

Of new media, citizens' journalism and human rights

SHAILA SHAHID

ARE 'citizens' journalism' and 'new media' mere buzzwords or do they really make a difference compared to the reach and impact of traditional media? Or does censorship that traditional media is often subjected to apply any differently to new media and citizens journalism? Recently these questions are being raised worldwide, with the changing global scenario. Apparently, there have been tremendous steps taken in the field of journalism. The ways of viewing journalism are also changed with the emergence of new technologies such as the internet and mobile phone. A sea of change is sweeping the spheres of traditional journalism. However, new age journalism should not replace traditional journalism, as the two are better suited to be complementary to each other. The above mentioned views were discussed at the workshop titled "Pushing the new envelope: New media, citizens' journalism, human rights and development" of the Third Global Knowledge Conference, held in Kuala Lumpur, Malaysia, organised by Global Knowledge Partnership (GKP) on 12th December 2007.

This panel brings together key thought leaders and innovators in new media and citizens' journalism to explore the intersection of traditional and new media, and the opportunities as well as challenges to be tackled. The views present to support human rights and media freedom - especially in countries with violent and repressive regimes. The panel speakers were Dan Gillmor, author of the book "We the Media: Grassroots Journalism for the People by the People"; Ms. Ory Okolloh, Blogger at Kenya Pundit, Global Voices; Steven Gan, Editor-in-chief of Malaysia Kini and Ms. Sharmini Boyle, Chief Editor, Young Asia Television. The workshop was moderated by Sanjana Hattotuwa, Head, ICT for Peacebuilding, InfoShare, Colombo, Sri Lanka.

The speaker and participants opined that now-a-days citizens' journalism has been described as individuals "playing an active role in the process of collecting, reporting, analysing and disseminating news and information." The intent of this participation is to provide inde-



pendent, reliable, accurate, wide-ranging and relevant information that a democracy requires. Citizens' Journalism is slowly being looked upon as a form of rightful democratic way of giving honest news, articles, etc, directly by citizens of the world from anywhere. It is attempting a new type of journalism with the aim of an open source and investigative documentary about how the news media is becoming critical to the issues of mass people. Citizens' Journalism is to express the emotional and grass-roots view of an issue, while it needs Traditional Journalism to cover the fields where it is strongest e.g. international issues. Furthermore, in some countries, e.g. Kenya, unless you are a journalist, you can't take notes in parliament. You have to do it under cover. Moreover, to get a press pass is also very politicised, hence blogs serve as an important

tool to dispel what we see on television, say, the monolithic view of the African youth.

In terms of challenges, the biggest one is not money. These challenges are, namely, sourcing information, getting access to cover live sessions of parliament, lack of internet access -- limited readership because of limited internet access (how to link to other media, getting local publicity) -- how to grow with other commitments, skepticism about whether the public will find this to be a useful tool and whether the blog can be influential.

Visions, innovations and trends

Due to the improving technologies and miniaturisations thereof, it is now more difficult for governments to keep secrets. It is now easier for anyone to make a website or a blog, all

assisted by the veritable low cost of the hardware as well as the use of open source software which powers many blogs. There is, therefore, no time like the present to be an entrepreneur.

Priorities and potential for action

There must be emphasis given on providing new media literacy across the board. The new age journalists must be taught the values that must also be enforced in traditional journalism i.e. thoroughness, accuracy, fairness, independence and the additional value of transparency (which, it was pointed out, is a problem not only in governments, but NGOs as well when it comes to sharing information with the public).

Burning questions and the questions to be deepened further

The most important questions for an established journalism organisation (be it Citizens' Journalism or otherwise) is ensuring two main things, Credibility and Financial Viability. Both bloggers and traditional media have their strength and their own way of ensuring their credibility to their reader base: however, the question of finance always rears its head (sometimes with the cajoling of the governments putting pressure on the advertisers). Another question was ensuring the sustainability of the blogs once the originator of the idea ceases to have time to dedicate to updating the blog and reporting. Although technology allows more people to take part and contribute, there must still be a search for further avenues to attract people to ensure the life-line of the blogs.

The session also addressed several key questions regarding citizens' journalism. The main points that were discussed are:

- Placed in harm's way for the content one produces or showcases, how resilient is citizens' journalism in the face of regimes that attack human rights defenders and media freedom?
- Broadband is a pre-requisite for most new media. Is the new media revolution exacerbating the digital divide? How much can we generalise on the potential of new media to strengthen sustainable development as well as political and human rights issues?
- Is new media more or less reflecting the

imbalances in old media (e.g. gender related imbalances) or is it more representative and equitable?

- You Tube and SecondLife play a visible role in the mainstream party politics of some countries -- is it a sign of things to come and what are the possibilities it presents for the future?
- What does the future hold? What will the new media in 2015 look, feel and sound like?

In the question answer session responding to a question about the risk of doing citizens' journalism, Dan Gillmor conceded that the risks in developed countries e.g. in USA, is very low. The worst that can happen is that maybe someone can sue a person. But in other parts of the world, it's not the case; the risks are greater. People have to be extremely cautious as to what new media ask citizens' to do as well as to have some technological means for protecting identity, for people who need anonymity.

A question was posed about ensuring the sustainability of the blogs once the originator of the idea ceases to have time to dedicate to updating the blog and reporting. Ms Okolloh stated that, although technology allows more people to take part and contribute, there must still be a search for further avenues to attract people to ensure the life-line of the blogs. An alternative means would be sourcing for funds from donors. However, this would have the undesirable effect of turning the pure blogging outfit, into a business-minded NGO; and the restructuring that would surely follow would detract the movement of the blog by introducing more bureaucracy. Also contributing to the question of risks in journalism, she pointed out that, when working on a political blog, one must make a conscious decision to try to get the truth out with the risks very well in mind. Also asked a question about the government's stance on choosing public safety over public freedom, Steven Gan responded by saying that usually most governments are not protecting the citizens, but are protecting themselves.

Drawing on example of Sri Lanka, Ms. Sharmini Boyle showed how journalists are even afraid to report on issues for fear of reaction from the authorities. However, she pointed out that Young Asia television sees their work as an important catalyst for change. The media often

plays a non-constructive or destructive role; but in a situation where there are such conflicts as in Sri Lanka, sometimes sides are picked and the matter is worsened instead of helped. The public will therefore not be comfortable in voicing opinion in an environment of intolerance.

Dan Gillmor gave an overview of the traditional media and how citizens' journalism has made a positive contribution to the media. With examples from the assassination of JFK (which was captured on video by a bystander with a personal camera) to the Tsunami, he showed the extent to which new media is helping the phenomenon of Citizens' Journalism. He posed the question "Are the citizens going to replace journalism?" and replied to his own question by saying "I hope not, it's symbiotic."

The discussants stressed the need that there should be more of a "please help us" style of journalism, rather than the "take it or leave it" style. Due to low cost innovation, now is the best opportunity in history to be a journalistic entrepreneur. It's something that people are seeing all over the world and in terms of media literacy people have to teach a new kind of media literacy. The journalists must people understand that it's important to be skeptical and it is also important that people should learn to judge from the various media. Furthermore, new media actors should learn media techniques rather than just shooting videos and writing blogs.

However, the key recommendations that came out from the discussions was to encourage independent media to have independent financing which will ensure more autonomy from the government control. The online reporting of 'everyday citizens' possesses the capability to bring to bear alternative perspectives, context and ideological diversity to news reports, providing internet users with the means to hear distant voices otherwise being marginalised, if not silenced altogether. On the other hand the session sought to identify a number of ways in which citizens' journalism -- specially with regard to its capacity to bear witness to human suffering -- can help to reconfigure the geometry of informational power in the 'network society.'

Source: Global Knowledge Partnership (GKP).

The writer is working for the law desk, The Daily Star.

Star LAW analysis

Compulsory registration of marriage from legal perspectives: The Indian context

ABDUL HAFIZ GANDHI

RELIGION has come to be used for pursuing personal agenda. This is not a new phenomenon. In the past also many divisive forces have used religion for their ulterior motives. The irony of the matter is that those who claim to be torch-bearer of faith are misusing it for monetary gains. At this crucial juncture I am reminded of the statement made by Mohd. Maqsood Imran, Naib Imam of Jamia Masjid, Bangalore that appeared in a section of media. He stated, while answering the question about the Supreme Court direction for states to enact rules or law for compulsory registration of marriage, that he has no objection if before registration with the marriage registrar the boy and girl first seek approval from the respective mosque before solemnisation of their marriage. This type of extra and unwanted interference in the religion needs to be nipped in the bud.

If we pursue the Islamic requirements of marriage, the condition imposed by Naib Imam does not figure anywhere in it. Marriage is a purely civil contract in Islam where certain verses of the holy Quran are recited. If a boy and girl are of sound mind and have come to the age of majority (puberty) they could get into the contract of marriage. The element of free consent forms the bedrock of this contract. One fails to understand where is the requirement of getting approval from the mosque before solemnisation of marriage as claimed by the clergy. It is high time to come out of the grip of those project Islam in bad shape and interpret it as per their whims and fancies.

Quran ordained people to reduce to proper writing their mutual transactions, howsoever small they may be. In the testing and difficult times when foreigners from middle-east come to India to dupe the innocent girls, the need of not only registration of marriages but of divorces irrespective of the religion becomes inevitable. I sometimes wonder how religion would be affected by the registration of marriage or divorce. The proposed law will only provide for the

procedure of registration after the solemnisation of marriage according to one's custom, traditions and personal laws. The bill drafted by the National Commission of Women (NCW) in 1995 lists the procedure and mechanism of registration within 30 days after the solemnisation of marriage. The proposed bill respects and honours the religious sentiments of the populace and hence the bill attempted no interference with the religious traditions and requirements of marriage.

The whole debate surrounding the compulsory registration cropped up and came in the public domain when Supreme Court directed all states and Union territories on 14 April, 2006 to notify rules for compulsory registration of marriages. Although the intentions of the judiciary are fair but this particular direction suffers from constitutional deficiency. Instead of directing the state governments to notify rules, it might have requested the Parliament to come up with a law to regulate the registration of marriages. The request by Supreme Court would have been entirely within the constitutional intent and spirit. Constitution of India clearly separated the roles of each organ of the state. The law making function is assigned to the parliament and state legislatures. Therefore, keeping in view the distinction between law making and interpretation of law, it would have been expedient if Supreme Court had requested the parliament to bring a law making registration of marriages compulsory.

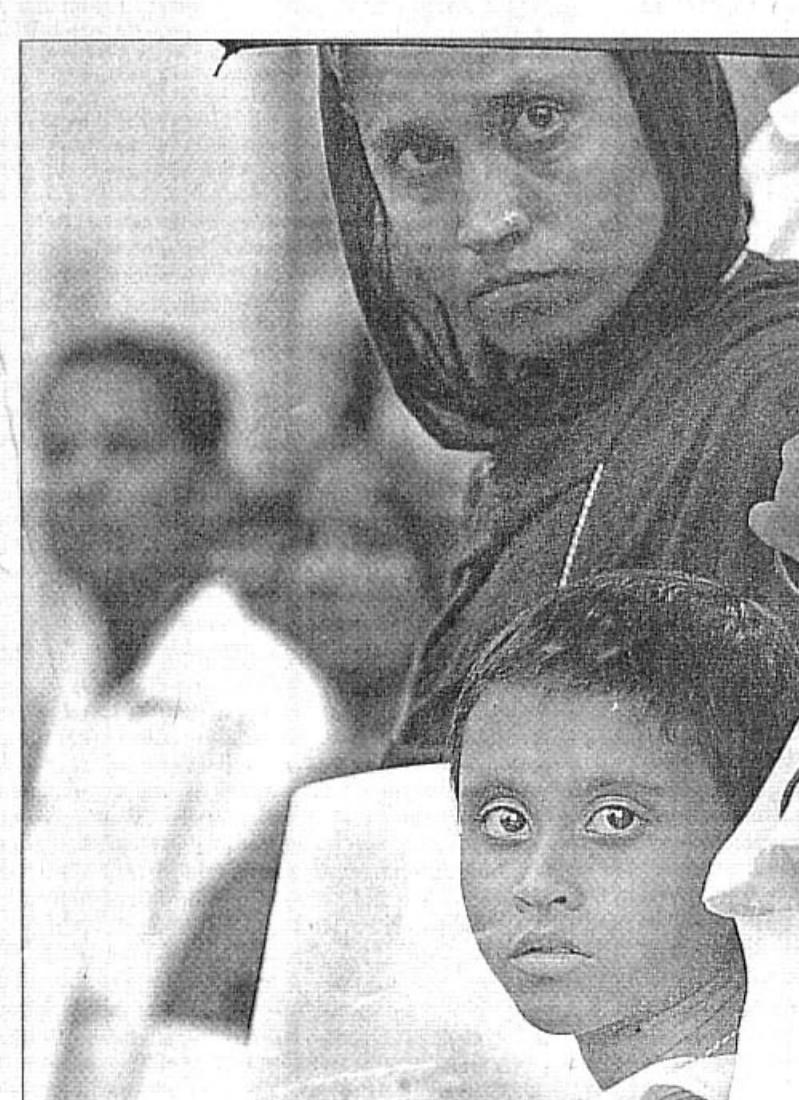
The proposed bill by NCW has no constitutional provisions that the erstwhile Bombay law. The bill does not interfere with the solemnisation of marriage but only prescribes the procedure of getting the marriage registered within 30 days of the solemnisation. Certain religious leaders irrespective of the religious affiliations are arguing that registration is going to interfere in the religious tenets and that is why they are in favour of voluntary registration of marriage. My answer to this is: if you think that registration is interfering in the basic tenets of religion then why allow voluntary registration? When voluntary registration is not interfering, then compulsory registration is also no threat. Registration in no way disrespects the religious tenets. Moreover, voluntary registration proposition is bound to fail as has been our experience with voluntary registration provision in Section 8(2) of the Hindu Marriage Act, 1955. Very negligible couples came forward to have their marriages registered.

Law with voluntary registration is like having no law at all. Lessons must be

learnt from the countries like Bangladesh, where laws for compulsory registration of marriage are in vogue since last three decades at least. Quick perusal of laws relating to marriage will reveal that Egypt, Iran and Pakistan have effective provisions and mechanisms for compulsory registration. In Pakistan, the Muslim Family Law Ordinance, 1961 in section 5(1) says that every marriage shall be registered under the Muslim law shall be registered in accordance with the provisions of this ordinance. The same law is applicable to Bangladesh as it was part of Pakistan in 1961 before its independence in 1971. No attempt has been made to repeal this law and people of Bangladesh are happy to be governed by the ordinance of 1961.

The efforts of Kerala and Maharashtra to come up with compulsory registration of marriage laws need to be appreciated. There is no denying the fact that absence of vital marriage document to be issued by the government under the proposed law has caused havoc to the lives of thousands of women. Indeed, this law will lead to reduction in the number of fake marriages entered with poor, helpless and innocent girls by foreigners in India. Many such cases have come to public knowledge. Really, there is an urgent need of a stringent law to deal with this menace.

In my view Supreme Court must have requested the Parliament to enact a central legislation on compulsory registration of marriages. This subject is covered by entries 5 and 30 of the concurrent list of the seventh schedule of the Constitution. Entry 5 talks of marriages and divorce whereas entry 30 empowers the parliament and state legislatures to make laws for 'vital statistics' including registration of birth and death. These two entries fully empower the parliament to enact a central legislation on the registration of marriages. The registration of marriage and divorce will come within the meaning of 'vital statistics'. There is no constitutional hiccup for framing a common law of registration for all communities irrespective of religious affiliations. The central legislation becomes expedient and necessary in the situation when separate laws are prevalent for different communities in various states.



The other problem is that states need to frame laws for every religion separately. The governments of all states have to make rules under section 8(2) of Hindu Marriage Act, 1955 for compulsory registration of Hindu marriages. Similarly, rules need to be framed under Christian Marriage Act, 1872 and Parsi Marriage Act, 1938 for Christians and Parsis respectively. A law is to be made

freshly for Muslims because at present there is no codified law for registering Muslim marriages. The whole exercise is so cumbersome that lot of confusion would arise in different laws of different states. Suppose a person from Punjab wants to marry a girl from Tamil Nadu having different laws, certainly parties would face hardship. So, why not to enact the common law in a secular manner like this.

The marriage certificate issued by the marriage registrar can be used as evidence in the court of law for proving the factum of marriage. The in-laws of the widow deny the factum of marriage in most of the cases to usurp the property of the deceased husband. If marriage is registered, it will become next to impossible to deny the marriage by the in-laws. Husband or wife hardships will reduce to the minimum while accompanying their spouse to the foreign countries. If a person dies without nomination for the bank deposit or life insurance policy, marriage certificate would be the proof for claim.

Government could provide in the law dealing with compulsory marriage registration that for the employment in public or private services the showing of marriage certificate is a must. This will give a fillip to the efforts of the government to register marriage. Marriage certificate as one of the requirements for the married persons to get job would compel him or her to register their marriage.

The people, media, politicians, religious leaders and civil society must welcome the effort of the NCW to have come forward with the draft legislation. I hope central government would rise to the occasion and take appropriate steps to bring the bill in the next session of the parliament.

The writer is research scholar, Centre for the Study of Law and Governance, Jawaharlal Nehru University (JNU), New Delhi.