountability in the administration of justice.⁶⁹

⁶⁶ Chakraborty, S. (2020). Media Literacy Programs: Empowering the Public in the Digital Age. *Journal of Mass Communication Education*, 28(1), 60-75

⁶⁷ Gupta, A. (2021). The Rhea Chakraborty Case: A Legal Analysis. *Journal of Criminal Law and Justice*, 25(3), 100-115.

⁶⁸ Smith, J. (2020, September 5). Rhea Chakraborty Arrested in Connection with Sushant Singh Rajput Case. *The Times of India*, p. A1.

⁶⁹ Ghosh, P. (2017). Legal and Ethical Implications of Media Trials: A Comparative Study. *Indian Journal of Legal Ethics*, 16(2), 145-160

Case Study Analysis: Sanjay Dutt Case

Sanjay Dutt, renowned Bollywood actor, faced a fall from grace as he succumbed to substance abuse, legal woes, and health challenges. Media meticulously trailed his tumultuous journey, scrutinizing every legal battle, rehab stint, and personal setback. Dutt's struggles with addiction and brushes with the law became headlines, overshadowing his cinematic prowess. Yet, amidst the trials, his resilience shone through as he sought redemption and rehabilitation. Despite the intense media scrutiny, Dutt's journey epitomized the complexities of fame, human frailty, and the enduring quest for redemption in the public eye.⁷⁰

Case Study Analysis: Sheena Bora Case

The Sheena Bora case unfolded as a chilling saga of deception, betrayal, and murder, captivating media attention across India. Sheena's mysterious disappearance in 2012, initially passed off as an ordinary missing person case, escalated into a sensational murder investigation. Media meticulously tracked the convoluted web of deceit, revealing shocking familial ties and motives. The prime suspects, including Sheena's mother Indrani Mukerjea and her accomplices, faced intense scrutiny as the case unraveled. The media's relentless coverage dissected every aspect of the case, exposing the dark underbelly of power, privilege, and crime, while seeking justice for Sheena and unraveling the truth.⁷¹

Case Study Analysis: Neeraj Grover Case

The Neeraj Grover case sent shockwaves through India with its gruesome details and tangled relationships. A young television executive, Grover's life ended tragically in 2008 at the hands of Emile Jerome Mathew and Maria Susairaj. Media fervently covered the case, unraveling a tale of obsession, betrayal, and murder. Sensationalized headlines dissected the illicit affair between Susairaj and Grover, along with the subsequent cover-up attempt. The media's relentless pursuit of the truth exposed the complexities of modern relationships and the dark consequences of unchecked emotions. The Neeraj Grover case remains etched in public memory as a cautionary tale of love gone awry.⁷²

Case Study Analysis: The Delhi Rape Case

The Delhi Rape Case of 2012 ignited a nationwide uproar and media frenzy, epitomizing the urgency of addressing gender-based violence in India. The brutal gang rape and murder of a young woman, later identified as Jyoti Singh Pandey, on a moving bus shocked the conscience of the nation. Media coverage meticulously chronicled the events, sparking widespread protests and demands for justice and societal change. The case led to intense scrutiny of India's legal system and societal attitudes towards women's safety. The media's relentless pursuit of accountability played a pivotal role in catalyzing conversations and reforms around gender violence and justice.⁷³

⁷⁰ BBC News. (2013, March 21). India actor Sanjay Dutt gets 1993 Mumbai blasts conviction. *BBC News*. <https://www.bbc.com/news/world-asia-india-21897616>

⁷¹ PTI. (2015, August 27). Sheena Bora murder case: CBI submits Shyamvar Rai's statement in court. *The Times of India*. <https://timesofindia.indiatimes.com/india/Sheena-Bora-murder-case-CBI-submits-Shyamvar-Rais-statement-in-court/articleshow/48687294.cms>

⁷² DNA Correspondent. (2016, July 1). Maria Susairaj released on parole, to stay at Pune. *DNA India*. <https://www.dnaindia.com/mumbai/report-maria-susairaj-released-on-parole-to-stay-at-pune-2228744>

⁷³ Press Trust of India. (2019, December 18). Nirbhaya case: All 4 convicts to hang, says Delhi court. *The Indian Express*. <https://indianexpress.com/article/india/nirbhaya-case-all-4-convicts-to-hang-says-delhi-court-6170963/>

Case Study Analysis: Nilesh Navlakha Case

The Nilesh Navlakha case garnered significant media attention as a prominent instance of white-collar crime in India. Navlakha, a well-known stockbroker, faced allegations of financial irregularities and fraud involving substantial sums of money. Media outlets meticulously tracked the unfolding investigation, revealing intricate details of Navlakha's alleged schemes and their ramifications. The case highlighted systemic flaws in regulatory oversight within the financial sector, prompting discussions on corporate governance and accountability. Through relentless coverage, the media played a crucial role in exposing Navlakha's alleged misdeeds and fostering public discourse on ethical practices in business.

Case Study Analysis: Siddharth Vashisht Case

The Siddharth Vashisht case, also known as Manu Sharma, sparked a national outcry and media firestorm in India. Sharma, the son of a wealthy politician, was convicted for the murder of Jessica Lal, a model, in 1999. Media extensively covered the trial, exposing the influence of privilege and political connections in the justice system. The case became a symbol of the fight against impunity for the powerful. Public outrage and media pressure eventually led to a retrial and Sharma's conviction. The relentless media scrutiny underscored the importance of accountability and fair treatment under the law, reshaping public perceptions of justice.⁷⁴

Conclusion

In the age of social media, the phenomenon of media trials poses significant challenges to the protection of fair trial rights and the integrity of the judicial process in India. Through this paper, key findings have emerged:

Media trials, fueled by sensationalism and the rapid spread of information on social media platforms, can undermine fair trial rights, prejudice public opinion, and interfere with the administration of justice.

Existing legal frameworks and ethical guidelines are often inadequate in addressing the complexities of media trials, necessitating reforms and collaborative efforts among stakeholders.

Fair trial rights are essential pillars of democracy and must be upheld in the digital age to ensure justice, transparency, and accountability.

Stakeholders, including policymakers, media professionals, legal experts, and civil society, must take concerted action to mitigate the negative consequences of media trials and uphold the principles of fairness and impartiality in legal proceedings.

Further research is needed to explore the long-term implications of media trials on public trust in the judiciary, the effectiveness of media literacy initiatives, and the development of innovative strategies for regulating media coverage of legal cases.

In conclusion, the challenges posed by media trials require a comprehensive and multi-faceted response to safeguard fair trial rights and uphold the rule of law in India's evolving media landscape.

⁷⁴ Siddharth Sharma vs State . (2010) 6 SCC 1; (2010) 2 SCC (cri) 1385

TO STUDY THE PSYCHOLOGY OF MASS MEDIA MARKETING AMONGST YOUTH OF THANE REGION

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Abstract

The majorities of organizations today focus primarily on the customer and favors social media & digital marketing. Social media advertising is carried out extremely subtly, nearly subconsciously. A prime illustration of that are influencers. The people are affected by this kind of advertising for a long time. When executed well, it fosters interaction, engagement, and connection rather than only appealing to the consumer's logical side. Due to its status as an IT powerhouse, second-highest university density, and big youth population, Mumbai {Thane Region} is one of the most youthful cities in India. These young people's purchasing habits are greatly influenced by the lifestyle and electronics sectors. Lifestyle is adept in producing images for food, fitness, organic products, and other topics with the assistance of influencers. It is also the newest tendency. Electronics are popular among young people who are tech-savvy and are frequently promoted on several platforms by nearly all influencers. With the aid of primary and secondary data, this research article seeks to establish a connection between all these variables. The aim of this study is to examine the relationship between the general customer's level of trust in influencers and the consequent consumer behavior of Mumbai {Thane Region} youth, specifically in between from 12 - 25 age range. A systematic questionnaire will be used to gather primary data. The observations will be examined, and conclusions will be made and given.

Keywords: Social Media, Youth, Consumer Logical Side, Lifestyles.

INTRODUCTION:

Social media has significantly and permanently altered the landscape of advertising. The increase in social media users is quick—in 2020. In 2020, there were 3.6 billion social media users globally. India makes a substantial contribution to them. By January 2021, there will be about 400 million social media users in India, growing by 25–30 million users annually. Although these numbers might be interpreted in several ways, one thing is certain: social media marketing in India has a lot of potential. Today's kids are accustomed to using technology, have shorter attention spans, and dislike being constantly exposed to commercials. Businesses seek a scenario where both they and the customer benefit. Nowadays, the majority of companies focus on the needs of their customers, and the majority of advertising has been swapped out by more subdued "in your face" commercials.

Influencers are a variety of outside parties that have the power to sway consumers' opinions but never assume decision-making authority. Their popularity, knowledge, and skill are only a few of the factors that contributed to their success. They have a unique social media following and are consistently regarded as experts in their field. Influencers are trusted by the public more than typical company advertisements. Influencers produce their own content and constantly advise followers on how to use products. The study

is to investigate the impact of gen z influencers on consumer behavior in an urban environment such as MUMBAI city.

Its goals are to analyze the conversion rate that may be achieved with this marketing strategy and to assess the degree of relationship that exists between influencers and the broader public. MUMBAI City was our choice for the study. From being dubbed the "City of Pensioners" to become one of India's cities with the quickest rate of growth. It has also been named as one of India's most livable cities.

The demographics of the city are greatly influenced by all of this. It is home to one of the nation's largest youth populations.

Young people's purchasing habits are greatly influenced by the lifestyle and electronics sectors. These are the two sectors where most young people invest their money. Lifestyle excels at producing images for food, exercise, organic products, and other topics with the assistance of influencers.

Nearly all influencers frequently promote electronics on a variety of media.

Review of Literature

1. Sweeney, E., Lawlor, M. A., & Brady, M. (2022). Teenagers' moral advertising literacy in an influencer marketing context. *International Journal of Advertising*, 41(1), 54-77:- According to the study, this paper reports on a study of 29 teenagers aged 15–17 years are majorly getting affected by the influence marketing. The findings also indicate that the participants were having a positive approach towards the practice of influence marketing. The youth is having a very good bond or attachment with the influence marketing as the study has been done by the researcher.

2. Chaudhary, M., Anusuya, S. P., Peddi, Y. S., & Thalla, S. (2023). The Psychological Impact of Influencer Marketing on Self-Destructive Behaviour and Poor Mental Health Outcomes in the Teenage. *Journal for ReAttach Therapy and Developmental Diversities*, 6(9s), 833-843:- According to the study, it concludes that the younger groups are the major viewers of internet/social media platform which is creating most impact on the youth who beliefs that the information been provided is reliable and been getting from the correct resource person i.e. the Influencer. As the younger generation is proactively using the technology they are getting very much influenced and without concerning their parents, family and friends the younger people are having a trust on the influencers which is a very big problem for today's scenario.

Research Methodology:

To study the reference of "To Study the Psychology of Influencer Marketing Amongst Youth of Thane Region"

a questionnaire was designed and the primary data was collected. The secondary data was collected through various sources like internet, Journals, Research Papers, books etc. The sample size is determined as 72 respondent's opinion from the students who are influenced by their influencer whom they follow on Social Media for purchasing any products or availing any services Maharashtra (Thane Region).

Sampling: The Sample collected from 72 respondents from Thane Region Maharashtra.

Tools Utilized: Simple Percentage Method {This Method refers to the Special type of rate which help in comparing between two sources of data.

$$\{P = X/Y * 100\}$$

WHERE X = No of respondents in a Specific Category to be measured.

WHERE Y = Total No of respondents.

OBJECTIVES OF THE STUDY:

1. To comprehend how the endorsements of social media influencers affect consumers' propensity to buy.

2. To Study which category of social media influencers have the maximum audience.
3. To Study how changes in customer loyalty affect youth behavior towards buying intention.

STATEMENT OF PROBLEMS:

1. How do social media influencers in the beauty and fashion sectors use their platforms?
2. How does the influencer marketing approach affect the purchasing habits and behavior of teenagers and young adults?

Data Interpretation:

Total Respondents: 72 respondents.

OPTIONS	%	COUNT
MALE	30.55	22
FEMALE	69.45	50

INTERPRETATION: The above question is the gender respondents and the two options are Male and Female.

Total Male respondents are 22

Total Female respondents are 50 in count.

Total male respondents are 30.55% of the whole number of respondents and total female respondents are 69.45 % out of 100%. This shows that there are more female respondents as compared to male respondents in our study.

- 2) Age?

Age	%	COUNT
12-15 Year	1.38	1
15-18 Year	4.16	3
18-21 Year	55.55	40
21-25 Year	38.88	28

INTERPRETATION: The above question is the gender Age wise respondents from 72 response.

This shows that there are more respondents from age group of 18 -21 years as compared to other age group respondents in our study ie 55.55%.

- 3) Do you follow any influencers on social media platforms?

OPTIONS	%	COUNT
YES	79.17	57
NO	12.5	9

MAY BE	8.33	6
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INTERPRETATION:

The above question is the Percentage wise influences on social media platforms from 72 responses. This shows that many youth follow influencer on social media for their concern. ie 79.17%.

4) What types of influencers do you follow?

OPTIONS	%	COUNT
Fashion, Fitness, Travel, Lifestyle, Gaming	48.61	35
Fashion, Travel, Lifestyle	16.67	12
Fashion, Beauty, Fitness, Travel	13.88	10
Fitness, Travel, Lifestyle	11.11	8
Others	9.72	7

INTERPRETATION: The above question is the Percentage wise influences on social media platforms for which they follow them from 72 responses.

This shows that many youth follow influencer on social media for Fashion, Fitness, Travel, Lifestyle & Gaming ie 48.61%.

5) Why do you follow influencers?

OPTIONS	%	COUNT
To get inspiration	15.28	11
To follow the newest trend	11.11	8
To learn about new brand / product / service	50	36
To enjoy the content on the profile	16.67	12
Others	6.94	5

INTERPRETATION: The above question is the Percentage wise why youth follow influencer on social media platforms from 72 responses.

This shows that many youth follow influencer on social media for to learn about new brand / product & service. ie 50%.

6) What social media platforms do you primarily use to follow influencers?

OPTIONS	%	COUNT
Instagram	73.62	53
YouTube	20.83	15
Facebook	5.56	4
Others	0	00

INTERPRETATION: The above question is the Percentage wise from youth regarding which social media platform they highly use from 72 responses.

This shows that many youth use Instagram Social Media ie 73.62%.

7) How often do you engage with influencer content on social media platforms?

OPTION	%	COUNT
Frequently	51.38	37
Occasionally	25	18
Rarely	19.44	14
Never	4.17	3

INTERPRETATION: The above question is the Percentage wise from youth regarding How often do you engage with influencer content on social media platforms from 72 responses.

This shows that many youth use frequently way ie 51.38%.

8) Have you ever made a purchase based on an influencer's recommendation?

OPTIONS	%	COUNT
YES	45.83	33
NO	27.77	20
MAY BE	26.38	19

INTERPRETATION:

The above question is the Percentage wise from youth regarding Purchase bases through influencer recommendation from 72 responses.

This shows that many youth Purchase through social media ie 45.83%.

9) How satisfied are you with the products you have purchased on the basis of influencer's recommendation?

OPTION	%	COUNT
Very satisfied	15.27	11
Satisfied	33.33	24
Neutral	47.22	34
Dissatisfied	1.38	1
Very dissatisfied	2.77	2

INTERPRETATION:

The above question is the Percentage wise from youth regarding satisfaction of products from 72 responses.

This shows that many youth are satisfied while using products ie 47.22%.

10) Does the collaboration with the influencers impact your perception of the brand??

OPTIONS	%	COUNT
YES	41.68	30
NO	31.94	23
MAY BE	26.38	19

INTERPRETATION:

The above question is the Percentage wise from youth collaboration impact towards perception of brand from 72 responses.

This shows that many youth make collaboration with influencers towards brand ie 41.68%.

11) Do you believe influencers should have a responsibility disclose when they have a relationship with a brand they are promoting?

OPTIONS	%	COUNT
YES	69.44	50
NO	11.11	8
MAY BE	19.44	14

The above question is the Percentage wise from youth believe influencers should have a responsibility disclose when they have a relationship with a brand from 72 responses.

This shows that many youth make collaboration with influencers towards brand ie 69.44%.

11) Have you faced a bad experience in past after buying a product / service on the basis of the recommendation of an influencer?

OPTIONS	%	COUNT
YES	27.78	20
NO	50	36
MAY BE	22.22	16

The above question is the Percentage wise from youth regarding bad experience after buying the product or availing the service from 72 responses.

This shows that many youth make bad experience after buying the product or availing the service from 72 responses Brand ie 50%.

12) Would you consider purchasing products recommended by influencers in the future?

OPTIONS	%	COUNT
YES	41.67	30
NO	12.5	9
MAY BE	45.83	33

The above question is the Percentage wise from consider purchasing products recommended by influencers in the future 72 responses.

This shows that many youth make purchasing products recommended by influencer's responses ie 45.83%.

FINDINGS OF THE STUDY:

- 1) From Table No: 1: Out of 72 response, 69.45% were from Female Respondents.
- 2) From Table No: 2: Out of 72 response, 55.55% were from Age group of 18-21 years.
- 3) From Table No: 3: Out of 72 responses, 79.17% were influence to follow on social media.
- 4) From Table No: 4: Out of 72 response, 48.61% were following influence on social media to by influencer for Fitness, Gaming, and Lifestyle etc.
- 5) From Table No: 5: Out of 72 response, 50% were following influencer to learn about new products & services.
- 6) From Table No: 6: Out of 72 responses, 73.62 % were instagram user.
- 7) From Table No: 7: Out of 72 responses, 51.38% were frequently following influencer on social media.
- 8) From Table No: 8: Out of 72 responses, 45.83% were purchase on the basis of their influencer on social media.
- 9) From Table No: 9: Out of 72 responses, 47.22% were satisfied while purchasing product or availing services through influencers they follow on social media.
- 10) From Table No: 10: Out of 72 responses, 69.44% were regarding collaboration done by influencer.
- 11) From Table No: 11: Out of 72 responses, 50% were having bad experiences while purchasing goods and availing services through influencers on social media.
- 12) From Table No: 12 : Out of 72 response, 45.83% were in a stage regarding ie May be Purchase any product or services recommended by their influencer or any other on social media

LIMITATION OF STUDY: The limitations of our study are discussed in this subsection, which may be useful to take into account for any future research in the same topic. First of all, the influence is subjective and always has a unique effect based on each person and their knowledge and viewpoint. Therefore, it must be realized that if more people had been questioned, our conclusions about the impact influencers can have on followers might have been different. Subjectivity also affects this thesis, and some analysis may have been impacted by the writers' opinions. Three perspectives—that of the influencer, the follower, and the brand—were included in an attempt by the writers to address the restricted reason. Secondly, it is imperative to take into account some constraints pertaining to the observational research. Since influencer marketing is a relatively new marketing tactic that is always changing, the answers to the exact same study questions could alter depending on when they are investigated. Furthermore, because our study concentrated on beauty and lifestyle influencers and their followers, the results may alter if the study had been conducted in a different sector or with a different set of influencers. It's true that not all influencers are trustworthy, and it can be difficult to tell which ones are. Additionally, the majority of the participants in our study were French, which limited the results we could draw from a cultural perspective because it introduces another variable of variation.

SUGGESTIONS:

- 1.Many of the respondents are following influencers to learn about new products and services which are available in the market.
- 2.Many of the respondents are in confusion of whether to purchase the product or not which has been recommended by the influencer.
- 3.Many of the respondents felt that they had a bad experience of consuming the product after purchasing it by getting influenced.
- 4.Many of the respondents felt that the influencer should take some responsibility disclosing when they are promoting a brand.
- 5.Many of the respondents feel that if the influencer collaborates with the brand, their perception changes towards the brand with a good impact on it.
- 6.Frequently the respondents get engage with influencer content on social media platforms

CONCLUSION: The research on the psychology of influencer marketing among youth reveals the impact of influencers on youth's behavior of Thane, particularly in shaping attitudes, preferences, and purchase intentions. By analyzing the underlying mechanism such as demographics, preferences and psychological profiles it was concluded that in today's time it has become crucial for marketers to effectively use influencer campaigns to engage with youth audiences in Thane region. The influencers act as a social agent who have strong power over youth of Thane. Additionally, ethical considerations regarding authenticity, transparency, and the potential for exploitation do not stop the youth from future purchase decisions. Certainly, the research also highlighted the complex interplay between influencers, social media platforms, and youth audiences. It revealed how brands take help from influences from various categories such as Fashion, Fitness and Lifestyle to create a cultural trend within online community. The finding helped to understand the transformative role of technology in facilitating direct, personalized connections between influencers and youth of Thane. However, the research also helped to understand certain drawbacks and challenges associated with influencer marketing among Thane youth. One of the issues highlighted was that the youth believed influencers should have a responsibility disclose when they have a relationship with a brand they are promoting. Moreover, the research helped to understand the need for continuous evaluation and adaptation of influencer marketing strategies by brands to remain relevant in a rapidly changing digital landscape. Marketers must stay attuned to shifting youth

preferences, platform algorithms, and cultural trends to ensure their campaigns relate authentically with Thane youth. By creativity, and authenticity, brands have used the full potential of influencer marketing to make meaningful connections with Thane youth consumers and have made business growth in the digital age.

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A STUDY ON THE APPLICATION OF MASS MEDIA IN THE PROCESS OF TEACHING AND LEARNING WITH REFERENCE TO MAHARASHTRA (THANE REGION)

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Abstract

The purpose of this study is to measure how much media is used in the educational process, particularly among younger, People's perceptions in general, including how helpful they believe today's mass media to be in helping them better grasp the environment they are acting in, or, conversely, controlling them 72 students from various higher secondary schools & College students in Mumbai-Thane Region made up the sample. Frequencies and percentages were used to analyze the data that were gathered. Data analysis demonstrated that the outcome suggests that teenagers find the online environment to be the most accessible, enabling them to do independent research. While 21% of respondents view mass media as a way of relaxation, a substantial amount of respondents believe that mass media manipulation implies that people admit mostly the negative facts of mass media and less the positive ones can escape the daily grind, and only 1% view the media as a source of education. Findings also showed that students' attention is diverted from their study habits by mass media (internet sources). Additionally, research has shown that mass media has a detrimental impact on studies. According to the findings of certain research, students experience networking issues when using the Internet and other mass media.

Keywords: *Mass Media Manipulation, Educational Process.*

INTRODUCTION:

The present world is facing two general problems – “Information explosions” and the “Population explosions”. Today throughout the world, social and technological changes are taking place rapidly due to expanding world of information. So there is explosion of knowledge. New frontiers of knowledge and understanding are expanding very fast. On the other hand, with the explosion of knowledge there is also population explosion, Today there is a cry for “More education to more people in less time” For solving these problems successfully, educational technology consisting of various media of mass communication are essentially required both qualitative and quantitative explosion can be facilitated and accelerated with the help of this mass media under educational technology so the mass-media has come to our rescue to tackle this problem. Education of tomorrow will be able to play its role more effectively by making the individuals creative, active and efficient. Success of education cannot be achieved merely by substituting methods for human beings but by developing new patterns using both human beings and technological advancements in order to teach more people better and more rapidly. There are good number of media for mass communication such as radio, Television, newspapers and films etc. The media of communication is the medium by which a piece of information or knowledge is communicated to us. This medium is the message, which is of greater importance, Hence the mass media is very important for class room teaching as a part of the process of instruction. The main purpose of mass-media in education is to benefit more students with fewer teachers or to obtain quality education. The use of mass media in the present era being technology driven; Mass media has become an indispensable part of many people irrespective of their

age. Among different age groups, the maximum users are adolescents. Many adolescents are tending towards the use of mass media in teaching learning process. Does this addiction have negative influence on adolescents or it actually helps them to keep with their betterment? The use of mass media provides new insights for innovation and opportunities in teaching and learning process. Teaching and learning process is totally changed with the development of recent developments. It has become one of the most important communication means in recent times. However, social networking exist so as to provide communication among people regardless of the distance making it open to people easily share information, files pictures and videos, create blogs and send messages and conduct real time conversations. These systems are referred to as social simply because they allow communication with buddies and co-workers so easily and effectively. Through social media, anyone with internet access can interact with millions of people online the potential of mass media or social network sites by means of educational operation has not fully been understood and considered in both formal and informal education. We should keep in mind that it is the user's ability, awareness competence and creativity which will make mass media valuable and meaningful. Mass media is the term used to describe the academic study of various means by which individuals and entities relay information to large segments of the population all at once through mass media.

ELEMENTS OF MASS COMMUNICATION:

- a) Large audience
- b) Family undifferentiated audience
- c) Some form of message reproduction
- d) Rapid distribution and delivery
- e) Low cost to the consumers

TYPES OF MASS MEDIA:

Today's most widely used mass media platforms include radio, television, the internet, and newspapers. The physical form of mass media, the technology used, and the type of communication method can all be used to categorize them.. *The general classification on these bases is as followed:- (1)Traditional Media (2)Print Media (a)Newspaper (b)Magazines and periodicals (c)Books (3)Electronic Media Electronic media mainly include film, Radio, Television.* Email, websites, e-books, blogs, social networking sites, and internet protocol are examples of new media. These online and digital means of creating, transmitting, and receiving messages are referred to as new media review, need and significance, objectives and methodology. New media and other internet and the wide web opened up several new avenues for mass communication. Through the medium of mass media, individuals from diverse geographic locations may now come together on a single platform to exchange ideas, thoughts, information, and much more. The various social networking services, such as Google, LinkedIn, Facebook, Instagram, Twitter, and WhatsApp, allow people to share ideas, opinions, and thoughts on the same platforms. Education is the wealth of knowledge acquired via specialized coursework or life experiences that lead to a deeper comprehension of things.

IMPACT OF MASS MEDIA ON EDUCATION:

Education in the future will be able to fulfill its purpose more successfully by fostering individual creativity, activity, and efficiency. Education cannot succeed by just replacing human labor with mechanical ways; instead, new patterns must be created utilizing both human labor and technical

improvements because mass media communicates the senses and drives them to react more actively, in order to teach more quickly. As a component of the teaching process, it is crucial for classroom education. The only goal is to use different media to enhance the teaching and learning process. Thus, in addition to teachers' supervision, the primary goal of mass media in education is to benefit more students to receive a superior education. Literally speaking, mass media would be any item or resource that facilitates communication or engagement between people, whether it be online or in print. Social media, as used in everyday speech, now refers to a particular class of activities, procedures, tools, technologies, and websites that involve user-generated content, mass media relationships, and participation.

OBJECTIVES:

- 1) To classify the use of mass media in the teaching learning process
- 2) To understand the use of mass media for the promotion of learning process
- 3) To understand the difficulties and negatives of mass media associated with the teaching learning process

LITERATURE REVIEW:

- 1) **Andres Kaplan (2010)** described that social media is a set of internet based application that constructs on the ideological and technological foundation of web and that permit the design and exchange of user generated content.
- 2) **Malhotra, Bhola and Mahakund (2014)** study indicate that most youngsters begin social networking at 14.6 years, being influenced by gender and nature family. The average time spent was 3.6 hours daily, which was effected by degree of parental regulation. Facebook was the most preferred SNS for functions of chatting and making friends
- 3) **Siddiqui and Singh (2016)** in the paper covered all aspects of social media with their positive and negative effect. Focus was on the particular field like education, society and youth. During this study they described how these media affect society in a broad way. Use of mass media is beneficial but should be used in limited way without getting addicted.

NEED AND SIGNIFICANCE OF THE PROBLEM:

This study's primary goal is to help more students receive high-quality education. It has been observed that the general public receives information from mass media faster. It requires extensive coverage of all global events occurring in every corner of the globe. It opens up the classroom to everyone on the planet. Children can see, hear, and learn about the world because they spend hours together in front of the television. It assists with distance learning and transmits information to far-off locations. The mass media functions as a social change agent. The media piques curiosity and gives the lesson substance. Thus, it is worthwhile to examine how the media is used in the teaching and learning process in this study.

RESEARCH METHODOLOGY:

Sample for the study for the present study sample of **72 students** from various higher secondary schools & College students in Mumbai-Thane has been randomly selected.

TOOL USED:

Self-prepared tool was used on attitude of students belonging to different higher secondary schools towards mass media. The questions were framed in such a manner which enabled a researcher to measure the use of mass media in the teaching learning process (Education) effectively. The following scheme was used for scoring the responses: **S.A: (Strongly Agree), S.D: (Strongly Disagree), I: (Indifferent), A :(Agree)**. STATISTICAL TECHNIQUES In this study very simple statistical technique was used for

analyzing the data. “Calculation of frequencies” the investigator calculated the percentages of these frequencies of each item by calculation of percentages. The investigation found out with the help of these formulae $\text{Frequency of the group} \times 100$ Total number of sample. On the basis of these “frequencies” and percentage the investigator made further investigation.

DATA INTREPRETATION:

Table 1:- Responses of respondents that the media channel they are using (Internet)

Responses	S.A	A	I	S.D.A
Percentage	85	10	3	2

It has been found that 85% respondents strongly agree and 10% agree, 3% indifferent and 2% disagree with social media channel they are using (Internet).

Noted: Percentage has been round off.

Table 2:- Responses of respondents whether the mass media is informative in the educational process.

Responses	S.A	A	I	S.D.A
Percentage	75	10	2	13

It has been found that 75% respondents strongly agree and 10% agree, 2% indifferent and 13% strongly disagree with the mass media is informative in the educational process.

Noted: Percentage has been round off.

Table 3:- Responses of the respondents whether mass media influenced the educational process (Positively or negatively).

Responses	S.A	A	I	S.D.A
Percentage	55	22	3	20

It has been found that 55% strongly agree and 22% agree, 3% indifferent and 20% strongly disagree with the mass media influenced the educational process. It has the positive and negative influenced on the educational process.

Noted: Percentage has been round off.

Table 4:- Responses of the respondents whether the mass-media plays an important role in education.

Responses	S.A	A	I	S.D.A
Percentage	43	46	1	10

It has been found that 43% are strongly agree and 46% agree, 1% indifferent and 10% strongly disagree that social media plays an important role in education.

Noted: Percentage has been round off.

Table 5:-Shows the responses of the respondents whether the mass-media is necessary for providing updated information to the learners.

Responses	S.A	A	I	S.D.A
Percentage	35	40	5	20

It has been found that 35% are strongly agree and 40% agree 5% indifferent and 20% strongly disagree that mass media is necessary for providing updated information to the learners.

Noted: Percentage has been round off.

FINDINGS:

- 1) From Table No:1,** It has been found that 85% respondents strongly agree and 10% agree, 3% indifferent and 2% disagree with social media channel they are using (Internet).
- 2) From Table No:2,** It has been found that 75% respondents strongly agree and 10% agree, 2% indifferent and 13% strongly disagree with the mass media is informative in the educational process.
- 3) From Table No:3,** It has been found that 55% strongly agree and 22% agree, 3% indifferent and 20% strongly disagree with the mass media influenced the educational process. It has the positive and negative influenced on the educational process.
- 4) From Table No:4,** It has been found that 43% are strongly agree and 46% agree, 1% indifferent and 10% strongly disagree that social media plays an important role in education.
- 5) From Table No:5,** It has been found that 35% are strongly agree and 40% agree 5% indifferent and 20% strongly disagree that mass media is necessary for providing updated information to the learners.

EDUCATIONAL IMPLICATIONS OF THE STUDY:

The present study's implications are derived from the following conclusions.

- ✓ There is no doubt that the mass media is essential for giving students access to current knowledge and information.
- ✓ Social media platforms have emerged as a preeminent educational tool.
- ✓ The school administration can attempt to create discussion groups on various social media platforms where students can discuss issues of interest in order to guarantee their active involvement.
- ✓ Teachers, parents, and school administrators can work together to address the issue of kids using social media excessively.
- ✓ In order to reduce the detrimental effects of these sites on pupils, students should focus on their academic work and extracurricular activities.

CONCLUSION: The current study was carried out to examine how the media is used in the teaching and learning process. The mass media is unquestionably essential for giving students access to current knowledge and information. Social networking sites have grown in importance as a communication tool for these students and help to fortify ties. Their visits to social networking sites were motivated by their desire to stay in touch with their peers and classmates.

This suggests that in order to assure students' active participation, educational authorities might work to create group platforms for discussing themes of interest. Another implication is that authorities in higher education can work to combat the problem of excessive mass media consumption. The majority of pupils concur, according to study results, that mass media enhances education

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FREEDOM OF PRESS AND MEDIA LAWS IN INDIA

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“OUR LIBERTY DEPENDS UPON FREEDOM OF PRESS, AND THAT CANNOT BE LIMITED WITHOUT BEING LOST” - THOMAS JEFFERSON

Abstract

Freedom of press is a significant aspect of a Country's Democracy and the same cannot be forego. It is one of the pillars of Democracy wherein Freedom of Speech and Liberty stand hold in hands for the development and freedom of human minds. Freedom of press is a very relevant aspect as observed by Supreme Court of India thus informing people at large and promoting values. Freedom of press and media is associated with each other and is widely recognised in India. The same is characterised by certain reasonable restrictions under Article 19(2) to protect the safety of the people of the nation and to implicate a sense of promoting human values in the Democratic Country. Article 19 of Indian Constitution briefly states that “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.” Freedom of press is influential as it acts as a channel for Individuals to become a voice of the people wherein they are regulated with certain exchange of any concept and for which they are accepted to be ready for all the consequences too. Media law covers an area of law which involves media of all types (TV, film, music, publishing, advertising, internet & new media, etc.) and stretches over various legal fields, including but not limited to corporate, finance, intellectual property, publicity and privacy. Media law is a legal field that refers to Advertising, Broadcasting, Censorship, Confidentiality, Contempt, Copyright, Corporate law, Defamation, Entertainment, Freedom of information, Internet, Information technology, Privacy, Telecommunications.

Key Words: *Freedom of speech and expression, media laws, Democracy, Article 19.*

INTRODUCTION:

Freedom of the press in India is a constitutionally guaranteed right that allows journalists and media organizations to express their views, report news, and disseminate information without censorship or government interference. This freedom plays a vital role in a democratic society by serving as a watchdog and holding those in power accountable.

The Press Council of India, established under the Press Council Act, ensures journalistic standards and ethics. While there are laws in place to regulate the media, such as the Indian Penal Code, challenges to press freedom persist. Journalists often face threats, violence, and intimidation. Media ownership concentration is another concern that affects diversity and independence in the press.

This article will provide a concise overview of the constitutional protection of freedom of the press in India, the laws that regulate the media including the Indian Penal Code (IPC), and specific legislation such as the Cable Television Networks (Regulation) Act and Information Technology Act. It will also

touch upon the challenges faced by press freedom, including threats, intimidation, and violence against journalists. Additionally, important case laws related to press freedom will be discussed.

Article 19(1)(a) of the Indian Constitution

Article 19(1)(a) of the Indian Constitution guarantees Indian citizens the fundamental right to freedom of speech and expression. This provision enables individuals to freely express their thoughts, opinions, beliefs, and ideas through various means, including speech, writing, printing, publishing, and communication. However, it is important to note that this right is not absolute.

It is clear that the right to freedom of speech and expression carries with it the right to publish and circulate one's ideas, opinions and other views with complete freedom and by resorting to all available means of publication. The right to freedom of the press includes the right to propagate ideas and views and to publish and circulate them. However, the freedom of the press is not absolute, just as the freedom of expression is not. Public Interest has to be safeguard by article 19(1)(2) which lays down reasonable limitations to the freedom of expression in matters affecting:

- a. Sovereignty and integrity of the State
- b. Security of the State
- c. Friendly relations with foreign countries
- d. Public order
- e. Decency and morality
- f. Contempt of court
- g. Defamation
- h. Incitement to an offence

In **Romesh Thapar v/s State of Madras**, Patanjali Shastri, CJ, observed that "Freedom of speech & of the press lay at the foundation of all democratic organization, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible." In this case, entry and circulation of the English journal "Cross Road", printed and published in Bombay, was banned by the Government of Madras. The same was held to be violative of the freedom of speech and expression, as "without liberty of circulation, publication would be of little value".

Laws Regulating the Media: Indian Penal Code (IPC)- The Indian Penal Code (IPC) is a comprehensive criminal code in India that defines and punishes various offenses. While it does not specifically regulate the media as a whole, certain provisions within the IPC have implications for media activities. Here are a few relevant sections:

1. **Section 499: Defamation** – This section deals with the offense of defamation, which includes both slander (spoken defamatory statements) and libel (written or published defamatory statements). It imposes criminal liability for making false and defamatory statements about a person that harms their reputation.
2. **Section 500: Punishment for Defamation** – This section prescribes the punishment for the offense of defamation. Defamation is a non-cognizable offense, meaning a complaint must be filed by the affected person for initiating legal proceedings.
3. **Section 505: Statements conducing to public mischief** – This section addresses the offense of making statements or rumours with the intent to incite or create public unrest, enmity, or disharmony. It is often invoked in cases involving hate speech or spreading false information.

4. **Section 292: Sale, etc., of obscene books, etc.** – This section prohibits the sale, distribution, or public exhibition of obscene materials, including books, films, and other media. It aims to protect public morality and decency.
5. **Section 293: Sale, etc., of obscene objects to young persons** – This section specifically prohibits the sale, distribution, or public exhibition of obscene materials to individuals who are under the age of 20. It is intended to protect children and young persons from exposure to explicit or harmful content.

Cable Television Networks (Regulation) Act, Information Technology Act- Cable Television Networks (Regulation) Act and the Information Technology Act, both of which have specific provisions that impact the media in India:

Cable Television Networks (Regulation) Act (CTN Act): The CTN Act regulates the operation and content of cable television networks in India. Some key provisions include:

1. **Program and Advertising Codes:** The Act lays down guidelines for content aired on cable TV, including restrictions on the transmission of certain types of content that may be offensive, harmful to public morality, or against national interest. It also sets standards for advertising content.
2. **Licensing and Registration:** The Act requires cable TV operators to obtain licenses from the appropriate authority and comply with the registration process.
3. **Cable Television Network Rules:** The Act empowers the central government to make rules for the regulation of cable TV networks. These rules cover aspects like transmission standards, registration fees, technical requirements, and more.

Implications in Information Technology Act (IT Act): The IT Act deals with various aspects of electronic communication, including provisions relevant to the media. Key provisions include:

1. **Cyber Defamation:** The IT Act includes provisions that make defamation in the electronic form an offense punishable with imprisonment and/or fine. It covers defamatory statements made online or through any electronic means.
2. **Intermediary Liability:** The IT Act establishes a framework for the liability of intermediaries, such as social media platforms, for content shared or hosted on their platforms. It mandates intermediaries to comply with certain due diligence requirements and provides a mechanism for the removal or blocking of unlawful content.
3. **Offensive Content:** The Act contains provisions that address the transmission or publication of offensive or harmful content, including obscene material, child pornography, and content that is grossly harmful, hateful, or harassing.
4. **Digital Signature:** The IT Act recognizes and regulates the use of digital signatures, which have legal validity for authenticating electronic records and facilitating secure online transactions.

Challenges faced by Press: Press freedom is crucial for a functioning democracy, as it allows journalists to investigate, report, and express their opinions freely. However, journalists around the world, including in India, face various challenges that threaten their safety and ability to perform their work effectively. Some of these challenges include threats, intimidation, and violence.

1. **Threats:** Journalists often receive threats, both online and offline, for their reporting. These threats can come from various sources, including government officials, political groups, organized crime, or individuals with vested interests. Threats can range from verbal warnings to serious threats of physical harm, which can instil fear and hinder journalists from pursuing sensitive stories.

2. **Violence:** Journalists are sometimes subjected to physical violence, including assault, abduction, or even murder, as a result of their work. This violence can be a direct response to specific investigations or reports that expose wrongdoing or corruption. Such attacks not only harm individual journalists but also create a climate of fear that has a chilling effect on the entire media community.
3. **Impunity:** One of the major challenges in addressing threats and violence against journalists is the prevailing culture of impunity. In many cases, perpetrators of crimes against journalists are not held accountable, creating a sense of vulnerability and fostering a climate of impunity.

Case Laws: Freedom of the press is a vital component of democracy, enabling journalists and media organizations to operate independently and hold those in power accountable. Several significant case laws have influenced the freedom of the press in India. Please note that the information provided here is based on the knowledge available up until September 2021, and subsequent developments may have occurred.

1. ***Bennett Coleman & Co. v. Union of India (1973)*:** This case emphasized the crucial role of the press in a democracy, recognizing its capacity to inform the public and act as a watchdog. The court affirmed the press's right to criticize, investigate, and challenge those in power.
2. ***Indian Express Newspapers v. Union of India (1985)*:** The Supreme Court reiterated the importance of freedom of the press, stating that it has the right to publish information in the public interest. The court emphasized that restrictions on the press must be narrowly drawn, and the government should not misuse its power to suppress dissenting voices.
3. ***Sahara India Real Estate Corporation v. SEBI (2012)*:** This case recognized the right of journalists to protect their sources of information. The Supreme Court emphasized that compelling journalists to disclose their sources without a compelling reason would have a chilling effect on press freedom.
4. ***Shreya Singhal v. Union of India (2015)*:** In this landmark judgment, the Supreme Court struck down Section 66A of the Information Technology Act, which criminalized online posting of offensive or harmful content. The court ruled that this provision was vague, overbroad, and violated the right to freedom of speech and expression, including the freedom of the press.

Conclusion: Press is supposed to be the voice of the public to the government, but in modern times, a contrast to this can be observed, where some of the major mainstream media houses are marketing the political parties while criticizing the opposition parties and not discussing the relevant issues like public welfare, corruption, analysis of government schemes, etc. Though it is also true that forums like WhatsApp, YouTube, and Facebook which are totally independent have become prone to fake news leading to mob lynching, fear-mongering, hate speech, propaganda spreading and indecency promoting, which highlights the need of some reasonable restrictions of the press.

Though, without a shred of doubt, for preserving democracy and not promoting informed citizenry in the nation, we have to give reasonable freedom to the press. The present government has tried to curb this freedom by amending RTI Act, Whistleblower Act, and proposing the Sedition Act in the parliament which in the opinion of the author goes against the basic tenets of the constitution of tearing apart the very fabric of democracy.

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INDIAN JOURNALISM IN THE DIGITAL ERA: CASE STUDIES IN EVALUATING THE ROLE OF NEW MEDIA

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Abstract

Human Rights are the rights which a person is born with. These are inviolable rights which cannot be snatched away from any person irrespective any attributions and considerations. According to Indian laws, Human Rights is defined as rights relating to life, liberty, equality and dignity of the individual guaranteed under the Constitution or embodied in the International Covenants and enforceable by courts in India. This aspect of concerning, guaranteeing and protecting life, liberty, equality and dignity of an individual lies not only upon the society members but also upon the four pillars of democracy, namely Legislative, Executive, Democracy and Media of our country. Media, of all the other three, is a strongest mode of communication. It helps in imparting information to the people pertaining to national and international issues, helps in framing of public opinions and educating of the masses. In ancient times print media was the only means of communication and connecting to the people. With avenue Digital Era, electronic media has emerged as strong system for communication and in sync with the GenZ age. Today news bytes are given by way of post and status on Instagram handles. A grave question of concern is how effective they are in protecting the human rights of the people and imparting justice to victims of human rights violations? History records the exceptional role of media in safeguarding and assisting in getting justice for victims such as Priyadarshini Mattoo's Case and Jasica Lal murder case. Can it be said without iota of doubt that the media has performed and done justice to its role in Digital Era.

Keyword: Human Rights, Media, Digital Era, justice, victims, Journalism

Research Problem:

- a. Whether the media has performed remarkable role in protecting of human rights in digital era?

Aims and objectives:

- a. To understand the history of journalism in India
- b. To highlight the role of journalism in safeguarding human rights
- c. To use case studies to understand the role of journalism
- d. To highlight the strengths and weakness of role of journalism
- e. To highlight the role of media in providing justice

2. INTRODUCTION

The internet has probably been man's greatest invention since sliced bread, created the virtual world that can be credited as a huge human accomplishment. Now the various range of devices supports its usage, it's in everyone's reach. And even as we speak of devices, there have been several advancements in both software and hardware.

No one can deny the fact that the impact of digital media is quite noticeable in our society and it has both positive and negative effects. Where our day-to-day activities became dependent on it whether it is entertainment or learning. It became our most important need to navigate this world more efficiently.

We see a new smartphone, or a new laptop with an up-gradation quite often. So with all that digital media around us, the biggest question is how does it impact us? How does it impact our society, the next generation, or even our lifestyle at large? The paper aims to analyse the effects of digital media today.⁷⁵

2. HISTORICAL DEVELOPMENT OF JOURNALISM IN MEDIA - INDIA

Media has played an imperative role all throughout the different ages by its different forms. In the 18th Century the first Print Media was first wherein the first newspaper was printed in India-Bengal Gazette in 1780 by James Augustus Hicky. Thereafter in 1826 in order to reach out to the public at large, newspapers were started to be printed even in the local languages such as Bombay Samachar in Gujarati, Udant Martand (The Rising Sun) the first Hindi language newspaper. Newspapers such as The Times of India, The Hindu, Dainik Jagran were the eminent newspapers which were circulated all over India even today. Print media was an instrument for fight against forms of suppression in order to bring about social and economic reforms.

Radio broadcasting started in India in 1927. It is from 1937, All India Radio (AIR), which serves the spectrum of socio-economic and cultural diversity, took the responsibility of radio broadcasting as a division of Prasar Bharati. From 1957, it has been called Akashvani. Radio has and continues to remain a strong tool for the government to maintain control over news production and creating public opinion.

Therefore, since the pre- independence period, press and radio broadcasting stood for social reforms and public welfare, and creating opinion on crucial social issues like education, child marriage, widow marriage and sati which shape the destiny of the nation and safeguard the rights and liberties of its citizens. Television programming began in India in 1959, and the complete broadcasting was started in 1965. Doordarshan was the main television channel broadcasted in India. Television broadcasting is maintained by the Ministry of Information and Broadcasting. After the 1990s, satellite television channels arrived. After the 1990s, India witnessed the privatization, liberalization and globalisation of the Indian economy. By opening up the Indian economy and allowing private satellite television news channels to beam into India the citizens got a chance to watch non-Doordarshan shows. BBC, CNN, CNBC and other television channels also arrived in India which initiated reforms and modernisation of Indian citizens. The rapid development of media technologies has changed the nature of media and it has become an integral part of democracy. Based on 2021 data, there are currently 900 permitted private satellite television channels in India and many of them are devoted to news coverage in India. India has witnessed a large number of online and printed newspapers and news television channels. If we see the evolution of media, early 2000s were the years of online publishing started in India. The impact of social media in Indian Politics has been increasing. India has used social media for the first time in Mumbai Attacks of 2008 and online voter registration and transparency campaigns in elections had begun in 2009. It is said that India is the second largest online market behind China. Social media makes the information easier to be transferred to the people to maintain the transparency of the government. It makes the data to be moved to the individuals to keep up the straightforwardness of the government. At present, there are 491.53 million Facebook users

⁷⁵ Shiv Gupta, The Impact of Digital Media – The Society, Future and Our Lifestyle, 2018, [https://www.incrementors.com/blog/impact-of-digital-media/#Impact of Digital Media on Society](https://www.incrementors.com/blog/impact-of-digital-media/#Impact%20of%20Digital%20Media%20on%20Society)

in India. Apart from that, based on the data of 2022, the most popular social media platforms are WhatsApp (534.30 million active users), Instagram (503.37 million users), Telegram (374.40 million users), Facebook Messenger (324.39 million users), Twitter (295.44 million users), LinkedIn (244.78 million users), Pinterest (229.64 million users), MX Taka Tak (153.97 million users), Skype (151.34 million users). Indians spend 2.36 hours on social media daily. In 2022, the social media users have been growing at a steady rate of 467 million . The number of internet users in India also has grown to 658 million (47% of the total population of India). After increasing the usage of smartphones in India, the number of mobile internet users has reached to 601 million. According to the statistics, the annual growth in active social media users reached to 4.2% with more than 19 million new users. Social media now is more accessible to people which enables mass participation in a democracy. It also provides instant updates which make people aware of their surroundings and participate in political, economic and other decisions of a country. In India, social media has taken the political messaging from the mass media model and placed in public dialogue. It provides an environment where the general people of a country can freely express his political opinions and expectations⁷⁶.

One can broadly classify Media into the following –

- a. Traditional media – considered to be one of the oldest forms of communication. Here news or information is given to the masses through storytelling, folk dance, drama, theatre
- b. Print Media- here news or information is provided in printed form, for example newspapers, periodicals, newsletters, journals
- c. Electronic Media or broadcasting media wherein news or information is disseminated to the public through both audio and visual content, eg. Television
- d. Outdoor Media- also known as OOH, here information or news is given to the public mostly for commercial and public welfare through billboards, banners, posters etc.
- e. Transit Media- wherein information is exhibited through advertisements on vehicles and transportation
- f. New Media or Digital Media- is an interactive two- way communication, here the information is communicated through higher digital speed and technology, for eg- websites, emails, social media handles such as Facebook, Instagram, Podcast, Vlogging etc.

Nexus of Media and Rights

Media is defined as various means of communication. Media is considered as the Fourth Estate of the democracy. It is the Pillar for the whole democratic system. The Term Media in its modern application relating to communication channels was first used by Canadian communications theorist Marshall McLuhan (Belinda middleweek,2017).The origin of media can be unearthed back to the times of the Nationalist Movement in India. Ever since those times, the media has been playing a crucial role in guaranteeing the citizens their rights and liberties. The media compatible with its duty, also supervise which is in charge and responsible for an accountable journalism. Media has been called handmaiden of justice. The media these days has built a deep and very strong relationship between the citizen of the country with the government. It is a channel which connects each other. Media act as a coordinator also an enabler on various situations, including those influencing the collective moral sense of society. It

⁷⁶ Media Evolution in India and Its Role in Democratize the Politics of India Priya Das Graduation and Masters in Political Science from University of North Bengal, West Bengal, India; International Journal of Research Publication and Reviews, Vol 4, no 6, pp 4291-4296 June 2023, ISSN 2582-7421

completely looks for the crucial gap between an accused and a convict keeping at stake the golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. It is considered as the 'Watch Dog' of the society. Media is not only a voice to express one's feelings, opinions and views, but it is also accountable and instrumental in constructing and establishing opinions and views on various topics of regional, national and international agenda. There is a cutthroat competition in today's reality world of media. The crucial role of the media is its potential to muster the pensive process and thinking of millions. Media not only mobilize or influence the public opinions, but also encounter those cases which is most likely would have gone unnoticed otherwise without getting justice⁷⁷.

The four main roles of media, which is identified by the theorists are as follows(gov): 1. To Inform 2. To Persuade 3. To Entertain 4. To Transmit culture

One cannot deny that there is a close connection between Media and Rights of the people. Media has played a very strong role in protection of rights of people. Since the era of freedom struggle till the present Modern- Digital Age Era, media has always strived to put forth the best interest of the public at large and protected their rights. Through the news at prime time or the debate hour, information is given out to people followed by debates and discussions on the recent developments in and around the country. Issues such as violation of rights and crimes against the vulnerable sections of the society such as woman, children, senior citizens, socio-economic issues such as policy budget, poverty, famine, social issues such as communal tensions, famers' suicide, impact of legal developments and cases such as amendment in existing laws or coverage of matters in Hon'ble Supreme Court and High Courts, international developments such as war between two nations, development of international principles etc. are varied issues communicated to the public at large by the media. Thus, media through its reporting of issues creates public awareness and molds the minds of the people in thinking what is right and wrong, evaluating the lacunas and critically apprising the issues. This in turn touches upon each of the fundamental and core rights of the people enshrined not only in the Constitution of India but also under the other laws. For instance, the unfortunate case of Nribhaya resulted in major amendments in the criminal laws in our country, the reporting of nation-wide protest led to passing of Lokpal Act, pulling down of the Farm laws.

Positives and Negatives of different Forms of Media

Today social media has become an integral part of everyone's life. People belong to different age group, race, caste and creed use social media for diverse purposes.

Each form of media has its own advantages and disadvantages. They face challenges different than that of the other.

For instance, if we speak about print media like newspapers its advantages are that it is circulated in various regional and local languages thus reaching to a larger audience, each page or section is dedicated to different aspects such as page dedicated to national and international issues, page dedicated on sports coverage etc., through its columns it reflects the opinions on current affairs which helps in moulding the minds of the people. The disadvantages are importantly it's not popular among all the age groups and with the development of social media it faces lot of competition to sustain in the market. With magazines it is for a targeted audience but the cost is higher and depending on the type of magazine it can be either monthly weekly or fortnightly.

⁷⁷ INTERNATIONAL JOURNAL OF MULTIDISCIPLINARY EDUCATIONAL RESEARCH ISSN:2277-7881; IMPACT FACTOR :6.514(2020); IC VALUE:5.16; ISI VALUE:2.286 Peer Reviewed and Refereed Journal: VOLUME:10, ISSUE:1(7), January :2021 Online Copy Available: www.ijmer.in

When it comes to radios, the advantages are that it is cost-efficient, it is mostly local, designed time for news, one can choose the frequency. The disadvantages – no visuals for the audience, air clutter becomes a problem, it faces competition today to sustain itself in the market where Podcast is much preferred over radio.

Television, mostly viewed at home, offers sight, sound, motion, color and special effects, it has prestige or glamour to enhance message and then present to the audience, it touches the emotions of the viewers. The disadvantages, commercial breaks, messages and news get zipped and zapped, the cost of buying a Television is high⁷⁸.

The advantages of social media are that one can easily get access to information and news, it is the fastest mode through which information can reach to the audience, it is an excellent tool for creating awareness about any social issue, it is used by people to reach to the like-minded people, it creates a platform for the employers to reach to the potential job seekers, one can connect to their long-distance friends and relatives⁷⁹. The disadvantages of social media are that there can be breach of privacy, a person can be victim of cybercrimes, online fraud and scams, people can get addicted to social media resulting into personal, social and professional harm, information, opinions and suggestions can be posted without cross verification or checking the veracity of the same, propanada

The media just like a banking system of country deposits facts and disseminate information which frames the opinion of public. Thus media should not be allowed to be dominated by any non-media industry for political or capital interest. Although the rightful use of freedom of speech and expression and amplifying the voices of masses is well known in Nirbhaya case, the Bofors Field Guns, The Jessica Lal case etc., there have been many occasions when these rights were misused for political and capital incentives.

In the case of Ajmal Mohammad Amir Kasab v. State of Maharashtra¹⁰³, Supreme Court observed that media's reckless overage during 2008 Mumbai Attacks benefitted terrorists as every minute to minute detail was aired on channel which was being watched by the collaborations across the border on news channels and same was communicated to the terrorists. Hence, the way security operation was telecasted freely made the task of security forces dangerous and risky. Any action which may violate Article 21 or putting national security at risk can never be justified by taking defense of freedom of speech and expression. Recent case of Dadri on cow-slaughtering was highly communalized by media, although state-government has not mentioned any religious angle. Details of 2G, CWG Scam, Naveen Jindal blackmailing case, Neera-Radia tapes exposes active involvement of journalist in corruption. So, this has been argued that establishment of independent media regulator which is free from government control and entrusted with powers to adjudicate complains including paid news and owners interference in day to day editorial matters⁸⁰.

⁷⁸ Microsoft Word - Media Advantages and Disadvantages Presentation Jan 2013 (tennessee.edu)

⁷⁹ ISSN:2277-7881; IMPACT FACTOR :8.017(2023); IC VALUE:5.16; ISI VALUE:2.286 Peer Reviewed and Refereed Journal: VOLUME:12, ISSUE:10(4), October: 2023 Online Copy of Article Publication Available (2023 Issues) Scopus Review ID: A2B96D3ACF3FEA2A Article Received: 2nd October 2023 Publication Date:30th October 2023 Publisher: Sucharitha Publication, India Digital Certificate of Publication: www.ijmer.in/pdf/e-CertificateofPublication-IJMER.pdf

⁸⁰ 01_Title12.pdf (christuniversity.in)

CASE STUDIES

Case- Study 1- The Role of Press during Political Emergency in 1975

In India, Emergency was declared under Article 352 of the Constitution of India, across the country in 1975. It lasted from the year 1975 to 1977. It had grave impacts on the fundamental rights of the citizens of India such as arrest of political leaders, freedom of speech and expression was curtailed, placing of press under strict censorship. Senior Journalist Inder Malhotra who then worked with the Times of India recalled in an interview that except for The Times of India, Indian Express and Statesman vehemently opposed the imposition of emergency. Guidelines were issued to the press as to what has to be printed and what not. Newspapers were informed that they were expected to "self-censor" and abide by the guidelines. No doubt Emergency is considered to be the darkest period in the history of Media. Yet it witnessed the efforts by certain sections of the media and journalists in upholding the principles of Journalism, abiding with their responsibility of apprising the society with information in order to help them in forming their judgement, bringing a sense of right and wrong, reporting without fear or favour, and importantly safeguarding the essential right of the people - right to know.

Case Study 2- Media Coverage of Sushant Singh Rajput Case.

Bollywood actor Sushant Singh Rajput passed away at the age of 34 on June 14, 2020, in Mumbai. He was found dead in the bedroom of his Mumbai apartment by his friend and flatmate. Mumbai Police said Rajput died by suicide. The death of the celebrated actor sent shockwaves throughout the country and the case was deeply investigated, first by the Mumbai Police and later by the CBI. The media instead of reporting the facts of the case sensationalised the case and converted the case into a media spectacle. The upcoming Bihar assembly elections led to political parties turning the case into political fodder. They accused ruling government of Maharashtra of covering up the case and botching the investigations. The Political slugfest was ably supported and amplified by the television channels. Insinuations were made that Sushant's girl friend Rhea Chakravarty was involved in the murder. This led to demands of a CBI probe which was finally accepted by the Supreme Court of India. The CBI failed to establish any wrongdoing by Rhea. The Sushant Singh case is a classic example of media ethics being trampled upon by vested interests. In the aftermath of the actor's death in June 2020, a number of television channels went overboard with the coverage, naming and shaming the accused, and concluding the cause of death even before the police had completed their investigation. The Bombay high court observed that 'media trials' can obstruct the administration of justice, and is in violation of programme code under the Cable Television Network Regulation Act, impacting the ongoing investigations. The court said reportage by television channels, especially Republic TV and Times Now, after the actor's death was "contemptuous". The judges, however, restrained themselves from initiating any action. Analysis- When we come to the present era the state of Indian media and Journalism has changed completely. The Sushant Singh Rajput case highlights the total disregard for ethics and values by the media especially Television media. A complete media trial was conducted as pointed out by the judges of the Bombay High court. Television media also indulged political parties and their vested interests to sensationalise the case. Trial by media impedes the interests of justice and also puts Indian Democracy in great danger.

Case-study 3- Press and Corona virus Pandemic

The Covid 19 pandemic began in China in December 2019 and spread to the rest of the world by March 2020. The Indian Government imposed a stringent lockdown to prevent the spread of corona virus. The Lockdown was strictly enforced but there was no stopping the spread of the virus. We analyse media

coverage of the pandemic and Government response to criticism of its handling of the pandemic. Indian media had become polarized over the years, and sometimes coverage critical of the government is painted as an attempt to tarnish India's image. By creating a new template for media-government relations, the government had, over the past few years, tried to de-legitimize the media as an institution, while at the same time attempting to co-opt a select few media houses to be part of the ruling establishment. For instance, when hospitals in Delhi were clamouring for oxygen supplies, several "government friendly" television channels blamed the ongoing farmers' blockade in the outskirts of the capital for the inordinate delays. Several news channels have debated whether anti-India lobbies were out to discredit the country and if this was a conspiracy. The Second Wave Just before the second wave hit India in March 2021 political parties continued with their election rallies, amassing crowds of thousands despite the number of cases steadily rising.

The Election Commission of India could also be held responsible for the surge in cases as it oversaw elections in four states and a union territory over the past month and allowed large rallies and road shows that served as served as incubators of the deadly virus. A medical expert even called Prime Minister Narendra Modi a 'super spreader' for holding political rallies. Yet the television media, instead of being critical of the rallies, ran live footage of election sloganeering. By April 2021 India's official count of COVID-19 cases had surpassed 20 million, with more than 300,000 infections and 4,000 deaths reported daily for the past three weeks. Yet many experts believed that the situation on the ground was far worse than what official statistics indicated. Censorship of Media The Indian government is ordered social media sites such as Twitter, Facebook and Instagram to block posts that criticize management of the renewed nationwide public health crisis brought on by the corona virus pandemic. A majority of the tweets pulled down by Twitter were critical of the government's inability to secure medical supplies, hospital beds and oxygen. The government said the posts were removed because certain users were using Twitter to spread fake or misleading information and create panic about the COVID-19 situation. "This decision has been taken to prevent obstructions in the fight against the pandemic and a breakdown of public order due to these posts," said an official with the Ministry of Electronics and Information Technology. In February, Twitter blocked more than 500 accounts linked to the ongoing farmer protests against agricultural reforms after the government issued a legal notice. Following the removal of social media posts the Uttar Pradesh Chief Minister Yogi Adityanath directed officials to take action under the National Security Act, and seize the property of individuals who spread "rumors" on social media, claiming that hospitals were struggling to maintain their oxygen supplies. "Is this not a veiled threat to the media to not report what is happening on the ground? This has a chilling effect," a local journalist from Lucknow told DW an international media outlet. Uttar Pradesh police had registered an FIR against the director of a Lucknow hospital and others after the former released a notice saying there was an oxygen shortage. Analysis- In the above case study we can clearly see that Government pressure and control on media has increased and television has succumbed to the pressure. It is only print media that offers some resistance to the government on attacks on freedom of expression. So media management by the central and state governments and media shaping pro government narratives have become the norm⁸¹.

⁸¹ IJFANS International Journal of Food and Nutritional Sciences ISSN PRINT 2319 1775 Online 2320 7876 Research paper © 2012 IJFANS. All Rights Reserved, UGC CARE Listed (Group -I) Journal Volume 11, Iss 10, Dec 2022 441 | P a g e SUSTAINABLE MEDIA ETHICS-A COMPARATIVE STUDY OF MEDIA ETHICS IN INDIA PAST AND PRESENT 1Mithun Madhava and 2Dr P. Sarvanan 1Assistant Professor-Department of Multi-Media and Mass Communication, SIES (Nerul) College of Arts, Science and Commerce. India 2Research Guide

Conclusion

Transparency is the most recently established ethical principle for media. The emergence of transparency as a core ethic and value has been fueled mainly by three distinct yet interdependent developments. First, sociocultural advances in society have gradually increased the availability and demand for more information, including in areas such as politics and business. This development instilled an expectation of the “right to know,” also impacting the journalistic institution.

Second, the introduction of digital media technologies has provided more means to disclose information, interact with journalists, and witness news production. These, ethical and normative discussions by journalists and scholars have promoted more openness about journalism. Transparency has frequently been advocated as an effective way to combat the ongoing decline of trust and credibility in the news media.

A central rationale supporting information disclosure and providing direct access to journalists and news organizations is that the audience will be able to ascertain which journalism it can trust to be true or which journalism may be superior. Specifically, in times when the news media is being labeled as fake or lying to the public, transparency may indeed be an important mechanism for the audience to hold journalism accountable.

Yet, while the promise of transparency is an enticing prospect, empirical research has not quite been able to support all the claims that transparency will indeed improve credibility and trust in the news media. However, transparency is a nascent ethic and practice in journalism, and has only recently been officially recognized. Journalists and news organizations are still in the process of finding new ways to openly engage with the public, showing them the journalistic production process and building relationships with their communities. After all, building trust takes time and may only be achieved in a continuous effort to engage in an open, honest, and personal dialogue with the people.

MEDIA INDEPENDENCE IN INDIA: AN ANALYSIS OF THE IMPACT OF RIGHT TO FREEDOM OF SPEECH AND EXPRESSION ON PRESS

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Abstract

This freedom to communicate is granted a fundamental right of the constitution. Freedom of speech and expression Article 19 (1) (a) for a well-functioning democracy, the participation of its citizens in the political and policy-making process plays a vital role. That is why even international statuses like the International Declaration of Human Rights, International Covenant on Civil and Political Rights, etc., state the importance of freedom of speech and expression. Being the largest democracy in the world our constitution under Article 19(1) (a) empowers Indian citizens with the right to freedom of speech and expression.

It includes the following points:

Citizens have the right to express their opinions and views without any fear

It includes spoken words, writings, pictures, movies, etc.

The right to speech also includes the right not to speak.

Under this article freedom of the press is an inferred freedom

Along with Article 19 (1) (a) even Preamble ensures the liberty of thought, expression, and belief to all the citizens

Media is a medium of communication towards a large group of people or the masses. The evolution of media in the world is from very ancient times and in modern times it started with print technology, especially with the newspaper. The first English newspaper of India was the Bengal Gazette printed on the 29th of January 1780 by James Augustus Hickey. Later Darpan' was started in 1832 in Mumbai by Balshastri Jambhekar. 'Induprakash', 'Deenbandhu', 'Kesari', and others. Print media also include magazines, Journals, editorials, etc. Broadcast media in the form of TV and radio where the communication is done with many people. Social media is another type of media with the help of technologies to spread communication.

Pros of media

Spreading awareness to people and keeping connected, and updated to everyone, and credibility and trust and capacity to have a global reach cost-effectively.

Cons of media

Fake news and rumors are spread with no authenticity and an inability to trace and validate the original news and hate and misinformation are spread quickly through it.

Keywords: *Freedom, Speech, Expression, Media, Preamble*

Introduction

Media is a medium to communicate to the masses about facts, information, knowledge, truth, and expression to a large audience. This medium to communicate to the masses is available in different modes

online, offline, hard papers or softcopies, audio, video, audio-video, etc. This is an important tool and has a very strong impact on our society to shape the thoughts of the people. Media is considered a fourth pillar of democracy which helps to express an individual's thoughts freely, which is the basis of all democracy.

Types of media and their changing form

There are three main types of news media: print media, audio-visual media, and social media.

Print media includes newspapers, books, journals, and magazines. The history of print media is not new it has existed in India and other parts of the world since ancient times as the rock edicts that we found when kings used to broadcast information through rock edicts. These rock edicts were kept in public places so that people could read information and be aware of the rules and policies made by the Kings this was widely used by King Ashoka. As a medium to connect with a mass audience. Newspapers are another source of print media that provides local, national, and international news. It also does the work of recording historical documents and current events which need to become part of history. The first English newspaper of India was named Kolkata Journal or the Bengal Gazette started by James Augustus Hickey on the 29th of January 1780. It continued with a lot of variations in its regional languages local news and covering every aspect of the society in one newspaper from international news to local news cricket education spiritual life way of living health etc. Magazines and Journals are periodical publications that are published in various fields and with different time intervals.

Audiovisual media includes television, radio, movies, podcasts, posters, charts, graphs, etc., which helps to connect with mass audiences. Audiovisual media includes an emotional connection with the people. The combination of pictures and words often evoke emotional responses from viewers. The viewers get attached to the person or the content and how it is presented sometimes they start imagining themselves in the character that has been portrayed on the screen or expressed through audio mediums. It has a long-lasting effect on the minds and hearts of people.

Social media or modern media are websites and programs that help people talk to each other, get involved, share information, and work together. People use social media to stay in touch with their friends, family, and neighbors. Facebook, YouTube, Instagram, X (Twitter), Pinterest, LinkedIn, and Threads all are forms of social media. It serves as a perfect platform for freedom of speech and expression where an individual can express their ideas beliefs thoughts actions to educate and create awareness on social media platforms which in the true sense empowers and gives the right to individuals to exercise their freedom of speech and expression in a real sense. Where individuals can write articles, create a channel share information, write a poem, sing and song and communicate to the masses and have freedom to his/her speech. It also helps to reach customers through a popular new way to talk. About 3.8 billion people all over the world use social media¹. And this data itself speaks about the freedom of speech available in the world in today's era.

Pros and Cons of Media in the 21st Century

Pros

There are various major benefits of media that have given shape to the current world that we live in. The selection of media plays a very important role in communicating with the target audience depending upon what a person wants to communicate.

Spreading information and awareness to people, the very first and basic activity that is been done by media is spreading information and awareness to a large number of people. This is been done with the help of televisions, newspapers, and radio.

Highly specific audience, all kinds of media have highly specific audiences that are inclined to one particular media style as per their preferences and interest areas. It increases the loyalty of the people who trust and follow any one particular media. People who read newspapers are inclined and trust newspapers only. Whereas the modern world prefers online news these targeted audiences never change their loyalty. Media has a global reach in the age of technology and social media there is every message that reaches every section of society.

Media allows creativity, to present one's message and deliver it in society, also known as creative freedom. Filmmaking allows artists to interpret and present stories in various ways, including historical narratives with the help of creative freedom they enjoy.

Media is cost-effective for creating and widespread passing messages to the masses. It has a low-cost medium as well to communicate freely such as radio and reach a large audience. Where not only information but education and entertainment are also possible.

Cons of Media

Fake news and rumors are spread with no authenticity and an inability to trace and validate the original news, where the message conveyed is been destroyed by multiple users and portrayed in a way that pleases people.

Yellow journalism usually refers to sensationalistic or biased stories that newspapers present as objective truth. Is a big danger that exists in society and affects people's minds by passing in biased information and half-truths, and creating a society with people filled with wrong perceptions which at times impacts generations.

High cost is involved in expressing your personalized thoughts using media, for example, to print an advertisement in a newspaper five lines costs 5000 rupees sometimes to print an advertisement on the front page costs lakhs of rupees. Audio-visual media is more expensive to advertise so even if we have freedom of speech and expression it is too expensive for the common man to utilize it.

There is always a scope for negative comments and hate speech when somebody's exercising its right to speech becomes invading another person's life and hurting their sentiments. History has evidence of such cases.

Research Objectives

- a. To analyze the scope of article 19 (a) freedom of speech in today's era of Media
- b. To study the effects of media through Howard Gardner's Theory of Multiple Intelligences.

Media impacts on individuals' life

In education, there is Howard Gardner's Theory of Multiple Intelligences it's a theory that helps a child to learn education through various learning styles the same individuals who grow up as adults with the same learning style are people who learn to believe thoughts, facts, information, truth, and knowledge via different sources of media in the same learning style in which they learned as a student. Hence, we can see people sometimes understand news or communication through songs since they have Musical intelligence. Few individuals understand facts with the help of graphs etc. since they are individuals with Logical-mathematical intelligence. Be it any media using any intelligence it impacts the life of an individual one message conveyed in any movie or song or news impact the thought process of the generation, young children are impacted a lot by it as it shapes their minds and hearts. In the name of freedom of speech many times advertisements are running which may not be appropriate but since it is been there is an open domain an individual feels that is correct to be done. The media can also influence

how an individual perceive themselves and others by providing information that reinforces certain stereotypes or exaggerated images of people from different backgrounds.

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

Being the largest democracy in the world Indian constitution ensures that citizens are empowered with various rights and facilities which are called as “civil Liberties” so they can lead their lives in peace. Fundamental rights ensures that basic rights and liberties of the citizens are being protected, there would not be any encroachment by supreme power on citizens liberty.

Bhagwati J. in Maneka Gandhi case observed that “The fundamental rights represents the basic value cherished by people of this country since vedic period and are calculated to protect the dignity of individual and to create conditions in which every human being can develop his personality to full extend. they weave a pattern of guarantee on the basic structure of human rights and exposé negative obligation on the state not to encroach on individual liberty in its various dimensions.”

Under article 19 (1) (a) of Indian Constitution it provides right of freedom of speech and expression as a fundamental right, which also includes:

Freedom of Press

Freedom of Commercial Speech

Right to Broadcast

Right to Information

Right to Criticize

Right to expression beyond national boundaries

Right not to speak or right to silence

Even Preamble ensures the liberty of thought, expression, and belief to all the citizens. So when it comes to media, it does not only mean “Press” but it includes any form of media where you can freely express your thoughts, experiences etc. Media is wage concept as it includes books, articles, songs, etc. Basically this article empowers every citizen to express his thoughts without any fear and considers it as a fundamental right. Because for any good governing democracy citizens role plays a vital role.

In a simple term citizens have right to express their opinions and views without any fear and barrier. This right includes expression by spoken words, by written word, by picture or by movies etc. On the other hand this right to speech also includes the right not to speak. Basically under this article, freedom of the press is an inferred freedom.

An important point here is this right is available only to an Indian citizen and not to a foreign nationals. However this right is not absolute, appropriate government by any time or time to time restricts or regulates this right.

The second Chief Justice of India Patanjali Shastri has observed that “ freedom of speech and the press lay at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of government is possible.

Though we consider it as a fundamental right, some restrictions must be imposed to prevent misuse of such right, article 19 (2) states restrictions on freedom of speech and expression for the interest of following reasons :

- a. Security
- b. Sovereignty and integrity of the country
- c. Friendly relations with foreign countries

- d. Public order
- e. Decency or morality
- f. Hate speech
- g. Defamation
- h. Contempt of court

It can be seen that sometimes when people express their thoughts, experiences, etc, it affects other people or has a negative impact. So to prevent it certain restrictions are imposed.

Freedom of Speech and Expression in Movies

When it comes to movies, sometimes the story of the film, any scenes, or showcasing of facts can hurt the feelings of people or community, especially when it comes to movies which are portraying any historical story or incident, there are chances that if such movie or any scene of the said movies is portraying something which is not believed by a related community it affects their emotions, there are certain incidents, where the story or its presentation have affected some group of people for example:

Sanjay Leela Bhansali's "Padmavat" movies attracted controversy, as some scenes from the movies showed the wrong history per some group of people, who consider this as an important part of their history. Earlier the name of the film was "Padmavati" but after the protest of a group of people whose emotions were damaged because of mis – misinterpretation of history and its showcase, even this matter went to court. Ultimately the controversial part or scene from the movie was deleted, and even to avoid further damage, the name of the film was changed. So it can be considered fictional.

Freedom of Speech and Expression Electronic Media

TATA PRESS V. MTNL (1995) 5 SCC 139, the Supreme Court stated that the right to "commercial speech" or advertisement is included in the fundamental right to freedom of speech and expression guaranteed by Article 19(1)(a). hence, here a private agency like Tata Press is, entitled to bring out **Yellow Pages** comprising advertisements, the annual buyers guide for Bombay. The larger implication of the right to advertisement being elevated to the status of a fundamental right is that from now on it can be restricted only on the grounds specified in Article 19(2). MTNL cannot come in the way of Tata press yellow pages in "**public interest**" as no such ground is mentioned in Article 19(2). **Commercial speech now enjoys as much protection as any other speech.**

Freedom of Speech and Expression on Social Media

Not only this, but there are ample examples where a person's right to freedom of speech and expression have affected negatively for other person. Even when we look at social media. Specially on social media , even one post may create hate rate in society, may it be through any video , song or post.

Conclusion : As we discussed above right to freedom and speech and expression is a fundamental right under Indian constitution under article 19 (1) (a). As every coin have two sides, here this right also have positive and negative sides. From the above statements, it can be clearly seen that, this right is given to citizens, so that they can leave without any fear by expressing their views on every subject. Being their fundamental right . When we say democracy citizens, their views and their rights plays an important role. The base of democracy is the people, all power is with citizens. Hence Indian Constitution being that largest democracy empowers citizens with such fundamental rights. On the other hand sometimes freedom of speech and expression may cause disturbance in society then that may be in any form like movie, painting, song or even social media post. Hence while using our right to freedom of speech and expression, we as an ideal citizen have to keep it in mind that, our expression is not offending to anyone. That is why

under article 19 (2) there are certain restrictions on their right, especially when it is affecting or related to integrity , sovereignty of our country.

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ARTIFICIAL INTELLIGENCE IN MASS MEDIA – THE GLOBAL OUTLOOK**Ms. Namrata Shetty**

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Abstract

The focus of the present study analyses the manner in which Artificial Intelligence has completely conquered every global industry. In recent times, the field of mass media has faced much interference and deep disruption by the elements evolving from the technologically advancing facets in media products and services. The personality of Artificial Intelligence (AI) has progressively made its space in every field as if it came from the fictional realm and materialised itself into the real space. It initially made its presence felt in the shortcomings that the media industry faced and slowly became the only means of progressive media. There is a new-found obsession with the newly found environment created through the virtually adaptive effects and uses replicating traditional environments. Currently, the World which is being led and run through digitalization adapts to the magic behind the power of technology providing a high platform to our active actors of Mass Media such as Television, Newspapers including any kind of new media. Offering various forms of private entity, Artificial Intelligence allows multiple impersonations of human abilities to use and run machines more efficiently. In a nutshell, Artificial intelligence is technologically bias and has various impacts in the vast field of mass media. The present research aims at critically analysing an overview of the role that AI plays in Media along with the associated impacts that the field faces.

Keywords: Artificial Intelligence, Media, Transformation, consumer experience. Cyberspace, cybercrimes.

Introduction

In the world where data and technology have been proved as a guide to a string of decisions in every field known, all industries must adapt and adopt these technological policies in order to be a sustainable part of the ever-evolving future. The field of mass media is no exception to this phenomenon and the ethics and work frame must collaborate their methods and strategies to meet the requirements of new age media as “the future of journalism and its business models seem to be bound by the penetration of technological deployment” (de-Lima-Santos and Mesquita 2021a, pp. 1416–17). In the recent years, media has been gravely disturbed by the impact of technological creations (Hernandez Serrano et al. 2015; Örnebring 2010). The recent years have introduced new facets of intelligence causing a stir in the markets and the scholars have aimed at acquainting the society at large regarding the capabilities of Artificial Intelligence (“AI”) and the versions that are unfolding every year. The concept of AI primarily deals with a sequence of computer network and sciences that revolves around human intelligence simulations (Broussard et al. 2019, p. 673). Though it is evident that AI in mass media can make for less handicap and more preparedness in cases of over-burdened resources, it can also pose threats on the account of the unfamiliarity of consequence and applications. Despite the numerous efforts instilled in the productive

deployment of AI in the digital world and mass media, the academic studies and research still remains nascent.

What is Artificial Intelligence?

It can be said that the intelligence drawn from human simulations through computer systems creating a vast base of knowledge including a natural language processing, active recognition of speech and efficient machine image collaboration which are rapidly developing provides a sufficient description of Artificial Intelligence. It has become significantly important to investigate the distinction in core learning and neural applying networks as against machine learning and it has been recognised that there is a start emergency around the development of artificial intelligence mechanisms especially in context to its rigorous inclusion among men at large. It can be noted here, that many distinguished personalities like Stephen Hawking and Elon Musk have continually shown concern that AI is spreading too wide-too soon and have already shown glimpses of ill effects upon the un-prepared human culture. Artificial Intelligence lacks human values and will never be able to appropriately justify its actions and ground for decision-making. As technology develops, new versions of avenues appeal to consumer and business houses which help them to address their issues introduced by the current times. This caused the application and impacts of Artificial Intelligence to become so prominent in its existence that its presence can be seen more and more in all facets of the society making AI affordable and accessible. Such intelligence involves the completion of many human tasks such as recognising images, performing daily tasks consistently, etc. A fresh term can be introduced in this world of AI and cyber space - "Information chaos." Its key elements include a sharp divide globally, high level of disparities in informational inequalities, serious weaponizing of information, data being used like a commodity, large-scale pollution of the eco-system of information through various technologies and mass media platforms.

Nexus between Artificial Intelligence and Mass Media

In line with this background, the paper aims at revisiting the role of AI in Mass Media and communication, keeping in mind the manifolds of complexities in knowledge and information. The key to understanding these complexities is to understand the manner in which AI promotes, develops and simultaneously infringes mass media communication while aspiring to achieve its ultimate destination i.e. philosophy of society. The main basis remains that the expansion of AI will help acquire increased limits of human intelligence which in turn will create a new world filled with applications that have the capacity to improve media efficacy and media efficiency in the Society. All the same, the researcher maintains that the society must be mindful of the threats and risk that AI poses in the field and industry of Media. The main issue than can be raised is the one inclined towards the dominance of digital forces in Information technologies and how the developing nations, such as ours, may have been lagging behind in the path to creating and utilising knowledge societies due to the sub-standard technological infrastructure and failing information systems.

Amazon's Alexa being capable of comprehending human commands and following pursuit in the instructions can surely be called out as one of the earliest introductions to the scope and application of Artificial Intelligence among the consumers. It made the common class of consumers believe that AI can enable machines to use their algorithm to obediently follow commands and perform tasks with a human adroitness. What truly sets it apart is the possibility that lending machines and able to execute human decisions with a certain degree of ease and that too without human assistance. Media, a tool being a tool for mass communication, allows the society to be empowered with a broad spectrum of information.

Media channels and intermediaries collect informational data and make it available to the society for their welfare. In the new trending era of AI driven communication, the following are some areas where AI is largely used in mass media and information projections:

1. Social media platforms and Digital applications:

The consistent and dynamic flow of information on social media platforms such as Facebook, Twitter, LinkedIn, etc. can be conveniently manipulated by pushing and promoting the leads which want to be given more prominence in comparison to the others. This shows that there is an algorithm that can predetermine the posts or agenda that will be give major importance on social media (Rathje et al., 2022). Robotic accounts (“Bots”) can be programmed to act and respond exactly like humans such as sending messages, retweet messages, stand in favour of or oppose any proposition publicly. Spam bots are extremely dangerous as they can get involved in deceptive, spiteful or unrequired nuisance with irreversible damages. The bots can circulate misrepresented and fraudulent information that could be a major actor in making or breaking someone’s reputation or image on media platforms. The varied instances of digital crimes only lays more emphasis on the fact that the IT Act 2000 along with its amendment Act 2008, though introduced to combat and control the negative impacts of web-based crimes, there is an ardent need to bring in new protocols and legislations to cater to the needs of the ever-growing variations of cybercrimes. Growing concerns due to the instances of stalking, bullying, morphing and other ways to cheat on social media have made it even more essential to arrive at a need for a designate means to conclusively curb the tendency of occurrences. These crimes are changing the modus and skills everyday making the new IT Regulations 2021 largely insufficient to curb the occurrences of these crimes online (Aryan, 2021).

2. Artificial Intelligence in wide-spread broadcasting of information:

Real-time streaming technology works for both, the news intermediaries as well as the ultimate viewers who can watch various media be it the news, or recorded shows, etc. Artificial Intelligence allows the data to be customised and tailor-made for the consumers, and it enables the audio-visuals to be sent on real-time basis so as to make the consumers experience as engaging as it can get. The promotion can be hiked up by increasing ad-sales and by placing them at the right spots. The digital billboards pulled in more income during live sports (Verma, 2022). Newsrooms and news agencies are gaining more profits through artificial intelligence through AI’s news aggregation and content extraction API utilising Beta web interface. The intelligence also allows the platforms to find out what is being watched most and what kind of data is engaging the audiences the most. To modify the content the media intermediaries can take a good look at the trend set by the consumers and accordingly design strategies of promotion. Artificial intelligence can also drive promotion stunts, supply chain monitoring through advanced skills so that the content that is most desirable can be created to make money out of the projections (Verma, 2022).

3. Artificial Intelligence and News Network:

One of the most popular news agencies that is internationally acclaimed for is Reuter which uses the AI-based technology to trace and adopt breaking news all over the globe so as to reduce the physical efforts of the agency. In effect, after this technology is adopted, the journalists do not have to face the turmoil to trace and track news threads as its graphic offers a range of free information and data in the spheres of entertainment, sports, current affairs, etc. It allows the website to attract the news trending and automatically updates its data on real-time basis.

Media Ethics

It has to be noted here that although Artificial Intelligence may have caused a wind-whirl of ease in information and technology for the media industry, it has led to the questioning many ethical concerns. The main issue being the probability to create possible bias in the Algorithms used by all API applications. As AI does not understand the basic standing of ethics or morals, it can only be as unbiased as the data that is fed to the engine. If the algorithm fed to the AI application itself has been built with the biases, the performance will undoubtedly be biased. For instance, when an Algorithm is trained and has been built with data that maintains racial bias, then it will produce racially biased data with no filter to command otherwise. Now, these racially coloured results could lead to discriminatory practices in the media circles leading to advertisements that will be tuned to the tone of targeting a particular race or gender. Another major concern is in regard to the probability of AI using deepfake content to use personal data in creating fake audios, videos, or photos that appear to be real or original. Such content has the power to undermine the credibility and authenticity of the actual content and cause the public to lose trust and faith in media at large.

Role played by Artificial Intelligence in crime causation crime-prevention

Mass Medi can be taken to mean a medium of communication designed to reach the furthest boundaries of masses of people in the society. Thus, it can be meant to encompass all such media and technology that is deployed to rigorously spread information and data to a broad spectrum of audience base. The most core value that such media holds is to communicate varied messages across the different types of mediums such as Television, advertising, radio channels, internet, magazines, newspapers, etc.

What form of media can be covered under the ambit of Mass Media?

Social Media plays a pivotal role in the category of Mass Media as it influences different levels of digital spaces and technologies to perform sufficiently and thereby cause wide-spread information sharing among diverse classes of consumers.

Relationship between crime and Mass Media:

The relation between Crimes and Mass Media is the oldest debate and still stands disputed. This is especially because mass media by itself cannot cause crimes, but it can cause an impact upon the viewers or the audiences so as to invoke differential behaviour that can directly contribute to the crime in many ways.

- **Sensationalism**

The root cause if most mass crimes is due to the sensationalizing of those crimes on media. The audience may get attracted to the coverage offered to the offender making such stunts appealing and in turn may instigate such audiences to commit crimes that can offer such platforms. For instance,

- Media protests and unrest can also trigger the audience that is viewing or hearing the new and ultimately coax the audience to participate in these mobs.
- In a few cases it has been seen that the detailed reporting of suicide cases may trigger what is called the “suicide contagion” which may inspire the other to take similar actions.
- A famous case is where Martin Bryant executed a mass shooting being motivated by the Dunblane Massacre that transpired at the Dunblane School (Scotland) in 1996, wherein Thomas Hamilton mercilessly inflicted fatal gunshot wounds killing 16 pupils and 1 teacher before turning on himself and ending his own life. Bryant’s advocate placed on record, that the offender was motivated to perform the

acts by the story portrayed by the media who focussed the news upon Dunblane as if her were the hero of the story.

- **Copycat Behaviour:** The media is often insensitive towards the fact that the news or information shared could be taken and absorbed differently by different segments of the audience. There are multiple cases where the viewers have wanted to taste the stardom that is faced by the offended on the basis of what they see or perceive and have intimately copied the original story to live the stardom themselves.
- **Misrepresentation and Stereotyping:** On various occasions media attempts to discriminate between communities and individuals not knowing that their actions can instigate a feeling of criminal conflict In the impressionable minds of the not so strong audience that are merely awaiting such an opportunity.
- **Vigilantism:** Media coverage sometimes also cause the information that is being projected to be depicted in a manner so as to make the masses feel helpless and vulnerable and this could create in the minds of the audience that perhaps matters of law need to be taken into their own hands in the name of justice and equity and this sparks a need in such individuals that not taking matters in their own hands will then lead to bigger atrocities.

Conclusions: The researcher concludes by noting that although Mass media in it various forms can participate in positive forms of uprising for our government or build bridges between astronauts and space dreamers worldwide, with the volumes of information and data being shared on social websites, news channels, etc. the possibility of misusing such data is easily possible. Marketing agencies stalk the personal preferences of consumers through online participation, such as news feeds, activity on news portals, trending communication on social platforms which in turn can be susceptible abuse and the perpetrator may more often than not, not even get caught or reported for the offence. Artificial Intelligence and automation are core players of the media sector, and it is not completely wrong to say that media cannot survive and thrive without AI, however, AI does also have the capacity to pose potential risks that can become a catalyst in cybercrimes. The European Union, a leading power in 2019, had enlisted new ethical AI development criteria (Vincent 2019), three principles of which fit the trajectory like a glove:

- Mass Media personnel must be appointed to be able to supervise and control the functions and decisions of the AI mechanism and such personnel must be selected from various industries and fields, especially Media.
- The algorithms instilled in the AI engine but be scrutinized by designate human scrutiny so as to ensure that the firewalls and acceptance of the software has been thoroughly investigated and trained before usage making AI comprehensible and available to humans for any alterations whenever required.
- AI systems should be held accountable and for that is essential that human assistance should be offered through the AI software. The AI technology must also be sufficiently audited so as to avoid any confusions and miscommunications to the public and the society.

Recommendations: To make the masses feel secure and instil faith in Media and media houses, the following measures can be considered:

- Personal Information must be treated with dignity and confidentiality. The data pertaining o location, place of residence, personal information such as contact details, personal photographs, etc, must not be shared with unknown agencies or individuals.
- There must be a wide-spread promotion and subsequent awareness of the various types of atrocities taking place in media platforms at the hand of AI technologies so that the society can be prepared for the ill-effects and combat the shortcomings of the administration appropriately and within the designate time frame.

- The media channels must promote information that assists the society in continually maintaining peace and harmony instead of inciting ill-will and hatred even if they stand to benefit it in some way or the other. Upholding the integrity and equity which the constitution of India envisioned through national polity must be the duty of the intermediaries that have the power of expression.

The recent emergence of Artificial Intelligence in media has raised havoc in the personal lives of every individual in the society. The threats and risks will keep modifying and altering itself to suit the requirements of the society. However, Mass media has the power and the channel to take forward the morals and views put forth through the Constitution of India without injuring the society in elements and in spirit and to ensure that Justice forever prevails.

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MEDIA AND POLITICS: THE INTERSECTION OF INFLUENCE AND POWER

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Introduction

Behavioural scientists now hold the view that political ideologies, individual personalities, and emotions influence the attitudes of various politicians worldwide. This results in a particular political stance wherever it is used. In addition, it has been shown that the media plays a role in how people behave when it comes to political activity in any given society. The relationship between politics and the media has grown recently. People continue to ask if the media can affect political conduct in order to discern a person's political perspective because of the media's widespread distribution and the various ways in which it is used. They also wonder what impact the media can have on the establishment of political positions. Since interpersonal connection and mediation are the most crucial factors in fostering citizen involvement and accelerating diffusion, education today emphasizes the importance of profound political conversation in strengthening democracy with its tenets.

Background

The 1930s saw the start of modern empirical research on the effects of mass media, partially due to the simultaneous and rapid rise in radio use and the seeming effectiveness of Hitler and Mussolini's propaganda strategies. Early studies made the assumption that propaganda and messages could be easily injected into people's minds. Media power would have a very bad potential if this hypothesis of media effects were correct.

Early empirical research disproved the hypodermic needle idea, which claimed that voting was directly influenced by the media. Studies conducted in the 1940s and 1950s discovered that print and radio media had very little direct influence on people's intentions to vote. Rather than changing preexisting attitudes, they tended to strengthen them. Similar experimental investigations revealed that propaganda films primarily transmitted information but had little effect on attitudes. According to Klapper's 1960 thesis, mass media frequently serves to confirm preexisting attitudes rather than to bring about change. As a result of these discoveries, new ideas that explain media influence without going against preconceived notions have emerged, including agenda setting, priming, and framing.

However, what are the real findings of these studies, and why is this disappointing? More specifically, Berelson et al. (1954) discovered that voters were more informed about the candidates' positions on the topics because of the media coverage they received throughout the campaign. They discovered that, regardless of other factors being taken into account, media exposure always affects political knowledge. After accounting for the degree of interest in the election, media exposure also raised political inclination, voter turnout, and interest in politics. The fact that the campaign did not significantly alter voters' intentions to vote led to the negative response.

⁸²Literature Review: The Relationship between Media and Politics

To maintain effective public support and succeed The media's support is necessary for the governing class to make decisions. An essential component in the establishment of functional democracies has been the press. One of the key preconditions among democratic principles is the phenomena of press freedom. The introduction of digital journalism has given the media a more significant dimension in conjunction with technological and economic advancements. As a result, "press freedom" has gained more traction in democratic discussions than it did in earlier years.

Owen Fiss emphasizes the vital role that the media plays in democracies in his research on modern democracies. In democratic institutions, the general population must be knowledgeable. Consequently, the only thing that can foster goodwill between the populace and the governing class is media independence. Press and expression freedom are essential to a healthy democracy.

One of the media's primary roles as an essential information agent is to give the public a channel through which to obtain information. It should be highlighted, nonetheless, that the media mostly obtains material from official sources in order to more affordably cover news gaps on a daily basis, which makes it challenging to produce objective news. It should be mentioned that voting on both internal and foreign policy matters in today's society requires people to be properly educated. The media is essential to modern democracies as a source of information for the general public. In democracies, the various media outlets serve as a "watchdog" over governmental policy.

A free and independent press is essential to democratic governments. Since the media plays a major role in agenda-setting, media freedom is crucial in democracies. One of the most significant functions in the media's political influence is the agenda-setting role. A functional agenda-setting system requires both internal and external diversity in media actors, commonly known as "media pluralism." According to Schudson, media organizations are vital to public life and play a significant role in liberal democratic nations. On the other hand, framing theory contends that how news reports are interpreted about various topics has a major impact on how political conversations are reflected. Stated differently, framing theory can be characterised as a system that allows newsmakers to select certain aspects of reality while ignoring others. It could be argued that frames highlight certain realities at the expense of other realities. Political outcomes are typically determined by the media's portrayals of certain political events since news has a direct impact on how the general public perceives social and political events. Political rivalry is fierce in democratic regimes since there are numerous independent media players, and each political actor has a voice in the media scene

While the political elite is frequently brought up when discussing media freedom, the democratic nature of the media itself is also a crucial consideration. It emphasizes how different nations have different political, economic, and social media structures, and how ownership patterns and legal frameworks affect those structures. The paragraph makes the argument that, even in democracies, the media frequently works to further the interests of the ruling classes and is a means of "manufacturing consent" to increase support for governmental policy. Politics is greatly impacted by government manipulation and influence of the media, claim Herman and Chomsky.

⁸² Review. International Journal and Creative Research Thoughts., from <https://ijcrt.org/papers/IJCRT2205136.pdf>

⁸³**Ownership patterns in media in India**

Different kinds of media ownership exist. A wide range of entities, including businesses, trusts, societies, and individuals, own and operate several media organizations around the country. The Registrar of Newspapers had over 82,000 periodicals on file as of March 31, 2011.

There are four main categories of media ownership.

Chain Ownership: A media company is considered to be in chain ownership if it owns several outlets within a single medium, such as a chain of newspapers, radio stations, television stations, or independent book publishers. Newspaper ownership is the most prevalent type of chain in India. Among other Indian publishing businesses in this group are Hindustan Times, Indian Express, Times of India, Statesman, Ananda bazar Patrika, Hindu, Telegraph, and Living Media Foundations.

Cross-media Ownership: This refers to the ownership of several media outlets—such as periodicals, newspapers, record labels, publishers, and so forth—by a single company. ownership of content across media platforms, such as print, radio, and television; dominance of market share in a particular geographic area within each media segment; and consolidation, which includes vertical integration of content, carrier, and distributor within media platforms, such as print or radio

The term "conglomerate ownership" refers to the ownership of multiple businesses, including a news organization. A conglomerate is formed, for instance, when a large publishing company owns a newspaper and is also involved in the chemical, fertilizer, cement, rubber, or plastics sectors, or when a large corporation holds controlling interests in multiple media-related businesses. The directorships of a conglomerate will overlap, meaning that the same individuals will serve as directors of manufacturing, financial, and media companies. Newspaper, television, and film production companies are essentially under the direction of a number of directors of truck or transport companies.

Vertical integration ownership – In the entertainment and media sector, vertical integration describes the ownership and management of two significant organizations: the distributor, which grants customers access, and the broadcaster, which offers programming and content services. Recent trends indicate that a growing number of broadcasting businesses and TV distribution platforms are entering each other's domains. For instance, broadcasting corporations that own cable DTH, HITS IPTV, etc. One excellent example is ZEE Network, a content creator, and Dish TV, which provides customers with direct-to-home service for that content.

⁸⁴**Political parties in India and the press**

Online political rivalry has existed for several decades between the Indian National Congress and the Bhartiya Janta Party, two significant national parties. Adversarial use of propaganda against people occurs on the internet. The verbal duel is conducted through every possible channel. Both immediately reply to each other's tweets. The most well-known tweets from both parties were when the Congress referred to Narendra Modi as "Feku" and the BJP referred to Rahul Gandhi as "Pappu." Each party tries to highlight the shortcomings of the other and minimize the triumphs of the other. Both parties assert that they have

⁸³ *Ownership*. SCRIBD. from <https://www.scribd.com/doc/116098790/Types-of-Newspaper-Ownership-in-India>

⁸⁴ *Media in indian politics and more*. JSTOR from <https://www.jstor.org/stable/26534863>

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sizable fan bases. Political parties have their own websites these days, unlike a few years ago, and some of them engage with users on other social media platforms. Given that the leaders of each party are available on many media platforms and maintain personal websites, it seems possible for the people to engage with them. It's not necessary to wait for them to speak or make an appointment anymore. A single button click is all that is required to communicate with the leaders. Rahul Gandhi, the recently chosen vice president of the Congress party and a rising celebrity in India, has engaged with the public—particularly the younger generation—on nearly all social media platforms, aside from face-to-face conversations. Through social media sites like Facebook, he has communicated with both the public and celebrities at the same time. In order to share his thoughts with others, he also blogs. Mr. L. K. Advani, a member of the Bharatiya Janta Party, has a personal blog. One of the earliest politicians to utilize Twitter was Congressman Shashi Tharoor. Mr. Narendra Modi, the chief minister of Gujarat, has interacted with the public via a variety of media platforms. He has been effectively using social media to communicate with India's youth and disseminate knowledge. He has repeatedly said that by making use of social media's potential, young people should be integrated in the democratic process. His approach is seen in the Gujarati elections' outcomes.

⁸⁵**Social media and Lok Sabha Elections**

As the 2014 Lok Sabha elections approach, how will the widespread use of social media affect the future of political parties? It is necessary to research the demographic study of India. India has a relatively low internet penetration rate. However, the user base is growing quickly. According to study done in June 2013 by IMAI and IMRB International, there were 190 million active Internet users. This indicates a significant increase in Internet usage. Thirty-one million of these users are in cities, and sixty million live in rural areas. Additionally, a sizable portion of the population uses Facebook and Twitter. Thirty-seven percent of Indian voters who are registered in cities are online and make frequent use of the internet. There are 25 million NRIs in India.

Social media is actively used by this demographic. Despite not being able to vote, they do have an impact on how their relatives back home vote. This suggests that a sizable portion of the population uses social media either directly or indirectly and is influenced by it.

In terms of voter age distribution, data suggests that India will have elections in 2014 with a younger voter base. The 2011 Census shows that 31.3% of people in the country are currently between the ages of 18 and 35. The Election Commission predicts that there will be 149.36 million new voters this year. This group is the same as the one that uses social media constantly. India has a higher percentage of Facebook users (52.8%) between the ages of 18 and 25 than the average of the other top 15 countries (33.7%). (Source: Facebook data from September 2010 from Inside Facebook Gold.) However, the truth is that these internet users

seldom cast a ballot. The 2011 census states that there are 121.01 crore people living in India, of which 377,105,760 (31.16%) are urban residents. Approximately 74% of internet users in urban India utilize the

⁸⁵ *Election*. Ipleaders. from <https://blog.ipleaders.in/influence-of-social-media-and-technology-in-the-indian-elections/>

Election. LAW CIRCA. from <https://lawcirca.com/laws-pertaining-to-media-elections-and-role-of-media-in-elections/>

Internet and Mobile Association of India (IAMAI) states that make use of social media. This suggests that social media can have a significant impact on the urban Indian populace. 68.83% of India's population, or 833,087,662, lives in rural areas. As a result, 68.91% of Indians live in rural areas, where the majority of them reside. Previous elections have demonstrated the impact of rural voters on the outcome. There have always been more votes cast by rural residents than by city dwellers. According to an analysis of the aforementioned data, people who live in rural areas are less likely to be influenced by social media because these people have a lower literacy rate and a lower level of tech expertise. Furthermore, a variety of factors play a role in an individual's decision to vote in India. Indian voters prioritize caste, religion, and communal sentiments over all other factors, regardless of their location.

⁸⁶**Media Bias in India**

While the COVID-19 pandemic has exacerbated media bias in India, this is by no means a new phenomenon. A study conducted between 2017 and 2018 on 30 Indian newspapers and 41 Indian TV stations with the greatest audience rates in the country shows that media bias is pervasive.

The study assigns a liberal, neutral, or conservative rating to editorial articles that discuss issues of caste, gender, or religion in order to assess the overall bias in each magazine. The newspaper then compiles these ratings. The results, unfortunately and predictably, show how widespread media bias is. For example, all publications—everyone save eight—convey prejudices that are far from neutral. Moreover, a consistent association exists between this partiality and the correspondingly skewed perspectives on social, economic, and security that Indian audiences convey. This suggests that either Indians are consuming information that confirms their preconceived notions, or media biases affect the viewpoints of viewers. Meanwhile, political parties use this bias to their advantage in order to change public perception and consolidate power.

The BJP spends about USD \$140 million a year on PR, of which 43% comes from print advertisements in newspapers. Government advertisements are a tool for financially influencing media content and public opinion. For example, publications with a higher readership leaning to the right and promoting more conservative views were more likely to get advertising revenue from the BJP in the year before the 2019 elections.

There are various forms of bias in the media, including

Omission bias - When media outlets minimize or disregard particular events or viewpoints that conflict with their own goal, this bias takes place. This could lead to a narrative that is biased and misrepresents the truth.

Sensationalism - Sensational or contentious articles are given priority by certain media outlets over more in-depth news. This may obscure more essential concerns and skew the public's perception of important ones.

Political bias - When a political party or philosophy is continuously favored above others by media outlets, this occurs. This bias has the potential to distort perceptions of the political environment by influencing how policies and events are presented.

⁸⁶ *Media Bias*. Citizen of Justice and Peace. from <https://cjp.org.in/how-biased-media-is-undermining-human-rights-and-democracy-in-india/>

Media Bias. Stimson. Retrieved from <https://www.stimson.org/2021/media-bias-and-democracy-in-india/>

⁸⁷Positive impact and negative impact of media on politics

Positive impact includes

1. Democratization of political participation: People can now express their thoughts, participate in political debates, and cast ballots thanks to social media.
2. Direct communication between politicians and voters: Social media has made it possible for politicians to communicate with voters in real time and establish direct connections with their supporters.
3. Diverse viewpoints: Social media has given a forum for a range of views and opinions to be heard, which can result in more inclusive and transparent political conversations.

Negative impact includes

1. Spread of fake news and misinformation: False information has been disseminated via social media, which can polarize political narratives and contribute to the spread of disinformation.
2. Use of fictitious social media accounts or bots: Propaganda and opinion manipulation on social media have been employed, which can skew election results and threaten democratic norms.
3. Political discourse polarization: By promoting opposing viewpoints and establishing echo chambers, social media can exacerbate polarization in politics.

⁸⁸Role of Media in Indian Politics

"I want criticism directed towards this regime. Democracy is strengthened by criticism. A democracy cannot thrive in the absence of constructive criticism. In 2014, Indian Prime Minister Narendra Modi made these remarks. The prime minister of the Modi administration took action to weaken free media in response to the nation's growing economic problems and heightened tensions.

A crucial aspect of examining media liberties in contemporary India is the absence of a robust and autonomous regulatory framework. The topic of advertising is important to bring up while talking about the interaction between politics and the media in India. Because media outlets are more reliant on ad revenue, advertising offers a sort of influence over editorial content in addition to outright ownership. Media companies that face financial difficulties are more susceptible to these kinds of dependence, which eventually threatens media diversity and liberties.

It is well known that the Modi administration rewarded and penalized the Indian media in 2019 through the employment of advertising campaigns. The Modi administration ceased funding advertisements in 2020 for the three major English-language publications, The Hindu, The Telegraph, and Times of India. The decision was made in response to criticism of the government presented in pieces in all three newspapers. The Indian government punishes media personalities who do not support it by reducing advertising revenue.

The majority of English-language newspapers published in India up until the 1980s and 1990s dealt with internal political issues. They also shaped the elite press and dominated circulation, technology, and earnings. Hindi newspapers, on the other hand, advanced significantly in terms of quantity as well as local print and distribution. More people read newspapers now than ever before. It is evident that widely read

Impact. Journal of Emerging Technologies and Innovation Research. from
<https://www.jetir.org/papers/JETIR2307971.pdf>

Negative and positive impact. Academia. from

https://www.academia.edu/112565740/INTERPLAY_OF_MEDIA_AND_POLITICS_IN_INDIA_A_COMPREHENSIVE_ANALYSIS?uc-sb-sw=33305052

⁸⁸ *Role.* Edurev, from <https://edurev.in/t/177849/Role-of-media-in-Elections>

local and regional newspapers devote a significant amount of coverage to political issues. It is no coincidence that the rise of the mother tongue press in India corresponds with the country's political shift from New Delhi to regional centers. Mother tongue broadcasting has become more prevalent in Indian media, upending the English press's hegemony, which is viewed as unethical and politically hazardous. Nationalist movements provided support to Hindu newspapers. The aristocratic and urban-centric journalism of the past has changed, concentrating more on profit and local news. These days, the media not only shapes public opinion, but also impacts it. Influential publications include Ananda Bazar Patrika, The Hindu, and National Herald. Hindu nationalism has grown as a result of the influence of TV media. In India, the connection between politics and media has changed in tandem with economic shifts, especially since the liberalization of the market in the 1990s. As a result, the media became privately held instead of publicly owned, changing media ownership and news coverage philosophies. Political elites hold a large number of regional news networks, combining media and politics. Media freedoms are threatened by a lack of regulatory protections against political influence on media outlets. For India to successfully protect media liberties, an independent regulatory framework is required.

⁸⁹**Impact of Social Media on Indian Politics after Covid-19 Pandemic**

The role of social media: Following the COVID-19 pandemic, social media sites such as Facebook, Twitter, Instagram, and WhatsApp have become indispensable for political mobilization and communication in India.

Positive and Negative Effects: Social media has made it possible for citizens to participate in politics and for politicians to interact directly with their constituents, but it has drawbacks as well, including misinformation and privacy issues.

Influence on Elections: Social media has changed the way elections are fought, enabling more citizen journalism and focused message.

Policy Implications: The study recommends striking a balance between taking use of social media's political involvement potential and tackling its drawbacks by promoting digital literacy and content regulation.

⁹⁰**Important of Indian Media in Elections**

- The Indian media is a valuable source of information on candidates, party manifestos, political party advertising campaigns, and future propaganda from individual candidates or parties during election seasons. This information can be used by voters to help them choose a specific candidate. The Indian media plays the following crucial responsibilities during elections:
- The dissemination of information by the media regarding particular candidates or parties has a noteworthy impact on public opinion development. Before the elections, opinion pieces and TV debates are typically used to present a certain party or candidate in a favorable or bad light. Voters and the public can learn more about a particular political leader or party by conducting in-person interviews with candidates and leaders. This might affect the choices that voters make. The Indian media acts as a watchdog during elections. Journalists can look into allegations of misconduct, corruption, and power abuse by a particular candidate or party prior to the election.

⁸⁹ *Post covid 19*. Research Gate. from

https://www.researchgate.net/publication/373008856_Impact_of_Social_Media_on_Indian_Politics_after_Covid-19_Pandemic

⁹⁰ *Important of media in election*. Ipleaders. from <https://blog.ipleaders.in/role-of-media-in-indian-elections/>

- The media's efforts have contributed to increased accountability and openness, both of which are critical for enhancing the credibility of the Indian election process. Through the use of voting rights in India's democracy, it might also assist voters in choosing the best leader or candidate.
- Exit polls are the method of choice for many Indian media outlets when it comes to forecasting election outcomes. Voter behaviour may be influenced by exit polls since they offer information on current political trends.
- Facilitating conversations and debates across a range of media channels aids in the general public's understanding of the viewpoints of potential political leaders. On the other hand, the people can also share their opinions and suggestions with leaders and the governments that hold power now and in the future about the formulation of plans and policies through conversations and debates on media platforms. The government or political figure can make better decisions for the growth and social well-being of the country or region by asking for public input.

⁹¹**Landmark cases**

- Romesh Thappar vs The state of Madras
- Indian Express Newspapers v. Union of India (1985)
- Shreya Singhal v. Union of India (2015)

Conclusion : India and other democracies across the world have a complicated and nuanced interaction between the media and politics. In addition to being the people's primary source of information, the media also serves as a watchdog over the government, sets the tone for political debates, and shapes public perceptions of various topics. There are worries about political parties' ability to influence media coverage through advertising expenditures, media bias, and the impact of media ownership patterns. While the media can facilitate direct communication between politicians and voters and democratize political participation, it can also facilitate the dissemination of false information, polarization, and deceptive techniques. Issues that are brought up include the rise of regional language media in India and its connections to local politics, the absence of a strong independent framework for media regulation, and claims that the Modi government penalizes or rewards media outlets according to the stories they publish. In the end, a free and pluralistic media is essential for a strong democracy; nevertheless, political interference, financial reliance, and concentrated ownership can compromise this ideal. To guarantee that the media properly performs its democratic tasks during elections and beyond, it will be crucial to protect editorial independence, advance media literacy, and fortify governance surrounding ownership and funding as India's media ecosystem continues to change. To be informed voters and consumers, citizens must have a nuanced grasp of the intricate relationship between politics and the media.

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CRITICAL EVALUATION OF CREATIVE LIBERTY IN THE DEPICTION OF HISTORY THROUGH MASS MEDIA

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Abstract

Media is considered as the fourth pillar of Democracy vide its potential to influence and shape the public sphere and overall social development. Given its wide outreach and impact on the masses, the mass media in particular, is a powerful tool to entertain as well as to educate. The paper is an attempt to specifically delve into the depiction of history by mass media, its democratization and risk of misinformation and misrepresentation. The study of historical events such as success stories, mythology, invasions, revolutions, reformations, biographies of great personalities, political and cultural events, among others, is quintessential to enrich ourselves with understanding and adopting what was virtuous and doing away with the mistakes in order to develop a pragmatic approach. Mass media has a significant impact in conveying the history through its capacity of storytelling. However, off late, entertainment has been prioritized over accuracy. The easy accessibility of history through mass media is enriching, but with a risk of misinformation and distortion of facts, leading to complicated understanding and misinterpretation of the past. Further, the wrongful depiction of the culture, costumes, sets, use of graphics, dialogues not relevant from the historical perspective, lead to controversies in the community and hurting their religious or cultural sentiments. Thus, it is pertinent to inspect the extent of creative liberty permissible in historical depictions.

METHODOLOGY OF THE RESEARCH:

This paper aims at discovering and exploring the depiction of history through the mass media, with special attention to the use of creative liberty by the makers. Further, with the identification of the objectives, the project aims at a systematic study to solve the research problem. For the said purpose, the project adopts the Qualitative Research Approach that enables in depth understanding and analysis. Since the research is doctrinal in nature, the study relies on Secondary data source that includes official data and facts published by Government and other approved agencies, reports, news, articles, case studies and the past research on the subject, which includes the research papers.

OBJECTIVES:

1. To analyse the depiction of history by mass media and the controversies engulfed thereby.
2. To understand the legality of creative liberty in the light of Indian laws.

INTRODUCTION TO MEDIA AND FREEDOM OF SPEECH AND EXPRESSION:

“Freedom of Speech and Expression is a sacrosanct right and the said should not be ordinarily interfered with.”

- The Supreme Court of India.

The Citizens of India are blessed with the freedom of speech and expression as a Fundamental Right under Article 19 (1) (a) of our Constitution. It inherently includes not only the right to speak, and express opinions, thoughts, beliefs or ideas, but also the 'right to know'. i.e. the freedom to receive and impart information.⁹²

One such important aspect of this freedom is the 'media'. It can be said that the birth and existence of media depends on the freedom of speech and expression.

This includes expression of artisans such as film and tv makers to express their creations.

This is further reflected by the fact that government has no monopoly in the sphere of electronic media.⁹³

Broadcasting is thrown open to private entities, as the Apex Court has laid down that the freedom of speech and expression includes the right to receive and impart information. However, for ensuring this, it is essential that citizens have the benefit of plurality of views and a range of opinions on all public issues, whereby such diversity of opinions, views, ideas and ideologies will enable the citizens to arrive at informed judgement on all issues touching them; and this is not possible by a medium controlled by a monopoly, be it a monopoly of the State or any other individual, group or organisation.

Consequently, the realm of Media, especially the mass media, has flourished in India from past few decades, providing for plethora of content through the television shows and films in particular.

Further, there are ample of opportunities available to the artisans to express their creations on different subject matters and genres. This includes daily soaps, films, documentaries on genres like drama, romance, action, comedy, thrill, fictions and history. However, when it comes to the depiction of history through such mediums, there are lot of controversies emerging in the contemporary times, and hence, it becomes pivotal to analyse the same.

Historical Depictions include the representation of historical events and characters in the following forms:

- Biopic
- Mythology
- Success Stories
- Invasions and Wars
- Revolutions
- Major political or cultural stories of the past

CASE STUDY: HOW SOME HISTORICAL DEPICTIONS LED TO ROW IN THE SOCIETY:

1. Adipurush Movie (2023)

- Bollywood movie starring famous actors depicted the Mythology of Ramayana on big screen. However, just with the release of its teaser, the movie attracted huge criticism and rage amongst the public.
- The portrayal was apparently 'not appropriate' and hurted the religious sentiments of the people, especially of the Hindu Community.
- This was due to the factors like poor quality of VFX with a dark theme, inappropriate looks of the cast, especially Lord Ram, Hanuman and Ravana.
- It faced huge criticism over the language used, which was not matching the historical setting.

⁹² AIR 1975 SC 865 State Of U.P vs Raj Narain

⁹³ (1995) 2 SCC 161 Secretary, Ministry of Information and Broadcasting, Govt. Of India and Cricket Association of Bengal and Ors.

- It was also accused of plagiarized poster and stealing sequences from certain Hollywood blockbusters.

- Resultantly, petition was filed pleading ban on its release.

- There were also instances of vandalization by mobs in theatres.

2. Tanhaji: The Unsung Warrior⁹⁴

- Another big starrer among Bollywood movie, based on the story of Kondhna fort being recaptured by Marathas under the leadership of Subedar Tanaji Malusare, is alleged of distortion of many historical facts, by many historical experts.

- The look given to Udaybhan, the Rajput character appeared more as a Muslim, thus indicating an attempt to polarize the Hindu and Muslim Communities.

- Actor Saif Ali Khan, in an interview, admitted that the film is not the history, but 'an altered political narrative' promoting an idea that has caught on, but is 'dangerous'.

3. Mohenjo Daro⁹⁵

- Another historical movie that portrays the Indus Valley Civilization irked the historians and Indologists, in particular.

- They alleged the film of misrepresenting the era or period.

- Further, the costumes of the actors, particularly the heroine, were not suitable and matching to the suitable setting.

- It was alleged of stereo-typically presenting the tribal women.

4. Bajirao Mastani⁹⁶

- The big screen drama on the life of Peshwa Bajirao I attracted criticism and allegations from the descendant of Peshwa Bajirao I with respect to the historical facts claimed to have been 'altered' while portraying the late king's personal life.

- The portrayal of the wives and their interaction in the film, especially through the song 'Pinga' was taken to be offensive to the Marathi culture and specifically to the reputation of the Peshwa family.

5. over use of creative liberty by Daily Soaps at a glance

- Daily soaps are the most vulnerable media wherein there is over utilization of artistic liberty.

- The serial 'Jodha Akbar' on Zee Tv was criticized for portraying misleading plots like Ghosts, which had no connection to the history.

- The show 'Bharat ka Veer Putra- Maharana Pratap' attracted criticism from the Rajput community for misrepresentation along with a demand for de-airing the show.⁹⁷

⁹⁴ HT Correspondent, New Delhi. (Aug 2020). Saif Ali Khan calls altered politics of Tanhaji a 'dangerous' idea: 'I don't think this is history'. Hindustan Times. <https://www.hindustantimes.com/bollywood/saif-ali-khan-calls-altered-politics-of-tanhaji-a-dangerous-idea-this-is-not-history/story-Mdx9vCCHBzd0XCRNuI9b8H.html>

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⁹⁶ Express Web Desk. (2015). Major controversies that have hit 'Bajirao Mastani'. The Indian Express. <https://indianexpress.com/article/entertainment/bollywood/major-controversies-that-have-hit-deepika-padukone-ranveer-singhs-bajirao-mastani/>

⁹⁷ Udaipur Times. (2014). Historians demand deairing of the tv soap Maharana Pratap. <https://udaipurtimes.com/news/historians-demand-deairing-of-the-tv-soap-maharana-pratap/c74416-w2859-cid140017-s10698.htm>

- The show Punyashlok Ahilyabai on Sony TV portrayed the life of great ruler Ahilya Devi Holkar of Malwa. In spite of ample literature supporting the fact that the queen undertook various great and progressive decisions during her reign, after assuming the throne, yet the show portrayed all her works in her early stages of life.

Why Controversies?

Mass media has a significant impact in conveying the history through its capacity of storytelling. However, off late, entertainment has been prioritized over accuracy. The easy accessibility of history through mass media is enriching, but with a risk of misinformation and distortion of facts, leading to complicated understanding and misinterpretation of the past. Further, the wrongful depiction of the culture, costumes, sets, use of graphics, dialogues not relevant from the historical perspective, lead to controversies in the community and hurting their religious or cultural sentiments.

Further, if it is something related to history, the public demands accuracy and the portrayal of true facts and events.

Artistic liberty is much welcome in fictional depictions. However, in historical depictions, it is not accepted to the extent that it distorts the history.

Also, controversies arise due to the fact that people's sentiments are attached to history, especially when it relates to a specific deity, community, personality or region.

HISTORICAL DEPICTION AND ITS LEGAL FRAMEWORK⁹⁸:

Like every right is subject to a boundary, our Fundamental Right to Freedom of Speech and Expression under Article 19 (1) (a) are subject to Reasonable Restrictions, stated under Art 19 (2).

Resultantly, the creations in the mass media through the Cinema/ films is governed by the law of Censorship, under the Cinematograph Act, 1952. The Central Board of Film Certification (CBFC), popularly called the 'Censor Board' is the authority responsible for certifying films prior to their release. Thus, unlike the press, the Media is subjected to pre- censorship.

Such a censorship of films including pre-censorship was declared to be constitutionally valid and within the ambit of reasonable restriction under Article 19(2), by the Apex Court under the landmark judgement of K. A. Abbas v Union of India.⁹⁹

Censorship in the form of certifications is considered to be 'necessary' and plays a critical role in informing audiences about the nature and content of films, and ensuring that films are displayed in a way that aligns with their content and their potential impact on viewers.

In India, the Central Board of Film Certification (CBFC) evaluates the films comprehensively in order to make sure that they conform to contemporary societal standards in accordance with the provisions of the Cinematograph Act of 1952.

In case the certification of a film is denied on any ground, there exists an appellate Quasi- Judicial body called the Film Certification Appellate Tribunal (FCAT), constituted under section 5D of the 1952 Act before which an appeal can be filed against the order of the CBFC.

⁹⁸ CBFC. Central Board of Film Certification Official Website. Government of India. <https://www.cbfcindia.gov.in/cbfcAdmin/certification.php#:~:text=The%20Guidelines%20are%20issued%20under,the%20security%20of%20the%20States%2C>

⁹⁹ (1970) 2 SCC 780.

The process of certification of films is governed by the 1952 Act and guided by the Cinematograph (Certification) Rules, 1983 whereby, the CBFC, in deciding on the certification of films, has to consider the guidelines stated under the rules.

It contains general guidelines such as the **film shall not glorify:**

- Anti- social activities;
- Depiction of children in violence or as perpetrators of violence;
- abuse or ridicule of physically and mentally handicapped persons;
- cruelty or abuse of animals;
- Scenes indicating degradation or denigration of women;
- sexual violence against women like attempt to rape, but if connected to the theme, they shall be reduced to the minimum and no details be shown;
- words or visuals likely to lead to contempt of any race, religion or other groups or likely to promote communal, orthodox, anti-scientific and anti-national attitudes;
- All other reasonable restrictions under the Constitution of India.

✚ **The rules lay down that the CBFC shall, while deciding on the Certification of films, examine the creation in the light of the period depicted in the film, along with the contemporary standards of the country. Further, it should also consider the community/ people to which the film relates in ensuring that the film does not degrade the morality of the audience.**

COMMENT:

The legal framework ruling the domain of the certification of films is commendable, but yet, it is proving insufficient to cater the ever- rising controversies, especially in the matter of historical depictions.

Though the rules suggest that a particular depiction must be examined in the light of the era it depicts, however, there is no clarity and specific provision ensuring accuracy in the depiction of historical facts.

Further, it is observed that the process is ultimately a subject of executive discretion.

Recently, in the case of Nipun Malhotra v. Sony Pictures Films India (P) Ltd.¹⁰⁰, the Apex Court stressed on the fact that it is crucial on the part of CBFC to consider the effect that a film would have on general public.

However, there are many films that receive the certification, yet attract a lot of criticism and rage among the public, which is also manifested into violent acts.

Thus, there is lack of clarity as to what parameters shall be applied to adjudge the accuracy of facts, historical settings and public opinion.

Further, the Act does not provide for guidelines or directives applicable to the creators or makers while they are in the process of making the film or serial. The aforementioned guidelines are for guiding the CBFC while adjudging a creation which is already ready.

WHY CREATIVE LIBERTY IN HISTORICAL DEPICTIONS NEEDS TO BE WELL-DEFINED:

As per the official website of the Censor Board, India counts for being one of the largest film industries in the world, making around 1250 feature films every year and further, a greater number of short films.

¹⁰⁰ 2024 SCC Online SC 305, Order dated 11-03-2024]

Roughly, the estimate of viewers watching films every day in India marks a total of about 15 million people, including both through 13,000 cinema houses or on the video cassette recorder or on the cable system.

This indicates the wide outreach that our films have. Further, there are millions of viewers who watch and follow different daily soaps, some of which include history.

Further, there are researches that reveal the great impact that media has on different aspects of human lives.

Research published in the journal 'Psychological Science', a journal of the Association for Psychological Science, and which is the highest ranked empirical journal in psychology, reveals that motion pictures are an incredibly powerful teaching tool. This is because of its ability to leave lasting imprints in the minds of people.

Further, it highlights that this medium has great power, to such an extent that pupils are more likely to believe movies as compared to their teachers or textbooks.¹⁰¹

As per the findings of lead researcher Andrew Butler of Washington University, which was based on showing historical movie along with classroom teaching, it was found that when information and content in the film was consistent with information in the book, it led to correct recall by about 50 per cent in comparison to reading the text alone. However, when information in the film was contradictory and inconsistent with the text book, students recalled the misinformation portrayed in the film.

Another research reveals published in the West Howard Journal of Communication reveals that in comparison to other depictions or forms of media, the racial stereotypes portrayed through films and television media have been known to influence racial attitudes, ethnic identities and perception of other cultures. Thus, films play a very crucial role in attitude formation¹⁰².

Further, they have the ability to create a realistic presentation of real-world experiences by combining both audio and visual modes, and thus, has emerged as a powerful medium in shaping the imagination of its viewers.

Further, the impact is not short lived, but has a long-lasting effect due to the fact that films are available through different mediums for watching in the future.

A Delhi-based history teacher opined that movies have a great impact on school students and if history is misrepresented through such film, it leads to huge confusion among students, whereby she pointed out the fact how the 2001 Bollywood film Asoka, consisted many historical inaccuracies, whereby many students confused the movie for historical facts in classrooms.

¹⁰¹ Mallika Nawal. Distortion Of Indian History in Bollywood. Indian Youth.
<https://www.indianyouth.net/distortion-indian-history-bollywood/>

¹⁰² Srividya Ramasubramanian. (2005). A Content Analysis of the Portrayal of India in Films Produced in the West Howard Journal of Communication 16(4):243-265 University
https://www.researchgate.net/publication/254693061_A_Content_Analysis_of_the_Portrayal_of_India_in_Films_Produced_in_the_West

British historian Alex von Tunzelmann, through her book 'Reel History: The World According to Movies' put forth that quite a lot of people are likely and do in reality, believe some of the things they see in the movies.¹⁰³

Thus, having regard to its huge potency, it is critical that Historical depictions through the mass media demand greater exercise of caution, especially when teaching our children and youngsters about history and historical events.

CONCLUSION AND RECOMMENDATIONS:

The freedom which the artists or makers enjoy in the creation of diverse depictions is laudable. However, when it comes to depicting history, the audience accounts for and demand accuracy. However, it is a sad reality that entertainment is prioritized over education.

Creative liberty in fictional depiction is much welcome, however, it has to be restricted within certain boundaries in the depiction of history. India has witnessed much acknowledged and celebrated creations like Lagaan, Ramananda Sagar's Ramayana, B. R. Chopra's Mahabharata, which focused on accuracy. It is justified to impose censorship as it is evident that the industry of mass media is somewhere incapable of practising self-restraint.

Further, it is important to lay down clearer and more pragmatic framework to regulate historical depictions. Recommendations for the same include:

- ❖ Segregating historical depictions from other forms and genres.
- ❖ Specifically laying down standards of the extent of creative liberty permissible to the makers in the process of making of such creations relating history.
- ❖ Evaluating the accuracy of historical facts depicted in the creation.
- ❖ Involving a panel of historians in the process of Certification by the Censor Board.
- ❖ Giving due consideration to the public opinion by scrutinizing the public reviews on different platforms after watching teasers and trailers.

At last, it is our moral responsibility towards our future generations in conveying them the reality, rather than a distorted view on history. History is not a creation, but a heritage of our culture and ancestors. It has imbibed values and teachings within itself that needs to be conveyed to upcoming generations.

Depictions and creations of today are a source of reference for tomorrow.

Thus, it is crucial that what is depicted is true and not a distortion.

Ultimately, if creators have the freedom of speech and expression, the audience have the right to know what is true. Hence, a balance has to be sought between both these rights.

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SOCIAL MEDIA AND ITS IMPACT ON SOCIETY

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Abstract

Social media refers to online platforms that people use to connect with others who share their interests. The types of media posted and exchanged by social media users include images, blog posts, videos, direct and group messages, podcasts, newsletters, music, and links to external websites. Social media has had a profound impact on modern society. It has transformed the way we communicate, share information, and consume media. While it has brought about many positive changes, such as the democratization of information and increased connectivity, social media comes with a price, it also has its own downsides. People don't realise attacks such as Phishing, Cyber Crimes, Terrorism, increasing rates in crimes, mental health are few stumbling blocks of social media. In this article, we will explore the influence of social media on society and the various ways in which it has shaped our lives. Generally, when peoples use social media for appropriate purpose and predetermined goals the outcome will be positive and the reverse is true for negative side effects. So as to decrease and save the societies from its negative side effect and encourage the positive ones, all concerned bodies should have to work collaboratively. Discover the power and pitfalls of social media in this compelling article. Explore the diverse perspectives surrounding social media from its positive aspects to its negative consequences

Key words: Social Media, Impact, Society, Phishing, Cyber Crimes, Terrorism, Mental Health

Use social media for good and lift others up, not tear them down”

When used appropriately, social media can be a valuable addition to facilitate the creation and sharing of information, ideas, interests, and other forms of expression through virtual communities and networks. The term “social media” (SM) was first used in 1994 on a Tokyo online media environment, called Matisse. It was in these early days of the commercial Internet that the first SM platforms were developed and launched. Over time, both the number of SM platforms and the number of active SM users have increased significantly, making it one of the most important applications of the Internet.

With a similarly fast pace, businesses have moved their marketing interests toward SM platforms. The presence of both businesses and users on SM has further led to a shift in how companies interact with their customers, who are additionally no longer limited to a passive role in their relationship with a company. Customers give feedback, ask questions, and expect quick and customized answers to their specific problems. In addition, customers post text, pictures, and videos. Managers came to the understanding that the brand transition to SM ultimately involves a re-casting of the customer relationship, where the customer has become an ally or an enemy, not an audience.

In research, SM is generally used as an umbrella term that describes a variety of online platforms, including blogs, business networks, collaborative projects, enterprise social networks (SN), forums, microblogs, photo sharing, products review, social bookmarking, social gaming, SN, video sharing, and virtual worlds. Given this broad spectrum of SM platforms, the applications of SM are quite diverse and not limited to sharing holiday snapshots or advertising and promotion.

Research shows that as of January 2024, there are about 5.07 billion social media users in the world. This equates to 62.3% of the total global population. As more and more people are realising the importance of social media and how beneficial it can be, this number is likely to continue to increase.

In order to be able to take full advantage of ways to use social media, we will first have to understand what social media is, the types of social media available and how to make use of them.

Highlights of Using Social Media

Social media has amended the way we communicate today. We have access to any information at just a button push away. Anything that is so vastly expanded has both positives and negatives. The power of social media is very high and affects each individual. It isn't easy to imagine our lives without social media today, and we pay the price for excessive use. There is a lot of debate about the effects of social media on society as a whole. Some feel it's a boon, while others think it is a curse. Let's highlight the pros of using social media.

Democratisation of Information ;

- Social media is allowing the democratisation of knowledge and broader communication.
- Billions of netizens around the world now feel empowered to bypass traditional curators of information.
- They have also become creators and disseminators of content, not just consumers of it.

New Opportunities:

- The rise of several YouTubers, influencers as a medium of profession is a testimony of the phenomenon.
- The rise of the virtual world provides voiceless people unprecedented opportunities to assert themselves and experience a sense of belongingness
- Sales and marketing professions are continuously using social media to introduce and promote new products and services that increase their potential target market

Close proximity :

- Through social media now we can reconnect with old friends or classmates, even we can communicate with new people with similar thoughts and interest and can share our views.
- Using social media tool like Facebook, Twitter, WhatsApp, Instagram, brings people closer, it allows us to be in touch with anyone anywhere across the globe, at any point in time

Direct Interaction with Government:

- Many governments across the world as well many government agencies in India are using various social media platforms to reach out to citizens, businesses and experts to seek inputs into policy making, get feedback on service delivery, create community-based programs etc.
- social media is an effective means for government to improve citizens' trust in government by enhancing their perceptions of government transparency.

Challenges of Using Social Media

Common Challenges and pitfalls of social media is as mentioned below

Cyber Crimes:

Social media has become as ubiquitous as the air we breathe. A wide range of criminal activities are carried out using digital devices and/or networks. E.g. Phishing, Cyber Stalking, illegal gambling, trafficking in child pornography etc.

Terrorism:

Terrorist organizations are using social media platforms for recruiting, training and communicating with their followers, supporters, donors, as it is cheaper, easier, faster and effective method of communication.

Mental Health:

Spending too much time engaging with social media can actually make you feel more lonely and isolated—and exacerbate mental health problems such as anxiety and depression

Hate Speech

Hate speech online has been linked to a global increase in violence toward minorities, including mass shootings, lynchings, and ethnic cleansing. Case Law Shaheen Abdulla v. Union of India and Ors, 2022

Women Safety:

Women face cyber rape and threats that affect their dignity severely. Sometimes their pictures and videos are leaked with and are forced to cyber bullying.

Child Abuse :

India at number two in internet usage, leads to more child abuse. Online sexual exploitation of children has become a 'global emergency' that requires united efforts to tackle it.

Alarming Need for Social Media Laws

- Social media are required to deal with the crimes emerging these days due to the excessive. use of social media platforms.
- Due to the anonymity and quackery of social media, there is an increase in online violence affecting people of all ages.
- In order to reduce crimes including stalking, harassment, bullying and threats, social media laws are required.
- Circulation of fake news video on violence through WhatsApp leads to severe damage.
- This is the reason that there is a need for strong social media laws in country.

Laws Relating to Social Media in India

- Constitution of India 1950 : The constitution of India provides freedom to every citizen that state cannot take away. Through Article 19(1)(a) of constitution provides freedom of speech and expression to every person but this right is not absolute.
- Information Technology act 2000 : Section 66 (a) says If any person who sends a message by any means of communication device any information that is offensive and if specially created to annoy, spread hatred, criminal intimidation shall be punished with imprisonment which may extend to a term of three years and fine.
- Section 69 (a) says that government has the right to ban or stop public access to any information that is not consistent with provisions of the government, and this section also provides the procedure of blocking access of the public to certain information. Who doesn't comply with this provision will be punished with imprisonment for a term which may extend to seven years and shall also be liable to pay a fine.
- Indian Penal Code: This act provides remedies and punishment in the cases where there is damage to individual by the action of other individual.
- Sections 124A: deals with sedition.
- Section 153A: deals with promoting enmity
- Section 295A: deals with intentionally insulting religion
- Section 499 deals with defamation.

- Section 505 deals with public mischief
- Section 509: Disrespecting women's modesty.
- Indecent representation of women (prohibition) Act, 1998: The section 3 and 4 of this Act protects and prohibits the act of pornography and also punished those people who circulates these types of obscenity material. section 292 and 293 of Indian penal code also award punishment for indecent representation of women.
- Protection of Children from Sexual Offences (POCSO) Act, 2012: The Act acknowledges the unique vulnerability of children and offers a comprehensive legal structure to address sexual crimes against minors, recognizing the severe physical and psychological trauma that such offenses can inflict on children.

Problems In regulating Social Media Laws

- Due to a large number of media organizations in India, we are having trouble controlling the media.
- The volume of content on social media makes it difficult to monitor and regulate.
- Anonymity on social media platforms can embolden users to engage in hate speech and harmful content
- Lack of transparency and accountability of social media platforms in decision-making processes and content moderation policies.
- Difficulty in regulating content originating from outside of India

Impact of Social Media

“ Social media is like a whirlpool , You never know if it's a Tornado that destroys or Gush of wind that would ease , it is totally on us how we make use of it .”

A recent case not a long ago a 16 year old boy killed his mother over PUB-G not only this but a “Blue Whale simulator game ” that took young lives in 2017 designed as a survival game . Besides that a young boy from Pune Maharashtra has made the clearest photograph of our moon which was a great discovery sitting right in his bedroom and the infamous ‘Paper Queen’ who got a chance to build up her career as a fashion designer.

While our youth and society white wash with the idea of development and trend we forget our culture and roots and with recent changes we have now shifted to rediscover our culture and traditions

Like the ways our government is taking creative initiatives to spread awareness eg- pages Mumbai Police , BMC official pages , Website with easy access to information and Job opportunities .

Speaking of government pages we have influencers promoting brands and ideas and businesses to support "Atma Nirbhar Bharat", but in this speedy trend setting era we have no time to discover what is true eg:- deep fake, AI, autotune let's not forget fake news and it takes a lot of time to verify if it is true or not leading to a lot of confusion which might disrupt peace in state

With the help of social media we can have one on one connection with the states that are in desperate conditions and help can reach them much faster like eg:- like condition, terrorism, earthquake or any other natural calamity. Although there is a good side to it we also have got the dark side known as dark web. were it's much difficult to trace evidences of crime cause it's a community in itself there are inhumane things that happen on it like human trafficking, human meat, murder shows, betting on adolescent children for slavery, money laundering, fund transfer, weapon trade, substance trade etc. As we have already known that truth in words is difficult to find on Social Media it is also difficult to find in the physical form eg

scams, frauds etc like the product you're trying to buy on-line is not at all similar to the one you saw on the app you bought it from, Metaverse scam where they ask for meta Id login which then they gain control of all the Social Media you've logged in with your email all of it since meta verse is a new concept and there is not training for handling one's Social Media and updates on the working of it Although it has no geographical boundary it still has one which is authenticity in character and product .

Possible ways to social media Regulation

- Self-Regulation by the platforms: A self-regulatory framework can help social media platforms. Their obligation to the public to limit spread of misinformation, extremism, hate speech, etc. and build trust with community members.
- Digital Literacy and Awareness: It is far less controversial than attempting to regulate the internet. Responsible social media use must be taught at our educational institutions
- A balanced approach of government: Government should make social media platforms liable for obviously illegal content, if it is not removed within a certain period of being reported
- Institution building: Independent agencies at the national and international levels by abiding by a unified data governance law like General Data Protection Regulation ('GDPR') may act as the coordinator between the three stakeholders- government, social media companies and individuals.
- Global cooperation: Misinformation and deliberate conspiracies such as QAnon, Anti-vaccination, anti-5G, etc. can impact a wide global population irrespective of its origin. Therefore, countries need to come together under the aegis of the United Nations to form a multilateral agency for a coordinated measure to regulate social media

My View Point

Social networking has a multitude of uses, many of which are positive and beneficial. When overused, the Internet and its applications can lead to severely negative impacts for the user, both socially and personally. As we navigate this digital landscape, it is essential to strike a balance between leveraging the benefits of social media and mitigating its adverse effects. Society must evolve with a conscious awareness of the role social media plays, fostering responsible usage and promoting a healthy online environment for the well-being of individuals and the collective whole.

The problem is when the virtual world is more important to people than their actual world. Computers and laptops located in private areas are likely to be a source of temptation when young people are alone. Teenagers who overuse social networking websites or texting are far more likely to have engaged in risky behaviors such as smoking, drinking alcohol, or using drugs.

Social media is just like a glass. It's up to you how you look at it.

Is your glass half full or half empty?

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EVOLUTION OF ENTERTAINMENT MEDIA AND CHANGEING SCENERIO

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An Era of where there was no source of entertainment, Source of entertainment were some street plays, plays etc. people used to get sensitised toward issue in society. As the time passes by the scenario changes in the aspect and the need of the entertainment rises. **‘Necessity is the mother of Invention’ And ‘If there is a creation then there should be the creator’**. The need of the media gave rise to the currently rising great big entertainment industry. Within a year of establishing Phalke Films Company in 1912, he made the silent movie, *Raja Harishchandra* (1913), which was India's first full-length feature film—a commercial hit that marked the start of a vibrant industry. Well-known personality Dadasaheb Phalke was the pioneer of this industry. Dattatraya Damodar Dabke, also known as D. D. Dabke, played the lead role in *Raja Harishchandra*, the first silent film ever made in India. He shared the screen with Anna Salunke. It was directed by Dadasaheb Phalke in 1913.

Bollywood films offer a unique perspective on life in India. Many Bollywood movies tackle complex social issues such as poverty, corruption, gender inequality, and offer a portrayal of life in India. The demand for this started increasing and we as society came with the new concept of OTT The first dependent Indian OTT platform was BIGFlix, launched by Reliance Entertainment in 2008, which provides access to both live TV and on-demand content. Apart from this as there are Positive aspect with regards to this there are also some negative aspects to this field slowly the content and the idea started to deprive and showed up such content which started having impact on society with regard to the relations in society and family. Considering the legal aspect we already had Central Board of Film Certification since 1951 Its purpose is to certify, by means of screening and rating, the suitability of feature films, short films, trailers, documentaries, and theatre-based advertising for public viewing.

Explore the Evolution of Entertainment media and the changing Scenarios in the society with related to societal and legal aspect.

HOW DOES THE MEDIA GROW?

In 1913 *Raja Harishchandra* (1913), which was India's first full-length feature film—a commercial hit that marked the start of a vibrant industry. Well-known

personality Dadasaheb Phalke was the pioneer of this industry. *Kisan Kanya* was a 1937 Hindi Cinecolor feature film which was directed by Moti Gidwani and produced by Ardeshir Irani of

Imperial Pictures. Establishment of Central Board of Film Certification since 1951 Its purpose is to certify, by means of screening and rating, the suitability of feature films, short films, trailers documentaries, and theatre-based advertising for public viewing.

India's popular culture, the decade 1970s is uniquely placed in the Bollywood pantheon. The Seventies is monumental in Indian consciousness as it epitomised masala Bollywood at its imaginative best. OTT The first dependent Indian OTT platform was BIGFlix, launched by Reliance Entertainment in 2008, which provides access to both live TV and on-demand content

As the time passed by the scenarios changed right from the beginning the Bollywood industry had a great influence on the society. Let's have look upon impact:

Bollywood films offer a unique perspective on life in India. Many Bollywood movies tackle complex social issues such as poverty, corruption, gender inequality, and offer a portrayal of life in India.

Bollywood is actually so big in India that people would manifest themselves to be the characters of movies and go on to dress like the character, repeat their dialogues, do the exact same hairstyle, mimic their personality and what not!

It offers a break from the routine and allows people to immerse themselves in stories, music, and dance. Showcases Indian culture, festivals, and traditions, creating a sense of pride and unity.

Some Bollywood movies address important social issues. For instance, "Mardaani" focuses on human trafficking, while "Toilet: Ek Prem Katha" deals with sanitation problems in rural India and the latest inclusion would be OMG-2 which talks about the need for sex education in India society.

Bollywood has been criticized for perpetuating stereotypes related to gender, caste, religion, and ethnicity. Bollywood often portrays unrealistic lifestyles and ideals, which can influence aspirations and create a sense of dissatisfaction among viewers.

OTT – OVER THE TOP NON-STOP ENTERTAINMENT

With this rise, came the era of “OTT platforms”. The OTT platforms became even more popular with its novelty, ease of access and has been proven to be a much-demanded option for the consumers, especially during the COVID-19 pandemic. With the world watching video / audio content online on their phones, ordering groceries online and conducting their work meetings on zoom and google meet during the pandemic, the consumption of OTT platforms increased manifolds, which has led to several authorities re-examining the regime of OTT platforms. OTT first came in the year 2008 launched by Reliance entertainment. Nex GTV was the first app to stream live Indian Premier League matches on mobile devices in 2013 and 2014. Hotstar has seen significant growth in India since acquiring IPL live-streaming rights in 2015. People started preferring OTT as it gave non-stop entertainment under one roof. There are currently over 45 million OTT subscribers in India. But this content shown on this platform is not suitable to watch with children, because of which we have great impact on society and not only kids but on the youth as well no doubt sometimes they show up some Historical, Cultural based content. But as movie had to obtain censorship before release the OTT need not require to obtain censorship for content authentication so there is no restriction on content showed. ‘A’ rated content has no limit foul language, sexuality, nudity, obscenity, violence (at its par) etc. is shown up these kind of series.

It is necessary to regulate OTT platforms. Many countries other than India have regulated OTT platforms. The current legislation around telecom service providers, do not define the term OTT, however, there are some definitions which indicate as to what all services are included within the said term. In technical terms, an OTT provider can be defined as a service provider offering Information Communication Technology services, but neither operates a network nor leases network capacity from a network operator. In common parlance, the term OTT generally refers to applications and services which are accessible over the internet and ride on operators’ networks offering internet access services e.g., social networks, search engines, amateur video aggregation sites etc. Prime examples for OTT services can be Whatsapp, Google Talk, e-commerce websites like Flipkart and Myntra, and video streaming platforms like Netflix, Prime video, Voot.

Foreign Jurisdiction

With the global reach of the OTT services today, and their increased consumption and adoption, several regulatory regimes across the world have taken their shot at defining what exactly is to be constituted under the term OTT.

European Union: The draft version of the Electronics Communication Code released by the EU Commission in September 2016, proposed to expand the definition of electronic communication services to among other things to include 'interpersonal communication services' which refers to a service that allows direct interactive and interpersonal exchange of data/content through an electronic communications network between a finite number of people, where the persons initiating/participating in the interaction determine its recipients.

Indonesia: In 2017, Indonesia's Ministry of Communication and Informatics Regulation put forth a draft ministerial regulation on OTT services, which defined OTT Services as the provision of applications and/or content services through the means internet.

United Kingdom: UK's telecommunication regulator, Ofcom, in its response to European Commission's public consultation on the review of the regulatory framework for electronic communications submitted that the Commission's definition of ECS should remain flexible, continuing to allow regulators to determine, on a case-by-case basis, whether (or not) a specific service consists wholly or mainly in the conveyance of signals on electronic communications networks.

United States of America: Within the U.S., several parts of the video market are heavily regulated, with dedicated regulations providing governing provisions for Television broadcasters, cable operators, and even satellite providers.

China: The regulatory model of China can be deemed as first of its kind. The size of the online video market was estimated to be 596 million at the end of June 2017. This represents 76% of the online population, emphasizing that online video viewing is one of China's most common online activities. In 2007, the State Administration of Press, Publication, Radio, Film, and Television, an executive agency which is in charge of the administration and supervision of enterprises engaged in the Radio and Television Industries, issued the Administrative Provision of the Internet Audio-Video Program Service the same came into effect in 2008 and the same was later amended in the year 2015.

In here the contents provided by the OTT service providers are classified on the same basis as offline films these categories are –

- **G:** for general public viewing;
- **PG:** for viewing with parental guidance;
- **PG13:** Viewing for children below 13 with parental guidance,
- **NC16:** for content not to be viewed by children below 16 years of age,
- **M18:** for content intended mature audiences (18 and above) viewing only, and
- **R21:** for content where viewing is restricted to audience of 21 years age and above only

This would mean that there are strict broadcasting standards which are meant for censoring nudity, references to homosexuality, and harsh language for contents offered global OTT platformers in that market.

CONCLUSION

It is pertinent to state that the present position of online content seems to enjoy a state of not much legal or censorship hinderance, giving the online content creators, the freedom to use their creative liberties to

the fullest. This is evident from web series like Tandav, Sacred Games, Mirzapur, Bombay Begums, Leila, and Lust Stories which may have in earlier circumstances, never would have found its way to either to the theatrical release or a television premiere in India. However, it will also be wrong to state that the OTT platforms in India are totally administered or without any kind of censorship guidelines, only because earlier there was no dedicated regulatory framework which provided how the OTT content needs to be censored and the way such content shall be certified or lack of any guiding principles for the OTT platformer with regarding their content they create and publish. The earlier existing and especially the recently formulated laws by the government for the OTT industry lays down guidelines for the OTT platforms to proceed.

Although most of the platforms in the OTT market have concurred with the new Rules prescribed by the government, there is a strong expression of their displeasure for the reason that the OTT platformers or the industry as a whole should have had the freedom to finalise the details of the composition of the self-regulatory bodies overseeing them and its working for smoother administration. This disagreement has led to a division among the OTT platformer, which has resulted in setting up of two self-regulatory mechanisms that are mentioned below:

- The Digital Publishers Content Grievances Council (DPCGC) that comprises of at least 10 OTT platforms which including Netflix, Amazon Prime Video, ALT Balaji, and MX Player under the Internet and Mobile Association of India (IAMAI). The aims to lead and provide the viewers a redressal mechanism for their complaints while ensuring a balance is maintained between reasonable censorship and publishing of content by the creators in a free speech environment with no intervention from the government or any other ad-hoc regulatory authority.
- The Indian Broadcasting and Digital Foundation (IBDF) comprises platforms like Disney + Hotstar, Zee5, Sony LIV, Voot, Sun NXT, Discovery+, and Jio TV. The body plan to pick up the task of handling all the matters related to the digital media industry.

With the laws finally coming in the picture, the major OTT players have the opportunity to reinvent and present new content that is approachable to a larger audience providing the digital industry the chance to grow itself even more in the Indian markets.

INTERWINING MEDIA AND POLITICS

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Introduction:

In contemporary societies, the intertwining of media and politics has become an undeniable reality, shaping public opinion, policy agendas, and political discourse. This essay aims to delve into the intricate relationship between media and politics, examining how media influences politics and vice versa, and the implications of this relationship on democratic governance, public perception, and societal dynamics. Historical Perspective: To understand the current dynamics between media and politics, it is essential to explore their historical evolution. From the inception of mass media with the printing press to the digital age of social media, media has played a pivotal role in disseminating political information, shaping public opinion, and holding political actors accountable.

Historical examples such as the role of pamphlets in the American Revolution and the rise of televised political debates underscore the enduring influence of media on politics. Media Influence on Politics:

a. Agenda Setting: The media has the power to set the agenda by highlighting certain issues while ignoring others, influencing which topics gain prominence in political discourse and public attention

b. Framing: Media framing determines how political issues are presented to the public, shaping perceptions and interpretations. Whether through emphasizing certain aspects of an issue or providing a particular narrative, media framing influences public opinion and policy outcomes¹⁰⁴

c¹⁰⁵from a young age through news coverage, political commentary, and entertainment media. d. Election Campaigns: Media plays a crucial role in election campaigns, shaping candidates' images, disseminating campaign messages, and influencing voter preferences through coverage of debates, rallies, and advertisements. Politicization of Media:

a. Media Bias: The perception of media bias, whether real or perceived, has become a significant concern, with media outlets often accused of promoting partisan agendas or ideological viewpoints, undermining their role as impartial informers.

b. Polarization: The proliferation of partisan media outlets and echo chambers has contributed to political polarization, as individuals seek out sources that align with their existing beliefs, reinforcing ideological divisions and inhibiting constructive dialogue. c. Fake News and Misinformation: The rise of digital media has facilitated the spread of fake news and misinformation, challenging the credibility of traditional media sources and undermining public trust in the veracity of information. Political Influence on Media:

a. Media Ownership: Concentration of media ownership in the hands of a few corporations or individuals can lead to media consolidation and potential conflicts of interest, as media moguls may prioritize commercial interests over journalistic integrity.

¹⁰⁴ <https://ijcrt.org/papers/IJCRT2308002.pdf>

¹⁰⁵ <https://kq.freepressunlimited.org/wp-content/uploads/2020/11/Media-and-Politics-Stro%CC%88mberg.pdf>

- b. Regulatory Capture:* Political influence over media regulation can undermine press freedom and independence, as governments may enact policies to suppress dissenting voices or control the narrative through censorship and propaganda.
 - c. Co-optation:* Political actors may seek to co-opt the media by cultivating relationships with journalists, providing access to exclusive information or interviews in exchange for favorable coverage, blurring the line between journalism and propaganda.
- Implications for Democracy:*
- a. Public Accountability:* A free and independent media plays a crucial role in holding political leaders and institutions accountable, exposing corruption, abuses of power, and policy failures to ensure transparency and accountability in governance
 - b. Democratic Participation:* Media serves as a forum for public debate and deliberation, enabling citizens to engage in political discourse, express diverse viewpoints, and participate in democratic decision-making processes.
 - b. Threats to Democracy:* However, the erosion of media freedom, proliferation of disinformation, and polarization of public discourse pose significant threats to democracy, undermining informed citizenship, electoral integrity, and democratic norms.

Conclusion: The relationship between media and politics is multifaceted and complex, with profound implications for democratic governance, public discourse, and societal cohesion. As media technologies continue to evolve and political landscapes undergo transformation, it is imperative to safeguard media freedom, promote journalistic integrity, and foster an informed and engaged citizenry to sustain healthy democratic societies. Only through a robust commitment to press freedom, media literacy, and ethical journalism can we navigate the challenges posed by the symbiotic ¹⁰⁶relationship between media and politics and uphold the principles of democracy in the digital age.

Media bias occurs through the selection and omission of certain key aspects of a news story. For example, if one were to present a story about an escalating encounter, framing it as racist without including any real context, this is clear media bias. This type of media bias occurred during the Kyle Rittenhouse case of 2021, wherein most Americans believed the act to be racially charged. The reason for this is because their news sources were giving false pretense as to the racial identity of the individual Kyle Rittenhouse was said to have assaulted. The individual or organization that is presenting the information has a clear agenda in mind, which is to ignite feelings of anger or shame in the viewers.

Unfortunately, much of the type of media bias that occurs is inflammatory because of the number of clicks that alarming content attains. This is beneficial to the method of selection and omission, as well as the other types of media manipulation this lesson will later explore: placement and story selection, and labeling and spin. Here the conservatives were the favourites. This is typical example of media-political nexus and propaganda against the other party who were right leaning.

While discussing media bias, it's essential to approach the topic with a critical and nuanced perspective. Allegations of bias against Sanatan or pagan beliefs in India can arise from various factors, including cultural, political, and historical contexts. Here are some potential examples:

Negative Portrayal: Media outlets may sometimes portray Sanatan or pagan beliefs in a negative light, associating them with

¹⁰⁶ <https://bestdiplomats.org/role-of-media-in-politics/>

superstition or backwardness without providing a balanced understanding of their cultural significance or historical context. **Sensationalism:** Sensationalizing rituals or practices associated with Sanatan or pagan traditions can perpetuate stereotypes and misconceptions, leading to biased reporting that focuses on sensational aspects rather than providing accurate and nuanced coverage. **Selective Reporting:** Media outlets may selectively report on incidents involving Sanatan or pagan groups, highlighting negative incidents while ignoring positive contributions or contextual factors. This can create a skewed perception of these communities among the public. **Stigmatization:** Media bias can contribute to the stigmatization of Sanatan or pagan beliefs, portraying them as primitive or irrational, which can marginalize followers of these traditions and reinforce existing social prejudices. **Political Agenda:** In some cases, media bias against Sanatan or pagan beliefs may be influenced by political agendas or affiliations, with certain groups or individuals using the media to advance their own interests or ideologies at the expense of accurate and fair reporting.

One example of negative reporting in print media in India could be coverage of political scandals or corruption allegations involving government officials. For instance, if a newspaper publishes detailed reports highlighting instances of bribery, embezzlement, or misuse of power by politicians or public figures, it would be considered negative reporting. These articles often aim to expose wrongdoing and hold individuals or institutions accountable, but they can also contribute to a negative perception of the government or specific individuals involved.¹⁰⁷

In 2018, the court in a unanimous judgment decided not to order a court monitored investigation of the Union government's purchase of Rafale fighter aircraft. In 2019, it rejected to review its judgment.

The Congress alleged that a “huge scam is brewing” in the Rafale deal and accused the Modi government of “promoting the interests of Prime Minister’s crony capitalist friends”

Congress communication Chief Randeep Surjewala said that the Modi government violated the Defence Procurement Procedure (DPP) and bypassed the interests of PSU Hindustan Aeronautics Limited (HAL). Mr. Surjewala alleged that Prime Minister Modi’s visited France and announced the deal for purchase of 36 Rafale fighter aircraft in disperse circumstance. He further commented that this action was done without following the DPP. There was no inter-governmental agreement. Moreover, India’s Defence Minister was not present there. Something shocking that he revealed was the presence of Mr. Anil Ambani, owner of Reliance Defence Limited. He was present in France during the Prime Minister’s visit. Anil Ambani-led Reliance Defence Limited, however, has described the allegations as “baseless” and “unfounded”. It asserted that Mr. Ambani was part of the PM’s delegation as a member of the Indo-French CEO Forum.

We hope that the Indian Air Force doesn’t have to wait for a longer period of time. This deal was carried on for the nation. Politicizing such acts which are actually important for state security is a matter of sheer disgrace. There is a difference between coming up with facts. We have come close to the ending of 2017 and still haven’t provided the IAF with what it deserves. This is a fight, which seems to be lost. National security cannot be compromised in the midst of mudslinging by the political parties. It is high time that importance of nation and its security is taken care of. Supreme court also dismissed the plea as this was politically motivated and left leaning New papers did selective reporting in favour of congress party due

¹⁰⁷ <https://bestdiplomats.org/role-of-media-in-politics/>

to ideological differences with the govt but this did not have substance and total bias against govt. This also put national security at risk.

Positive Example:

One prominent positive example of the symbiotic relationship between media and politics is the Watergate scandal that unfolded in the early 1970s in the United States. At the center of this historic event was investigative journalism conducted by reporters Bob Woodward and Carl Bernstein of The Washington Post. Their relentless pursuit of the truth exposed widespread corruption and abuse of power within the Nixon administration, ultimately leading to President Richard Nixon's resignation.¹⁰⁸

Woodward and Bernstein's reporting exemplified the crucial role of the media as a watchdog in holding political leaders accountable. Through diligent investigation and fearless reporting, they uncovered a series of illegal activities, including the break-in at the Democratic National Committee headquarters and subsequent attempts to cover up the wrongdoing. Their work not only led to the resignation of a sitting president but also sparked widespread public awareness about the importance of transparency and integrity in government.

The Watergate scandal serves as a testament to the power of independent journalism in uncovering the truth and ensuring accountability in politics. It underscored the vital role that media plays in a democracy by providing citizens with the information they need to make informed decisions and participate actively in the political process. The legacy of Watergate continues to inspire journalists around the world to uphold high ethical standards and pursue investigative reporting in the public interest.

Negative Example:

Conversely, a negative example of the relationship between media and politics can be observed in the phenomenon of "fake news" and disinformation campaigns that have proliferated in the digital age. With the rise of social media and online platforms, it has become easier for false or misleading information to spread rapidly and reach large audiences. Politicians and other actors have exploited this landscape to manipulate public opinion and undermine trust in democratic institutions.¹⁰⁹

One notable instance of this occurred during the 2016 United States presidential election, where various foreign and domestic actors engaged¹¹⁰ in coordinated efforts to spread disinformation and sow discord among the electorate. Russian operatives, for example, used social media platforms to disseminate divisive content aimed at amplifying existing political tensions and undermining confidence in the electoral process.

The proliferation of fake news and disinformation poses a significant threat to democracy by eroding trust in the media and distorting public discourse. When individuals are exposed to misleading or outright false information, it becomes increasingly challenging to distinguish fact from fiction and make informed decisions as citizens. Moreover, the spread of disinformation can exacerbate social divisions and contribute to a climate of distrust and polarization within society.

In conclusion, the relationship between media and politics is complex and multifaceted, with both positive and negative implications for democratic governance. While the media plays a crucial role in holding political leaders accountable and fostering transparency, it also faces challenges such as the spread of fake news and disinformation.

¹⁰⁸ <https://g.co/about/6vkvdz>

¹⁰⁹ <https://ijcrt.org/papers/IJCRT2308002.pdf>

¹¹⁰ <https://ijcrt.org/papers/IJCRT2308002.pdf>

UNVEILING THE INFLUENTIAL FACTORS AND THE IMPACT OF DEMOGRAPHICS ON JOB EMBEDDEDNESS OF EMPLOYEES WORKING IN MEDIA INDUSTRY IN MUMBAI REGION

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Abstract

This study is based on employees working in Media Industry of the Western Suburbs region of Mumbai and the sample size is 237. This research is done with an intention to identify the problem of employees working in the Media Industry with respect to job embeddedness as job-hopping was very common in Media Industry. It was proved that the gap in the job, working conditions, job security, policies and procedure, salary, supervision and relation are the independent variables of the study. These variables are already proved to be the determinant of Job embeddedness in previous studies. In the current study, it is proved that the respondents gave more importance to supervision and relationship variable over and above other variables. It is suggested that if employers/management gives due consideration to these independent variables and take efforts towards enhancing these aspects at the workplace there could be better retention of the employees in the Media Industry.

Keywords: Job embeddedness, Media Industry, working conditions, job security and Policies and procedure

India's media landscape is vibrant and multifaceted, reflecting both the nation's swift technology progress and rich cultural legacy. Numerous career paths are available in the media industry, including those in journalism, broadcasting, advertising, public relations, film production, digital media, and other fields. The following are some typical positions in the media industry: Editor, Producer, Camera Operator, Digital Content Creator, Journalist/Reporter, Advertising Executive, Public Relations Specialist, Media Sales Representative, Film Director, and Social Media Manager are a few of the positions available. The sector is always changing as a result of the growth of digital technology and online platforms, providing new prospects for media aficionados and creative professionals.

“Despite global challenges, the entertainment and media (E&M) industry in India witnessed a 15.9% growth in revenue, reaching USD 46,207 million in 2022 compared to 2021. The Indian market is projected to continue growing at a compound annual growth rate (CAGR) of 9.7%, aiming to reach USD 73,560 million by 2027”ⁱ

“However, it’s essential to note that the employment landscape in the media and publishing industry has been volatile. A survey by the Centre for Monitoring Indian Economy (CMIE) revealed that almost 78% of jobs in the media and publishing industry were lost between September 2016 and August 2021. The industry employed over 10.3 lakh people in 2016 but now employs only 2.3 lakh”ⁱⁱ

Job embeddedness

Job embeddedness is the factor through which an employer could retain employees. To make employees embedded in the job, it is necessary to develop a situation wherein an existing employee not only feels/experiences financial loss but also nonfinancial loss on leaving the organization. This will happen only when the management works towards shaping an organizational culture or climate where not only

compensations are paid according to employee's knowledge and skill but also relationships amongst employees are made cordial. In return, there will be higher productivity and support from the employees not only towards the organisation but towards all the stakeholders of the organisation.

Job embeddedness play a vital role in shaping the expectations of potential employees. The efforts taken by the organisation in providing good working conditions and facilities to the employees will determine the climate and culture of the organisation. Before joining any organisation candidates will definitely try to analyze the working conditions and culture of the organisation and accordingly create/develop perceptions towards the work and organisation. Meeting these perceptions will result in job satisfaction and job embeddedness.

Review of Literature

Peltokorpi, V., Allen, D. G., & Froese, F. (2015)ⁱⁱⁱ have explained the reasons why few employees experience high embeddedness while other don't and have evaluated the moderating effects of employee's demographic characteristics like age, gender and their value orientations ex individualism and risk aversion on organizational embeddedness and turnover intentions. They identified that the turnover intentions increases the risk of voluntary turnover. The research is undertaken in Japan, and 643 respondents were studied from a wide range of organisations. According to the research organizational embeddedness and turnover intentions predict voluntary turnover. Age and individualism has no moderation effect, whereas gender and risk aversion moderate the relationship between organizational embeddedness and turnover intentions.

Unsal-Akbıyık, B. S., & Zeytinoglu, I. U. (2018)^{iv} have researched on the association between the flexibility with respect to shiftwork, long workweeks, unpaid overtime, working preferred hours, and the intention to stay in boutique hotels in Turkey. Interview and survey method was used for data collection. Researchers identified that flexibility strategies provided by the employer like shiftwork and overtime brings in friendly environment at work. Whereas long workweek and unpaid overtime are not associated with the intention to stay.

Mitchell, T. R., Holtom, B. C., Lee, T. W., Sablinski, C. J., & Erez, M. (2001)^v have worked on a construct "job embeddedness," which includes individuals' links to other people, teams, and groups. According to them job embeddedness also links perceptions of their fit with job, organization, and community, and finally what is the perception of the employees towards the leaving the organization (like what would they sacrifice if they left their jobs). They developed a measure of job embeddedness with two sets of samples. The results revealed that job embeddedness predicts to a great extend intent to leave and voluntary turnover and it also explains the positive relationship of job embeddedness with job satisfaction, organizational commitment, job alternatives and job search.

Felps, W., Mitchell, T. R., Herman, D. R., Lee, T. W., Holtom, B. C., & Harman, W. S. (2009)^{vi} have developed and tested a model based on turnover contagion wherein the impact of the job embeddedness and job search behaviors of coworkers on employees' decisions to quit was evaluated. The study revealed that coworkers' job embeddedness and job search behaviors does influence and explain variance in individual "voluntary turnover" over and above that is explained by other individual and group-level predictors. The results suggested that coworkers' job embeddedness and job search behaviors plays a vital role in explaining turnover intentions of the employees.

Marasi, S., Cox, S. S., & Bennett, R. J. (2016)^{vii} has compared the explanatory power of reactance theory and power dependence theory for predicting the moderating effect of job embeddedness on the organizational trust and workplace deviance relationship. Hierarchical regression was used for data analysis and the study was based on nurses (sample size 353). It was observed that Job embeddedness

significantly moderated the relationship between organizational trust and workplace deviance. It is reported that respondents with low trust and high job embeddedness experienced higher workplace deviance than those with low trust and low job embeddedness. According to researchers the organizations should work towards building greater trust factor with employees as the low trust will result into more deviance from workplace.

Ramesh, A., & Gelfand, M. J. (2010)^{viii} have investigated on the applicability of the job embeddedness model (Mitchell & Lee, 2001) on Indian context. Using 797 cross-cultural data from call centers researchers observed that job embeddedness predicted turnover in both countries but the impact of its dimensions were different. According to this research the fit dimension had greater impact on turnover in the United States, but in India link variable had significant impact on turnover intention. They also identified and developed a new construct family embeddedness which showed the impact both in US and India.

Significance of the study

1. This study will enable us to find important variables affecting job embeddedness of employees working in Media Industry
2. This study will enable employers to know the attributes necessary for retaining the staff

Research Methodology

Descriptive research - Descriptive research aims towards identifying the relevant variables but does not involve testing of hypotheses. In this research, the issues are identified with respect to job embeddedness and with the help of statistical tools the relationships between variables were identified and conclusions were made. This research will highlight the gap in what is expected and provided by the employers in the private sector with respect to compensation, job security, work, relations, supervision and working conditions. The data is collected through primary research.

Statement of Problem

- What causes job embeddedness?
- What will motivate an employee to have staying intentions?

Objectives of the study

1. To identify the impact of demographic variables on job embeddedness
2. To identify the important factors affecting job embeddedness

Hypotheses of the study

H0: There is no significant impact of demographic variables (Age, gender, marital status, education, type of industry, work experience and income) on job embeddedness

H1: There is a significant impact of demographic variables (Age, gender, marital status, education, type of industry, work experience and income) on job embeddedness

H0: There is no significant relationship between independent variables (job, salary, work, working conditions, relations, supervision, job security and policies and procedure) and job embeddedness

H1: There is a significant relationship between independent variables (job, salary, work, working conditions, relations, supervision, job security and policies and procedure) and job embeddedness.

Concepts

For this study purpose, the following independent variables are examined.

Salary - The monetary benefit is the benefit that an individual derives by serving the organisation. Compensation occupies the first rank in the determination of job satisfaction as compared to other major determinants (Neog, & Barua, 2014)^{ix}.

Job Characteristics – There are certain characteristics that are required to be provided to the employees such as autonomy at work, giving scope for innovation and creativity, challenging tasks, etc. The variety in work, task identity, task significance, autonomy and giving feedback these practices will enhance the work culture and will influence the employees in a positive way.

Working environmental condition - The working environmental conditions influence job satisfaction, as the employees would want various technological up-gradation at the workplace which will not only enhance their performance but also enables them to be at par with the market and industry.

Job security - It is one of the important factors affecting job satisfaction. When job security is provided to the staff they feel safe and secure at their workplace. Employees also feel gratitude and remain loyal towards the organisation which provides job security thereby they work towards giving back to the organisation in the best way possible.

Policies and procedures - These are the rules and regulations followed by the organisation. Policies and procedures are designed in line with the organisational objectives. Through policies and procedure, the company can ensure discipline and oneness/uniformity in the organisation.

Relations with co-workers - It is vital to create an atmosphere within the workplace, where employees are able to interact with each other in a pleasant and an informal manner.

Supervisor Support - Organisation is a team where employees come together to achieve organisational and individual objectives. Hierarchy is formed and defined in the organisation to ensure smooth flow of information, to make people accountable and to help subordinates who need assistance.

The dependent variables covered in this study are as follows:

Job embeddedness - can be expressed as to how well the determinants of a job fits the expectations of the employees. The three factors of job embeddedness include links, fit and sacrifice (Mitchell et al, 2001).

Sample Design, collection and processing of data

Population: As the accurate data of private-sector employees were not known, the population considered was infinite.

Sampling method: The sampling method used was convenient sampling.

Data collection was done using a self-designed questionnaire. The questions asked were close ended and to measure independent variables (job, salary, working conditions, job security, supervision, relations and policies and procedure) of the study five point likert scale method was used. The data was collected online using google forms and also through physical distribution.

Limitations of the study:

- The study is limited to the employees working in media industry
- The time period of this study is Jan- Mar 2024
- The study is limited to the western suburban region of Mumbai
- The study is limited to 237 respondents

Processing of data: The data is processed using SPSS software

Statistical Analysis used: Hypothesis testing & Linear regression

Further scope of the study

A similar study can be conducted on a specific industry, sector, or company or a comparison between two industries, sectors, or companies. The region of the study can be a different one. There is also, a scope of comparative study between private and public sector employees with respect their job embeddedness.

Descriptive Analysis of the respondents

1. The respondents are divided into four age groups 21-30 years, 31 - 40 years, 41-50 years and 51-60 years and each group has 30.4 percent, 37.1 percent, 27.4 percent and 5.1 percent respondents respectively. Least respondents were from age group 51-60 years.
2. 46 percent of the respondents were male and 54 percent were female. In Mumbai majority of families have dual income couple. It could be due to conducive environment to work in the terms of infrastructure and job opportunities. It is also possible that in the metropolitan cities the facilities like crèche, maid and other elder care services are available and therefore female's participation at workforce is higher in comparison to other non metro places.
3. The majority of the respondents (70%) were married.
4. It is observed that majority of the respondents were post graduate (52.7%) and only 7.2 percent were professionals.
5. It is observed that half of the respondents have an experience of less than 5 years in the current organization (51%). There were around 29 percent of the respondents who were working for 5 to 10 years in the current organization and only 8 percent were seen continuing in the current organization for 10 to 15 years. Also it is to be noted that 11.8 percent of the respondents were working in the current organization for more than 15 years.
6. It is seen that around 44 percent of the respondents were earning a monthly income between Rs. 20000 to 50000. Only 17 percent of the respondents were earning a monthly salary of more than Rs. 80000/-. 13 percent of the respondents were earning a monthly salary of less than Rs. 20000/-.
7. It is seen that majority of the respondents have claimed that their job is permanent (54%).

Hypotheses Testing

Objective No 1: To identify the impact of demographic variables on job embeddedness

Job embeddedness was measured on the basis of two statements i.e.

- You don't feel like quitting the job (JE1)
- You are tightly connected to this organisation (JE2)

H0: There is no significant impact of demographic variables on job embeddedness

H1: There is significant impact of demographic variables on job embeddedness

a. Gender and Job embeddedness

On application of independent sample t-test on gender and job embeddedness, it is observed that equality of variance condition is fulfilled and t value is less than 1.96. Therefore it is established that there was no significant difference in the job embeddedness of male and female respondents.

Table 1 Independent Samples Test

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	Df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
JE	Equal variances assumed	.041	.840	-.50	235.00	.61	-.02	.05	-.11	.07
	Equal variances not assumed			-.51	229.48	.61	-.02	.05	-.11	.07

Source: SPSS output compiled from primary data

b. Nature of job and job embeddedness

On application of independent sample t-test on nature of job and job embeddedness, it is observed that equality of variance condition is fulfilled and t value is less than 1.96. Therefore it is established that there was no significant difference in the job embeddedness of employees working as permanent and contractual basis.

Table 2 Independent Samples Test

Independent Samples Test										
		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	Df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
JE	Equal variances assumed	.00	1.00	.02	235.00	.98	.00	.05	-.09	.09
	Equal variances not assumed			.02	227.27	.98	.00	.05	-.09	.09

Source: SPSS output compiled from primary data

c. Education and Job embeddedness

One way Anova is applied to verify whether there is any difference in the job embeddedness of the respondents with different levels of education. It is seen from the table 3 that there is no significant difference in the mean values of respondents from different educational back ground. Homogeneity of variance was met as p value was 0.7.

Table 3 ANOVA - Education and Job embeddedness

ANOVA - Education and Job embeddedness					
JE					
	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	.315	3	.105	.839	.474
Within Groups	29.192	233	.125		
Total	29.507	236			

Source: SPSS output compiled from primary data

d. Total years of experience and Job embeddedness

Welch test is applied here to verify whether there is any difference in the job embeddedness of the respondents based on their work experience. It is seen from the table 5 significance value is less than 0.05 and therefore it can be stated that there is significant difference in the mean values of respondents with different work experience. Homogeneity of variance was not met as p value was 0.04. Post hoc test was applied using Games-Howell method and observed that there was difference in the job embeddedness of the respondents with work experience of less than 5 years and with an experience of 5 to 10 years experience.

Table 4 Robust Tests of Equality of Means

Robust Tests of Equality of Means				
JE				
	Statistic ^a	df1	df2	Sig.
Welch	3.766	4	108.457	.007

a. Asymptotically F distributed.

Source: SPSS output compiled from primary data

e. Experience at present organisation and Job embeddedness

One way Anova is applied to verify whether there is any relationship between the job embeddedness of the respondents and working experience at present organisation. It is seen from the table 6 that significance value is greater than 0.05 and therefore it can be stated that there is no significant difference in the mean values of respondents with different work experience at present work place. Homogeneity of variance was met as p value was 0.14.

Table 5 ANOVA - Experience at present organisation and Job embeddedness

ANOVA - Experience at present organisation and Job embeddedness					
JE					
	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	.542	3	.181	1.453	.228
Within Groups	28.965	233	.124		
Total	29.507	236			

Source: SPSS output compiled from primary data

f. Income and Job embeddedness

Welch test is applied here to verify whether there is any relationship between the job embeddedness of the respondents and their income level. It is seen from the table 7 that significance value is less than 0.05 and therefore it can be stated that there is significant difference in the mean values of respondents with different income levels.

Homogeneity of variance was not met as p value was 0.008.

Table 6 Robust Tests of Equality of Means

Robust Tests of Equality of Means				
JE				
	Statistic ^a	df1	df2	Sig.
Welch	3.464	4	28.745	.020

a. Asymptotically F distributed.

Source: SPSS output compiled from primary data

Games-Howell method is used to apply Post hoc test to identify the group with variance. It is observed that there are difference in the job embeddedness amongst the respondents with monthly income of 20000 to 50,000 rupees and 50,000 to 80,000 rupees.

Objective no 2: To identify the important factors affecting job embeddedness

H0: There is no significant relationship between independent variables (job, salary, work, working conditions, relations, supervision, job security and policies and procedure) and job embeddedness

H1: There is significant relationship between independent variables (job, salary, work, working conditions, relations, supervision, job security and policies and procedure) and job embeddedness.

On application of stepwise regression it was observed that supervision, relation, job security and policy and procedure were the most important factors affecting job embeddedness amongst rest of the factors considered for this study. According to model 4 given in the model summary below supervision, relation, job security and policy and procedure were able to explain 87 percent of variations in the job embeddedness variable.

Table 7 Model Summary
Model Summary^e

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.899 ^a	.807	.807	.155	2.113
2	.921 ^b	.848	.847	.138	
3	.933 ^c	.870	.869	.128	
4	.935 ^d	.874	.872	.126	

a. Predictors: (Constant), superv

b. Predictors: (Constant), superv, relatn

c. Predictors: (Constant), superv, relatn, jobsecu

d. Predictors: (Constant), superv, relatn, jobsecu, policy

e. Dependent Variable: JE

Source: SPSS output compiled from primary data

Anova results support that there is significant relationship between supervision, relations, job security and policies and procedure with job embeddedness.

Table 8 Anova Result

ANOVA^a

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	23.825	1	23.825	985.398	.000 ^b
	Residual	5.682	235	.024		
	Total	29.507	236			
2	Regression	25.021	2	12.510	652.587	.000 ^c
	Residual	4.486	234	.019		
	Total	29.507	236			
3	Regression	25.681	3	8.560	521.265	.000 ^d
	Residual	3.826	233	.016		
	Total	29.507	236			
4	Regression	25.798	4	6.449	403.437	.000 ^e
	Residual	3.709	232	.016		
	Total	29.507	236			

Source: SPSS output compiled from primary data

Findings of the study

1. There was no significant difference observed in the job embeddedness of males and females on the application of independent sample t-test the p value was 0.6. Similarly, no significant difference was observed between job embeddedness of permanent and contractual employees.
2. There was no impact of education on the job embeddedness of the employees, this was proved through the application of Anova test, and the p value was 0.4
3. It was observed that that the total years of experience had an impact on the job embeddedness of the employees. Respondents with less than 10 years of experience had greater job embeddedness than other

groups. The same situation was observed in the case of job satisfaction too. This could be because initially, the expectations of the employees are low or minimal with regards to salary, work, position, etc, so they experience lesser dissatisfaction in the initial period of their working career.

5. On the application Welch test it was observed that there was a significant difference in the job embeddedness of the respondents with different income levels. The respondents from income groups higher than rupees 80,000/- per month have reported greater job embeddedness in comparison to income groups having salaries lesser than rupees 80,000/- per month.

6. On application of linear regression it was observed that amongst job, salary, work, working conditions, relations, supervision, job security and policies and procedure, the most important factor affecting job embeddedness are supervision, relation, job security and policy and procedure. Here supervision is acting a most important role in determining job embeddedness.

Suggestions and Conclusion

Observations indicate that employees in the media industry express dissatisfaction with the factors influencing job embeddedness. Proactive efforts by organizations to comprehend and address employee expectations promise to elevate job satisfaction. Creating a conducive climate within the organization, encompassing robust relationships, favorable policies and procedures, conducive working conditions, and comprehensive benefits, is imperative. Such an environment fosters enhanced performance and facilitates the attainment of both individual and organizational objectives. Despite the industry's ups and downs, there is still room for growth, particularly given the emergence of OTT platforms, digital media, and other cutting-edge technology.

THE EVOLUTION OF MEDIA - A JOURNEY FROM CHINESE WHISPERS TO MODERN DAY ARTIFICIAL INTELLIGENCE (A.I)

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Abstract

The aim of this paper is to provide a background into understanding the journey of "Media", its evolution from ancient days to what it is navigating towards in the coming years. It describes how media merely on one side is considered as a freedom of expression but also how it is altered with, when being published. Therefore, an attempt is made to explain the what media in true sense should be and how ways can be developed in today's time to bring back its true essence.

Sub themes: Media and History.

Key words: Ancient India & Media, Press Trust of India, Artificial Intelligence (A.I.)

CONTENT

INTRODUCTION

(I) OBJECTIVE

(II) HYPOTHESIS

(III) CLASSIFICATION OF THE RESEARCH PAPER

(A) UNDERSTANDING KEY TERMS SURROUNDING MEDIA

(B) REFERENCE OF MEDIA IN ANCIENT INDIA

(C) MEDIA: A JOURNEY ACROSS CENTURIES

(D) PRESS TRUST OF INDIA

(E) CONTENT ANALYSIS

(F) RESULTS & DISCUSSION

(IV) METHODOLOGY

(V) THE FUTURE OF MEDIA

CONCLUSION - KEY TAKE-AWAYS

REFERENCES: -

INTRODUCTION

The word media is derived from the Latin plural of the word "medium". Media history crawls its way back to ancient civilizations. It considers a variety of different dimensions of communicating and transmitting data, information and knowledge to mass of individuals. Humans have had a very detailed history of efficiently utilizing media to effectively communicate themselves to others, it was only the means that mattered. Media has therefore always contributed by providing a room to humans to express themselves, their ideologies and simply their beliefs to others.

The term media was first officially coined in the year 1920s to denote transmit of information. However, it was not directly in the 1920s, it was actually into existence, but in different forms practiced and preached by civilizations from time to time. Its way of practices, did shape the ideologies around the globe and also impacted the people who came in touch with it. The invasions by countries across different timelines in history did shape up the evolution of media in ancient India. The earlier forms of media were merely in

oral format wherein only the message was conveyed and it did not have any written proof, it was later that as time passed media evolved to digital space to what it is today. The journey of media across centuries in more detail is described below.

Journalism is a branch of media which can be explained as an activity to collect the data, analyse it and finally distribute it through print or electronic means. The earliest known document evidencing journalism was a news sheet circulated in ancient Rome: the Acta Diurna. The industry of journalism evidenced a sense of great professionalism in the 20th century. It was before the latter part of the 19th century, most of the journalists had mastered their craft of journalism. Today journalism is one of the hot topics under discussion.

Another topic which has gained relevance recently is the regulation of Media law. In India the media regulation is governed as follows:^x

1. Media - The Media Entertainment (M&E) industry in India can be broadly classified into print, cinematograph films, broadcasting, and digital media. Each of these categories is regulated by the Ministry of Information and Broadcasting (MIB)
2. Print - The MIB (Information Wing) regulates print media in India.
3. Broadcasting - The Broadcasting Wing of MIB is in charge of regulating broadcasting, including cable TV and FM Radio.
4. Digital media - Digital media such as online news publications, online curated content publishers including OTTs and social media platforms are regulated under the IT Act read with the Intermediaries Guidelines.
5. Radio stations - The licence for private radio stations is issued on an auction basis in a phased manner. The latest phase is Phase III, initiated in 2011, under which the government has been offering channels for auction every few years.

So let us dive into the analysis and understanding of media and history of media.

(I) OBJECTIVE

Following are the objectives of this paper:

- i. To understand the history of media from its base form to what is today with probable future of the industry
- ii. To examine the concept of “Free Media” in its true spirit by interpreting different factors.
- iii. To suggest a model or laws for ensuring honest media practices.

(II) HYPOTHESIS

The media industry has evolved over centuries and have served their utility as a function. The concept of “Free media” has always been tested across centuries to which now a proper emphasis is being laid. The media and press houses mindful of their authority, have succeeded on being tested with respect to honesty and transparent reporting.

(III) CLASSIFICATION OF THE RESEARCH PAPER

(A) UNDERSTANDING KEY TERMS SURROUNDING MEDIA

Definitions:

Oxford dictionary defines “Media” as:

“The main ways that large numbers of people receive information and entertainment, that is television, radio, newspapers and the internet.”^{xi}

Cambridge dictionary defines “Media” as:

“The internet, newspapers, magazines, television, etc., considered as a group.”^{xii}

Britannica dictionary defines “Mass Media” as:

“The radio stations, television stations, and newspapers through which information is communicated to the public.”^{xiii}

As per the National Institute of Standards and Technology, defines Media as:

“Physical devices or writing surfaces including, but not limited to, magnetic tapes, optical disks, magnetic disks, Large-Scale Integration (LSI) memory chips, printouts (but not including display media) onto which information is recorded, stored, or printed within an information system.”^{xiv}

Ethical journalism:

Ethics is derived from the word “Ethos”, it is a branch of philosophical study of concepts of moral right and wrong. It is therefore a set of moral principles. Ethics is the most important fabric for the human society. Media and ethics are always a topic capturing attention and detail.

Media therefore has to pass through the test of ethics and abide by its principles. An independent media acts like an auditor for the society and it is very much necessary for the media houses and journalists abide by the below mentioned principles:

1. Truth and Accuracy
2. Independence
3. Fairness and impartiality
4. Accountability

These principles of an honest and ethical journalism act as a pillar, on which the monument of fair media reporting stands erect. It therefore, becomes a necessity for every media house and journalist to dissolve these ingredients in their daily conduct.

(B) REFERENCE OF MEDIA IN ANCIENT INDIA

India's knowledge system and cultural diversity is undoubtedly one of the oldest and most knowledgeable amongst many other civilizations. It is a very rational belief that the concept of “Media” is a modern concept. However, it has had its presence and relevance in the Indian's one of the greatest epics viz the “Mahabharata”. Media is therefore not a modern-day concept, as its footprints can be traced back to the times of the epic of Mahabharata

Mahabharata:

Mahabharata is one the most important benchmarking epics in the Indian civilization. It was a war for preserving and uplifting the concept of “Dharma”, during the “Dwapara Yuga.” It was a battle between brothers on one side being the Pandavas and on the other being the Kauravas.

As we all know, media today though has evolved and has many sub-branches to itself, one of the most basic versions of the same having a “live-telecast”. It was just before the beginning of the battle when Shri Vyasmuniji gave a “Divya Drushti (divine sight) to Shri Sanjay, who was responsible of updating Shri Dhritarashtra about the insights of the battle as he was a blind man.”

It is to be understood as how the concept of live-telecast of what we know today was preached and practised in a different style in ancient India.

(C) MEDIA: A JOURNEY ACROSS CENTURIES

Chinese whispers:

In the initial days, unfortunately technology was not that advanced as it is today. Therefore, the earlier civilizations did not have the luxury of having media houses like we have today. Nor did they have any

newspapers delivered at their doorstep. However, the news and knowledge in those days was shared orally. This was the very basic foundation of the idea of what media is today.

Though, it did suffer from many limitations as we all know with the “Theory of Chinese whispers”. Chinese whisper is basically stemmed from sinophobic idea of from the 1800s used by the Chinese people. The theory outlines the fact the data when passed on from the sender to the receiver might get altered in many ways to the point that the end user might miss out the crux of the sourced information.

Roadshows and public announcements:

Roadshows or public announcement were a modified version of oral communications. It was a form of media wherein a person used to inform people by gathering them at a place. It is a much better version of Chinese whispers as however one person addresses the crowd but though it does suffer from its limitations, one being not documented in a written format.

Messengers to the king:

In earlier times, the kings used to the messages and information to the people and other kings by writing them on a piece of paper. The same written document would then be delivered and narrated to the other king or other people in general. It is a much more advanced version of media and its distribution and one of its advantages was that, it was in a written format, therefore it could be interpreted in a much better way.

As compared to the other two forms of media, it was much more reliable and created less chaos when being delivered.

Written media or Print media:

Print media changed the world of media across the globe. Over the course of history, the newspaper industry has surfed many transformations. It is believed and argued by the scholars that it was the ancient Romans who published the first newspaper. In the year 1566, the “Avisis” or the gazettes were handwritten which focused on military and politics. It was a matter of fact how introduction of newspapers or print media across the world completely transformed the industry of media into a different ballgame. Accordingly, the first newspaper printed in India was during the year 1780 by James Augustus Hicky under the British Raj and it was named as the Hicky's Bengal Gazette. Other newspapers such as The India Gazette, The Calcutta Gazette, The Madras Courier (1785), and The Bombay Herald (1789) soon followed.

Radio media:

It was in the year 1923, where the industry of media witnessed a new evolution. The Radio Club of Bombay made the first ever broadcast in the country. The history of radio in India is a testament as a vital tool for communication in the countries landscape.

The British Colonial government had granted a license to a private company - “The Indian Broadcasting Company” to open and operate radio stations in Bombay and Calcutta. The Company went bankrupt but the colonial government took over the Company and started operating as the “The Indian State Broadcasting Corporation.” The same media has the “All India Radio” as the most trusted version of radio media.

Digital media:

Internet till today stands to be one the most important inventions of the mankind. It opened up the world for everyone. Internet in India was introduced in the 90s and since then its consumption has showed an

upward trend. The internet is responsible for transforming the media as an industry into quite something astonishing. In today's date, India has more than thousands of televisions and radio stations.

There has been a rampant increase in the consumption of internet usage in India from last two decades. There are a lot of statistically data evidencing usage of online media as a platform against print media. It is gradually increasing year by year a concludes that maybe in coming years, people might completely switch to digital media as a source of consuming information than print media.

(D) PRESS TRUST OF INDIA

Press Trust of India (PTI) is the largest news agency in India. It is a non-profit co-operative headquartered at New Delhi. It is a news agency co-operatively owned by the Indian newspapers, which joined hands to take over the management of the Associated Press of India (API) and the Indian outlets of the Reuters News Agency (RNA) of Great Britain. It became the world's largest co-operative agencies. It initially was operating in English language as a medium for sharing information, however lately it chooses to diversify and modernize its operations. It introduced its first television facility in 1986 and country's first wirephoto services in the year 1987.

In 1976 the government declared a state of emergency and required PTI to merge with India's other three major agencies, the English-language United News of India and the multilingual Hindustan Samachar and Samachar Bharati, but in 1978 the four agencies were allowed to start operating independently again.^{xv}

(E) CONTENT ANALYSIS

Freedom of press:

In a layman terminology freedom of press is the belief that the press is expressing themselves without any interference of influence be it politically, economically or in any other way. In India, the ideology of "Free Press" is derived from the Constitutional rights under the "Freedom and expression of speech" in Article 19(1)(a).

In case of the United States of America, the United States Supreme Court Justice Hugo Black in New York Times Co. v. United States (1971) emphasized that the "Freedom of the press", is protected by the First Amendment which is critical to a democracy in which the government is accountable to the people.

Let us try to understand the Freedom of Press both in India and the United States of America by understanding the index which depicts the rankings compared with the world and also the reasons for the same.

Press Freedom Index:

The Press Freedom Index is an annual ranking of countries compiled and published by Reporters Sans Frontiers (RSF) based upon the organization's own assessment of the countries' press freedom records in the previous year. It intends to reflect the degree of freedom that journalists, news organizations, and netizens have in each country, and the efforts made by authorities to respect this freedom. RSF is careful to note that the index only deals with press freedom.^{xvi}

Sr No.	Name of the country	Rank		Press Score		Remarks
		2022	2023	2022	2023	
1.	India	150	161	41.0	36.6	A downward trend is observed as: Rank and Press score fell from 150 to 161 and 41 to 36.66, respectively.

						<p>A massive downtrend is seen in rankings when compared globally.</p> <p>At least 194 incidents surrounding “Attacks on Journalism” were witnessed in the year 2022. Also, the year 2023 witness enormous number of cases surrounding attacks of journalists which was rooted by tussle of powers between the governments. The degree of Freedom of Press in India has witnessed a drastic decline since the year 2014.</p>
2.	United States of America	42	45	72.74	71.22	<p>A downward trend is observed as:</p> <p>Rank and Press score fell from 42 to 45 and 72.74 to 71.22, respectively.</p> <p>A total of around 143 incidents took place where number of journalists targeted during the year 2023. These attacks include:</p> <p>Arrest of journalists Seizure of the equipment Assaults and interrogations</p> <p>However, the drop press score for the country was not much, it has been the worst index score as compared to previous years. Also, the concern for accusations of “Fake news” and “Distrust” showed an increasing trend.</p>

Disclaimer: The above analysis is concluded after considering the world Press Score Index by different agencies. The remarks concluded are after reading different articles, reports and blogs I came across when trying to collate information.

(F) RESULTS & DISCUSSION

Upon a deep analysis of two countries viz India and United States of America, a conclusion can be derived as to how alarming it is for the countries to understand the sensitivity of an independent and honest new media, impacts on its democracy. A lot of incidents contributed to those ratings and index scores be it the political factors, geographic factors, economic factors etc. Therefore, it is a take-away for the countries to focus more on their “trust indexes” so as to avoid painting of incidences in a different way because of third party influences on media houses.

(IV) METHODOLOGY

The study undertaken is a descriptive study to gather data.

While applying “Qualitative research method”, the literatures concerning “Media” and its consumption have been reviewed. Also, information based on secondary data, collected from books, journals, e-resources, etc. have been utilised for undergoing the study.

(V) THE FUTURE OF MEDIA

Artificial Intelligence is the most trending topics in today’s time. Artificial Intelligence (A.I.) is a system which enables the computers and machines to stimulate human intelligence and problem-solving capabilities.

The introduction of A.I. has definitely impacted many industries and it will continue to affect and evolve the upcoming trends in coming time. A.I. generated news is a type of content creating news which is generated by the A.I. software considering necessary inputs. A.I. generate news is designed to automate the functions of a traditional journalist. The algorithms are trained and coded in a way which enables the technology to write and publish news, articles and other sources of information.

The A.I. news would form up a concluded news by collecting data, analysing it and lastly creating and publishing the content. The innovation would definitely capture and serve many benefits one the major one being, is having a more ethical and transparent media. Other benefits include that of improved efficiency, more time and cost effective etc. It does face challenges with respect to accuracy and accountability, news quality, limited sample size, creativity and analysis etc.

Some the successful examples of A.I. and the news media are that in case of the Washington Post - by launching its "Heliograf" AI technology, Reuters, The Associated Press, Bloomberg and BBC.

CONCLUSION - KEY TAKE-AWAYS

Media as an industry has always been the most evergreen industry. It actually has evolved at par with humans. As studied earlier it has its traces back to the ancient times. Today media is much more than what it had earlier started its journey with, it’s a much more clear and concise way of communication than before.

The industry of media however has faces which needs to addressed with more maturity abiding with the ethical principles. It is ideally the media houses, who are authorized with a sense of moral responsibility towards transparently disclosing the facts independent of any third-party influence. It is of such misfortune that it is via these media houses, the opinions are shaped of layman consuming the content. I believe the whole focus should be shifted towards introducing more stringent norms not to be used as a threat but in a way making the media houses aware of the potential dangers of misrepresenting the facts.

Introduction of A.I. can be a good potential initiative to seek more transparent and fair reporting of events however, it is primarily very important to understand about the sensitivity of data being handled and what its mishandling could cause damages. Ideally citizens should also be made more aware of the exact happenings around them and be courageous enough to report any misinformation they might have come across.

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