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## Protection Of Journalists In India: A Legal Perspective

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### **Abstract**

Media plays a significant role in the upkeep of democratic traditions. It promotes the values associated with the freedom of speech by disseminating information, educating the masses and ensures accountability at the different levels of power. Given the nature of their job, journalists always remain in the line of fire, thus demanding a higher level of protection and a safe and secure environment for rendering their work effectively. Crimes against journalists have been on a rise in the last two decades and they are being subjected to intimidation, violence, harassment and threats of death. Though, the freedom of media is intrinsically granted in Article 19 (1)(a) of the Indian Constitution but no express legislation has been made that exclusively deals with the protection of the legal rights of the journalists. The safety and security of the journalists and the media personnel has never been the part of the serious debate in India, despite the numerous models for the protection of journalists provided by the International Organisations and Instruments. The paper discusses the current scenario of intensification of the challenges and threats faced by the journalists and the media personnel in India. The paper further contains an overview of the growing threats and emerging violence against the journalistic fraternity. An attempt has been made in the paper to shed light on the numerous laws which provide for the protection of the rights of the journalists and the gaps and loopholes which need to be filled for the better and effective protection and working of the journalists and other media personnel.

**Keywords:** Media, Legal Protection, Freedom of Speech and Expression, Violence against journalists.

### **I. Journalism and the Need for Freedom and Protection**

In today's society, information is power, and journalism's primary purpose is to disseminate information. Journalism is defined by the United Nations Human Rights Council as a 'role shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others involved in forms of self-

publication in print, on the internet, or elsewhere.<sup>1</sup> The value of journalism as a profession stems from the people's right to an opinion and freedom of expression, which is guaranteed by every democratic government. Journalism is the voice of the voiceless and serves as a powerful link between the government and the general public. Informers, moderators, entertainers, watchdogs, investigators, analysts, and commentators are all roles played by journalists. Journalists have a critical role in the media.

Among the most important functions of the media, which recur in media freedom literature, is its role in 'imparting information and ideas' and acting as a 'public watchdog'.<sup>2</sup> Given the capacity of media in collecting, filtering, verifying and disseminating information, it plays a critical role in the formation of public opinion and enables people to become informed citizens and actively participate in the public life. It has been observed that the media offers 'one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders'.<sup>3</sup> While acting as the 'public watchdog', media plays a role in holding the government and other powerful institutions accountable. It has long been held that the press acts a supplement to the formal government institutions that act as a check against the abuse and misuse of power.<sup>4</sup> By seeking to expose corruption, abuse of power and attempting to hold the government accountable by closely watching, processing and analysing its policies, media has attained the quasi-constitutional position of Fourth Estate.

The independence and freedom of media is one of the noblest servants of a well regulated society. The concept of media freedom lies at the heart of the media law. The freedom of media is not an optional extra in a democracy, a democracy without a free media is a contradiction in terms.<sup>5</sup> Media occupies a vital and valuable position in present democratic societies. Media is the medium and intervening agency with the aim to communicate through print, electronic and digital media and inform, educate and aware people. Media has the potential to greatly influence the public through promoting a free socio-legal and political discussion which ultimately results in the public participation for smooth functioning of an ideal government. Freedom of media is indeed an essential requisite of all democratic set ups and is valued because it serves not only the interests of media but more generally and largely it serves the interests of the public. Media promotes the values associated with the freedom of speech and expression by educating the audience and by promoting education among the masses.

India, as a democratic country, guarantees several fundamental rights to its inhabitants. One of the most essential Fundamental Rights guaranteed by the Indian Constitution is freedom of speech and expression. Though, the freedom of media is intrinsically granted

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<sup>1</sup>United Nations International Covenant on Civil and Political Rights, CCPR/C/GC/34, Human Rights Committee, 102nd session Geneva, (11-29 July 2011)

<sup>2</sup> Observer vs UK, App no 13585/88 (1991) 14 EHRR 153 at [59] cited in Jacob Rowbottom, *Media Law* 12 (Hart Publishing, Oxford, 2018)

<sup>3</sup>*Id.* at 18.

<sup>4</sup> J Bentham, *On the Liberty of the Press and Public Discussion* (London, W Hone, 1821)

<sup>5</sup> Jacob Rowbottom, *Media Law* 1 (Hart Publishing, Oxford, 2018)

in Article 19 1(a) of the Indian Constitution but no express legislation has been made that exclusively deals with the protection of the legal rights of the journalists. The freedom of the press is inextricably linked to the freedom of expression.<sup>6</sup> Journalists have the same rights as any other citizen when it comes to freedom of speech and expression. The Supreme Court of India has stated that while a journalist's right to exercise his freedom of speech and expression cannot be exempted from being held accountable to the legal framework, the law cannot be used to strangle the right of the press.<sup>7</sup> However, this freedom is not absolute; the regulations curtailing and regulating it have deep roots in national histories and cultures. As per William Blackstone, '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'.<sup>8</sup>

The profession of journalism is full of challenges and dangers, and many journalists have to struggle to get information notably in war zone areas. Even the local journalists are increasingly facing threats and challenges in the course of their duty. Therefore, the interest of the international community, especially the United Nations has increased from past many years, in taking measures to ensure the security, safety and protection of the journalists in both war and peace situations. Under the International Humanitarian Law all journalists and media professionals have the right to life, liberty, and security of person, as well as the right to a fair trial, equality before the law, and recognition under the law, as well as the right to privacy, family, and home, and bodily integrity, among other things and, if any such right is violated or if a journalist or a media person is attacked it constitutes serious Human Rights violations.<sup>9</sup> The Security Council, the major organ of the United Nations has also expressed concern about the issue of safety of journalists, by identifying the issue of protection of journalists as urgent and important. It emphasises the importance of adhering to the applicable law, urging conflict parties to uphold their international commitments to safeguard journalists and civilians. It further emphasises on the importance of holding the perpetrators of crimes against journalists and media persons accountable in order to prevent crimes.<sup>10</sup> The other organs of the United Nations like the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and other regional organisations, like the Organization of American States (OAS), the Organization for Security and Cooperation in Europe (OSCE) and the African Union (AU), have also highlighted the issue of protection of journalists and have been

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<sup>6</sup>*Ramesh Thapar v. State of Madras* AIR 1950 SC 124

<sup>7</sup>*Ramesh Thapar v. State of Madras* AIR 1950 SC 124; *Brij Bhushan v. State of Delhi* 1950 AIR 129; *State of Bihar v. Sailabala Devi* 1952 SCR 654

<sup>8</sup>William Blackstone, IV *Commentaries on the Laws of England: A Facsimile of the First Edition of 1765—1769* 150-53 (University of Chicago Press, Chicago, 1979)

<sup>9</sup> International Committee of the Red Cross. "What is international humanitarian law?" International Committee of the Red Cross, 31 December 2014, available at <https://www.icrc.org/en/document/what-international-humanitarian-law>.

<sup>10</sup> UN Security Council, SC Res 1738, SCOR, UN Doc S/Res/1738 (December 23, 2006), available at [https://www.securitycouncilreport.org/un\\_documents\\_type/security-council-resolutions/page/1?ctype=Protection+of+Civilians&cbtype=protection-of-civilians#038:cbtype=protection-of-civilians](https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/page/1?ctype=Protection+of+Civilians&cbtype=protection-of-civilians#038:cbtype=protection-of-civilians)

very active in raising awareness on the issue of safety and protection of journalists. Even non-governmental human rights organisations including Reporters Without Borders (RWB), Committee to Protect Journalists (CPJ), and the International Federation of Journalists (IFJ) – have been actively fighting for the rights and freedoms of the journalists and raising awareness on the issue of violations, threats and attacks against journalists.<sup>11</sup>

The International Declaration on the Protection of Journalists Declaration is another international platform that aims to support ongoing efforts to secure the application of international protocols relating to journalist safety and to lessen the risks journalists encounter when covering the news.<sup>12</sup> The declaration summarises international standards relating to the protection of journalists covering risky situations and victims of human rights violations. It emphasises on the roles of states and other institutions in this field, such as law enforcement agencies and the judicial authorities. It is based on existing international human rights and humanitarian law and institutions relating to journalist protection, such as resolutions, declarations, treaties, conventions, general comments, and other statements by international organisations. The Declaration affirming the importance of the Universal Declaration and the International Covenants on Human Rights as basic elements of human rights affirms that in accordance with the Article 19 of UDHR and International Covenant on Civil and Political Rights provides that the right to freedom of opinion and expression is a human right and the safety and security of journalists is essential to civil, political, economic, social and other rights of the individuals. The Declaration under its various items declares that states shall fulfil their obligations to protect all journalists, media professionals and other associated personnel and shall bear responsibility to respect and ensure that they enjoy the right to seek, receive and impart information and ideas without undue barriers.<sup>13</sup> It further declares that all journalists and other media personnel have right to life and hence have a right to protection against all kinds of human rights violations and abuses and if any case these rights are violated, they are entitled to free legal and medical aid.<sup>14</sup> It holds that all journalists, media professionals and other affiliated staff engaged in the profession while covering any areas of armed conflict are considered civilians and are respected and protected as such, provided they do not take any action that jeopardises their civilian status.<sup>15</sup> The Declaration provides that states shall provide a safe and secure environment for the working of journalists and shall take appropriate steps to prevent violence, threats and attacks against journalists and shall ensure accountability for crimes committed against such professionals and further prohibits the state to take part in any kind of

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<sup>11</sup> Abou Abbas, “Protection of Journalists under Human Rights and International Humanitarian Law Global perspective and Arab world realities”, Aljazeera, December 17, 2021, available at <https://institute.aljazeera.net/en/ajr/article/1533>.

<sup>12</sup> International Declaration on the Protection of Journalists, May 11, 2016, available at <https://ipi.media/international-declaration-on-the-protection-of-journalists/#:~:text=right%20to%20life,-.All%20journalists%2C%20media%20professionals%20and%20associated%20personnel%20have%20the%20right,forms%20of%20violence%2C%20de%20facto>

<sup>13</sup> *Id.* Item 1

<sup>14</sup> *Id.* Item 2

<sup>15</sup> *Id.* Item 3

violence against journalists or in anything that stigmatises the journalists or media personnel.<sup>16</sup>

Article 19 of the Universal Declaration of Human Rights, established by the General Assembly in 1948, and Article 19 of the International Covenant on Civil and Political Rights, ratified by the General Assembly in 1966, both require states to defend and promote the right to freedom of expression. Any restrictions placed on it must be legal and necessary for the reasons stated in paragraph 3 of Article 19 of the ICCPR.<sup>17</sup>

## II. Crimes against Journalists

The defenders of the fourth pillar of the democracy have been facing security concerns and discriminations all over the world. The primary object of the job of the journalists is to obtain information which makes the nature of their job so dangerous that they are continuously in the line of fire. Despite the fact that a large number of countries have constitutionally recognised law for protection of journalists, governments in actual sense have failed to provide a safe and secure environment for the working of journalists and unfortunately reports of attacking and harassing the journalists are only increasing. As journalists suffer assault and intimidation for exercising their fundamental rights, the danger factor in the profession of journalism is steadily rising. Kidnapping, murder, online abuse, forced detentions, and torture are among the threats. Many journalists have been slain in the last decade, according to records, and there are still a number of unresolved cases of violence against journalists. The assassination of three journalists who covered politics, crime, and corruption in the last three years<sup>18</sup> has sparked calls for legislative protection for journalists. In each case, the investigations revealed the involvement of a tumultuous political situation. In 2021, a photojournalist, Danish Siddiqui, who covered wars, mob violence and refugee crisis, was killed in Afghanistan in a crossfire.<sup>19</sup> His death underlines the risks faced by the journalists while covering conflicts, corruption cases or any political strife. Globally more than 600 journalists have been killed since 2010 as per the report of Committee to Protect Journalists.<sup>20</sup>

In India very few laws provide for the protection of journalists but in actual sense no serious protection is being provided to the journalists who are attacked or receive threats of death or who are actually killed. India's position on international indices that evaluate relative press freedom across countries has steadily deteriorated over time.<sup>21</sup> India featured in Reporters Without Borders' (RSF) list of Five Deadliest Countries in

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<sup>16</sup>*Id.* Item 4

<sup>17</sup> Universal Declaration of Human Rights, December 10, 1948, available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>18</sup> Jagindra Singh, Rajdev Rajan and Gauri Lankesh were killed in 2015, 2016 and 2017 respectively.

<sup>19</sup> Reuters, "Indian Photojournalist Danish Siddiqui was Killed after being Left Behind: Afghan General" *Hindustan Times*, Aug. 24, 2021.

<sup>20</sup> Committee to Protect Journalists, "Attacks on the press: The deadliest countries in 2021".

<sup>21</sup> Mausumi Bhattacharyya, "Safety and Security of Journalists in India: Need for Comprehensive Protective Regulations" in Sadia Jamil, Baris Coban, *et.al.* (eds.), *Handbook of Research on Discrimination, Gender Disparity, and Safety Risks in Journalism* 119-20 (IGI Global, 2020)

December 2020.<sup>22</sup> World Press Freedom Index, published since 2002 by Reporters Without Borders, ranks countries on the basis of freedom of press. In its most recent report, India was ranked 142 out of 180.<sup>23</sup> RSF uses both quantitative and qualitative data for the World Press Freedom Index to place 180 countries in order. The former is produced by calculating reported assaults and the latter is derived by calculating reported attacks and Journalists have been assaulted. A report by Reports Without Borders states that in India, political activists and criminal groups in connivance with police and corrupt local officials commit crimes against the journalists.<sup>24</sup> In the last decade, journalists have reported an increase in the violence against them. It has been alleged that journalists have faced the brunt, including harassment and death and rape threats.<sup>25</sup> More than 40 journalists have been killed and 198 severe attacks on journalists reported between 2014 and 2019.<sup>26</sup> The need of the hour is an effective central legislation which will provide an umbrella protection for the protection of the journalists in general, a safe and secure environment for the working of journalists and a stringent provision for the punishment of the defaulters and violators.

### III. Legal Protection of Journalists in India

The laws relating to media in India have a very long history dating back to the pre independence era. The laws made after independence dealing with media are contained in the Constitution itself and in certain statutes. The Constitution nowhere directly or expressly provides for the Protection of the Journalists in India, unlike the Constitution of USA.<sup>27</sup> However, the crucial importance of the Freedom of the Press couldn't be denied by the framers of the Indian Constitution, therefore, the Freedom of Press has been incorporated in Article 19(1)(a). Article 19(1)(a) of the Indian Constitution which provides for the Freedom of Speech and Expression gives validity to the Freedom of Press in India. The Supreme Court of India has held that given the fact that freedom of the Press is inherent in the freedom of expression under article 19(1) (a), there was no need to mention it separately.<sup>28</sup> As the freedom of Press flows from article 19(1) (a), which is guaranteed to all the citizens, the Press stands at par with other citizens and thus cannot

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<sup>22</sup> Priyal Shah and Aakanksha Chaturvedi, "Laws for Journalists in India: An Overview" *Social and Political Research Foundation* 4 (2021).

<sup>23</sup> Krishn Kaushik, "World Press Freedom index: India retains 142 of 180 spot, remains "one of the world's most dangerous countries" for journalists", *Indian Express*, Apr. 21, 2021, available at <https://indianexpress.com/article/india/world-press-freedom-index-india-remains-one-of-the-worlds-most-dangerous-countries-for-journalists-7281362/>

<sup>24</sup> "India: Modi tightens his grip on the media" *Reporters Without Borders*, 2020 available at <https://rsf.org/en/india>.

<sup>25</sup> Raju Gopalakrishnan, "Indian journalists say they are intimidated, ostracised if they criticise Modi and the BJP" *Reuters*, April 27, 2018 available at <https://www.reuters.com/article/india-politics-media-analysis-idINKBN1HY0AQ?edition-redirect=in>.

<sup>26</sup> Geetika Mantri, "40 journalists killed in India, 198 serious attacks in last five years, finds study", *The News Minute*, December 23, 2019 available at <https://www.thenewsminute.com/article/40-journalists-killed-india-198-serious-attacks-last-five-years-finds-study-114646>.

<sup>27</sup> Durga Das Basu, C, *Commentary on the Constitution of India* 90 (Lexis Nexis, New Delhi, 6<sup>th</sup> Edition, 1973).

<sup>28</sup> *Express Newspapers v. Union of India*, SCR 1959 12, 207, 2016; *Bennett Coleman v. Union of India*, SC 1973 106

claim any special privilege or cannot be subjected to any special restriction, except as provided by the law.<sup>29</sup> While discussing the issue of Freedom of Press, Dr. B. R. Ambedkar explained:

The press has no special rights which are not to be given to or which are not to be exercised by the citizen in his individual capacity. The editor of a press or a manager are all citizens and, therefore, when they choose to represent any newspapers, they are merely exercising their expression and in my judgement no special mention is necessary of the freedom of press at all.<sup>30</sup>

The first Press Commission in its report on the issue of freedom of speech and expression has noted, 'This freedom is stated in wide terms and includes not only freedom of speech which infests itself by oral utterances, but freedom of expression, whether such expression is communicated by written word or printed matter. Thus freedom of the press particularly of newspapers and periodicals is a species of which the freedom of expression is a genus. There can, therefore, be no doubt that freedom of press is included in the fundamental right of freedom of expression guaranteed to the citizens under article 19(1) (a) of the Indian Constitution'.<sup>31</sup>

There are various other laws which deal with the regulation and performance of the press in India, a few of which are mentioned below:

- First Press Regulations Act, 1799
- Indian Press Emergency Act, 1931
- Vernacular Press Act, 1878
- Press and Registration of Books Act, 1867
- Contempt of Courts Act, 1971
- Press Council of India Act, 1951
- The Newspaper (Prices and Pages) Act, 1951
- Cable television Regulation Act, 1995
- The Working Journalists and other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955
- Right to Information Act, 2005<sup>32</sup>

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<sup>29</sup> *Sakal Papers v. Union of India*, SCR 1962 842

<sup>30</sup> III, *Constituent Assembly Debates*, Vol. III, 780

<sup>31</sup> Government of India, "Report of the Press Commission", Part I, 357 (Manager Publications, Delhi, 1954)

<sup>32</sup> K.S. Venkateswaran, *Mass Media Laws and Regulations in India* 83-530, 571 (Asian Mass Communication Research and Communication Centre, Singapore, 1993)

Under these and various other laws which deal with the same subject matter the media and press is required to work within the framework provided under the legal principles and statutes.<sup>33</sup> There are numerous other laws and statutes which provide for the regulation of the press and media in India but the lack of clarity and poor implementation does not accord any real protection to the journalists. The multiple rules, regulations, laws and statutes restricting and curtailing the Right to Freedom of Speech and Expression of the Journalist in India must catalyse the development of a legal framework which will ultimately provide for the Protection, safety and Security of the journalists in India.<sup>34</sup>

#### **IV. Press Council of India**

The parliament of India has setup The Press Council of India in 1966 on the recommendations of the First Press Commission.<sup>35</sup> It acts as a self-regulatory body for the regulation of the press in India with the main function of Preserving the Freedom of The Press and for maintaining and improving the standard of newspaper and News Agencies in India. This institution is based on the idea in a democratic country like India the press must be free and accountable, and must have unrestricted and undistributed freedom so that it can act as an effective watchdog for the interest of the public. When conventions are broken and freedom is sullied by unprofessional behaviour, there must be a means to check and manage it. Control by the government or official authority may on the other hand be detrimental to such freedom. As a result the best way is to allow the experts in the profession with the assistance of other people to regulate it through proper and well-structured machinery and as a result the Press Council was formed. The need for such mechanism has been felt by the Press itself all over the world and Sweden is the first country to have adopted such kind of an institution in the year 1916. The idea was followed by other Scandinavian countries and other countries of the world as well.<sup>36</sup> In India this idea was basically articulated by Mahatma Gandhi, he said that ‘The sole aim of journalist should be service. The newspaper press is a great power, but just as unchained torrent of water submerges the whole country side devastates the crops, even so an uncontrolled pen serves but to destroy Press Council of India is a statutory body composed of a Chairman and twenty eight members who act as a ‘Court of Honour’.<sup>37</sup> The Council has the power of inquiring into complaints received, by summoning witnesses, taking oaths and demanding copies of the public records and has the authority to warn and reprimand the newspaper, news agency, editor or journalist in question. Its decisions are final and cannot be appealed before a court of law. The question here is despite these powers of the council, how fair and effective has it been in addressing complaints and solving the issues related therewith. On the account of non-compliance

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<sup>33</sup> Dr. Nilanchala Sethy, *Press and Media Laws: Its Impact on Administration of Justice* 52-80 (Regal Publications, New Delhi, 2017)

<sup>34</sup> G.N.Ray, “Tablodization and Syndrome: Unethical Practices in Media” *Media Law Review* 1 (2010)

<sup>35</sup> Press Council Act, Central Statutory Authority, 1978, available at <http://www.presscouncil.nic.in>

<sup>36</sup> Press Council of India, “History”(1978) available at <https://presscouncil.nic.in/OldWebsite/history.htm>.

<sup>37</sup> Press Council of India, “Norms of Journalistic Conduct” (2010), Available at <https://presscouncil.nic.in/>



or settlement between the parties out of almost 90 complaints, 60 percent of the decisions were either disposed of, dismissed, closed, dropped or withdrawn.<sup>38</sup> The Council's has limited powers of either to censure the publication or direct the editor to publish an apology in connection to the complaint, the Council is not authorised or empowered to impose penalty or punishment on publications, editors or journalists for breach of the journalistic standards or violating the Council's guidelines. These limited powers and role of this institution has led to the failure in securing the Freedom and Protection of the Journalists.<sup>39</sup> As a result of this lack and gap in the Central legal system, a number of states have begun to enact legislations to ensure the safety and protection of the journalists. Maharashtra and Chhattisgarh are the two states that have taken a step in this direction.

## V. Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017<sup>40</sup>

The Maharashtra Legislative Assembly has been the first to enact a law that seeks to safeguard journalists and media organisations against attacks in 2017, and received the assent of the President in 2019. This Bill is the first state level law which provides for the safety and protection of the journalists in India.<sup>41</sup> Under the provisions of this Bill any violent attack on a journalist which amounts to a cognizable offence is considered a non-bailable offence and every such attempt or actual act is punished accordingly. The offender is made liable to reimburse the medical expenditure incurred by the journalist during the attack, and in case of any loss or damage caused to the property of the journalist is to be compensated by the attacker. The Bill contains provisions which protect the freedom and speech of the journalists and ensures the implementation of 'Safety and Security of the Journalists' Advisory 2017, which was issued after the murder of three journalists<sup>42</sup> Jagendra Singh in 2015, Rajdev Ranjan in 2016 and Gauri Lankesh in 2017.<sup>43</sup> Despite the law is a great beginning but it is full of loopholes which renders it ineffective to a great extent.<sup>44</sup>

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<sup>38</sup>Press Council of India, "Subcommittee Report on Safety of Journalists", available at <https://www.presscouncil.nic.in/WriteReadData/pdf/SafetyofJournalist.pdf>.

<sup>39</sup> Indira Akoijam, "How Effective is the Press Council?" *The Hoot*, September 17, 2012, available at <http://asu.thehoot.org/research/books/>.

<sup>40</sup> Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017, Act No. 29, available at [https://lj.maharashtra.gov.in/Site/Upload/Acts/Media%20Persons%20\(1\)](https://lj.maharashtra.gov.in/Site/Upload/Acts/Media%20Persons%20(1))

<sup>41</sup> Rahul Tripathi, "Maharashtra only state with law to protect scribes" *The Economic Times*, November 25, 2019, available at <https://economictimes.indiatimes.com/news/politics-and-nation/maharashtra-only-state-with-law-to-protect-scribes>.

<sup>42</sup> "Burnt journalist made a dying declaration, what more does Akhilesh need"? *The News Minute*. 2015 available at <https://www.thenewsminute.com/article/burnt-journalist-made-dying-declaration-what-more-does-akhilesh-need>.

<sup>43</sup> "Journalist Gauri Lankesh shot dead in Bengaluru" *TheHindu* available at <http://www.thehindu.com/news/national/karnataka/journalist-gauri-lankesh-shot-dead-in-bengaluru/article19625724.ece>

<sup>44</sup> As in the case of Journalist Raghavendra Dube who was found dead few hours after covering attacks on some journalists, no culprit was arrested or brought before the law. Similarly in Balasahed Navgire's case, a freelancer from Maharashtra who was attacked by a mob no action was taken by the State machinery.

The Bill contains no provision with regard to the Safety, Security and Protection of the media persons associated with social media, bloggers or freelancers. There is no provision regarding the online or virtual harassment or threats faced by the journalists. Further the Bill protects the journalists only during their duty hours not before and after the duty, which leaves chance for the violator. The Bill simply provides for the provisions of compensation, it however, fails to provide for a mechanism to ensure that justice is done. The weak implementation mechanism acts as the last nail to the coffin and is greatly responsible for the failure of the Bill.

## **VI. Chhattisgarh State Commission for Protection of Journalists and Human Rights Defenders Bill, 2016<sup>45</sup>**

This Bill has been proposed by The Peoples Union for Democratic Rights and is the first Bill of its kind to garner support from lawmakers in India who are working for journalist safety and security. The Bill provides for the formation of an autonomous body which provides the legal and financial assistance to the journalists who face any kind of difficulties in exercising their fundamental right of freedom of speech and expression. Chhattisgarh being a naxal-prone state,<sup>46</sup> the journalists of the region are continuously targeted, therefore Chhattisgarh has seen a great amount of violence against the journalists especially those working in and covering the conflict zones, there are high expectations from the Bill to act as a umbrella legislation and cover all the acts of violence against the journalists and protect their rights in the long run. This Bill is expected to cover various areas which had been left unaddressed by the Maharashtra Media Persons Bill, 2017. The definition of the term "media person" and the different protections accessible to them are the most important aspects of the Bill it covers stringers, hawkers, freelancers, bloggers and agents who collect and deliver information to media persons or media institutions, and protects them not only against harassment and physical abuse, but also from unfair prosecution. The Bill further has provisions for the protection of both 'Registered and as well as those "not registered as media persons, such as technical support staff, drivers, interpreters and all other persons (including the family members and acquaintances of the media persons) facing threats of harassment, intimidation, or violence on account of their connection with the Registered Media person." The draft of the Bill also provides that in panels constituted for the purposes of supervision and registration, the women shall be given representation. Moreover, the Bill provides for a 24 hour helpline, so that the emergency situations are met with, which the media persons face during their work. All these provisions of the Bill make it an exemplary step towards the direction of protection of the rights of journalists. However, questions have been raised with regard to the provisions of the composition of the Committee to be formed

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<sup>45</sup> Media Vigil. "Chhattisgarh Special Act for Protection of Journalists and Human Rights Defenders" 2016, available at <https://mediavigil.com/wpcontent/uploads/2016/06/CG-PUCL-Law-for-Protection-of-Journalists-and-HRDs-FED-2016.pdf>.

<sup>46</sup> Kunal Majumder. (2019). "Chhattisgarh's plan for journalist safety law could be template for all India" *Committee to Protect Journalists*, February 15, 2019, available at <https://cpj.org/2019/02/chhattisgarh-journalist-safetylaw-india/>

under the Bill which, including members who are part of the government machinery, might cause conflict of interest. Doubts have also been raised with regard to the hierarchy of the members in decision-making process as well as the budgetary provisions and the mode of recruitment.<sup>47</sup>

## **VII. Conclusion**

India being one of the greatest democracies of the world is still considered highly unsafe and dangerous for the journalists, reasons being the increasing rate of attacks on the journalists and lack of coordination and resources to protect journalists and to bring attackers to the justice. Lack of any specific central legislation for the protection of journalists also contributes to the rise in crimes against journalists. Thus it becomes important to guarantee protection to the journalists who for the most of times during their work are in the line of fire to provide information and the truth to the people. A free and safe enabling environment needs to be created for the journalists so that they are able to perform their duties without intimidation and fear. On the one hand, government needs to come up with express legislation for the protection of journalists and media freedom which is fully in compliance with the International Human Rights laws and Charters while on the other it needs to refrain from using vague laws to muzzle and target journalists for their work, which might be against the government of the day. Despite rare individual attempts made by the states to make laws for the protection of the journalists and media persons, Maharashtra and Chhattisgarh have been the only states that have taken steps in this direction and formulated legislations, though with many backdrops and loopholes in them, but the need of the hour is a uniform and standard central legislation to monitor crimes against journalists and protect their rights and freedoms.

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<sup>47</sup> Neeraj Mishra, “Chhattisgarh: Is proposed law to protect journalists an act?” *India Legal*, November 5, 2020. Available at <https://www.indialegallive.com/cover-story-articles/il-feature-news/chhattisgarh-protect-journalists-pucl/>