



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 4 AND ISSUE 2 OF 2024

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Free and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 4 and Issue 2 of 2024 (Access Full Issue on – <https://ijlr.iledu.in/volume-4-and-issue-2-of-2024/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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FREE PRESS AND LAW: A STUDY ON CHALLENGES FACED BY JOURNALISTS IN INDIA

AUTHOR – PUNNAGAI.K, STUDENT AT SAVEETHA SCHOOL OF LAW, SAVEETHA INSTITUTE OF MEDICAL AND TECHNICAL SCIENCE (SIMATS), CHENNAI – 77

BEST CITATION – PUNNAGAI.K, FREE PRESS AND LAW: A STUDY ON CHALLENGES FACED BY JOURNALISTS IN INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (2) OF 2024, PG. 740-748, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

Personal liberty is a multidimensional spectacle that evades precise meaning. Broadly speaking it stands for freedom and exemption from superfluous control. It indicates the power of the will and one's ability to follow one's unrestricted choice. It is under this that all freedoms exist, the freedom of speech and expression being the foremost among them, second only to the freedom of life. In our country, liberty of thought, expression, belief, faith and worship is promised. The philosophy is given in the Preamble of the Indian constitution itself. This paper aims to analyze the validity of this freedom in today's India and tries to grasp the role of the present government concerning the freedom of press. Major findings of the study are that the majority of the youngsters are aware of the issue and threats faced by the journalists in doing their work and many think the perpetrators and mobs and supporters of religious sects followed political parties.

The Indian constitution does not grant any specific leverage for journalists to protect their work. However, Article 19 of the Indian constitution grants freedom of speeches to all citizens with reasonable restrictions. So more stringent laws and provisions should be made to protect the journalists and abolish the colonial era sedition laws which are widely used to silence dissent.

KEYWORDS : freedom of press, attacks, journalists, media, constitution

INTRODUCTION :

The media has the power to shape events, affect lives and influence the course of history. Journalism is the backbone of India's democracy, upholding the principles of free speech and expression enshrined in the Constitution. Journalists play a vital role in informing citizens about government policies, political developments, and societal issues. Through unbiased reporting and investigative journalism, they serve as watchdogs, ensuring transparency, and holding those in power accountable for their actions. The power of media escalates beyond the boundary of human control, the fourth pillar of democracy prides itself in being balanced, neutral and showcasing the truth. The freedom of press is the freedom of communication and expression

that involve passing on of the information to many people at large through various published materials and electronic media at large. Unlike the U.S constitution, the freedom of the press is not explicitly mentioned in the constitution. However, as was stated by Dr. B. R. Ambedkar, it's unnecessary to make special mention of the press under the freedom of speech and expression because as far as the constitution is concerned, the individual citizen and the press were one and the same thing. Now coming to the present times, the freedom of press is met with certain challenges threatening the very function of the media. India stands at the 161st position out of 180 countries in the Press Freedom Index and the country is considered to be one of the deadliest countries for a journalist. Committee to Protect Journalists

report which collated data until December 1 last year said the total count of jailed journalists is the second-highest since the census began in 1992, indicating the “entrenched authoritarianism and the vitriol of governments” against independent voices. It also noted that ranked sixth alongside Iran, Israel has emerged as “one of the world’s leading jailers of journalists” since the Israel-Hamas war began on October 7. A total of 194 journalists, including seven women journalists, were targeted across India in 2022, according to the Rights and Risks Analysis Group (RRAG). Sixty seven journalists were arrested and nearly 200 were physically attacked in 2020. A journalist who was on his way to cover the gang rape of a girl in Uttar Pradesh, has been in jail over a year. Journalists, especially women who are critical of the government face fierce online trolling, bullying and threats. Critics say a number of journalists seen as sympathetic and favoring to the government have consistently gotten away with broadcasting and publishing inflammatory, insensitive materials often targeting the minorities. Also the colonial era sedition law is being widely used to crack down on dissent. An overwhelming majority of sedition cases filed against 405 Indians for criticizing politicians and government over the last decade were registered after 2014. The Indian Constitution does not grant any specific leverage for journalists to protect their work. However, Article 19 of the Indian Constitution grants freedom of speech to all citizens with reasonable restrictions. Many times the state has used these ‘reasonable restrictions’ with other laws including the Unlawful Activities Prevention Act (UAPA), the Sedition Act, etc. to muzzle the dissenting voice of a journalist.

OBJECTIVES :

- To study the issues and challenges faced by the journalists in carrying out their duties.
- To understand why India is becoming unsafe environment to exercise the freedom of expression

- To examine the government intervention in the freedom of press in India.

REVIEW OF LITERATURE :

The author argues that Mousam provides capital inputs for an alternative parody gum for development strategies and it is still a powerful ideology for the poorer parts of the world. **(B. Chakrabarti, 2009)** This paper exposes the meaning of this observation in contemporary India, by examining the ways in which the idea of ‘representation’ has played out in the contemporary Indian context. **(Premi Jain and Karen Gabriel, 2009)** A comparative analysis of the growing pains in the development of an independent and free press in South Africa and India, is the focus of this article. The two countries are from the least developed regions of the world – sub-Saharan Africa and South Asia – and are influential democracies in their respective regions. **(Jifai Yin, 2011)** This paper emphasizes how the democratic credentials of a state are judged today by the extent of the freedom of press it enjoys in that state. **(Zarina Begum, 2013)** This research was attempted to recognise the freedom of speech and expression for the journalist and understand how the law has dealt with this freedom through different cases and judgements. **(Ruheela Hasan, 2014)** It is difficult to theorize the practice of ‘paid news’ in routine democratic discourse. As such, sociologists have been skeptical of media’s objectivity or selective perceptions, but even by those standards putting a price tag on news coverage is the new low for India’s thriving quality press. **(Vipul Mudgal, 2015)** This paper analyzes how despite freedom of press being a fundamental – constitutional right, India managed to rank 133rd place in the world press freedom index and questions the basic values of press freedom. **(Sung An Li et al, 2017)** This paper discusses one of the most powerful politicians of India, for the most controversial and harsh decision of imposition of emergency and press censorship and the response of the press thereto. **(Dr Jumer Ghosh, 2017)** This paper highlights how freedom of press has

remained an issue that has led to an endless number of debates across the democratic world in the past few decades. **(Rahesh Sehgal and Udit Malik, 2018)** The objective of the paper is to analyze whether the press has got real freedom and to study about freedom of press in India. **(B.Mukundan and C. Reneya, 2018)** The study illustrates that today's public editors should be a watchdog, perform public relation functions, be a conduit between leaders and a newsroom. **(Patrick Ferucci, 2018)** This article considers the mental health of societies and looks at the loss of equilibrium in what have liked to think of themselves as models for the rest of the world to follow. **(Jeremy Seabrook, 2018)** This paper aims to highlight the existence of a free, independent and powerful medium and how it is the cornerstone of a democracy, especially of a highly mixed society like India. **(Prateek Srinivastava, 2019)** This book sheds light on the close yet uneasy relations with Hindu nationalist future of Hindu nationalism in India. **(Prem Vijayan, 2019)** Indian media is one of the most respected media in the world. It has respect among journalists all over the world because of its authenticity, ethics and following media laws. But in recent days we all are experiencing a difficult phase for Indian media and media persons. **(S. Gupta, 2020)** This paper tries to elucidate the practicality of the existence of such a freedom in this modern times inducing the present unprecedented times of Covid pandemic. **(Sowmya Krishna Kumar, 2021)** This paper shows how even though the writers of India's Constitution clearly recognised the right to freedom as an essential part of the Constitution it has been shrinking consistently in the Indian context due to a variety of threats and physical violence and intimidation and journalists. **(Kalyani Chandra and Sachin Arya, 2021)** This paper will probe into the vulnerability and virtuous role of the press in contemporary India or the aspect of its social accountability, transparency and intervention. **(Sangitha De, 2022)** The press is considered as the fourth pillar of the constitution because the freedom of the press is

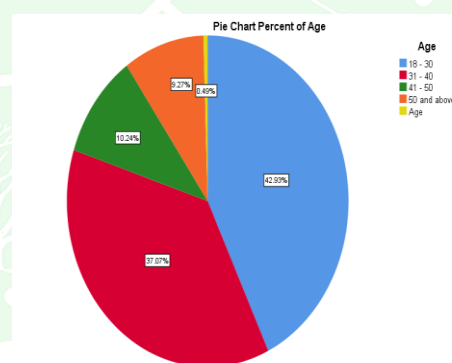
especially important in the strengthening of democracy. The paper also aims to study the actual status of press freedom in India. **(Indu Yadav, 2023)** The laws introduced to "contain" the spread of the virus have been used as a tool to gatekeeper the truth regarding the implementation of coronavirus policies by way of stifling the voice of journalists in the country. **(Sanvithi Iyer, 2023)**

METHODOLOGY:

The research method that was followed here is empirical and analytical research. A total of 200 samples have been taken through convenient sampling. The tool used by the researcher to collect the samples where Google forms. The independent variable taken here is age, name, education occupation and income. The dependent variable here is the awareness about the new codes, special provisions to women employed at night, uniform applicability of the codes and highest capacity of working hours etc.

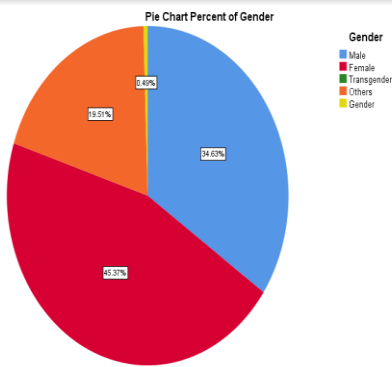
DATA ANALYSIS :

Fig 1:



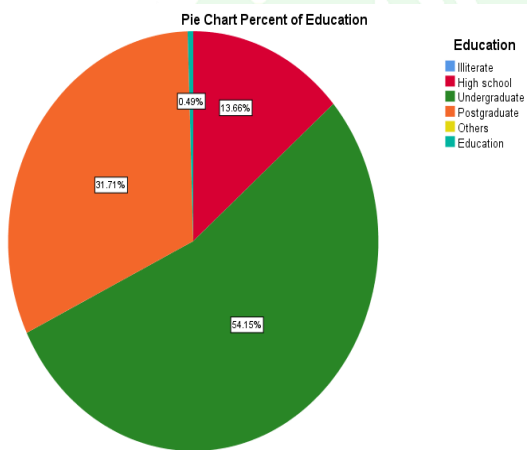
Legend : Fig 1 shows the age distribution of the respondents

Fig 2:



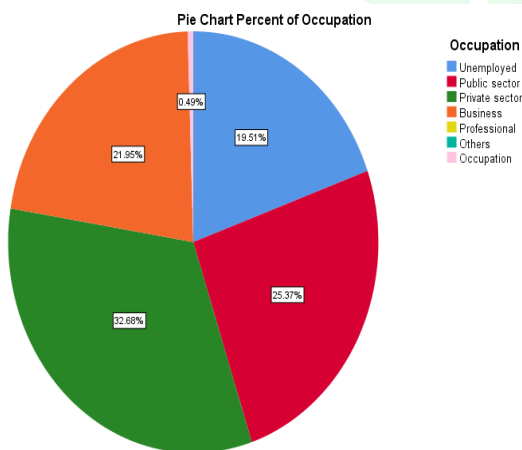
Legend : fig 2 shows the gender distribution of the respondents.

Fig 3 :



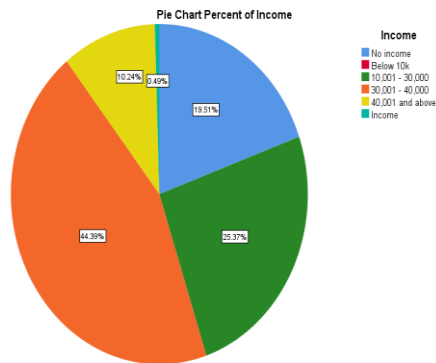
Legend : fig 3 shows the education distribution of the respondents.

Fig 4 :



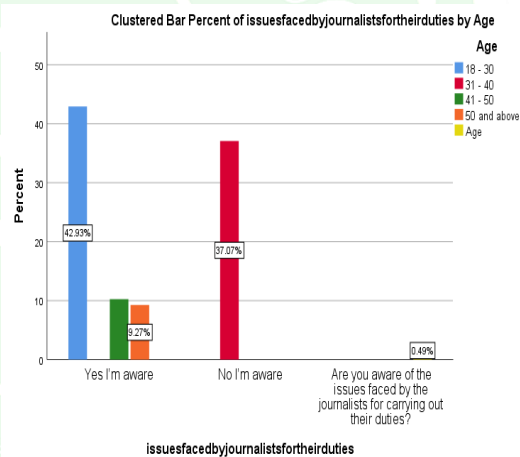
Legend : fig 4 shows the occupation distribution of the respondents.

Fig 5 :



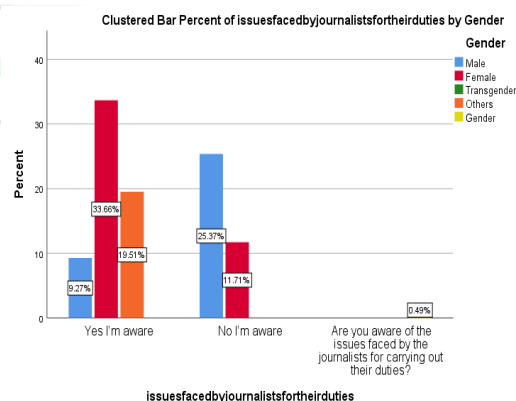
Legend : fig 5 shows the income distribution of the respondents.

Fig 6 :



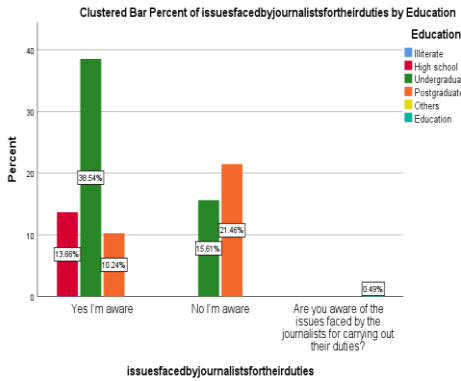
Legend : fig 6 shows the age distribution and the respondents opinion on issues faced by journalists for carrying out their duties.

Fig 7 :



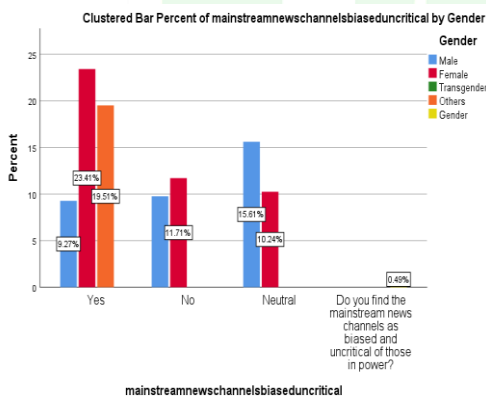
Legend : fig 7 shows the gender distribution and the respondents opinion on issues faced by journalists for carrying out their duties.

Fig 8 :



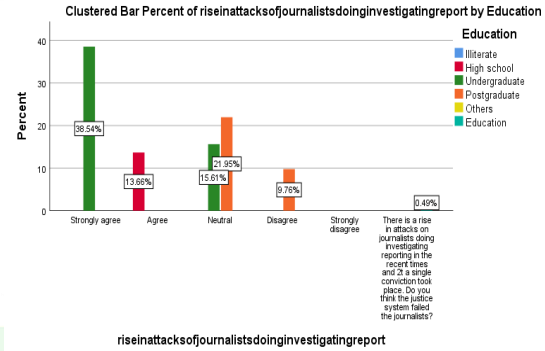
Legend : fig 8 shows the education qualifications and the respondents opinion on issues faced by journalists for carrying out their duties.

Fig 9 :



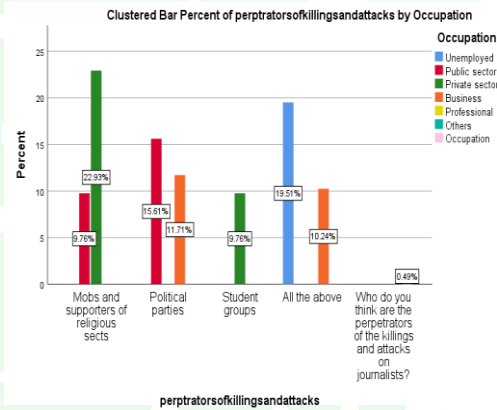
Legend : fig 9 shows the gender distribution and the respondents opinion on whether mainstream news Channels are biased and uncritical of government.

Fig 10 :



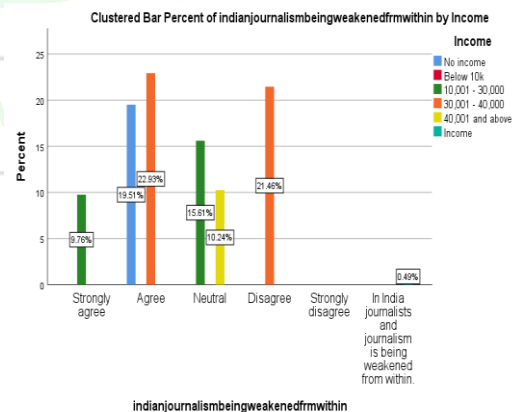
Legend : fig 10 shows the education qualifications and the respondents opinion about the rise in attacks on journalists doing investigative reporting.

Fig 11 :



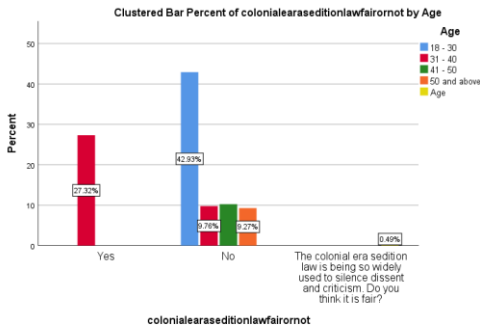
Legend : fig 11 shows the occupation distribution and the respondents opinion on who are the perpetrators of killings and attacks.

Fig 12 :



Legend : fig 12 shows the income distribution and the respondents opinion whether Indian journalism is being weakened from within.

Fig 13 :



Legend : fig 13 shows the age distribution and respondents' opinion on whether colonial era sedition laws are fair or not.

Fig 14 :

Chi-Square Tests			
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	474.919 ^a	16	.000
Likelihood Ratio	337.942	16	.000
N of Valid Cases	205		

a. 11 cells (44.0%) have expected count less than 5. The minimum expected count is .00.

Symmetric Measures			
	Value	Approximate Significance	
Nominal by Nominal	Phi	1.522	.000
	Cramer's V	.761	.000
N of Valid Cases	205		

Inference : Fig 14 shows the chi-square between age and the respondents' opinion whether colonial era sedition laws are fair or not.

Interpretation: The calculated P value is 0.000. Since value <0.05 , null hypothesis is rejected.

Null hypothesis: There is no significant relationship between age and the respondents' opinion on whether colonial era sedition laws are fair or not.

Alternative hypothesis: There is a significant relationship between age and the respondents' opinion on whether colonial era sedition laws are fair or not.

Results:

Fig 1 shows the age distribution of the respondents. 42.93% of them belong to the age group of 18 – 30. 37.07% of them belong to 31-40. 10.24% of them belong to 41 – 50 and 9.27% of them belong to the age group of 50 and above.**Fig 2** shows the gender distribution of the respondents. 45.37% of the respondents are female. 34.63% of the respondents are male , 19.51% are others and there are no transgender persons.**Fig 3** shows the education qualification of the respondents. 54.15% of the respondents are undergraduates. 31.71% of the respondents are postgraduates and 13.66% of them are high schoolers. **Fig 4** shows the occupation distribution of the respondents. 32.68% of them work in the private sector, 25.37% of them work in the public sector, 21.95% of them are in the business field and 19.51% of them are unemployed. **Fig 5** shows the income distribution of the respondents. 44.39% of them earn between 30k–40k, 25.37% earn between 10k–30k, 19.51% of them have no income and 10.24% earn between 40k and above. **Fig 6** shows the age distribution and respondents' opinion on whether they are aware of the issues faced by journalists in recent times. 42.93% of the respondents were aged 18–30 and 9.27% of them aged 50 and above. And 37.07% of the respondents of age 31–40 said no they're not aware. **Fig 7** shows the gender distribution and respondents' opinion on whether they are aware of the issues faced by journalists in recent times. 33.66% of females, 19.51% of others and 9.27% of males said yes they are aware. 25.37% of males and 11.71% of females said no they're not aware. **Fig 8** shows the education qualification and respondents' opinion on whether they are aware of the issues faced by journalists in recent times. 38.54% of undergraduates,13.66% of high schoolers and 10.24% of postgraduates said yes they are aware. 21.46% of postgraduates and 15.61% of undergraduates said no they're not aware. **Fig 9** shows the gender distribution and respondent's opinion on whether they find mainstream news channels as biased and uncritical of those in power. 23.41% of females, 19.51% of others and

9.27% of males said yes. 11.71% of females said no. 15.61% of males and 10.24% of females remained neutral. **Fig 10** shows the education qualifications and respondents on the rise in attacks on journalists doing investigative reporting. 38.54% of undergraduates strongly agreed and 13.66% of high schoolers agreed. 21.95% of postgraduates and 15.61% of undergraduates remained neutral. 9.76% of postgraduates disagreed. **Fig 11** shows the occupation distribution and respondents' opinion on who the perpetrators of killings and attacks are. 22.93% of private sector workers and 9.76% of public sector workers said mobs and supporters of religious sects are behind the attacks. 15.61% of public sector workers and 11.71% of people in the business field said political parties. 9.76% of private sector workers say student groups and 19.51% of unemployed people and 10.24% of those in the business field chose all the above which included all the options. **Fig 12** shows the income distribution and the respondent's opinion on whether Indian journalism is being weakened from within. 9.76% of respondents who earn between 10k - 30k strongly agreed. 22.93% of those who earn between 30k - 40k and those with no income agreed to it. 15.61% of those who earn between 10k - 30k and 10.24% of those who earn 40k and above remained neutral. 21.46% of those who earn between 30k - 40k disagreed. **Fig 13** shows the age distribution and respondent's opinion on whether the usage of colonial era sedition law is fair or not. 27.32% of those between the age of 31- 40 said yes. 42.93% of those between the age of 18 - 30, 9.76% of those between 9.76% and 9.27% of those who are 50 years and above said no.

DISCUSSION :

The highest number of respondents belong to the age group of 18 - 30 followed by those who are between 31-40 age. Subsidiary to the above are the respondents belonging to the age group 41-50 and the least number are 50 and above. **(Fig 1)** Majority of the respondents are female followed by male. The least number are those who do identify as male or female but under the

“others” category. **(Fig 2)** When it was asked whether the respondents are aware about the issues and attacks faced by the journalists in carrying out their duties, majority of the respondents of the age group 18-30 said yes, they are aware because of social media mostly, where the young generation is exposed to many independent journalism where the news that do not get mainstream media attention appear. **(Fig 6)** It is quite evident that many of the respondents who consume news from tv channels are aware or have realized that most of them seem to sympathize and favor those in power due to which their journalism ethics turned biased and uncritical. Majority of the female respondents voted yes followed by the men. **(Fig 9)** When the question was asked to the respondents who do they think are the perpetrators of the attacks on journalists majority of them think it is mobs and religious sects, followed by the next highest number voting for political parties. Subsidiary to the above say it was all the given options and the least number of respondents think it is student groups behind these attacks. **(Fig 10)**

LIMITATIONS :

One of the major limitations of the study is the sample frame . There is a major constraint in the convenient sampling method , the survey was conducted through questionnaires by google forms to collect responses from the people. Another limitation is the sample size of 200 which cannot be used to assume the thinking of the entire in a particular country , state or city. Most of the people faced improper network issues.

SUGGESTION :

The Indian constitution does not grant any specific leverage for journalists to protect their work. However, Article 19 of the Indian constitution grants freedom of speeches to all citizens with reasonable restrictions. Promote media ownership transparency to prevent concentration of media power in the hands of a few entities. Encourage diversity in media ownership to ensure a plurality of voices and

perspectives. Support and promote independent and community-based media outlets. So more stringent laws and provisions should be made to protect the journalists and abolish the colonial era sedition laws which are widely used to silence dissent.

CONCLUSION :

India's media was gagged for 21 months when then prime minister Indira Gandhi suspended civil liberties and imposed a nationwide Emergency in 1975. What is unusual about our current political moment is that, unlike a formal emergency that undermines rights openly, all our rights are supposed to still be functional. There is no formal suspension of rights. But their corrosion in practice has become overwhelming. We are living in an extra-legal, informal, emergency. During a formal emergency, a citizen can perhaps hope that things will go back to normal once it is lifted. It is crucial for stringent legislations to be implemented in a collaborative and inclusive manner involving various stakeholders, including the government, media organizations, civil society, and citizens. The goal should be to create an enabling environment that respects and upholds the principles of a free press, which is essential for a vibrant democracy.

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