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**LAWS PROTECTING JOURNALISTS FROM ONLINE HARASSMENT<sup>1</sup>****ABSTRACT**

Not only in India but in all the parts of the world Journalists are facing online harassment. But there do not appear any laws on the abuse or threats that specifically apply on online harassment of journalists. Article 19 of the Indian Constitution discusses the right related to freedom of speech but there is nowhere mentioned in the Indian constitution about the freedom of the press. It has been a known fact that freedom of speech also includes freedom of press. This article discusses about the laws that are applicable for the journalists and also the requirements of the laws for the journalists. Also, the article gives you a clear and real-life instances about the threats and abuses in the journalist profession and experiences of experienced journalists.

**Keywords: Freedom of Media, Protection of Media Online Harassment.**

**INTRODUCTION**

As we all know that online harassment has become widespread not only in India but also in other countries but most of the affected persons are journalists and political leaders. Though political leaders can get eliminated from online harassment after some years or after completion of their ruling time but things of journalists won't be that identical.

According to a World study conducted by the International Federation of journalists during which almost **400 women journalists in 50 countries** were surveyed during which **44 percent** of them are suffered from this online abuse and two-thirds of women experienced threats while discharging their duties.

India, being a democratic country provides to its voter's sure elementary rights. Freedom of speech and expression is one in every of the vital elementary right warranted beneath the constitution of Asian country. Freedom of Media is so associate in nursing integral a part of freedom of expression.

To preserve the democratic method of life folks should run the liberty to precise their feelings

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and to form their views acknowledged to the folks at giant<sup>2</sup>. A press that's thought-about to be one in all the powerful mediums of communication should be liberal to play its role in building a robust society. Freedom of the press is obscurity outlined within the Constitution of Asian country however what's mentioned is simply freedom of speech and expression that is outlined below Article 19(1)(a) of the Constitution. The chairman of the Drafting Committee Dr. BR Ambedkar, created clear that there's no got to mention the liberty of press individually as a result of freedom of the press and a private or a subject were a similar as their right to expression was involved. The framers of The Constitution of Asian country thought-about freedom of the press as an important a part of the liberty of speech and expression as secured below Article 19(1)(a) of the Constitution.

### NEED FOR LAWS:

As Media plays an important role in Indian Democracy it's been said that Media is the **fourth estate** (the legislature, the executive and the judiciary being the other three).

In India there have been continuous abuses and threats on journalists by political leaders, criminal groups, police violence or threats by local corrupt officials. The profession which is under constant threat is Journalism & so it has become the foremost dangerous practice in India. There is a famous case of a journalist "Gauri Lankesh", who was known for speaking out boldly against the establishment. After receiving threats of death through online mode she has been killed in her house situated in Bengaluru.

I would wish to add here an incident that happened in my place (Nandigama, Krishna district, Andhra Pradesh) a web journalist named "Naveen" has been killed for writing a story on the illegal and unauthorized sand ramp situated at a distance of 40 kms from my place. The main accused who looks after the maintenance of the sand ramp is a local ruling political party leader. Like these there are such a lot of incidents that are happening around us.

### LAWS FOR PROTECTION:

- The fundamental right of the freedom of press is explicit through the right to freedom of speech and expression under **Article 19(1)(a)** of the Constitution of India. It's a well-known undeniable fact that journalists take an enormous and massive risk in reporting original and inconvenient facts by keeping their lives in grave danger and freedom of press is the key right guaranteed by the Constitution of India under **Article 19**, its

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<sup>2</sup><https://www.loc.gov/law/help/protecting-journalists/compsum.php>

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collective duty of each citizen to uphold the right. Threats and Abuses are declared as a grave violation of this right.

- In India there are no specific laws regarding the online harassment. The Law officials and police rely on the **Indian Penal Code, 1860** for their references. Some of the sections associated with them are mentioned below:

- Section 354D IPC - Stalking.
- Section 503 IPC - Criminal Intimidation.
- Section 509 IPC - insulting a woman.
- Section 499 IPC - Defamation.
- Section 500 IPC - Punishment for Defamation.

There are no special provisions mentioned under the **IT Act, 2000** for cybercrimes.

#### MAHARASHTRA IS THE ONLY STATE WITH A LAW FOR PROTECTION OF MEDIA:

Maharashtra is the first state to pass a bill Maharashtra Media Person and Media Institutions i.e., **Prevention of violence and damage or loss to Property Bill, 2017**. This is the first law over India that deals and ensures protection for all journalists with in Maharashtra. This bill was passed by the government led by “**Devendra Fad Navis**” and establishes imprisonment up to three years and **fine up to 50,000** or with both if attack happened on journalists while discharging their duties. Acts of violence against media persons are going to be treated as cognizable, non-bailable and cases under this law will be investigated by an officer not below the rank of DSP/ACP.

#### AN INTERVIEW WITH EXPERIENCED JOURNALISTS :

A) **V. Suguna Sekhara Rao** is a State Journalist and **President** of “**NANDIGAMA WORKING JOURNALISTS WELFARE ASSOCIATION**” also working under Sakshi paper from year 2013 and had an experience of more than 40 years in journalism, He mentioned his dissatisfaction in the profession because he faced a lot of struggles including personal threats and abuses both in public as well as in online platforms like Facebook, WhatsApp, Twitter.

He also mentioned that Political leaders are the people who stand first in the list to abuse and threaten the journalists for writing stories or articles against them. He also said that most of the political leaders use journalists as a publicity stunt for becoming famous in papers so that they can share the papers in online platform and grab attention in this, if this was one of the view, the other view is that if any journalist publishes an original news making the political leader as an accused of any crime or scam then he considers this news as a personal news and at first he tries

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to defame the person at his workplace and second he tries to take out the job of the journalist if he is working under any organization and third he tries to threaten or defame the person in online platforms and tries hard to spread that news as much as they can, he also said that they harass the journalist personally by taking his family secrets and their family members names in online platforms like morphing, spreading fake news about their family secrets etc.

He also expressed his deep dissatisfaction on the government for not amending any laws for the welfare and for the security of the journalists all over India and says that there is major threat for journalists from the government by not amending minimum pay scale for journalists in India in which the journalists are becoming financially weak and becoming poor day by day.

He and his welfare association conducted many rallies and fought for the separate security laws to journalists but there is no use.

He said if in the future while making any laws if he is a member of that law making body he would suggest more laws for the security of the journalist like if one threatens the journalist he should be imprisoned with a term of minimum 4 years not exceeding up to 10 years and fine of rupees 50,000.

**B) G. Vijay Kumar**, Journalist, **Honorary Advisor** of “*NANDIGAMA WORKING JOURNALISTS WELFARE ASSOCIATION*”, also **Sub-Editor** of ‘*Vartha Paper*’ he says that he was so sad that in a country like India there is no protection for journalist under any law. As India itself says that Media is the fourth estate, there is no protection for the people (Journalists) who are practicing in the fourth estate.

He also says that not only Political leaders threaten the journalists but also the Police officials are also interested in defaming and life threatening and filing of false cases like Women Harassment and outraging her modesty etc. type of cases if a journalist writes a fact of the police official’s corruption and illegal crimes.

He also said that he himself faced an attack on his own house for writing a news article on a local political leader who belongs to Telugu Desam Party in the year of **1998**, later this issue was solved.

He with his team of journalists is responsible for free Bus Pass in the state of Andhra Pradesh, but their fight for getting security laws didn’t commence yet.

He says that in the course of reporting the facts happening in the society by all means the family of journalists are being defamed and facing threats and harassment of their families in online platforms like Facebook etc. and demands 1crore rupees as fund for the journalist’s family

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under the principle of “Victimology”.

In future if any steps will be taken by the Government of India or a State like Maharashtra he would be 10 steps ahead to give some suggestions regarding laws that are to be amended for the security of the journalists as well as for their families in the society and he would also add a point on fixing of minimum salary of **Rs.16000**( as per today’s market) and suggests that if any person who threatens journalists or his/her family shall be awarded with Life Imprisonment along with a fine of **Rs. 5,00,000**.

### CONCLUSION

As per my opinion and analysis most of founders of News Papers or News Channels are business officials in which they are not letting the government to make any laws for the journalists working under their organizations as it would affect their organization’s financial status and also the laws establish more freedom for the journalists.

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