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Journalist Protection Law: Safeguarding the Fourth Pillar of Democracy

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ABSTRACT

In a democratic system, journalism is regarded as the fourth pillar of society. In recent years, the increasing number of attacks on journalists has raised serious concerns about their safety. To protect media professionals, the State of Maharashtra enacted the Maharashtra Mediapersons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017. Maharashtra was the first state in India to enact a dedicated law of this kind. This article highlights the importance of journalist safety and emphasizes that protecting journalists is, in essence, protecting democracy.

Introduction

In a democratic system, journalism is regarded as the fourth pillar of democracy. Communicating developments in government, administration, and society to the public, exposing injustice and corruption, and keeping public opinion informed are among the important responsibilities of journalists.

However, while carrying out these responsibilities and presenting the truth, journalists often face threats, physical attacks, false criminal cases, and various forms of pressure. Effective laws and concrete measures to protect journalists are therefore essential.

The State of Maharashtra has taken an important step towards protecting media professionals. To curb violence against journalists and media institutions, the state enacted the Maharashtra Mediapersons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017. The Act provides a legal framework for addressing violence against covered media professionals and institutions.

Key Provisions of the Journalist Protection Law

Under the provisions of the Act, an attack on a journalist or a media institution covered by the legislation may lead to criminal proceedings against the accused. The penalties applicable to such offences are governed by the relevant provisions of the Act.
The legislation also provides for the recovery of compensation in cases involving damage to a journalist's property or the office of a media institution, as prescribed by law.
The Act provides for the investigation of offences covered by its provisions by senior police officers. This is intended to ensure that such incidents are treated seriously and investigated appropriately.
The enactment of this legislation represents an important step towards protecting journalists and media institutions. However, its effectiveness depends on proper implementation and timely action by the authorities concerned.

Challenges in the Implementation of the Law

Although the law is in force, its effective implementation remains essential. In some cases, complaints following attacks on journalists may be delayed, while investigations and legal proceedings may remain pending for extended periods. Such delays can create a sense of insecurity among media professionals.
Journalists working in rural areas may face particular difficulties, including local pressure, criminal intimidation, and political interference. These circumstances can make it difficult for them to report independently and perform their professional duties without fear.
The mere existence of legislation is not sufficient to ensure journalist safety. The law must be implemented effectively, complaints must be dealt with promptly in accordance with applicable legal requirements, and appropriate legal action must be taken against those found responsible.

Measures Required to Strengthen Journalist Safety

Prompt Registration of FIRs

Complaints concerning attacks on journalists should be addressed promptly and in accordance with applicable law. Where the legal requirements are satisfied, the First Information Report (FIR) should be registered without undue delay.

Time-Bound Investigation

Investigations into attacks on journalists should be conducted efficiently and without unnecessary delay. A transparent and accountable investigative process can help strengthen public confidence

and ensure that such cases receive appropriate attention.

An Independent Complaint and Protection Mechanism

There is a need to consider an independent mechanism or a dedicated protection authority to receive and address complaints concerning journalist safety. Such a mechanism could improve coordination, facilitate appropriate responses, and help identify recurring concerns affecting media professionals.
Its powers, functions, and responsibilities should be clearly defined within an appropriate legal framework.

Protection for Digital Journalists

In the digital age, the nature of journalism has changed considerably. Many journalists now work through online news portals, web-media platforms, and social media.
It is therefore important to examine how journalists working through digital platforms can be appropriately protected under the applicable legal framework. Their professional status and eligibility for statutory protection should be assessed in accordance with the relevant legal provisions.

The Role of Government, Administration, and Society

Protecting journalists is a shared responsibility. Government authorities, law-enforcement agencies, media organizations, journalist associations, and society all have important roles to play in creating a safe environment for journalism.
The authorities must ensure that complaints are handled fairly, investigations are conducted impartially, and applicable legal provisions are implemented effectively. Media organizations and professional associations can contribute by raising awareness of journalists' legal rights, providing appropriate guidance, and supporting journalists who face threats or attacks.

Society must also recognize the importance of independent journalism. Respect for journalists and their professional responsibilities helps create an environment in which public-interest reporting can be carried out without unlawful intimidation.

Conclusion: Protecting Journalists Means Protecting Democracy

Journalist safety is not merely a concern affecting an individual profession; it is closely connected with the health of democracy. When journalists can work safely, they are better able to report the truth fearlessly and provide society with accurate and relevant information.
Maharashtra’s enactment of the Maharashtra Mediapersons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017 was an important step towards protecting media professionals. However, effective implementation, impartial investigations, and concrete legal and social measures remain essential.

There is a continuing need to promote respect for journalists, strengthen the implementation of protective legislation, and consider effective mechanisms for addressing threats and attacks against media professionals.
If the state government, administration, media organizations, and society work together, journalism can become safer, stronger, and more effective.

Protecting journalists means protecting democracy.

Editorial Note: This article is an English translation of the original Marathi feature article authored by Adv. Iliyas Abdulmajeed Khan. The original author's name and authorship have been retained.

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