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EDITORIAL

Research journal plays very significant role in nurturing and spreading legal knowledge. It is been considered as one of the best platform for the academicians and research scholars to contribute their legal knowledge through their analytical or critical views so that it expands the new horizons of legal research arena.

It gives me an immense pleasure to handover our readers the July - December, 2024 Issue (Vol. 9, Issue 3 & 4) of our '**International Research Journal of Socio-Legal Studies**'. The M. C. E. Society's A.K.K. New Law Academy & Ph. D. (Law) Research Centre, Pune is publishing this research journal with an intention to nurture and promote research culture among learned scholars particularly legal fraternity. It seeks to provide a platform for discourse on varied contemporary socio-legal issues such as Consumer Rights, Human Rights, Intellectual Property Rights, Digital Era, Media and Law, Contract Law, Migrant Domestic Workers, Constitutional Laws, Labour Laws, etc. and their impact on society. This issue of the journal contributes to such endeavour via its exploration of diverse topics in the field.

The International Research Journal of Socio-Legal Studies is a devoted single blind peer reviewed quarterly multidisciplinary journal bearing ISSN standards. It publishes and promotes innovative research papers with utmost efficiency in all areas.

I must convey my sincere thanks to all our readers and particularly authors and encouragers for their overwhelming response. I also appreciate the efforts taken by editorial Board in completion of this Issue of the journal. We welcome interdisciplinary original contributions from practitioners, scholars, think-tanks and academicians.

The research papers for publication should be submitted via email only to nlairjournal@gmail.com

Happy Reading !

A.A. Zarkar

(Dr. Atul A. Zarkar)
Editor

International Research Journal of Socio-Legal Studies

CONTENTS

ARTICLES

- From Ambiguity to Clarity: The Role of Court in Constructing General Words 001
Dr. Atul A. Zarkar
- Addressing tribal rights as human rights: the indian perspective 007
Prof. (Dr.) Anil G. Variath
Dr. Bindu Variath
- Safeguarding Creativity: A Legal Perspective on Copyright and Intellectual Property Rights 013
Dr. Varsha Deshmukh
- The Evolution of Legal Systems in India: From Ancient Literary Texts to Modern Reforms 021
Dr. Shweta Gupta
- "Fairness in Contract Law: A Controversial Issue" 028
Dr. Ashwini Ingole
- The Criminalization of Marital Rape: Recent Developments and Implications 037
Dr. Pradhnya Sawarkar
- The Complex Interplay of Peaceful Protest, Violence, and Law on Public Property Destruction in India: A Critical Analysis 043
Dr. Satish Shinde
- Protection of Consumer Rights- Constitutional, Human Rights & Judicial Perspective 052
Dr. Sandip B. Satbhai
Mr Anup Mohadkar

CONTENTS

ARTICLES

- The Media Trials in India: A Legal Perspective
Dr. Samir Nimba Chavan 060
- "Labour Code Reforms in India: Balancing Challenges and Growth Opportunities"
Dr. S.D. Shegaonkar 065
- Balancing freedom and responsibility: a critical analysis of media law in the digital age": analytical study
Dr. Madhuri V. Sarwade 076
- Reforming justice: the intersection of philosophy, law and prisoners' mental health
Dr. Sourabh V. C. Ubale 083
- Inclusive Public Participation in Healthcare by Involvement of Marginalised Groups: A Socio-Legal Approach
Dr. Ameena S. Halima 092
- Contextual Interpretation of 'At Pleasure' Doctrine by the Supreme Court of India
Ms. Uroosa Shaikh
Dr. Tejaswini Malegaonkar 098
- "Right to Disconnect: The Legal Framework for Safeguarding Work-Life Balance in the Digital Era"
Mr. Kailash Poul 106
- Protection of the Rights of "Migrant Domestic Workers" - A Critical Analysis
Mrs. Shabnam Pathan 112

"BALANCING FREEDOM AND RESPONSIBILITY : A CRITICAL ANALYSIS OF MEDIA LAW IN THE DIGITAL AGE" : ANALYTICAL STUDY

Dr. Madhuri V. Sarwade

Introduction

Rapid and extensive development of digital technology has led to the rethinking of the media concept. Even before digital technology, the impact of technology on the media was substantial¹. The way that digital rights are protected has changed significantly as a result of the expanding usage of digital technology. Because of how commonplace these contemporary technologies are, there is a growing demand for sophisticated media and rights protection.

Media law affects everyone in the connected world from the amateur blogger to giant internet retailers, from the devoted social media poster and lurker to the best-known journalists, and from the student filmmaker to the major entertainment stars and studios.²

As digital technologies continue to reshape societies globally, they present an exciting and intricate challenge: adapting our legal structures to adequately accommodate and regulate these novel environments. Digital technologies are the backbone of e-Governance, making legal adaptations particularly essential.³

Digitalization and new technologies have caused legal science to enter a period of transformation that we have perhaps never seen before in legal history.⁴ Regulators face tremendous problems as new challenges emerge quickly. It's a common belief that laws are years behind emerging technologies. If so, the faster society's technological revolution proceeds, the less reasonable this point of view becomes.

Media Law, Ethics, and Policy in the Digital Age is a key resource on the challenges, opportunities, issues, controversies, and digital technology inconsistencies with media law and ethics and examines occurrences in different socio-political and economic realities.⁵

There has been a lot of back and forth in the current arguments over media control, tolerance boundaries, and free speech and expression. The moot point that permeates this entire discussion is the fine line separating how much media regulation is appropriate and how much is possible.⁶

Some members of society support unrestricted free speech and reject any government restrictions on it. On the other side, there are other advocates who support appropriate restrictions, the details of which are determined by the current government. Recently, It was determined to prohibit NDTV Hindi for a day. This decision caused a national uproar and was seen as an infringement on free expression. The Supreme Court is now investigating the situation. In an effort to prevent the media from providing real-time coverage from riot-affected areas, the government has more recently begun to block down internet access. In light of this, it is imperative that there be a clear regulatory framework for the media.

Media Regulation Is Necessary

The media asserts self-regulation within the framework of checks and balances, whereby all organizations are subject to accountability or regulation. The media is thought of as the fourth pillar of democracy in India. It is very challenging to adhere to the system of checks and balances that the legislative, executive, and judicial institutions of democracy follow while functioning within the parameters of the constitution because there are no particular laws governing the media.

There is room for a broad interpretation because of the constitution, in discussing right to free speech and communication, makes no reference as such in particular. It is crucial that the media contribute constructively in society, particularly in this era, where information travels quickly and geographically. Even a single inaccurate or misleading piece of information can have a negative impact on society, sparking riots or inciting hatred among the populace.

Diverse culture and unethical incidences of media

In India, where diverse cultures and religions coexist, the media has a responsibility to present the facts while abstaining from sensationalizing stories to boost viewership and spreading false information. The primary reasons why people are calling for media regulation to stop the unethical practices of the media are because of a few incidences wherein the media was supposed to be more accountable and responsible, but instead of upholding moral principles, they sensationalized the event.

Some incidents, like the murder of Aarushi, the case of Sheena Bora, the Dadri cow slaughter incident, the Muzzafar nagar riots, and the 26/11 Mumbai terrorist attacks, required the media to handle the situation more diligently and show the content with the utmost care, but they failed to do so, making the situation worse and violating the right to privacy, a fair trial, and national security. Other cases, like Jessica Lal, Priyadrshini Mattoo, and Sanjeev Nanda, were crucial in exposing the truth in front of society.

Regulatory Issues which Media Faces

The path towards upholding press freedom while ensuring accountability in the Indian media landscape is a complex and nuanced one.⁷ Constitution is said to be the basic or the fundamental document of a country, also regarded as living document.⁸ A variety of laws and ordinances govern the media in India. Since it is one of the industries that is thought to be expanding, regulation is important since it serves the interests of the general public and the country. It is a well-established fact that any time a new regulation is implemented, especially in an area where the public is more affected, a combination of social, political, and economic considerations are taken into account. The regulatory frameworks for print and electronic media differ in this technologically advanced era because the influence of electronic media is far greater than that of print media. Nonetheless, there was a lot of push to unite print and electronic media under the Media Council of India.

Role of Multiple agencies

The main issue facing Indian media is that numerous agencies are involved in the creation and execution of media-related policies. Furthermore, the agencies frequently operate against their own goals and disregard their own authority and restrictions when it comes to involvement. There are multiple bodies whose responsibilities often overlap when it comes to concerns concerning the regulation of electronic media content. Many scholars have expressed the opinion that India falls behind other countries in terms of regulating broadcast content. Concerns about the same have been voiced by the Law Commission of India in the consultation paper on media regulation.

The Unorganized Regulatory Framework

Today India has many laws, rules, regulations, guidelines and policies related to it, due to so many rules and regulations India appears to be a highly 'legislative country'. However, these laws and regulations in the area of media monopoly and media concentration are largely inconsistent, disorganized, inadequate, and largely ineffective.⁹ The increasing availability of digital delivery and distribution mechanisms has created new markets for media and communication products.¹⁰

In India, media oversight predominantly operates under a self-regulatory framework which established standards that function primarily as advisory guidelines.¹¹ Notably, the Apex Court of India has highlighted the necessity of strengthening self-regulatory systems mechanisms that TV networks have put in place in order to ensure moral conduct and ethical reporting. In its appeal, the News Broadcasters and Digital Association (NBDA) refuted the Bombay High Court's findings about the effectiveness of self-regulation. Recently, the Apex

Court has stressed the significance of bolstering the self-regulatory mechanisms adopted by television channels to ensure ethical conduct and responsible reporting.¹²

This is the primary justification for pushing for new media laws or changes to current ones. Due to a lack of consistency in the media's regulatory structure and the fact that numerous organizations in charge of media oversight frequently perform similar tasks, confusion results. Therefore, because of the disorganized regulatory environment, the media is also having issues.

Concept of State Regulations

The idea of government control over the media is not widely accepted. Throughout the struggle for independence, even the architects understood the significance of the press, which is the notion of a free press as essential to the growth of a democracy.

By making more and more strict laws it will make more effective to protect the individual's privacy.¹³ The author states that self-regulation or media liability is where reporters and editors move jointly towards outlining rules of behaviour for journalism and thereby confirming that the system is being followed effectively.¹⁴

Online Information – Perils and Pitfalls

The conventional understanding of free speech, primarily protected from government encroachment, faces novel challenges. This exploration unravels how the rise of tech giants like Google, Facebook, and Twitter has reshaped public discourse, often blurring the lines between private policy and public rights.¹⁵

Power concentrations are increasing in today's media landscape. This is due to a number of factors, including growing technological and structural reliance on digital platform providers and changes in opinion power and control over the creation, dissemination, and consumption of news. Digital opinion power and platformised media markets have prompted the need for a re-evaluation of the current approach.¹⁶

Across the media and broadcasting sectors, digital technologies are changing how content is produced and upending established economic models, distribution and consumption.¹⁷

One of the main dangers to the public order in society is hate speech. It has often been conflated with the freedom to dissent protected under Constitution.¹⁸ As access to the internet becomes easier and more affordable a sizable crowd of individuals will have the opportunity to consume large amounts of information but

lack the education to assess that information critically.¹⁹

In the digital age, India's narrative of free speech has encountered both evolution and turbulence. Rooted in the democratic ethos,²⁰ this power of media must be regulated so that it can be wielded sensibly and rationally by every citizen of India to take truly democratic decisions benefitting the whole society. The evil spirit in media is always explored by anti-national elements to radicalize and exploit the elements of mis-governance prevailing in India.²¹

*"The media is the most powerful entity in the world. They have the power to make the innocent guilty and to make the guilty innocent, and that's power. Because they control the minds of the masses."*²²

In the era of Globalization, information and communications technologies have the potential to offer novel approaches to development problems. They can also promote economic growth, competitiveness, information and knowledge access, poverty eradication, and social inclusion, all of which will hasten the integration of all nations—especially developing nations, especially the least developed nations—into the world economy.²³

Endnotes

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