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### **ABSTRACT:**

*“Google is the answer to any question you may have today. By technology revolution, today youth is increasingly using numbers of social sites such as Facebook, Twitter, WhatsApp, Blog and LinkedIn as platforms for communicating with friends, family and work colleagues. Social Media’s quick development shows its influence on society and is a crucial part of the advancement of information and communication technologies. Almost all Indian political leaders have taken up social media to speak directly to voters on everything from their own vs opponents parties’ policies. Nowadays political campaigns are not just confined to posters and banners. But it has changed its scenario vastly i.e., Social Media campaigns are full of info-commercials, advertisements, blog posts, and lakhs of tweets, Instagram posts and Facebook posts. It is being a big platform for politicians to convey their message through endless info-commercials and gauge their communication by viewing direct responses to their actions on social platforms.*

*Political parties keep themselves updated by the surfing internet, posting statuses, share personal views on the international online platform. In the present era, social media have become one of the largest online platforms in the world for sharing real-time information. Overall, around 10% of the total population in the country has access to social media. Social media is youth-centric. People between 21 and 35 years of age are most active on the social media. So, we can say that social media is not just about frivolous 'likes' and 'posts'. There are the people who are helping enhance discussions. For future elections, the medium will be the heavily-invested area for a political party”.*

### **I. INTRODUCTION:**

According to the WorldAtlas report/article<sup>1</sup>, India takes second place, surprisingly, with 560 million Internet users. The country has a lot of rural areas, where most people do not have Internet access. However, the urban areas are so densely populated that the number of

<sup>1</sup> ANTONIA ČIRJAK, *List of Countries Ranked by the Most Internet Users*, available at <https://www.worldatlas.com/articles/list-of-countries-ranked-by-the-most-internet-users.html>.

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Internet users in the country just skyrockets. India has several undersea and one overland Internet connection, and its government is looking to expand the growth of eco-systems based on the Internet. The country continues to make significant advances in technology, largely thanks to the Internet.

Even though the use of social media has several challenges such as security, privacy, accuracy at the same time it provides the opportunities for sharing, collaboration, and engagement of users which is provided by the medium of social media. It is very crucial to understand how and why these tools can and should be used in politics committees. Social Media has rapidly grown in importance as a platform for political activities in its different forms. Social media platforms, such as Twitter, Facebook and YouTube provide new ways to encourage citizens to get involved in political life, where elections and electoral campaigns have a central role.

### **I.I HYPOTHESIS:**

- For Wooing the young and first-time voters.
- To make the party & people easier to exercise their constitutional rights.

### **I.II OBJECTIVES:**

- To find out the use of social media, how it broadens the political participation.
- To find out that how political parties creating a larger-than-life image through social media.
- What do people think about this digital campaigning: fruitful or wasteful?

### **I.III ISSUES:**

1. Does social media is the fastest mode of spreading publicity of the political parties?
2. Is media could be a tool for safeguarding the transparency of the democratic process?
3. Is there any chance of electoral fraud in voting and counting centres?
4. Do the political parties are spending vast financial resources on planning & executing mass media campaigns?

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5. The parties have the right to equal access to media is provided or denied?
6. Do the people have the right to express their opinion in public participation in an easy manner?
7. Is there any gender discrimination in both media & elections?

## **II. DEFINITION:**

Social media is the collective of online communications channels dedicated to community-based input, interaction, content-sharing and collaboration. Typical social media network services could be content sharing, web communities, and Internet forums.<sup>2</sup>

### **Five major features are easy to identify:**

1. Social networking and social interaction
2. Participation
3. The use of different providers (e.g., search engines, blog spaces, etc.)
4. Openness
5. Collaboration (between both users and user groups).<sup>3</sup>

## **III. HERE ARE SOME PROMINENT EXAMPLES OF SOCIAL MEDIA:**

The media have traditionally been understood to refer to the *printed press* as well as *radio* and *television* broadcasters. In recent years however, the definition has become broader, encompassing new media including *online journalism*, and *social media*.

### **A. Facebook:**

Facebook is one of the most popular online social networking sites. It was founded on February 4, 2004, by Mark Zuckerberg with his college roommates. Facebook has broad

<sup>2</sup> e.g., Eysenbach, G. *Medicin 2.0: Social Networking, Collaboration, Participation, Apomediation, and Openness*. *Journal of Medical Internet Research* 2008; 10(3): e22.

<sup>3</sup> mainly article by Baygert, N. *French Politics at the Digital Age*. *Recherches en communication*, no 28, 2007.

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impact on the social life of people. Facebook allows users to people to stay in touch with friends, relatives and other connections without time and geographical limits provided they have access to the Internet. Its activity based on interest, hobbies, knowledge brings people together through groups and other pages.

Due to its widespread network, it connected lots of lost family and friends. Facebook currently has *2.9 billion monthly active users (MAUs)*<sup>4</sup>. Facebook is changing its name. Now the company is going to be called Meta<sup>5</sup>.

## **B. Twitter:**

Twitter is one of the trending online social networking site which enables users to communicate using short messages having character limit of 140; which are called as “tweets”. Twitter was created with the idea of is it possible to share your status with your friends so that they know what are you doing or up to in March 2006 by Jack Dorsey an American businessman. Twitter with 500 million tweets sent each day<sup>6</sup> has gained very high popularity. Twitter is also called as the SMS of the Internet.

## **C. Instagram:**

Instagram is an online mobile tool which allows sharing photos and videos on a variety of social networking sites such as Facebook, Twitter, Tumbler and many other sites. It’s theme line says take a picture, transform it the way you want and share with your friends and family, life is beautiful. Facebook bought Instagram for \$1 billion in 2012<sup>7</sup>.

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<sup>4</sup> BRIAN DEAN, *Facebook Demographic Statistics: How Many People Use Facebook in 2022?*, available at <https://backlinko.com/facebook-users>.

<sup>5</sup> ANKITA CHAKRAVARTI, *Facebook Changes Its Name to Meta, But Don’t Worry It Will Not Change Anything For Facebook Users*, available at <https://www.indiatoday.in/technology/news/story/facebook-changes-its-name-to-meta-but-don-t-worry-it-will-not-change-anything-for-facebook-users-1870831-2021-10-29>.

<sup>6</sup> DAVID SAYCE, *The Number of Tweets Per Day In 2020*, available at <https://www.dsayce.com/social-media/tweets-day/>.

<sup>7</sup> *Mark Zuckerberg Bought Instagram As It Was A 'Threat' To Facebook*, available at [https://www.business-standard.com/article/international/mark-zuckerberg-bought-instagram-as-it-was-a-threat-to-facebook-120073000324\\_1.html](https://www.business-standard.com/article/international/mark-zuckerberg-bought-instagram-as-it-was-a-threat-to-facebook-120073000324_1.html).

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#### **D. WhatsApp:**

WhatsApp Messenger is a cross-platform instant messaging service for smart phones. It allows user to send messages without paying for SMS. It requires internet for communication. It is integrated with smart phones which allows user to share photos, audios, videos and their location using integrated Maps present on their smart phones. WhatsApp Inc. was founded in 2009 by Brian Acton and Jan Koum. In February 2014, Facebook purchased the messaging service WhatsApp for \$19 billion<sup>8</sup>.

#### **E. Hike:**

Hike Messenger is made in India, specially designed for cross platform smart phone communication using internet. Along with messages, audio, video sharing it also provides stickers for effective communication. Hike was created by Atul Singh and was taken over by Bharti Softbank in April 2013. It has crossed more than 35 million users in India.

#### **F. Google+:**

Google plus is Google's social networking project, designed to replicate the way people interact offline more closely than is the case in other social networking services. The project's slogan is “Real-life sharing rethought for the web.” In December 2018, Google announced its decision to shut down Google+ for consumers in April 2019 due to low usage and challenges involved in maintaining a successful product that meets consumers' expectations<sup>9</sup>.

#### **G. Wikipedia:**

It is a free, open content online encyclopedia created through the collaborative effort of a community of users known as Wikipedians. Anyone registered on the site can create an

<sup>8</sup> CHARLIE WARZEL & RYAN MAC, *These Confidential Charts Show Why Facebook Bought WhatsApp*, available at <https://www.buzzfeednews.com/article/charliewarzel/why-facebook-bought-whatsapp>.

<sup>9</sup> *Shutting Down Google+ For Consumer (Personal) Accounts on April 2, 2019*, available at <https://support.google.com/googlecurrents/answer/9195133?hl=en>.



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article for publication; registration is not required to edit articles. Wikipedia was founded in January of 2001.

## **H. LinkedIn:**

It is a social networking site designed specifically for the business community. The goal of the site is to allow registered members to establish and document networks of people they know and trust professionally.

## **I. Pinterest:**

It is a social curation website for sharing and categorizing images found online. Pinterest requires brief descriptions but the main focus of the site is visual. Clicking on an image will take you to the original source, so, for example, if you click on a picture of a pair of shoes, you might be taken to a site where you can purchase them. An image of blueberry pancakes might take you to the recipe; a picture of a whimsical birdhouse might take you to the instructions.<sup>10</sup>

## **IV. ELECTION SYSTEM IN INDIA:**

India, a largest democracy in the world, is secular and socialist country. The 2014 elections have been very different from the previous ones; never before have elections created so much buzz especially among the youngsters. For wooing the youngsters BJP and other political parties are borrowing strategies employed by U.S. President Barack Obama's 2012 presidential campaign, with the use of Thunderclap, an online platform which helps to make content viral. During 2014 general elections, there were around 0.9 million polling stations across the country. The electoral roll is a list of all people in the constituency who are registered to vote. Only those people with their names on the voting list are allowed to vote. There is total 543 Parliamentary constituencies in India and this mega event of elections were held in 9 phases. The first phase was held on 07th April 2014 and the last one was on 12th May 2014. The number of parties registered with the Election Commission of India is 1,616.

<sup>10</sup> <http://www.martenscentre.eu/sites/default/files/publication-files/social-media-and-politics-power-political-influence.pdf>.

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This number consists of 6 national parties, 47 state parties and others as registered unrecognized parties. The elections of 2014 had a battle between few major national parties, namely *the Indian National Congress (INC) or commonly known as Congress, the Bhartiya Janta Party (BJP), the Aam Aadmi Party (AAP) and some other national parties like the Samajwadi Party (SP), the Bahujan Samaj Party (BSP)* etc. forming the third front.

## **V. MEDIA IN ELECTORAL PROCESSES:**

In order to fulfill their roles, the media need to maintain a high level of professionalism, accuracy and impartiality in their coverage. Regulatory frameworks can help ensure high standards. Laws and regulation should guarantee fundamental freedoms essential to democracy, including freedom of information and expression, as well as participation. Meanwhile, provisions such as requiring government media, funded out of public money, to give fair coverage and equitable access to opposition parties, help ensure appropriate media behaviour during elections.

### **V.I Peace Building and Conflict Resolution:**

The media can be a tool for fanning violence and conflict if not properly managed. The use of radio during the Rwandan genocide in 1994 in mobilizing the population to participate in violence was a striking example of the power of radio to serve destructive political interests by manipulating hearts and minds. Fortunately, those events also sparked a reflection by many international and local actors to realize how to harness this power of radio towards more positive aims, notably the promotion of peace and reconciliation. The media play an indispensable role in the proper functioning of a democracy. It often focuses on their "watchdog" role: by unfettered scrutiny and discussion of the successes and failures of candidates, governments, and electoral management bodies, the media can inform the public of how effectively they have performed and help to hold them to account.

### **Yet the media also have other roles in enabling full public participation in elections:**

- by educating voters on how to exercise their democratic rights;

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- by reporting on the development of an election campaign;
- by providing a platform for the political parties and candidates to communicate their message to the electorate;
- by providing a platform for the public to communicate their concerns, opinions, and needs, to the parties/candidates, the EMB, the government, and to other voters, and to interact on these issues;
- by allowing the parties and candidates to debate with each other;
- by reporting results and monitoring vote counting;
- by scrutinizing the electoral process, itself, including electoral management, in order to evaluate the fairness of the process, its efficiency, and its probity;
- by providing information that, as far as possible, avoids inflammatory language, helping to prevent election-related violence.

## **VI. CONSTITUTIONAL RIGHTS:**

***“Article 325: No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.”***

The article supports the preparation of one general electoral roll for each constituency, for election to both the houses of Parliament.

***“Article 326: Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of Adult Suffrage.”***

Adult Suffrage is the right to vote given to every adult citizen of India, who is above 18 years of age, with the vision of maximum participation and providing an opportunity to the youth to select their leaders.

***Voter's right:*** With strategies of electoral process, every citizen of the country would have right to know, inquire and ensure the particulars of the candidate who is to represent them in the Parliament.<sup>11</sup>

## **VII. RIGHTS CONFERRED:**

<sup>11</sup> <http://www.merineews.com/generalelection/jsp/ConstitutionalRights.jsp>.

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A prime concern of media coverage of elections is the *right of voters to full and accurate information*, and their *rights to participate in debates and dialogue on policy* matters and with politicians. Inherent to this task is the entitlement of parties and candidates to use the media as a platform for interaction with the public. Furthermore, the Electoral Management Body (EMB) has a need to communicate information to the electorate – and to a variety of other groups, including the political parties and candidates. The media themselves have a *right to report freely* and to *scrutinize* the whole electoral process. This scrutiny is in itself a vital safeguard against interference or corruption in the management or conduct of the electoral process.

***The relationship of the EMBs to the media is hence a multifaceted one, including:***

- ***As communicator:*** the EMB will invariably want to use the media as a vehicle for communicating its messages to the electorate.
- ***As news story:*** the EMB will be a focus of media interest throughout the election process. The media will be interested in the information that the EMB can provide, as well as trying to scrutinize the EMB’s performance and the efficiency and integrity of the elections.
- ***As regulator:*** the EMB may in some instances be responsible for developing or implementing regulations governing media behaviour during elections (especially relating to direct access to the media by parties and candidates). It may also be responsible for dealing with complaints against the media.

***VII.I Brief Example from Senegal in 2012 Brings to Life the Roles of Media in Elections:***

This election has attested to the proper functioning of the democratic system in Senegal but also confirmed the important role that media can play in regularity, transparency and reliability in the polls. Journalists went to the polls to report live, interviewing observers, members of the polling stations and the public, to check whether everything was going normally. They also reported irregularities, fraud and threats of violence to get authorities to

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respond. Groups of thugs who were plotting to disrupt the vote during the first round were arrested after the media reported on it. And all day long, you had people and political leaders calling the radio and TV stations to tell them about any cases of wrongdoing, so that journalists could fact-check and report. The greatest role the media played in the election process was after the voting was over. In the evening, radio and television stations and online press provided live results that were posted at polling stations. This helped to prevent fraud and to quickly confirm the need for a second round.<sup>12</sup>

## **VIII. ISSUES & DISCUSSIONS:**

### **VIII.I Is media could be a tool for safeguarding the transparency of the democratic process?**

In today’s politics and society at large, media is essential to the safeguarding transparency of democratic processes. This is often called its ‘watchdog’ role. Transparency is required on many levels including for access to information; accountability and legitimacy of individuals, institutions and processes themselves; and for rightful participation and public debate.

Specific to elections, an EMB for example, is obligated to inform the public on their actions, decisions, and plans. Individuals appointed or elected to an EMB body are public figures who should be working in the interests of the public. As such, information regarding their affiliations, histories, and performance while in office, is to be freely accessed by the public.

### **VIII.II Is there any chance of electoral fraud in voting and counting centres?**

Media acts as a mechanism for the prevention and investigation of allegations of violations or malpractice. This watchdog role extends from accountability of officials and their actions while ‘in office’ to entire processes. For example, media presence at voting and counting

<sup>12</sup> “Media Play a Key Role in Senegal’s Election”, *International Center for Journalists*, May 07, 2012, <http://www.icfj.org/news/media-play-key-role-senegals-election>.

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centres is critical to preventing electoral fraud, given that full measures protecting freedom of speech are guaranteed, and that media are free to act independently and with impartiality. Furthermore, transparency of individual processes (such as voting, counting, registering, candidate nomination, campaigning and so forth) further protects and enables public participation in these processes.

### **VIII.III Does the parties have right to equal access to media is provided or denied?**

Candidates and Parties have an explicit right to provide the electorate information regarding their attributes, political agendas, and proposed plans. Besides meeting directly with members of the electorate, candidates and parties accomplish this task through campaigns via media. It is paramount to democratic electoral processes therefore, that all candidates and parties are provided equal access to media for this endeavour.

### **VIII.IV Does the political parties are spending vast financial resources on planning & executing mass media campaigns?**

Candidates and parties use the mass media for campaigning through sponsored direct access spots, paid political advertising, televised debates, use of social media, and other mechanisms. They also hope the media will voluntarily cover them because of the newsworthiness of their campaign activities. Political parties expend vast human and financial resources on planning and executing mass media campaigns. The NDI Political Campaign Planning Manual<sup>13</sup> gives an idea of the extent of organisation involved. Levelling the campaign playing field is one of the main justifications for regulation of media during elections. Another key role of media in campaigning is balanced reporting, ensuring that candidates receive fair coverage. This is one reason why robust media monitoring is so important toward ensuring fair and free elections. Media professionalism and media literacy are also fundamental to this achievement.

<sup>13</sup> *Political Campaigning Planning Manual: A Step-by-Step Guide to Winning Elections* (Washington DC: National Democratic Institute for International Affairs, 2009).

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### **VIII.V The people have right to express their opinion in public participation?**

While candidate and party campaigns are of course a form of debate, there are also other voices that are to be heard within public forums. As enshrined in the International Covenant on Civil and Political Rights, all people have the right to express opposing ideas and opinions.<sup>14</sup> The role of media in providing this platform for debate and discussion is therefore vital. Media provide a mechanism for regular citizens to be heard and to therefore influence political agendas and campaign platforms, and sometimes garnering support and influencing fellow voters.

#### **Forms can include:**

- Members of the public, lobby groups, experts with different perspectives, and candidates being interviewed by the media for their views on certain policies;
- Talkback radio and television in which the public air their opinions;
- Contestants’ websites, social media networks, and so on, where the public can interact with them directly;
- News reports on press conferences, protests and other events held by interest groups;
- Media surveys of public opinion;
- Citizen journalism;
- Debates on blogs, Twitter, and social media sites;
- Letters to the editor.

### **VIII.VI Is there any gender discrimination in both media & elections?**

Women and men tend to be treated very differently by the media, worldwide. Similarly, men and women tend to have vastly different experiences of participating in political processes. Men are more visible and dominant in both media and elections; and gender stereotypes

<sup>14</sup> “International Covenant on Civil and Political Rights”, *Office of the United Nations High Commission for Human Rights*, accessed August 16, 2012, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

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prevail in both. Women’s participation in politics as voters, candidates, politicians, civil society activists, and in other roles is important because it allows<sup>15</sup> women to exercise their fundamental civil and political rights. When women do hold ministerial positions, they are more likely to hold stereotypical ‘women’s’ portfolios such as social welfare rather than economics, politics, or security.<sup>16</sup> A number of factors continue to contribute to the slow progress of women in politics. As stated in a media monitoring manual by IDEA and UN Women: the cultural conditioning factors that assign them a greater responsibility in family tasks all stand in the way of their full participation.<sup>17</sup>

Gender discrimination is also compounded by the general news media i.e., the highest *disparity being in the professions*”. The media sector has improved in some ways, however, with a growing number of female reporters in all issue areas – including ‘hard’ topics such as security, politics and economics.<sup>18</sup> In 1994 the Inter-Parliamentary Union stated that the media can “help to inspire among the public the idea that women's participation in political life is an essential part of democracy (and) can also take care to avoid giving negative or minimizing images of women and their determination and capacity to participate in politics, stressing the importance of women's role in economic and social life and in the development process in general.”<sup>19</sup>

**Other action is being taken on a number of fronts to address the compounded problem of women’s lack of visibility in elections-related media:**

- Monitoring of media reporting of women candidates by NGOs, EOMs, EMBs, and others, and using monitoring results to raise awareness;

<sup>15</sup> “Women in Politics: 30 Years in Retrospect”, (Data sheet), *International Parliamentary Union*, 2006, accessed August 23, 2012, [http://www.ipu.org/pdf/publications/wmningokit06\\_en.pdf](http://www.ipu.org/pdf/publications/wmningokit06_en.pdf).

<sup>16</sup> “Factsheet: Women’s political participation”, *International Women’s Democracy Center*, accessed August 21, 2012, [http://www.iwdc.org/resources/fact\\_sheet.htm](http://www.iwdc.org/resources/fact_sheet.htm).

<sup>17</sup> Beatriz Llanos and Juana Nina, *Electoral Coverage from a Gender Perspective: A media monitoring manual*, (Stockholm: International Institute for Democracy and Electoral Assistance, 2011), 11.

<sup>18</sup> “Who makes the news”, (report highlights) *Global Media Monitoring Project*, 2010, accessed August 23, 2012 [http://www.medinstgenderstudies.org/wp-content/uploads/highlights\\_en.pdf](http://www.medinstgenderstudies.org/wp-content/uploads/highlights_en.pdf).

<sup>19</sup> “Plan Of Action to Correct Present Imbalances In The Participation Of Men And Women In Political Life”, *Inter-Parliamentary Union*, March 16, 1994, [Http://Www.Ipu.Org/Wmn-E/Planactn.Htm](http://www.Ipu.Org/Wmn-E/Planactn.Htm).



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- Incorporating gender training into training of elections- and political-reporters and other media personnel, including “raising the awareness of journalists and media outlets as to their importance as agents of social change for building more equitable societies, and helping them move away from visions of reality that highlight men while failing to portray the presence and contributions of women in the different areas of social life”;<sup>20</sup>
- Hiring more female news and general media staff;
- Incorporating gender issues into capacity building for political party communications departments and spokespeople;
- Improving civic and voter education at all levels to include an understanding of gender equality and participation of women and men.

## **IX. LEGAL FRAMEWORK FOR MEDIA AND ELECTIONS:**

It provides substantial discussion of the different models for a regulatory framework for the media in elections, ranging from an independent electoral commission to a specialized media regulator, such as a broadcasting commission or a voluntary media council or press complaints body. It looks at different rules that apply to public and private media. A growing body of law, both at a national and international level, governs the role of media in elections. It is important to understand that this jurisprudence is overwhelmingly directed at regulating behaviour of governments in relation to the media, rather than in regulating the media themselves.

### **The fundamental principles set out in international law embrace two aspects:**

- the right to freedom of expression and freedom of information, and
- the right to participate in the government of the country, through elections.

The original form these principles are found in *Article 19 and Article 21 of the Universal Declaration of Human Rights*, adopted by the United Nations in 1948. Since then, they have

<sup>20</sup> Beatriz Llanos and Juana Nina, *Electoral Coverage from a Gender Perspective: A media monitoring manual*, (Stockholm: International Institute for Democracy and Electoral Assistance, 2011), 10.

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been echoed in a number of UN and regional human rights treaties. Decisions by various treaty bodies, such as the UN Human Rights Committee, the European Court of Human Rights, and the Inter-American Commission on Human Rights, have further refined these principles, making them an increasingly rich and applicable source of legal guidance.

A further source of international law on media and elections is found in the decisions by other types of international institutions. For example, in 1999 the *United Nations Special Rapporteur on Freedom of Opinion and Expression* established guiding parameters for the role of media in elections as well as obligations of governments to guarantee media pluralism. The approaches of other international bodies, such as UN administrations in internationally supervised elections, also provide a source of "soft law". This means that the laws do not have binding power over UN member states, but instead provide an important indication of prevalent international standards.

In addition to international laws and treaties, national legislation may also provide guidance and parameters for media activity and respective regulatory bodies. In many countries, especially those with a common law system, decisions of other countries' courts may be invoked as a source of guidance and precedent. Again, they have no binding power, but depending on the seniority of the court whose decision is being cited, judges will take serious note of its reasoning and findings.<sup>21</sup>

## **X. CRITICISM OF POLITICIANS AND GOVERNMENT:**

### **International Tribunals:**

The politicians and governments may be subject to greater criticism and insult than ordinary private individuals and that consequently the law will offer them less protection. This is due to the fact that politicians bear great responsibility for leadership and representation of their constituents and their country, and because they have greater access to remedies than most

<sup>21</sup> <https://aceproject.org/ace-en/topics/me/mea/default>.

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ordinary people. Of course, the situation that has so often prevailed is the opposite: government officials often invoking charges such as criminal defamation against critics.

International law also distinguishes between factual allegations and opinions. Political opinions may only be restricted in the most extreme circumstances. They cannot be restricted on the grounds that they are "untrue" since, as the European Court of Human Rights observed, to require someone accused of defamation to prove the truth of an opinion "infringes freedom of opinion itself".<sup>22</sup>

The European Court of Human Rights has ruled unanimously that because "freedom of political debate is at the very core of the concept of a democratic society ... the limits of acceptable criticism are accordingly wider as regards a politician as such than as regards private individuals." In addition, "the limits of permissible criticism are wider with regard to the Government than in relation to a private citizen, or even a politician." Penalties for defamation in such cases would only apply where the accusations are "devoid of foundation or formulated in bad faith."

**The court also stated:**

*While freedom of expression is important for everybody, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests. Accordingly, interferences with the freedom of expression of an opposition Member of Parliament... call for the closest scrutiny on the part of the Court.*<sup>23</sup>

The civil law of defamation can legitimately be used to protect reputations against reckless and malicious allegations. But increasingly, national courts have ruled that the scope of

<sup>22</sup> **Lingens v. Austria**, Judgment of 8 July 1986, Series A no. 103.

<sup>23</sup> **Castells v. Spain**, Judgment of 23 April 1992, Series A no. 236.

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defamation law must be such that it does not prevent the media from carrying out their proper function - or stifle vigorous political debate.

The historic judgment of the United States Supreme Court in *New York Times vs. Sullivan (1964)* established the principle that there should be greater latitude in criticizing a public official, even to the extent of mistaken or inaccurate statements, provided that these were not made maliciously. The court pointed out that public figures had far easier access to channels of communication to counteract false statements.<sup>24</sup>

In recent years, this approach has been adopted, in different ways, in a wide variety of other jurisdictions, including the United Kingdom, Australia, Pakistan, India, and Zambia.<sup>25</sup>

## **XI. CONCLUSION & SUGGESTIONS:**

In 2005 the yearly World Press Freedom Day international conference produced a declaration that stressed *“independent and pluralistic media are essential for ensuring transparency, accountability and participation as fundamental elements of good governance and human-rights based development”*.

Furthermore, the declaration urges member states to “respect the function of the news media as an essential factor in good governance, vital to increasing both transparency and accountability in decision-making processes and to communicating the principles of good governance to society”.<sup>26</sup>

- ✓ Future political effectiveness is going to be based on social networks because that is where “trust filters” operate.

<sup>24</sup> *New York Times Co. v. Sullivan*, 376 US 254 (1964).

<sup>25</sup> Joanna Stevens, "Sullivan's Travels", *Southern African Media Law Briefing*, 2 no. 1, April 1997.

<sup>26</sup>“World Press Freedom Day 2005; Dakar Declaration”, *UNESCO*, accessed August 08, 2012, <http://www.unesco.org/new/en/communication-and-information/flagship-projectactivities/world-press-freedom-day/previous-celebrations/worldpressfreedomday200900000/dakar-declaration/>.

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- ✓ Recognize that campaign organizations no longer control electoral discussions, but that ideas come from grassroots networks.
- ✓ Employ Facebook comments and status updates to drive civic conversations.
- ✓ Create virtual opportunities for citizen feedback and deliberation.
- ✓ Embed social media commentary in news coverage.
- ✓ Use social media for direct persuasion.
- ✓ Leverage civics education for political action and confidence-building.
- ✓ Improve the diversity of information dissemination and exposure through social media.
- ✓ Create new opportunities for engagement through mobile communications.
- ✓ Geo-location and behavioral advertising allow activists to reach people efficiently and effectively.