

# Examining the Relationship between Legal, Political Environment and Freedom of Information in Indian Print Media

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***Abstract--**This study aims to understand the relationship between legal, political environment and freedom of information in Indian print media. While previous studies only focused on the media policies and regulations, no specific research has been done to track the freedom of information in print media in India. This study traces the freedom of information in print media by exploring and analyzing the relationship between legal environment, political environment and freedom of information. This study employs a deductive approach on data gathered from a survey conducted on Indian journalists. Descriptive and inferential statistics were used to analyze the data. The study found that the legal and political environment are significantly related to freedom of information in print media in India.*

***Keywords--** Freedom of Information, Journalism, Press Freedom, Legal environment, Political environment.*

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## I. INTRODUCTION

Observers of Indian press will discover immense exuberance and vibrancy in its media platforms. India has a long tradition of press activism since the period of the British occupation. This notion of freedom is also well enshrined in the Indian constitution, Article 19(1) articulates that “all citizens shall have the right, to freedom of speech & expression,” which includes the freedom of the press, as the medium of speech and expression. This suggest non-interference from any external agencies and authorities. However, the Constitution, in Article 19(2) also imposes some restrictions on matters concerning sovereignty, security, public order, friendly relations with foreign states, decency or morality and contempt of court.

Freedom of the press or freedom of the media is the principle that communication and expression through various media, including printed and electronic media, especially published materials, should be considered a right to be exercised freely. Such freedom implies the absence of interference from an overreaching state; its preservation may be sought through constitutional or other legal protections.

It is a fundamental axiom of democracy that citizens must have information and knowledge. People must be informed if they are to play an active role in the life of their country. Free and responsible media are critical sources of information for citizens who want to choose the best leaders for their country and make sound decisions about the

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issues in their nation and in their communities. The information the media provide is just as critical for intelligence, economic and personal decisions as for good political choices.

Media freedom is a dynamic concept. A media which is able to operate without undue restrictions and interference would be in a position to disseminate information of public interest with greater efficiency. A free media is an integral part of democracy and democracy is about human rights. Human rights advocates have argued that “...by exposing human rights abuses and giving voice to marginalized parts of the community, the media can at its best encourage the proper application of justice and stimulate debates”[1]. When we discuss press or media freedom we need to consider not only the right of the press to publish but also the right of readers to receive the information which they need in order to function effectively as citizens of a democratic society, a right which places certain obligations on the press [2]. A free media functions as a reliable information resource to citizens by providing open access to facts and debate regarding social, political, and economic issues [3]. Research has found that media plays an especially important role in facilitating citizen knowledge and engagement in fledgling democracies [4]. Thus, within emerging democracies, a free media is a key factor shaping the citizen knowledge, perceptions, and behaviors that are the basic foundations for citizen demand for democracy.

A free print media is also entrusted with the role of performing a watchdog function over government officials and the bureaucratic process, acting as an accountability institution for the public [5]. This media watchdog role leads to greater political stability and less violence, increases the independence of the judicial system and government efficiency because elected leaders are held accountable to their constituents, and decreases political corruption [6]. In this sense, a free press is a resource for citizens to evaluate the supply of democracy within their country as well as form opinions about how satisfied they are with how their government operates [7]. It is pivotal in today's societies, that access to information is central to the decision making process by citizens and consumers alike. Whether it is politics or economy, the availability of information is a crucial determinant.

**Table:1** Freedom House Annual Press Freedom Status from 2013-2017

<b>Year</b>	<b>Press Freedom Status</b>
2013	Partly Free
2014	Partly Free
2015	Partly Free
2016	Partly Free
2017	Partly Free

It has been quite usual to discuss press freedom in reference to the laws imposing restrictions thereon. Table 1 indicates that the Indian press has been accorded the status of being only partly free from 2013-2017. Following such ranking by major press freedom watchdog organizations like Freedom House', a wholesome comprehension on

press freedom seem only possible after studying the political and economic environment in which the press functions from the perspectives of journalists. Such need is necessitated further as literature on press freedom in India based on these factors are almost negligible.

It also remains unsure if rankings by Freedom House is western centric, thus not reflecting the accurate state of press freedom in India.

This paper examines the nexus between free press and freedom of information in the Indian print media, explored via the domains of political and legal indicators. The two main objectives are to determine the level of legal environment and political environment in relation to freedom of information and to evaluate the relationship between legal environment, political environment, and freedom of information.

## **II. REVIEW OF LITERATURE**

### **Freedom of Information**

Freedom of information (FOI) is now considered as a human right. The right to know which means the right of access to official documents increases accountability on the part of governments.

[8] observed importantly the right to access information held by public and private authorities by stating that it places a duty on these bodies both to disseminate information of key public importance and to respond to requests for access to publicly held information. These views reinforce international as well as national provisions in advocating for free expression and the right to public information held by government. Freeing government information is expected to create transparent and accountable governments. It brings forth democratic and inclusive government institutions that work for the people. Inclusivity, transparency and accountability are expected to address sustainable development challenges and democracy deficits. Transparency and accountability can only be achieved through access to government information [9].

[10] discussed access to information as a critical need in an information age. They observed that where all rights were fixed by law, access to information must be a critical need and should be guaranteed for every citizen. They suggested that any right of control over information, adopted as an incentive to encourage creation and distribution of intellectual property, should be subservient to an overriding need to ensure access to the information. Proactive legislative powers for the executives and increased partisan support for political leaders negatively affect media freedom [11].

Freedom of expression and freedom of information are viewed as serving three important considerations. According to [12] the considerations are normally the truth, democracy and the free formation of opinion. Article 10 of the European Convention on Human Rights, among other things, require that restrictions on freedom of expression must be justified on grounds of necessity. While the freedom itself may not be of major significance, the restrictions thereon, nevertheless, needs to proven as necessary.

Information gathering by journalists is a vital component of freedom of information. Without access to information, journalists are engaged primarily in presenting opinions. While openness in the statement of opinions is

an important element of a democratic society, it is insufficient for its development and maintenance. An informed citizenry depends on journalists' ability to have access to sources. Without this kind of journalistic effectiveness, a society can have free and independent media, but their utility in advancing democratic institution building is severely limited [13].

An essential condition of effective and professional journalism is journalists' ability to gather information held in tangible files, often dusty and hard to find, that are held by or controlled by public authorities. Central to transparent government is access to information by the general public and the media. Transparency and accountability are negated where there is a culture of secrecy, and are to a large extent dependent on proper documentation of the activities of public institutions. An enabling legal environment will include legal guarantees for the conduct of this gathering activity. Such guarantees are often found in generally applicable legislation that recognizes the rights of public access to documents[14].

### **A Free Media**

A press independent of state censorship, which fearlessly exposes corruption, abuses of power and incompetence in public office provides a historic bulwark against tyranny; a press that provides its audience with important stories, enabling their participation in democratic self-government. Thus the term 'press freedom' is a strongly resonant concept, closely tied to the notion of historic liberties and the free society they have produced.

Government control of the flow of media-provided information reaching the citizens has been shown to be detrimental for the development of an economy. A country with significant state control over the media provides additional temptation to politicians to abuse their power. [15] also argue that a free media can contribute to successful adoption of policies aimed at economic progress. Further, it shows that economies with greater government control of the media have citizens who are politically ignorant. A free media acts as a watchdog of the government, increases citizen knowledge, and improves various development indicators.

In order to formulate an acceptable working definition of media freedom, the criteria that enables news media to act independently need to be identified and understood. Influential organizations like the United Nations, the World Bank and human rights groups have always argued that media freedom instills responsibility on the government and makes them cater effectively to the needs of the citizen. One view of the relationship between government and media is that one of mutual exploitation where both seek to exploit the other to maximize self-interest and the public gets the byproduct of the process. More recently it has been argued that over reliance of journalist on sources, economic pressure and greater autonomy in framing of news have prevented the media serving as an effective watchdog [16]. The concept of press freedom encapsulates two core components: the absence of governmental or non-governmental restraint on the media, and the presence of conditions for enabling the dissemination of diverse ideas and opinions to large audiences [17]. Press freedom represents and stands for media independence as a norm of a sound society. Press freedom is essential to democracy because a press with more freedom and independence responds to the citizens' right to know and contributes to the maintenance of an accountable government [18].

Freedom of information is synonymous with freedom of press and its importance cannot be underrated. It's a core component of journalism in a democracy: making sure the public gets the information that it has a right to know [19]. Information gathering by journalists is a vital component of freedom of information. Without access to information, journalists are engaged primarily in presenting opinions. While openness in the statement of opinions is an important element of a democratic society, it is insufficient for its development and maintenance. An informed citizenry depends on journalists' ability to have access to sources. Without this kind of journalistic effectiveness, a society can have free and independent media, but their utility in advancing democratic institution building is severely limited [20]. An essential condition of effective and professional journalism is journalists' ability to gather information held in tangible files, often dusty and hard to find, that are held by or controlled by public authorities. An enabling legal environment will include legal guarantees for the conduct of this gathering activity. Such guarantees are often found in generally applicable legislation that recognizes the rights of public access to documents. Although these laws often do not expressly cite the rights of journalists, naturally news media representatives share the rights of access with the general public (ibid). The fundamental characteristic of effective freedom of information legislation is an expressly articulated presumption of openness. The presumption of openness is grounded in the principle that information in the control of the public authorities is public unless it is covered by an exception expressly set forth in a legislative act. The principle therefore places the burden of justification for refusal to disclose on the public custodian [21].

The structure and operations of print media in a nation very much reflects on the political culture of that nation. Going by this, nations which thrive on a rule which conforms less to democratic principles of governance exhibit more control on the operations of the media, namely in relation to information on the proprietary of the ruling regime's leadership as compared with countries professing democracy [22]. An analysis of the structure and operations of the media systems in totalitarian or other forms of non-democratic states would invariably reveal either a same or a very similar pattern of control. The mass media in authoritarian and other non-liberal regimes are always influenced by their states so as to forge supportive sentiment. Such regimes use media not only to mobilize political support but also to shape people's attitudes toward the government [23]. Unfortunately, however, all the democratic countries in the world cannot claim to have a pattern of structure which have conferred on their mass media either a same or similar right or freedom.

Many legal systems impose some kind of standard on people who request access to documents, such as a requirement that they demonstrate that the requested information affects their rights and legal interests or that it is of a particular level of importance. The effectiveness of freedom of information legislation is significantly reduced if, instead of a presumption of openness, burdens are imposed on requesters [24]. Universally, it is understood that freedom of speech and of the press are not absolute. All legal systems tolerate content regulation to some extent to advance certain state, collective, and individual interests. A good deal of such regulation takes place through the mechanism of direct regulation of content, affected through legislative, executive, and judicial acts. We will take a broad view of content regulation, which we perceive as any form of external intrusion into the professional activities of gathering, editing, and reporting public sector information and disseminating opinion on public matters. Again, an enabling environment is one in which this takes place according to the rule of law. Although rights of free

expression are not absolute, an enabling environment is one in which the political culture recognizes the value of the free flow of information and ideas for democratic society.

Based on the objectives and literature review, the following hypotheses were formulated:

Table 2 : Research Hypotheses

No of Hypothesis	Measurement
H1	There is a significant relationship between legal environment and freedom of information.
H1a	There is a significant relationship between legal awareness and freedom of information.
H1b	There is a significant relationship between role of state and freedom of information.
H1c	There is a significant relationship between rational legal authority and freedom of information.
H2	There is a significant relationship between political environment and freedom of information.
H2a	There is a significant relationship between political parallelism and freedom of information.
H2b	There is a significant relationship between censorship and freedom of information
H2c	There is a significant relationship between biasness and freedom of information
H2d	There is a significant relationship between intimidation and freedom of information

### III. METHOD

A survey involving 100 professional journalists working in India was conducted. However, an accurate listing of this population is not available and the total number of professional journalists working in the country is virtually unknown. This is the case, because there is no state agency that regulates or keeps track of the number of journalists working in the country and as a result, anyone can enter and exit the profession easily, regardless of their educational or professional qualifications.

The sample frame for this study is a purposive sampling focusing on working journalists. Purposive sampling techniques have also been referred to as non probability sampling or purposeful sampling [25]. The sampling technique employed in this study is homogeneous sampling as the units of study in this research share common traits and characteristics of belonging to the journalism profession. The purpose of a homogeneous sample is to describe some particular subgroup in depth [26].

The questionnaires were in English. The items included in the questionnaire are factual and the types of data collected include nominal, ordinal and interval or Likert scales which reflect categorical scales; nominal ( gender and nationality ), ordinal ( educational qualifications, income) and Likert scales (lowest to highest) respectively. Data on the political environment measures media biasness, intimidation, biasness and political parallelism in print media operations. Legal environment has four dimensions. It measures legal restrictions, role of the state and the rationality of legal authority.

Journalists from 5 Indian newspapers in Kerala namely The Hindu, Indian Express, Deccan Chronicles, Mathrubumi and Malayalam Manorama, participated in this survey. The process of administering the questionnaires started from 1 August 2017 till 8 August 2017. The data were analysed descriptively and inferentially using SPSS 23.0

#### IV. RESULTS

The data collected was subjected to Descriptive and Correlation analysis using the Statistical Package for Social Sciences (SPSS Version 23). For the purposes of this study, the acceptable level for cut-off point is a mean score of 3.5 (the mean ranges from 1 to 7).

Table 3 shows the mean scores and standard deviation of the items under freedom of information variables analyzed from the data collected in India. The results on freedom of information variables are described based on the following variables namely access to information and flow of information and the items under them with the computed mean and standard deviation scores. In consideration of the acceptable mean score set by the researcher at 3.5, all the items under access to information and flow of information have a score of more than 3.5 with some having scores of more than 5 and above. This indicates that access to information and flow of information has become relevant to freedom of information.

**Table 3:** Freedom of Information Variable (Means and Standard Deviation)

	Mean Score	SD	Level
<b>Access to information</b>			
Getting information from government	3.81	1.3	Average
Not easy to get information which may			
embarrass the government	4.78	1.7	High
Public officials are willing to talk	4.31	1.3	Average
Not difficult for me to access public officials	4.60	1.6	Average
Request for information under existing laws			
help me	5.03	1.6	High
Cannot get information without Freedom of			
Information laws	3.88	1.6	Average

<b>Flow of Information</b>			
No hindrance to the flow of information to			
media	4.39	1.5	Average
No hindrance to the flow of information to the mass	5.14	1.7	High
Freedom of information is sufficient for watchdog role	5.50	1.7	High

Table 4 shows the mean scores and standard deviation of the items under legal environment variables. The results are described based on the following variables: legal awareness, role of state and rational legal authority. The results show that 8 out of 9 items under legal awareness and rational legal authority returned high scores while all items under role of state returned a mean score of more than 3.5 indicating that these variable are relevant to freedom of information.

**Table 4:** Legal Environment (Means and Standard Deviation)

	Mean Score	SD	Level
<b>Legal awareness</b>			
great caution not to be sued	6.04	1.4	High
Cautious of the sedition Act	5.83	1.7	High
Verify all information involving			
government agencies.	6.34	1.2	High
Verify all information involving political			
figures	6.75	5.0	High
<b>Role of state</b>			
Concerned that information may be			
classified as secret	3.86	2.0	Average
Government approval to run my own			
press.	4.52	1.7	Average
Policies of the State support freedom of			
press	3.83	2.3	Average
<b>Rational Legal Authority</b>			
Print media in my country performs the			
watchdog role	5.45	1.7	High
Courts generally favor journalists in legal			
proceedings	4.19	1.6	Average
Rights as a journalist are protected under			



the Constitution	5.11	1.5	High
Courts will uphold justice when it			
involves cases of freedom of expression	5.26	1.5	High
The courts in my country are			
independent			

Table 5 shows the mean scores and standard deviation of the items under political environment variables. The results are described based on the following variables namely political parallelism, censorship, biasness and intimidation. Most of the items under political parallelism and censorship did not pass the 3.5 cut off point set by the researcher indicating that it is not relevant for FOI. Half of the items under biasness returned high scores with the rest returning average score indicating that it is relevant to FOI. Intimidation however is not relevant as all items under it returned low scores.

Table 5: Political Environment (Means and Standard Deviation)

	Mean Score	SD	Level
<b>Political Parallelism</b>			
Strong connections to a political party	2.93	1.9	Low
Prominent coverage to the			
policies of the political party it has connections	2.71	1.5	Low
<b>Censorship</b>			
Practice self-censorship	4.66	1.3	Average
Instructions from government to			
cancel news.	1.39	0.7	Low
<b>Biasness</b>			
Stories for publication is free from			
political considerations.	4.90	1.8	High
News gathering is free from			
political considerations.	5.00	1.8	High
More coverage of the good things			
(positive) for the ruling party	4.28	1.5	Average
More coverage of the good things			
for the opposition parties	4.21	1.5	Average
Equal coverage of the good things			
for the ruling and opposition	5.70	5.2	High

Reporters have an obligation to			
respect the government	3.09	2.0	Average
Reporters have an obligation not			
to embarrass the government	2.16	1.7	Low
<b>Intimidation</b>			
Afraid to pursue stories that			
portray politicians in a negative			
light	1.69	1.1	Low
Fear for my safety discourages me			
from pursuing stories			
	1.95	1.4	Low
Fear for my safety discourages me			
from pursuing stories that may			
embarrass the government	1.89	1.5	Low

Correlation analysis using Pearson one – tailed was used to determine if there is any significant relationship between legal environment , political environment and freedom of information. Table 6 shows that there is a significant relationship between legal, political environment and freedom of information. The assessment of the relationship between the dimensions of legal and political environment freedom of information revealed that only the role of state, rational legal authority and biasness has significant relationship with freedom of information as indicated in Table 7.

**Table 6.:** Correlation Analysis between Freedom of Information and Predictor Variables ( Political environment, Legal environment ,Philosophical Values ) (n=100)

	Freedom of information		
	r	p	
Legal Environment	.361	.000	
Political Environment	.334	.000	

N=100

\* Correlation is significant at the 0.05 level (1 tailed)

**Table 7:** Correlation Analysis between Freedom of Information and legal awareness, role of state rational legal authority, political parallelism, censorship, biasness, intimidation and culture (n=100)

Freedom of information		
	r	p
Legal awareness	-0.14	.890
Role of State	.236	.018
Rational Legal Authority	.419	.000
Political Parallelism	.106	.296
Censorship	-.187	.104
Biasness	.381	.000
Intimidation	.035	.729

N=100

\* Correlation is significant at the 0.05 level (1 tailed)

## V. DISCUSSION

The study found that there is a significant relationship between legal environment in which print media in India operates, and freedom of information. The dimensions revealed that there is a very strong agreement among journalists that they are wary of the laws that may expose them to legal suits and the need to practice pre-publication verification. Inquiry into role of state indicated general acceptance among journalists that government approval is somehow needed to operate a press and that the policies of the State support freedom of press while retaining slight concern that information they gather may be classified as secret.

Investigations under rational legal authority showed that journalists in India strongly believed that the courts are independent and that their rights as journalists are protected under the Constitution. They indicate strong belief that the courts will uphold justice in cases of dispute involving freedom of expression and that their media performed the watch dog role.

In testing hypothesis 1, 1a, 1b and 1c, a low correlation between legal environment and freedom of information was discovered. Hypothesis 1a which tested the strength of the correlation between legal awareness among journalists and FOI – full revealed a negative correlation which was not significant. In other words legal awareness do not significantly influence FOI. In testing the strength of the correlation between freedom of information and the role of the State in hypothesis 1b, a weak but significant correlation is detected. For the strength of correlation between rational legal authority and FOI, which was tested under hypothesis 1c, a moderate correlation was reported.

In regards to political environment, the results indicate that journalists in India reject the claim that their press is strongly connected to a political party as they strongly indicate preference of publishing social news over

political news. The journalist strongly denied that they receive instructions from the government to censor news as they felt they are self-regulated. The results also revealed that print media journalists in India believed that the press gives equal coverage to both ruling and opposition parties. Reporters demonstrated strong rejection that they have an obligation to respect the government and not to cause embarrassment to it indicating biasness practiced in favor of the ruling government.

Hypothesis 2 which tested the strength of correlation between political environment and freedom of information, revealed a moderate correlation. On the strength of political parallelism, tested under hypothesis 2a, no relationship between political parallelism and FOI was revealed. There is a negative correlation between censorship and freedom of information, tested under hypothesis 2b indicating an insignificant relationship. However, in testing hypothesis 2c, a positive correlation which is not significant was reported indicating that biasness does not influence FOI. Similarly for intimidation, tested under hypothesis 2d, no correlation was revealed.

The independence of the press is fiercely guarded in India. The autonomy of judicial authorities is one key reason towards achieving this independence. The most important one would be the limitation on the sovereignty of the Indian Parliament. While legislative powers are vested in the House it is subject to the doctrine of basic structure. It is an Indian judicial principle that the Constitution of India has certain basic features that cannot be altered or destroyed through amendments by the parliament[27]. Key among these "basic features", are the fundamental rights granted to individuals by the constitution which includes freedom of press. The doctrine thus forms the basis of a limited power of the Supreme Court to review and strike down legislations and constitutional amendments enacted by the Parliament which conflict with or seek to alter this "basic structure" of the Constitution[28].

A crucial indicator of the extent of freedom of information in any given nation is the existence of the Freedom of Information Act. The Right to Information Act has facilitated and enhanced the watchdog role of the Indian media. The Press Council of India's while ensuring journalists adhere to ethical standards of reporting succeeded in keeping check on incidences of intimidation against journalists and attacks on press liberties.

In politics, interest and power have a greater role and legitimacy than in law[29]. Political environment in India is more conducive towards freedom of information in the significant absence of political parallelism, censorship and biasness in reporting in favour of ruling government, hence, entrenching its freedom.

## **VI. CONCLUSION**

Freedom of information is largely understood in terms of regulation of media. Nonetheless, an exhaustive study of the indicators of freedom of press and their potential influence by political, ideological, legal and economic implication on the use of the indicators is lacking. This study employed Hallin and Mancini's theory of Three Models of Media and Politics which creates categories of model based on freedom of information. This theory which has been used to study the nature of media systems in Western Europe and North America is departure from the classical division of media according the Libertarian theory, Social Responsibility and the Authoritarian theories which has been debunked as not appropriate for analyzing the relationship of media with law and politics in non-

western societies. In other words, this approach implies taking the characteristics of the western media political systems as particular or even exceptional cases rather than a universal norm.

The findings from this study help develop a portrait of perception of Indian journalists. The results are of great value to journalists, media scholars, media practitioners who can use the findings to better identify the factors that influence the freedom of information in their respective media and a holistic community development [30-31]. Academic research in the future on media freedom can be done using multiple different analytical frames to yield more specific results. Media practitioners are also given an insight to make appropriate comparisons on the unique factors that makes their media different from others.

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