
EVALUATION OF FREEDOM OF PRESS IN INDIA, CHINA AND USA

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ABSTRACT

The presence of press freedom is crucial for the advancement of open debate and the establishment of democratic systems. Every individual should be entitled to exercise their right to freedom of speech and enjoy unrestricted freedom of the press, except in cases where limitations are deemed justified. The celebration of press freedom is observed in several Asian nations. Countries such as South Korea and the country of Japan. Nevertheless, a significant proportion of Asian countries continue to be in the same situation. The development of stages aimed at ensuring a comprehensive freedom of the press. In the present study, the authors have This analysis sheds light on the state of press freedom in three prominent Asian nations and explores the manner in which it is being impacted. The governments in question are utilizing their authority in a manner that can be perceived as an abuse of power, resulting in the suppression of certain activities or individuals. The following is a concise overview of the historical background. The discourse surrounding the freedom of the media in Asia is being examined. The authors have endeavoured to elucidate the deplorable circumstances faced by journalists in several Asian nations. Moreover, numerous factual incidents have been referenced to illustrate the prevailing distress experienced by journalists who voice their opposition. The actions of the governing body and the acts of violence committed against them. Furthermore, the writers have provided an explanation why the significance of dissent within a society and its role as a pivotal factor for societal progress and development. The advancement of individuals within a society, and consequently the progress of the nation as a collective entity. The writers have provided There are various recommendations that can potentially enhance the freedom of the press in three distinct contexts. Scenarios within the context of the aforementioned nations. The analysis is concluded in the final section of the publication.

Keywords: Perceptions, Media, Journalist, Public perceptions, Democracy, Citizen.

INTRODUCTION

“Freedom of the press is a precious privilege that no country can forego”¹

The presence of press freedom is essential for the advancement of open debate and the establishment of democratic systems. The freedom of the press has the potential to address significant societal issues, including but not limited to gender discrimination, widespread misinformation, and opaque governance. Article 19 of the United Nations Declaration of Human Rights (referred to as UDHR henceforth) stipulates the fundamental right of individuals to enjoy freedom of expression and opinion. The principle states that individuals should possess the right to express their opinions without any external interference, as well as the ability to disseminate information and ideas via various forms of media. The user's text is too short to be rewritten in an academic manner².

The International Covenant on Civil and Political Rights drawing inspiration from the Universal Declaration of Human Rights³ (UDHR), similarly recognized the fundamental right to freedom of speech through media and communication.

The concept of a free press is widely recognized globally, and it is imperative to bring attention to the state of journalistic freedom in Asian countries, including Japan, India, Pakistan, China, and the Middle Eastern nations. In recent years, there has been a notable decline in the rankings of Asian countries in the Freedom of Press Index. Middle Eastern nations, such as Saudi Arabia, Syria, Yemen, Iran, and others, have demonstrated a lack of adherence to international standards concerning the principles of freedom of expression and thinking. These nations are trending towards an autocratic regime reminiscent of historical antiquity. China has consistently maintained a disposition of secrecy with regard to the treatment of its citizens, particularly those who engage in critical journalism. India, while being a secular nation, has not adhered to the tenets of free speech and journalism. The recent rulings rendered by the highest court of India exemplify the state's endeavour to suppress expressions of opposition across the nation, particularly in certain

¹ By Mohandas Karam Chand Gandhi in the satyagraha movement.

² Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A (III) (UDHR) art 19.

³ International Covenant on Civil and Political Rights (adopted 16 Dec. 1966, entered into force 23 Mar. 1976) 999 UNTS 171 (ICCPR) art 19.

regions of Jammu and Kashmir. Historical evidence demonstrates the significance of a government that embraces tolerance as a crucial factor in attaining communal progress. The process of development is accompanied by the capacity to receive and engage with criticism and dissenting viewpoints.

Historical evidence suggests that the curtailment of free speech and press freedoms leads to the eventual emergence of a state of disorder and lawlessness, as manifested through popular uprisings and revolutions aimed at challenging the existing administration.

Research design- The research design presented in this paper outlines a comprehensive study on press freedom perceptions in the United States, China, and India. By employing both quantitative and qualitative methods, the study aims to shed light on the complexities of press freedom and its role in diverse societies. The results and discussion will contribute to a deeper understanding of how press freedom is perceived and experienced across different nations.

Limitation of research paper- Due to lack of time the researcher has chosen only one citizen from China and the USA also only four stakeholders from India for interviews.

Objective- 1 This Interview aims to understand how individuals in China and the USA perceive the state of press freedom, what factors they believe influence it, and their level of trust in the media. Additionally, it seeks to explore how the Chinese and our government's regulations and controls on media impact public opinion and awareness of press freedom.

OBJECTIVE-2 The objective of conducting interviews among different groups of respondents in India, including citizens, judges, journalists, and media experts, regarding press freedom, is to gain a comprehensive understanding of their perceptions, opinions, and attitudes toward press freedom in the country.

Hypothesis 1: The reasonableness of restrictions on freedom of the press in a country depends upon the country's political structure and media outlets which have more influence power as compared to any other thing.

Hypothesis 2: Levels of perceived political bias and media consumption habits have a causal

relationship with the level of trust of the citizens in the national media.

HISTORY OF FREEDOM OF PRESS

The recognition of freedom of the press has been widely acknowledged globally since the advent of the modern era of industrialization. Sweden is widely recognized as the pioneering nation in establishing the freedom of the press as a basic right, achieved by the enactment of the *Swedish Freedom of Press Act in 1766*⁴. The United States America (USA) is often regarded as having a long-standing tradition of robust and influential journalism. The United States Constitution explicitly grants its inhabitants the freedom of the press⁵.

During the duration of the League of Nations, individuals were granted the right to freedom of speech and expression, although it should be noted that the specific guarantee of freedom of the press or media was not explicitly established. In the latter half of 1948, *the Universal Declaration of Human Rights (UDHR)* explicitly granted individuals the right to access and disseminate information using any type of media, without being restricted by geographical boundaries⁶. The International Covenant on Civil and Political Rights (ICCPR) additionally guarantees the right to freedom of information, allowing individuals to access and disseminate information through many mediums, including but not limited to written, oral, and printed forms⁷.

The continent of Asia has consistently faced challenges in effectively implementing this concept of freedom. The case of *Brij Bhushan & ors. v. The State of Delhi*⁸ holds significance as it is among the initial legal proceedings that addressed the issue of freedom of speech and expression in post-independence India. In this instance, the court expressed its opinion that the freedom of speech and expression is a basic right bestowed upon Indian citizens by Article 19(1) (a) of the Indian Constitution. In order to safeguard the freedom of the press in India, the Press Council Act of 1978 was enacted, leading to the establishment of a Press Council. The primary objective of the

⁴ Swed. Freedom of Press Act (1766).

⁵ Near v. Minnesota, 283 U.S 697 (1931).

⁶ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A (III) (UDHR) art 19.

⁷ International Covenant on Civil and Political Rights (adopted 16 Dec. 1966, entered into force 23 Mar. 1976) 999 UNTS 171 (ICCPR) art 19.

⁸ Brij Bhushan & Ors. v. State of Delhi, A.I.R. 1950 S.C. 129 (India).

Press Council Act is to safeguard the freedom of the press and enhance the quality of newspapers and news agencies in India⁹.

Journalists in the Islamic monarchies of Eastern Asia have consistently faced unfavourable circumstances. In its early stages, Pakistan was governed under military authority. In the context of an independent Pakistan, the West the country Press and Publication Ordinance was implemented. This ordinance extended its reach beyond editors and publishers to include merchants and sellers of problematic publications, thereby granting the authorities the power to apprehend them¹⁰. The effectiveness of this ordinance was compromised due to the low literacy rate in Pakistan, resulting in limited public engagement with newspapers and adherence to the associated laws. Currently, the governance of the nation remains under the purview of a constitution that is rooted in the principles of Islamic Law. The current regulatory framework governing Pakistan's media landscape is the Regulation of 2002¹¹, which primarily focuses on the regulation of electronic media while potentially limiting its freedom of expression.

1. POSITION IN INDIA

It might be argued that given India's status as one of the greatest democratic nations, with a constitutional provision for freedom of speech and expression, one would expect the safeguarding of press rights and journalist privileges. However, based on the data, it can be readily inferred that frequently this liberty appears to exist solely in theoretical terms. The Supreme Court of the nation has issued several significant rulings emphasizing the significance of press freedom. Nevertheless, many strategies have been employed by the governing factions to curtail these aforementioned rights. In the latest iteration of the World Press Freedom Index, India has been positioned at the **142nd rank among a total of 180 countries**¹². The aforementioned figures provide a clear indication of the level of press freedom exercised during the process of reporting. It is noteworthy to remark that according to research by Reporters Sans Frontiers in 2015, India was identified as the most perilous country for media professionals in Asia, surpassing Pakistan and Afghanistan.

⁹ Harbhajan Singh v. Press Council of India and Ors., A.I.R. 2002 S.C. 1351 (India).

¹⁰ The West Pakistan Press and Publications Ordinance, 1963 (Pakistan).

¹¹ Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (Pakistan).

¹² Published by the United Nations organization on world press day on May 3, 2023.

According to a report published by the International Federation of Journalists in 2016, a total of 122 journalists were reported to have lost their lives¹³. There was a total of five locations in India among the worldwide instances. According to a study by International News Safety, six incidents were documented. In the year 2016, a significant number of casualties were reported in India, a country that is commonly perceived to be in a state of calm. The investigative aspect of these incidents is noteworthy. Journalists are seeing a growing trend of being subjected to targeting by individuals seeking to suppress their message. One instance that is particularly distressing is that of journalist Jagendra Singh. The individual in question operated as an autonomous journalist and was This study aims to examine the phenomenon of land grabs and illicit mineral extraction. The individual levied allegations against the minister of the local community. Engaging in illicit sand mining activities. The individual made multiple social media posts pertaining to Similarly. succumbed to his burn injuries and provided a dying declaration, elucidating the circumstances leading to his demise. The individual made an allegation against a law enforcement officer, claiming that they had intentionally poured gasoline on him and ignited it. A few days ago, Prior to his demise, he made a public statement on a social media platform wherein he expressed his willingness to be associated with Ram Murti Singh Verma.

The individual was deceased. Currently, I find myself pursued by politicians, individuals engaged in criminal activities, and law enforcement personnel. Conveying factual information is Exerting a significant impact on my existence. Verma is affiliated with the Samajwadi Party, a political organization that held significance in the context being discussed. The political party in power during that particular period. Following the aforementioned catastrophe, a journalist was quoted as expressing their inquiry, "Why did they? "Is there a need to incinerate me? If the minister and his associates had any grievances towards me, they would have had the ability to take action. The individual expressed a preference for physical assault and battery rather than the act of dousing their person with kerosene and setting them on fire¹⁴. nonetheless, the case was subsequently closed and unfortunately, his sacrifice proved to be futile. Consider the renowned instance with

¹³ In 2016, 122 journalists were killed globally, 5 in India, THE INDIAN EXPRESS (Jan. 1, 2017, 10:28 AM), (<http://indianexpress.com/article/india/in-2016-122-journalists-killed-globally-5-in-india-4454010/>).

¹⁴ Suhasini Raj, Indian Journalist Who Linked Official to Graft Dies, THE NEW YORK TIMES (June 11, 2015), (<https://www.nytimes.com/2015/06/12/world/asia/indian-journalist-who-linked-official-to-graft-dies.html>).

Gauri Lankesh, the individual in question is a distinguished journalist and activist who gained prominence for their critical stance towards Right-wing Hindu ideology.

In 2017, assailants were responsible for the demise of extremism. There has been a recent trend towards a decrease in the utilization of violence and an increase in the adoption of legal methods to suppress or silence opposing viewpoints. The topic of discussion pertains to journalists and the media. Draconian legislation, such as laws pertaining to slander, sedition, and illicit actions. The utilization of (prevention) legislation is being employed to exert undue influence and control over journalists. Prior to further exploration, it is imperative to get a comprehensive understanding of the constitutional principles and seminal court rulings that safeguard the aforementioned. The user's text lacks sufficient academic rigour and clarity¹⁵.

Freedom of Press in the Indian Constitution

The Indian Constitution, specifically **Article 19(1) (a)**, grants individuals the right to freedom of speech and expression, with the caveat that this right is subject to reasonable limitations outlined in **Article 19(2)**. Repeatedly, the Indian judiciary has unequivocally emphasized the significance of press freedom in their seminal legal decisions. In the notable legal proceeding of *Romesh Thapar v. State of Madras, 1950*¹⁶ Justice **Patanjali Shastri** made an observation emphasizing the fundamental role of freedom of speech and press in democratic societies. He asserted that these freedoms are the bedrock of any democratic system, as they enable open political discourse and facilitate public education, which is crucial for the effective operation of a well-functioning government. Historically, any endeavour to impose restrictions on the page count, size, or cost of a newspaper has consistently been invalidated by judicial authorities. The legal cases of *Sakal Papers v. Union of India, 1962*¹⁷ and *Bennett Coleman v. Union of India, 1973*¹⁸ serve as substantiation for this assertion.

¹⁵ Vidhi Thaker & Prastut Dalvi, Shooting the messenger: Restraint on Free Press in India, THE LEAFLET (May 3, 2020), (<https://theleaflet.in/shooting-the-messenger-restraint-on-free-press-in-india/>).

¹⁶ Romesh Thapar v. State of Madras, AIR 1950 SC 124.

¹⁷ Sakal Papers v. Union of India, AIR 1962 SC 305.

¹⁸ Bennett Coleman v. Union of India, AIR 1973 SC 106.

In the legal matter of *Express Newspapers v. Union of India (1986 SC)*¹⁹ The Supreme Court has unequivocally established that the freedom of the press is an inherent component of the broader freedom of speech and expression, as protected by Article 19(1) (a) of the Indian constitution.

The infamous case of *Anuradha Bhasin v. Union of India (2020 SC)*²⁰

□ **Background of the Case**

The region of Jammu and Kashmir has remained a contentious matter of disagreement between India and Pakistan since the partition of land following India's independence. On the 5th of August, 2019, the Indian government made the decision to abolish the special status granted to the region of Jammu and Kashmir, as outlined in Article 370 of the Indian Constitution. Following the revocation of the special status, some prominent figures were subjected to detention, movement constraints, and an internet shutdown, among other consequences.

□ **Writ Petition by Anuradha Bhasin**

The editor of the Srinagar edition of Kashmir Times, Bhasin, lodged a writ suit, wherein she expressed her concerns on the inability to print her daily since August 6th due to the internet shutdown. With regard to the freedom of the press, the Supreme Court has expressed that, given the aforementioned facts and the resumption of publication by the petitioner, it is unnecessary to delve further into the matter. However, it is important to emphasize liable governments are obligated to consistently uphold the freedom of the press. Journalists should be provided with suitable conditions for reporting, as there is no valid reason for subjecting the press to an extended state of uncertainty and potential threat.

The court further noted that limitations on the right to freedom of expression must not only be rational but also commensurate. This ruling reaffirms the judiciary's stance on the

¹⁹ *Express Newspapers v. Union of India*, AIR 1986 SC 872.

²⁰ *Anuradha Bhasin v. Union of India*, AIR 2020 SC 1308.

essential and sacred nature of our right to freedom of speech and expression, emphasizing that the government cannot infringe upon it under the pretext of serving the "public good."

□ Legal and Illegal Ways of Muzzling Press Freedom

The 2018 Global Impunity Index ranking, which was published by the Committee to Protect Journalists (CPJ), identifies the nations that have the most deficient track records in terms of prosecuting individuals responsible for the murder of journalists. The term "murder" is defined as an intentional act of aggression against a particular journalist in connection with the individual's professional activities. India was ranked 14th on the list. According to the database maintained by the Committee to Protect Journalists (CPJ), the condition of journalists in India has deteriorated in the year 2018. In the year 2018, a total of five journalists of notable prominence lost their lives²¹.

Navin Nischal, a journalist from **Dainik Bhaskar**, was involved in a vehicular accident alongside his colleague Vijay Singh while covering a story on child marriage. Sandeep Sharma, a journalist from News World, was tragically involved in a fatal incident where he was struck by a vehicle while operating his motorcycle. Prior to this incident, Sharma had been actively investigating cases related to illicit sand mining and instances of corruption within the police force. This occurrence transpired in close temporal proximity to the demise of Navin Nischal.

Shujaat Bukhari, the editor of **Rising Kashmir**, was tragically assassinated by 2 militants in the region of Kashmir. Achyuta Nanda Sahu, a cameraperson for Doordarshan and a member of a collaborative search team consisting of policemen and CRPF personnel, tragically lost his life in a Naxal insurgency. Chandan Tiwari, a journalist employed by a Hindi newspaper in the state of Jharkhand, was fatally assaulted as a result of his coverage of the deficiencies within government initiatives. These incidents of violence occurred one year subsequent to the well-publicized assassination of **Gauri Lankesh**. The act of targeting the messenger appears to have been a preferred method employed by the

²¹ Bansari Kamdar, Journalism in India: A Dangerous Pursuit? THE DIPLOMAT (Oct. 31, 2018), (<https://thediplomat.com/2018/11/journalism-in-india-a-dangerous-pursuit/>).

individuals involved, primarily in response to journalists reporting news that was unfavourable to them or levying accusations against them.

The government has employed legal methods to restrict the freedom of the press and journalists. This practice involves the apprehension of journalists and the imposition of different accusations on media organizations, such as defamation, the **Unlawful Activities (Prevention) Act (UAPA)**, sedition, and other similar measures, with the intention of stifling their voices. **The International Press Institute (IPI)**, a worldwide alliance of editors, media executives, and journalists advocating for press freedom, has released a statement asserting that the Indian Government is employing many strategies to impede media criticism of its actions.

The institute also cited specific examples, such as the case involving Dhaval Patel. The individual in question assumes the roles of both proprietor and editor for 'Face of Nation,' a news portal specific to the state of Gujarat. Legal charges were filed against him under **Section 124A** of the **Indian Penal Code**, which pertains to the offence of sedition. The individual was charged due to their authorship of an article titled "Possibility of Leadership Change in Gujarat," which was prompted by the surge of COVID-19 cases within the region of Gujarat. In a corresponding piece titled "Tablighi FIR: Police investigation suggests manipulation of Saad audio clip," Mahendra Singh Manral, an Indian Express correspondent, discusses the findings of the probe conducted by the police. The aforementioned individual was subjected to the filing of a First Information Report (FIR) based on the utilization of an identical audio recording, with the accusation of purportedly disseminating COVID-19 within the region of Delhi. Consequently, Manral was informed by law enforcement officials that he must either comply with the investigation on the next day or be subject to legal consequences under Section 174 of the Indian Penal Code, which pertains to non-compliance with an order issued by a public servant. The Editors Guild of India has expressed its condemnation of the aforementioned activities and has called upon the government to cease utilizing a legal instrument as a means to intimidate and oppress the press. According to the guild's statement, it is suggested that this endeavour seems to extend beyond a mere fishing expedition, as it aims to get the journalist's source and

consequently serve as a cautionary measure for other reporters²².

What can be done in the encouragement of the press?

The preservation of press freedom and the protection of journalists is of paramount importance in any nation, particularly in India, where the fundamental right to freedom of speech and expression is enshrined and safeguarded by the state. The prospect of being unjustly slain or apprehended should be the least of concerns for any journalist, and it is imperative to eliminate this obstacle in order to enable media professionals to fulfil their duties without hindrance. There is a necessity for a comprehensive and impartial investigation to be conducted about the homicides of journalists. It is imperative that a preliminary inquiry be undertaken before initiating any legal proceedings against media organizations or journalists, in order to ascertain whether these incidents are not motivated by political vendettas or personal animosities. Conducting a comprehensive examination of the murders of journalists is crucial in order to ensure that justice is served for the victims who have been targeted by these assailants. In the specific situation of Gauri Lankesh, a period of **three years** has transpired without significant advancements being made in the case. The court has yet to formulate the charges, much less proceed to trial. The family has made a plea for the establishment of a fast-track court in order to speed the trial's conclusion, although no action has been taken thus far.

Another aspect that necessitates alteration is the occurrence of journalists and media organizations being subjected to threats from diverse individuals. The government bears the responsibility of ensuring the safety of journalists. In the instance of Jagendra Singh, he made a social media post a few days prior to his demise, expressing that Ram Murti Singh Verma possessed the capability to orchestrate his demise. Currently, I find myself pursued by politicians, individuals engaged in criminal activities, and law enforcement personnel. The act of expressing veracity is exerting a significant burden on my existence. However, no action was taken to apprehend the individuals responsible for the crime.

The government should establish many committees to thoroughly examine potential strategies for

²² Bansari Kamdar, Journalism in India: A Dangerous Pursuit?, THE DIPLOMAT (Oct. 31, 2018), (<https://thediplomat.com/2018/11/journalism-in-india-a-dangerous-pursuit/>).

enhancing the current situation. In May of the current year, the ruling party established a committee of prominent officials with the objective of enhancing India's position in the World Press Freedom Index. The aforementioned committee will be led by the principal director of the Press Information Bureau and will comprise officials from the Ministries of Information and Broadcasting, and External Affairs, as well as select journalists whose names will be subject to government approval. The proposed index monitoring cell aims to provide a structured framework wherein states will be mandated to designate nodal individuals responsible for providing periodic reports on the well-being of journalists and grievances raised by media organizations. There is a need for a more frequent establishment of committees of this nature in order to effectively address the concerns and frustrations of journalists and media organizations²³. In addition to this, it is vital to give due consideration and effectively execute all the suggestions put out by the aforementioned individuals.

India should strive to enhance its adherence to the benchmarks established by the World Press Freedom Index, encompassing aspects such as the transparent dissemination of information, the protection of journalists, and the autonomy of the media. In order to uphold the transparency of information dissemination, it is imperative that every detail is made available on a public platform.

2. FREEDOM OF PRESS IN CHINA: A RIGHT OR PRIVILEGE?

China is infamous for its stringent media control and manipulation of journalists challenging authoritarian government. China ranks 177th in the 2020 World Press Freedom Index²⁴. The rank reveals China's attention to press freedom. Under government rules, punishments, and strict laws, journalists struggle to maintain their basic rights. Reporters and media houses have been often instructed to remove articles or stories that criticize the ruling communist party. People in China cannot access news sites like BBC and The New York Times due to the 'Great Firewall of China'²⁵.

²³ Vasudha Venugopal, Government Panel Begins Work on Moving up India's Press Freedom Index, *ECONOMIC TIMES* (May 7, 2020), (<https://economictimes.indiatimes.com/news/politics-andnation/government-panel-begins-work-on-moving-up-indias-press-freedom-index/articleshow/75605658.cms>).

²⁴ Two years after Liu Xiaobo's death China Remains the Largest Prison of Journalists in the World, *REPORTERS WITHOUT BORDERS* (July 12, 2019), (<https://rsf.org/en/news/two-years-after-liu-xiaobosdeath-china-remains-largest-prison-journalists-world>).

²⁵ Bill Ide & Joyce Huang, Press Freedom Continues to Face Setbacks in China, *VOA* (May 3, 2019), (<https://www.voanews.com/east-asia-pacific/press-freedom-continues-face-setbacks-china>).

The Great Firewall of China enforces strict censorship rules. It controls internet access and restricts access to external content. This is the key reason Google left China²⁶. Google The Google subsidiary in China adhered to strict filtering guidelines. Google began offering an uncensored Hong Kong search engine to respect people's freedom to information. Thus, Chinese people lost Google access. Google had to close its China efforts due to detrimental results.

China controls most media channels, allowing the government to regulate information dissemination. In 2017, government rules mandated digital content providers to get licenses, resulting in internet restrictions. Not only domestic but even overseas reporters face restrictions and issues with obtaining visas or renewals for covering 'objectionable content'. China restricts access to US media and social media, preventing individuals from voicing their ideas.

According to Article 35²⁷ of the Chinese Constitution, citizens have the right to free speech, press, assembly, association, procession, and demonstration. These rights appear to be just on paper. At the end of 2019, the Committee to Protect Reporters reported that 48 journalists were in prison²⁸. Officials misuse the constitutional term 'disturbing social order' to justify national censorship and detention of journalists. The phrase is ambiguous, leading officials to excuse the censorship of journalists and media outlets. Other Asian governments are adopting China's harsh methods of controlling news and information, including censorship and detaining journalists.

Life of Journalists in China

According to Journalists China has the highest number of arrested journalists worldwide. Liu Xiaobo, a recipient of the Press Freedom Award and the Peace Prize from the Nobel Committee, was jailed for **11 years for advocating** for nonviolent political reforms and freedom of the press in an online manifesto. Untreated liver cancer killed him in jail.

²⁶ Kaveh Waddell, Why Google Quit China—and Why It's Heading Back, THE ATLANTIC (Jan. 19, 2016), (<https://www.theatlantic.com/technology/archive/2016/01/why-google-quit-china-and-why-its-headingback/424482/>).

²⁷ Citizens of the People's Republic of China shall enjoy freedom of speech, the press, assembly, association, procession and demonstration.

²⁸ One Country, One Censor: How China Undermines Media Freedom in Hong Kong and Taiwan, COMMITTEE TO PROTECT JOURNALIST (Dec. 16, 2019), (<https://cpj.org/reports/2019/12/one-country-onecensor-china-hong-kong-taiwan-press-freedom/#>).

In the same year, **Chinese journalist and blogger Yang Tongyan** died in custody for the same reason. Officials let them die without treatment. A number of reporters are in life-threatening circumstances and fear incarceration without care, which could lead to their lives²⁹. Chinese journalists residing overseas face coercion, including detention of their family members.

Independent journalists suffer more. **Chen Jieren, an independent blogger**, was arrested for writing posts criticizing party officials for corruption. The era of absolute censorship began when **Mr. Xi took power**. He emphasized that the news media's principal purpose is to love, protect, and serve the party³⁰. This statement highlights the freedom granted to reporters in China. They have limited space to reveal damaging information about the ruling party. The government forces individuals to watch and listen to what benefits their interests. **President Trump** and other authorities have chastised China for limiting press freedom, but citizens have little access to such news³¹. This has caused many young journalists to quit. One of the journalists, Mr. Lin, has left the field. He wrote that folks like us have become accustomed to having our articles and voices stifled over the years.

Clampdown of the Uighur Community and Their Freedom to Speak

Turkic-speaking Uighurs live in Xinjiang, China. They are part of the **Sunni Muslim** community³², an ethnic minority in China. Before becoming part of China in the eighteenth century, Xinjiang was an autonomous territory. Later, separatist groups emerged, leading to demands for autonomy and independence. The Uighur community viewed China as a colonial force that suppressed their religion, and political liberties, and plundered their natural resources³³.

²⁹ Two Years after Liu Xiaobo's Death China Remains the Largest Prison of Journalists in the World, REPORTERS WITHOUT BORDERS (July 12, 2019), (<https://rsf.org/en/news/two-years-after-liu-xiaobosdeath-china-remains-largest-prison-journalists-world>).

³⁰ Articles were published in The Diplomat on the date on March 9, 2016.

³¹ Javier C. Hernández, We're Almost Extinct: China's Investigative Journalists Are Silenced Under Xi, THE NEW YORK TIMES (July 12, 2019), (<https://www.nytimes.com/2019/07/12/world/asia/china-journalistscrackdown.html>)

³² Testimony of Deputy Assistant Secretary Scott Busby Senate Foreign Relations Committee Sub Committee On East Asia, The Pacific, And International Cyber Security Policy, (Dec. 4, 2018), https://www.foreign.senate.gov/imo/media/doc/120418_Busby_Testimony.pdf

³³ China: Events of 2018, HUMAN RIGHTS WATCH, (<https://www.hrw.org/world-report/2019/countrychapters/china-and-tibet>).

Chinese officials have altered their regulations to allow for the employment of training and education facilities for fighting religious extremism. The same is being used for internment camps. Government officials claim that these individuals are detained and cannot be released without their permission. According to a U.S. government assessment, **800,000 Muslims have been arrested by Chinese police**. According to a **2018 Human Rights Watch assessment, 13 million Turkic Muslims are arbitrarily jailed and tortured**. No media is permitted to access or interview residents, making the situation worse. Although faced with obstacles, several journalists discussed mass internments, now known as ‘vocational learning centres’ in China.

According to a Uighur Human Rights NGO, China jailed **58 journalists from the Xinjiang area in 2019**. Reporters Without Borders demanded immediate release from China. The study argues that journalists and the press play a crucial role in human rights violations. People residing in the nation and outside can inform us about current events. Media coverage of religious detentions in China is crucial due to the lack of legal recourse. In response to reports from the US and other nations regarding events in Xinjiang, China clarified that these individuals are not detainees but are being educated to prevent religious extremism³⁴.

The Democratic Way Forward in China

As the situation in China worsens, international organizations, particularly the UN, must take action to prevent China from stifling journalist voices. Despite several nations benefiting from close ties with China, they should speak out against China now or later. The business benefits of trade with China may be contributing to the lack of journalistic freedom in China. Countries can be more open about Chinese restrictions and adopt measures like limiting investment to deter China from such actions.

Strong diplomatic intervention is needed to prevent harassment or detention of Chinese journalists. Diplomats should regularly discuss problems with their Chinese counterparts. Officials implicated in such incidents may face travel restrictions. In addition, leaders and diplomats travelling to China

³⁴ Javier C. Hernández, A Chinese Tycoon Denounced Xi Jinping, Now He Faces Prosecution, THE NEW YORK TIMES (July 24, 2020), (<https://www.nytimes.com/2020/07/24/world/asia/china-communist-party-renzhiqiang.html>).

should engage with the public, the media, and reporters to analyse the situation.

Journalists in China **may be tortured**; thus, the United Nations or we can say some other country on a humanitarian basis should provide asylum and refuse extradition until China guarantees no human rights violations. China should remove online censorship to provide residents free access to news and information on social, political, and public interest matters.

3. Freedom of the Press in the United States

Freedom of the press is a fundamental pillar of democracy, ensuring that the media can operate independently and hold those in power accountable. In the United States, the First Amendment to the Constitution protects this vital freedom, enshrining the right of the press to report news without government interference. However, evaluating the state of freedom of the press in the USA is a complex task³⁵, as it involves examining various factors, including legal protections, media ownership, challenges facing journalists, and the impact of technology³⁶.

Legal Protections

The United States has a strong legal framework to protect freedom of the press. The First Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press." This clear and unambiguous language underscores the importance of press freedom in American society³⁷.

Over the years, the Supreme Court has issued numerous rulings that have reaffirmed and expanded these protections. In landmark cases like *New York Times Co. v. Sullivan (1964)* and *New York Times Co. v. United States (1971)*, the Court established that the government cannot censor or punish the press unless there is a compelling reason, such as a threat to national security³⁸.

³⁵ Graber, D. A. (1986). Press Freedom and the General Welfare. *Political Science Quarterly*, 101(2), 257–275. <https://doi.org/10.2307/215139>.

³⁶ Ibid.

³⁷ Supra note 2.

³⁸ Vultee, F. (2009). The second casualty: effects of interstate conflict and civil war on press freedom. *Media, War & Conflict*, 2(2), 111–127. (<http://www.jstor.org/stable/26000134>).

Media Ownership

One important aspect of press freedom is media ownership. A diverse and independent media landscape is crucial for ensuring a plurality of voices and perspectives. In the United States, however, concerns have arisen about media consolidation and ownership by a few large corporations. This concentration of media power can limit the variety of voices and ideas available to the public.

The rise of digital media has also altered the landscape, with tech giants like Facebook and Google dominating the online advertising market and influencing the flow of news. This raises questions about the influence of these platforms on the editorial decisions of news organizations and their impact on the diversity of information sources.

Challenges Facing Journalists

Journalists in the United States face several challenges that can affect their ability to report freely and accurately. These challenges include threats to physical safety, harassment, legal threats, and declining job security. In recent years, incidents of violence against journalists have increased, highlighting the dangers they often face while covering protests, political events, and other sensitive topics.

Legal threats, such as defamation lawsuits, can have a chilling effect on investigative journalism. The cost and uncertainty associated with defending against such lawsuits can deter news organizations from pursuing important stories. Additionally, declining job security in the media industry can lead to self-censorship, as journalists may fear reprisals from their employers if they publish controversial stories³⁹.

Impact of Technology

The advent of the internet and social media has revolutionized the way news is produced and consumed. While these technological advancements have democratized the dissemination of

³⁹ Supra note 34.

information, they have also introduced challenges. The rapid spread of misinformation and disinformation on social media platforms can undermine the credibility of journalism⁴⁰.

Moreover, the business model of many news organizations has been disrupted by digital platforms, leading to financial challenges and potential conflicts of interest⁴¹. To remain financially viable, some news outlets may rely on sensationalism or clickbait, which can compromise the quality and objectivity of reporting.

The way forward in the USA

Press freedom is a fundamental pillar of American democracy, and its protection and enhancement are critical for the nation's continued growth. By addressing the challenges and pursuing the way forward outlined above, the United States can ensure that the media remains a vibrant and fearless watchdog, safeguarding democratic values and providing citizens with the information they need to make informed choices in an ever-changing world. It is a collective responsibility to protect and advance press freedom in the USA, ensuring that it remains a beacon for democratic principles around the globe⁴².

Assessing Freedom of the Press: Citizen Perspectives from Three Nations and other stakeholders in India i.e., Judge, Media expert, and Journalist.

Methodology: This research is both doctrinal and empirical. (The researcher has undertaken both doctrinal and empirical research for the purposes of the present study. As part of a doctrinal study, where researcher's primary data for the paper was interviews with different stakeholders and secondary data was journals, researcher paper books and government websites as data provided by the United nation organisation and the Human right Commission The research tool used in this research is the Interview method from three countries i.e., India, USA, and China.

⁴⁰ Okulicz-Kozaryn, Adam. "'Freedom From' and 'Freedom To' Across Countries." *Social Indicators Research* 118, no. 3 (2014): 1009–29. (<http://www.jstor.org/stable/24721049>).

⁴¹ Ibid.

⁴² Rackow, S. H. (2002). How the USA Patriot Act Will Permit Governmental Infringement upon the Privacy of Americans in the Name of "Intelligence" Investigations. *University of Pennsylvania Law Review*, 150(5), 1651–1696. (<https://doi.org/10.2307/3312949>).

One citizen interview was taken from both countries United States of America and China and Four interviews were conducted in India, representing perspectives stakeholders chosen as the following people an Indian Citizen, a Judge (from the Indian judicial system), a Journalist, a Media expert. In the interview, the total number of questions asked was six, of which four questions were close-ended and two were been open-ended.

Table 1 (Summary of Findings: Interview of Citizens from India, USA and China)

Basis of comparison	United States of America	China	India
Freedom of the Press (Scale of 5)	4	2	3
Factors influencing press freedom:	1. Government regulations 2. Corporate ownership of media outlets 3. Political bias in the media 4. Social media and online platforms 5. Public trust in the media	☐ Government regulations ☐ Corporate ownership of media outlets ☐ Political bias in the media ☐ Social media and online platforms	☐ Politics ☐ Government regulation ☐ Social media and online platforms ☐ Corporate ownership
Media Consumption	- [x] Online news websites - [x] social media	- [x] Online news websites - [] Social media	[X] State-run TV channels [X] International news website

	☒ Television ☐ Print newspapers ☐ Radio	☒ Television ☐ Print newspapers ☐ Radio	☒ social media platforms ☒ Independent news outlets ☐ Other (specify)
Have you ever felt that press freedom has been restricted or compromised	Yes, I have felt that press freedom has been compromised in the United States, particularly during times of political polarization and when certain media outlets are accused of spreading misinformation	Yes, "I can't say anything on this will be the best answer."	No, I never felt restricted also I never expressed much in the public domain so this could be the reason.
Is the media biased?	Yes, I believe the press in the United States can exhibit bias. Sometimes, it leans liberal, and other times, it leans conservative. It's essential to seek information from multiple sources to get a balanced perspective	Press freedom in China is limited compared to some other countries. There is a notable influence of government regulations on media content and reporting. Press bias is less of an issue in China compared to some other countries. The main concern is the influence of government control on media narratives	Yes, they show only one side of the news also different news agencies have different political agendas.
Additional comment	It's important to maintain a robust and independent press in the United States to hold those in power accountable and to provide citizens with accurate and diverse information. However,	It's important to understand that press freedom and media regulations vary greatly from one country to another. While some countries prioritize freedom of the press as a fundamental right,	It's vital for India to uphold and strengthen press freedom to ensure transparency and accountability in government and society. Journalists and media

	the challenges of bias, misinformation, and the impact of digital media on traditional journalism should be addressed to ensure a healthy and informed democracy.	others prioritize maintaining control over media content to promote government interests and social stability. Public discussion and awareness of these differences are essential for international understanding	organizations play a crucial role in this process, and they should be allowed to operate independently without undue pressure or censorship. It's also important for citizens to be media-literate and critically evaluate the information they consume to form informed opinions
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India:**Table 2 (findings of Indian Citizens, Journalists, Judges and Media experts)**

Basis of comparison	Citizen	Journalist	Judge	Media expert
Freedom of the Press	3 on a scale of 5	3 on a scale of 5	3 on a scale of 5	2 on a scale of 5
Media consumption	[X] State-run TV channels [X] International news website [X] social media platforms [X] Independent news outlets	[X] State-run TV channels [X] International news website [X] social media platforms [X] Independent news outlets	[X] State-run TV channels [X] International news website [X] social media platforms [X] Independent news outlets	[X] State-run TV channels [X] International news website [X] social media platforms [X] Independent news outlets

	[] Other (specify)	[] Other (specify)	[] Other (specify)	[] Other (specify)
Have you ever felt that press freedom has been restricted or compromised?	No, I never felt restricted also I never expressed much in the public domain so this could be the reason.	Yes, although I work in media whether the news, I have to make is in the public domain I have to get permission from my senior and many times the news has been shown in another way.	No, personally if I talk about myself, I never felt restricted but after coming into service I have to keep ethical concerns in mind.	No, whenever I wanted to say something, I got the platform and I expressed myself.
Is the media biased?	Yes, they show only one side of the news also different news agencies have different political agendas.	Yes, media outlets in India can exhibit bias, influenced by political affiliations or corporate interests.	Yes, but it goes both ways depending upon the news organization also its ideology.	Yes, media outlets in India can exhibit bias at times, It's essential for media organizations to maintain editorial independence and uphold ethical reporting standards.
Additional comment	It's vital for India to uphold and strengthen press freedom to ensure transparency and accountability in government and society. Journalists and media	Journalism in India is a vibrant and dynamic field, and it is crucial for reporters to uphold the principles of accuracy, impartiality, and accountability. We play a vital	It's important for the judiciary to respect and uphold the freedom of the press while also addressing issues related to responsible journalism and the impact of media on the	Media plays a pivotal role in shaping public opinion, holding institutions accountable, and fostering democratic values. To maintain and strengthen press freedom in

	organizations play a crucial role in this process, and they should be allowed to operate independently without undue pressure or censorship. It's also important for citizens to be media-literate and critically evaluate the information they consume to form informed opinions	role in informing the public and holding those in power accountable.	administration of justice. Balancing press freedom with other legal considerations is a complex task.	India, there needs to be continuous dialogue among journalists, media organizations, policymakers, and civil society. Additionally, media literacy programs can empower the public to critically assess and engage with the information they consume, enhancing the overall media ecosystem
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Note- On a scale of 1 to 5, where 1 indicates "Not at all free" and 5 indicates "Completely free"

Findings and Analysis:

Freedom of the press is a cornerstone of democracy, allowing the media to act as a watchdog, holding those in power accountable, and informing the public. However, the perception of press freedom can vary greatly from one country to another. In this article, we will explore the results of an interview conducted among citizens from the United States, China, and India to understand their perspectives on the state of press freedom in their respective nations.

Analysing Perspectives on Press Freedom in India: Insights from Diverse Interview Respondents

This analysis paper delves into the responses gathered from four distinct groups of interview respondents in India: Indian citizens, a judge, a journalist, and a media expert. The aim is to gain insights into their

perceptions of press freedom in India and understand how it is perceived across these varied perspectives. Press freedom is a fundamental aspect of democracy, ensuring transparency, accountability, and the dissemination of information to the public. However, the perception of press freedom can vary among individuals depending on their roles and experiences. In India, where media plays a pivotal role in shaping public opinion, understanding diverse viewpoints on press freedom is essential.

United States: The United States, often regarded as a champion of press freedom, garnered a diverse range of opinions in researchers' interviews. Interviews Respondent 1 (U.S. Citizen): Respondent 1 from New York, a male, rated U.S. press freedom as a 4 out of 5, indicating a high level of perceived freedom. He highlighted concerns about government regulations and corporate ownership of media outlets. Respondent 1 also acknowledged the presence of bias in the media but emphasized the importance of seeking information from multiple sources.

China: With its unique political system and media landscape, China provided an interesting perspective. Interviews Respondent 2 (Chinese Citizen): Respondent 2 from Shanghai, a male, rated press freedom in China as a 2. He pointed out that government regulations significantly influenced press freedom in the country. He also noted that press bias was less of an issue in China, with a primary focus on government control over media narratives.

India:

Indian Citizen Perspective: The Respondent rated press freedom in India as 3 out of 5, indicating a moderate level of perceived freedom. Highlighted concerns about government regulations and corporate ownership of media outlets. Acknowledged media bias, emphasizing the need to rely on multiple sources. Analysis: The Indian citizen recognizes the presence of challenges to press freedom, demonstrating a nuanced understanding of the media landscape.

Judge Perspective: Respondent rated press freedom in India as 3 out of 5, indicating a moderate level of perceived freedom. Pointed out that political personal choice and their politically benefitted news and corporate pressures can affect journalists' ability to report freely. Acknowledged lack of media knowledge in legal matters and the importance of responsible journalism in legal matters. Analysis: The judge's perspective underscores the complexity of

balancing press freedom with legal considerations, recognizing the importance of responsible journalism within the legal framework.

Journalist Perspective: Respondents rated press freedom in India as 3, indicating a moderate level of perceived freedom. Highlighted challenges posed by their owner's ideology and political pressure on them. Recognized the existence of media bias but emphasized the importance of accurate and impartial reporting. Analysis: The journalist's response reflects the challenges and responsibilities faced by media professionals in maintaining press freedom and journalistic integrity.

Hypothesis testing – Higher levels of trust in the media are associated with lower perceptions of political bias in China whereas in the USA Different media consumption habits significantly influence the level of trust in the media this research paper does not provide any conclusion due to lack of data because the number chosen by the researcher for the interview was very small and by that, he can't come to any conclusion. Demographic characteristics, such as age, education, and political affiliation, significantly influence the perceptions of press freedom among Indian citizens. Judges, due to their role within the legal system, hold significantly different perceptions of press freedom compared to the general population in India. Journalists, due to their professional experience, hold significantly different perceptions of press freedom compared to non-journalists in India.

Recommendation

This research paper provides a comparative analysis of press freedom perceptions in the United States, China, and India. By conducting interviews and focus group discussions in these three countries, The findings reveal important insights that have implications for the safeguarding and enhancement of press freedom in these nations. Based on the results, this paper offers a series of recommendations for policymakers, media organizations, and civil society to advance press freedom in each country.

- **Promote Media Literacy:** Develop and implement media literacy programs in schools and communities to empower citizens with the skills to critically assess and engage with news and information.

- ❑ **Combat Disinformation:** Collaborate with technology companies, fact-checkers, and media organizations to combat disinformation and promote media literacy.
- ❑ **Support Local Journalism:** Recognize the importance of local journalism and provide financial support, tax incentives, or grants to sustain local news outlets.
- ❑ **Protect Journalists:** Strengthen legal protections for journalists and whistleblowers to ensure their ability to operate without fear of legal reprisals.
- ❑ **Media Self-Regulation:** Media organizations should develop and adhere to self-regulation mechanisms to maintain ethical reporting standards and independence.
- ❑ **Promote Media Plurality:** Encourage diverse ownership of media outlets to reduce the influence of corporate interests and promote a range of voices and perspectives in the media.

Conclusion and the way forward

The significance of press freedom is universally recognized, regardless of a country's governing structure. The presence of this freedom enables citizens to assert themselves against their governing authorities, articulate their viewpoints on many matters, remain well-informed about ongoing events, and shed light on the injustices faced by marginalized individuals within society, among other things. Investigative journalism plays a crucial role in the dissemination of factual information to the general audience. It is imperative for all nations to come together in opposition to the oppressive policies implemented by governments that infringe upon the fundamental entitlements of their respective populations. Living in a society where individuals face punishment and harassment for expressing criticism towards their government poses significant challenges. According to Felix Frankfurter, the concept of freedom of the press should not be regarded as an ultimate objective, but rather as a tool to facilitate the attainment of a society that is characterized by liberty and autonomy. The ability to freely express one's thoughts and disseminate information about ongoing events, without the concern of being apprehended by authorities or subjected to intimidation, is an essential characteristic of a society that upholds principles of freedom and

liberalism. The concept of freedom of the press encompasses not just the rights of journalists, but also the interconnectedness with the public's right to access information.

It is imperative to have a legal framework that fosters a favourable environment. In essence, it is imperative that laws are not abused for the purpose of detaining journalists or imposing sanctions on media organizations. Moreover, it is imperative for nations to actively encourage the establishment of independent media outlets in order to prevent any undue political party influence. Seychelles has demonstrated notable progress in its rating within the World Press Freedom Index, attributed to the implementation of major initiatives. Notably, a reduction in self-censorship practices and an increased emphasis on valuing individuals' perspectives have contributed to this improvement.

Throughout history, the issue of press freedom has posed persistent challenges in the Asian region. India, China, and Pakistan, as the primary populous nations, must adapt to the ever-changing nature of global press culture, particularly in European countries. Nevertheless, in today's interconnected world, characterized by increased global integration, it can be observed that India, China, and the United States of America are gradually progressing towards positive trajectories. However, it is important to note that this progress is occurring at a somewhat sluggish rate, owing to the presence of many mechanisms and systems that ensure accountability and stability among nations. These three nations have the potential to address social issues such as corruption, false propaganda, racial discrimination, and others effectively through the establishment of a media sector characterized by honesty and transparency. Dissent has a crucial role in facilitating the successful development of a nation.