



The new media rules are a tightening noose

News: The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, notified towards the end of February by the Ministry of Electronics and Information Technology may start the systematic incremental erosion of the freedom of speech and expression.

A Cumbersome Redress Mechanism

1. The notified rules set out an elaborate time-bound three-tier process whereby each and every such grievance is **first handled at the level of the portal itself by its own grievance officer**, and if not satisfactorily settled, **passes on to the self-regulatory body of the sector or industry**, and if yet not resolved, **moves further up to an inter-ministerial oversight committee of the central government**.
2. Any criticism of the ruling party or government could trigger an orchestrated avalanche of grievances.
3. Further, the smaller or medium-sized independent digital news and current affairs portals, which are for the most part struggling to stay afloat irrespective of whether they are newer startups or have been around for a few years, will be the ones hardest hit by this redress requirement.

Regulation by the government

1. The sheer process of such grievance handling can stymie the operations of a relatively smaller digital venture in the news and current affairs space.
2. The process, further, makes a mockery of the concept of self-regulation, with an inter-ministerial committee of government officials in effect becoming an appellate authority over the self-regulatory exercise.
3. This would be self-regulation by the media organisation and the industry at the government's pleasure; regulation by the government masquerading as self-regulation by the news media entity or industry.
4. What is worse, the notification gives the Secretary, Ministry of Information and Broadcasting, ad hoc emergency powers to block any content the government considers problematic even without such token procedure.
5. Real or imagined grievance out there becomes an alibi for this clumsy sleight of hand whereby the government can in effect prescribe, oversee and overrule so-called self-regulation by the publishers.
6. A measure like this, moreover, jeopardises the very sustenance of the already financially straitened and functionally beleaguered digital news media — unless that is the very intention.



7. Monetisation avenues become scarce, and investors and brands run scared because of what they see as political considerations supervening upon business interests and a whimsical media policy regime in constant flux.

Eroding pillars of democracy

The case for organic self-regulation by the news media as against by an external authority or body becomes more focused and urgent in the context of this notification and the many anecdotal symptoms of a censorship mindset we see growing around us. It is important to take a step back and remind ourselves that the fourth estate, or the fourth pillar, is as much a player as the other three pillars — the executive, the legislature and the judiciary — in the separation of powers scheme of our constitutional democracy.

Free Speech and Fourth Pillar

Although the freedom of the press per se is not an explicitly prescribed fundamental right in the Indian Constitution, and is, rather, a derivative right from Articles 19(1)(a) and 19(1)(g) which give every citizen the right to free speech and expression, and to practise any profession respectively, these freedoms have in practice become constitutive and definitive of the fourth estate in the country. That fourth pillar of democracy must be in a dynamic relationship of checks and balances vis-à-vis the other three pillars: the executive, the legislature and the judiciary. It is a healthy tension among the four pillars that keeps the democratic edifice strong and vibrant.

The fourth estate in India, though, has increasingly been at the receiving end of draconian executive acts, invocations of legislative privilege and judicial intolerance. If the fourth estate is to be treated by the executive as an inconvenience to be sidelined, surely the other pillars, the judiciary and the legislature, lay open to the same fate.

A Moral Test

Bottom Line: Privileged nations must improve global availability and equitable access to vaccines

Highlights:

1. The UN Secretary-General has criticised “the many examples of vaccine nationalism and hoarding” in the world. Making available vaccines equitably presents the “greatest moral test of our times”, he added.



2. In spite of exhortations by international organisations and efforts to pool resources in a way that all countries could at the earliest begin inoculating at least a fraction of their most vulnerable, several countries were unable to administer a single dose although vaccines were beginning to be stockpiled since November last.

Indian Story

1. India is the third biggest vaccinator among countries, having administered about 26 million doses, or about 1.91 doses per 100 people. But it has fully vaccinated only 0.3% of its population.
2. While India has earned laurels for its 'vaccine diplomacy', the fact is that there are several public health centres, villages and districts where no vaccines have been administered.
3. Though vaccination in the second phase appears to have picked up, there were only 1.7 million inoculations on Friday evening as opposed to the planned vaccination capacity of 5.4 million.
4. India aims to inoculate at least 250 million with two doses from March-July — or over 3.3 million doses per day. But at best, India has administered 1.8 million doses per day.
5. There is also an apparent "class divide" with the rich and those better informed disproportionately getting vaccinated as compared to the poor. Thus, along with the global inequality in accessing vaccination, India is seeing a version of it play out three months since vaccinations began.
6. The inequality was expected as, like many rich countries, the U.S. contracted with many vaccine companies for several times the doses it needed. It was precisely this that had led to concerns of 'vaccine nationalism'.
7. The pipeline of supply was largely dependent on India and China. The Serum Institute, Bharat Biotech and several other pharma companies are private entities and bound by contracts to the highest bidders, and not necessarily the Indian government.
8. While the reprieve is that more vaccines are in the pipeline, there will always be the concern that the poor, the old and the digitally naive will be shortchanged.

The UN and WHO must continue to exert pressure on the privileged nations to improve global availability as well as bear upon countries to improve equitable access within their territory too.