UNSECULAR VIBES THROUGH SOCIAL MEDIA

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ABSTRACT: Social media has transformed into an aprolongation or curtailment of our lives. Each and everyone have a potentiality on social media, although there are various foibles or disfigurements and bad effects, it cannot be run down because it is also a miraculous tool to cohere, conspire, collude and individuality people despite their provincial restraints. Social Media has got into an indispensable communications tool through which individuals can exercise their right of freedom of expression and exchange information and ideas. In the past year, an enlarging movement of people around the world has been authenticated who are promoting for change, justice, equality, accountability or answerability of the powerful and respect for human rights (e.g. Arab Spring Revolution) wherein the Internet and Social Media has played a key role.

Keywords: Media, Democracy, Paid News, Justice, Legislation, Judiciary.

INTRODUCTION

Social media is a Janus-faced critter. In ethics, it offers the possibility of enlarging free speech and gives a voice to millions. It makes authors and postulate makers of clans who otherwise would have been passive consumers of presumption. But there’s also another face that social media errosions – a face that is sometimes ugly and overhanging or looming. Often, it can dazzle the lines separating fact from fiction. The numerous voices can, at times, be deeply offensive, alienating, violent and plain outrageous. If you are feminist and a woman, and vocal on Twitter, you know what we are talking about.

The media of our country has culminated into an institution where its actions and resources can stop the spiral of revenged and bewildermnt. Over the last century, India has been vibrated by communal, caste, linguistic or regional violence, and communal riots have presumed dangerous proportions from the beginning of eighties. The obligation and duty of the media in such circumstances is incontestable. The media in India has astronomic freedom. But they also must have social audit. Hence, the media which enjoys the utmost freedom of expression, has a great and substantive role to play in changing public opinion on correct lines in regard to the need of friendly and congruous relations between various communities and religious groups. It should advocate provincial federation and unification. The role of media in such situations is to be peacemakers and not abettors, to be trouble-shooters and not troublemakers.

News, views or criticism or observations relating to communal or religious disputes / clashes shall be ventilated after proper verification of facts. The media should present such news with due vigilance and care, which is conclusive to the creation of an atmosphere delightful to communal harmony, comity and peace. Sensational, influential and disqueting headlines are to be avoided. The print and electronic media have to assure that their stories are based on verified, detailed, clear and secured facts and do not tend to foment dissonancy or contention between castes, communities and races.

On January 13, 2018, four Supreme Court of India justices ranked in antiquity or priority immediately after the Chief Justice of India addressed the media about problems within the Supreme Court. Among other things, they vindicated that democracy was in danger.

One may note two significant claims or depositions from the four justices’ public statements, namely, hindrance by the executive in the performing of the judiciary and rational loss of independence of the judiciary, and corruption among some members of the judiciary. Likely, this is a body blow to the reliability or tenability of our judiciary, especially coming from the apex level.

The CJI, speaking about the transfer of the Judge Loya death case to the Supreme Court, was disclosed or proclaimed in the media as having said that the bench would take a straight picture and that the media would never be enveloped. The fact that the CJI needed to recognitionobjectivity is itself manifestation of a sense that judicial credibility was at a low.

The media, which informs the public with news and studied views, is already distressing under the encumbrance concerning fake news and paid news on social media, and in any case, almost all of the mainstream print and electronic media houses are under collaborative ownership and control. Most of what we get as news and views is anything but objective. Thus, the pedestals of the Constitution may today be viewed as faded and bloodless variants of the vision of its founding fathers.

THERE SOME EXTREME ILLUSTRATIONS WHICH IS WIDELY FAKE NEWS ON SOCIAL MEDIA

Recently, a WhatsApp forward suggesting that News laundry’s Madhu Trehan had an issue with the film ‘Baahubali’ for not having any Muslim characters found its way on right-wing news sites and social media. Trehan kept getting trolled. Alt News in a piece pointed out that Trehan had never said any such thing³.

At the time of the currency demonetization, TV channels and newspapers had carried stories on how the new Rs.2,000 notes had a GPS chip embedded in them. The notes had apparently been designed to ensure that Narenderus aka Narendra Modi wins the fight against black money. Later, the RBI had to step in and clarify that no such advanced features had made their way into the new currency notes⁴.

A video of a young girl is currentlyexistence scattered on social media. It is appealed that this video is of the 8-year old who was raped and murdered in Kathua, Jammu in January, and that this is her preceding video beforehand she was slaughtered. The video has been transmitted is fake. A number of manipulators on Facebook have communal this video believing the girl in the video is the Kathua victim. Apart from Facebook, this video has also been forwarded and shared by users on Twitter. It has also been uploaded by numerous operators on YouTube⁵.

Fake news about ABVP member involved in Surat rape case circulated on social media— An 11-year old girl was found dead with more than 80 injury marks on her body in Surat. According to reports, she was raped and tortured before she was strangulated. This news came close on the heels of the public outrage over the Kathua and Unnao rape cases. It is now being claimed by some sections on social media that an ABVP activist is behind the rape and murder of this child. ABVP is the student organization affiliated to the Sangh parivar⁶.

PAID NEWS IN INDIA

Ashok Chavan is erstwhile Chief Minister of Maharashtra whose modification the funds for paid news was quizzed or scrutinized by the Election Commission of India in 2010. The Commission acknowledged that, “The condemnation in contradiction of Mr. Chavan was that he structured or organized the writing of news substances, satirizing advertisements, in newspapers complimentary him in the 2009 State Assembly elections and he had not truthfully responded for the expenses constant in his election disbursement accounts. But he distrusted that the newspapers on their own might have printed approbatory stories on him⁷.

Narottam Mishra, a Cabinet Minister of Madhya Pradesh, who has been convicted by the Election Commission of India, theoretically “relapsed to lodge his accounts of his election expenses in the aspect peculated by law” and was allied to 42 news stuffs on him during the November 2008 state elections which “read more corresponding election advertisements in favor of him alone rather than as news reports⁸.

In October 2011, Umlesh Yadav became the first habitually sitting Member of Legislative Assembly (MLA) to be excluded or paralyzed for not claiming or affirming the expenditure acquired on advertising during her election campaign. Yadav, a member of Rashtriya Parivartan Dal, had been elected from Bisauni, Uttar Pradesh, in 2007. She was banned from thought-provoking or arguing election for an antiquated of three years by the Election Commission of India.

Consanguinity or propinquity enclosed by Justice, society and the media

Justice, society and the media is a topic of special interest for the ENCJ as all Judiciaries face similar challenges in this area. The Judiciary is criticized for not being transparent and for not being outdated and insular. But at the same time the Judiciary lacks a voice in the public debate, because it is strongly believed that the Judiciary should only communicate through its decisions.

Is this still correct, especially if the media misinforms the public? In this statement, we will answer this question in the negative because the society has got a right to be correctly informed about the functioning of the Judiciary and the justice system.

The team looked at what kind of measures can be taken to close the gap between the Judiciary and the society and how to enhance the cooperation and the relation between the Judiciary and the media. Further this report researches how to secure a proper

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³ At the time of writing, this Dainik Bharat post regarding Madhu Trehan has been liked/shared 22,449 times on Facebook and that figure is increasing fast. Another fake news site that regurgitated the same rumor is Indian Khabar.in. At the time of writing, IndianKhabar.in’s post has been liked/shared 3000 times.

⁴ Available at IndianKhabar.in (Apr. 21, 2018, 10:40 AM).


⁶ Available at, www.dailygraph.in was one of the first to post this information on April 14. This article mentioned one Harish Thakur as responsible for the rape and murder. The article was later edited and this detail was removed.


⁸ The Hindu, 30 January 2013.
information exchange with media, and if there is a way to secure that the information is portrayed correctly in the media. Can the Judiciary also improve the image of itself in the eyes of the public?

This report will provide an judiciary perspective and identify recommendations to increase the understanding of the Judiciary and to ensure that the justice system is more transparent for the public and society. This will need a proactive media approach of the Judiciary. In return the Judiciary can achieve a better relation with the media and can narrow the gap which is perceived as being between the Judiciary and the public.

The methodology and activities undertaken involved:

1. collection of information from the Judicial Councils represented in the working group and from other members and observers;
2. round tables with representatives of the bar and academics;
3. drafting of the documents by the team and support staff;
4. analysis of the draft documents in the steering committee;
5. working meetings;
6. approval or adoption by the General Assembly.

This Report is based on the answers to a questionnaire agreed in The Hague meeting (15-16 September 2011) and on the discussions and conclusions of the working meetings held in Barcelona (9 December 2011), The Hague (9-10 February 2012) and Rome (19 March 2012). This report focuses:

1. Spokespersons on behalf of the Judiciary: press judges and communications advisors;
2. Audio-visual recordings in the court and the use of social media;
3. Publication of judgments on the internet;
4. Press guidelines;
5. Proactive media approach by the Judiciary.

These five subjects will be discussed in each chapter. For each topic, first, a factual description is given on the current developments in Europe, based on the responses to the questionnaire and subsequent discussions in the working group. Second, examples of best practices are given throughout the chapter and each section concludes with recommendations.

Social media offers the Judiciary an opportunity to interact with the public in new ways which promotes transparency, interactivity and collaboration. Society uses social media tools differently than traditional media which means that existing communication strategies have become out of date.

The common goal of social media is to maximize user accessibility and self-publication through a variety of different formats. Social media can take many forms: social and professional networking (Facebook, LinkedIn), blogging (Web log), micro-blogging (Twitter), wikis (Wikipedia), social bookmarking (Digg), video sharing (YouTube), online discussion groups and etc. Social media and courts are basically quite different:

- social media are decentralized and multidirectional, while the courts are institutional and unidirectional;
- social media are personal and intimate, while the courts are authoritative and independent;
- social media are multimedia, incorporating video and still images, audio and text, while the courts are highly textual. In some countries the Judiciary has started to use social media.

In Denmark and Norway some courts have started to use Facebook and Twitter. It has been a useful channel for the Oslo District Court to inform international media about the Oslo terror case. Councils for the Judiciary and Court Administrations have also started to use social media, for example in Lithuania, Norway, Spain and Turkey.

The chief Endorsements and recommendations fenced by Justice, society and the media

The main endorsements that can be drawn is that:

1. All countries should develop and use a system of judicial spokesperson in the form of press judges and communication advisors, who should have a deep knowledge about the Judicial system, how to inform the public in an understandable language and who has social and media skills.

2. Audio and video recording could be allowed into the courtrooms as long there are special measures taken to protect non-professionals from being filmed and that there is a control system for the judge to stop filming whenever is necessary.

3. It is recommended to make clear guidelines on when use of smart phones and other communication devices are permitted, when not and what the procedure is in event of a breach. 4. Social media could be useful for the courts or the judicial bodies in their communication. It is recommended to develop a strategy, including target groups and goals for the use of each social media.

5. The Judiciary in each country should have a website under the responsibility of the Council for the Judiciary or the Courts Administration. Every court should have its own site on the website of the Judiciary. These websites should contain information for the professional, the press and the general public and should contain a database of judgements which is freely accessible for the public.

CONCLUSION

There is a need for regulation of the relations between the Judiciary and the media. Introducing a set of press guidelines, whether they are implemented by law or as a (morally or non-legal) binding protocol, is recommended.

They can never interfere with existing legal limitations. The press guidelines should be part of a national strategy plan with a planning and reporting cycle on the communication with the media and society. Press guidelines should clarify the different goals and interests of both the Judiciary and the media. It should state what the media may expect of the staff of the courts and how the courts should deal with the needs of the media before, during and after court proceedings.

All countries are encouraged to develop a proactive media approach. This approach should be focused on individual court cases as well as the entire jurisdictive arrangement.

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