

Original Article

Civil and Political Rights: A Comparative Study Between India and Afghanistan (Freedom House Website 2017 To 2019)

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Abstract - Freedom of the press and political and civil rights are fundamental principles. Any government may distinguish which materials are public or protected from disclosure to the public based on the classification of information as sensitive, classified, or secret and being otherwise protected from disclosure due to the relevance of the information to protecting the national interest. Many governments are also subject to sunshine laws or freedom of information legislation that defines the ambit of national interest. The data analysis showed that India's constitution is better based on protecting the citizens' political and civil rights. This study will compare and contrast Afghanistan and India regarding political and civil rights as it will answer the research questions. Content analysis will be the methodology of this study. The research is based on analyzing the available data on the Freedom House website.

Keywords - Freedom of the press, civil rights, Political rights, Afghanistan, India.

1. Introduction

The right to publish information and express views in these varied media is protected by press freedom. In a free society, it is a crucial right. Citizens must be informed for the government to function successfully. People lack the time or resources to monitor what the government does. The press fulfills this function which investigates and reports on government activity. Citizens can remove politicians from office and elect new ones to perform a better job if they don't like what they see.

The right to circulate thoughts in print without government control is known as press freedom. The right in India stems from Article 19(1) (a) of the Indian Constitution, which is a basic right of Indian citizens. The provision is so broad in scope that it includes the freedom of the press. It also encompasses the freedom to free dissemination and distribution without any prior restrictions on publishing.

The concept of press freedom is not expressible or defined in the constitution. The Indian legal system derives its freedom of the press from Article 19 of the Indian Constitution, which guarantees freedom of speech and expression. Again, this does not confer any unique rights on the press; rather, it places it on an equal basis with Indian citizens. Article 19 allows you to express both your own and other people's voices. However, press freedom must be subject to the same limitations as freedom of speech and expression.

Article 19 of the Constitution imposes prohibitions. The position of press freedom is the same as that of a regular citizen. The press is not exempt from taxation, is subject to the same labor regulations as the rest of the workforce, and press employees are subject to the same labor laws. 24 The fight for freedom of speech in India began in the 18th century in British India. In India, the history of press freedom is inextricably linked to the history of the nationalist movement.

The nationalist struggle for a free India was met with repression of freedom of speech and expression through a succession of laws to suffocate the potential of a unified anti-colonial uprising. The British government found it essential to establish oppressive enactments from time to time to neutralize the power of the print medium, indicating that the press played an important role in raising political consciousness.

Article 34 of the Afghan constitution guarantees freedom of expression and declares unequivocally: "Freedom of expression will be inviolable." Following the provisions of this constitution, every Afghan has the freedom to express their opinions by voice, writing, pictures, and other means. According to the legislation, any Afghan has the freedom to print and publish on any subject without first submitting it to the government. Laws governing the press, radio, and television, as well as publications and other forms of mass media, will be enacted."



Article 50 of the Afghan constitution affirms the right of all Afghan people to access information from state departments, stating: "The inhabitants of Afghanistan shall have the right to access information from state departments in line with the provisions of the law." Except when it jeopardizes other people's rights or public safety, this right has no limits."

According to the Freedom House 2017 report, Afghanistan has more freedom of expression than its bordering countries. The Afghan mass media legislation, which explicitly lays out all of the facts and processes for establishing and maintaining the media sector and its connections, is an indicator for comparing countries. The law makes it impossible for the government to control independent media, which makes it one of the best in the region.

Although the Afghan government attempted to change the country's mass media law and impose some legislative restrictions on the media industry, the move was thwarted thanks to lobbying efforts.

Access to information law was recently revised and subsequently rated as the best lawyers in the world by the Centre for Law and Democracy, Canadian-based freedom of expression organization.

2. Review of literature

The researcher has come across the following conducted research papers:

1. Press Freedom, Publicity, and the Cross-National Incidence of Transnational Terrorism. Aaron M. H., Crystal S., and Erik C. (2013) collaborated on a study titled Press Freedom, Publicity, and Transnational Terrorism's Cross-National Incidence. The media's attention is usually seen as crucial to the success of terrorist campaigns. Terrorists refer to news coverage as a "decisive weapon" in their battles (Levitt 2006, 140); politicians believe that publicity gives terrorist organizations with the "oxygen" they require to thrive. Terrorist organizations will prioritize acquiring access to the press, according to these claims, and terrorist attacks would disproportionately occur in states that preserve the press's capacity to cover attacks. Cross-national research, on the other hand, consistently reveals that the occurrence of transnational terrorism has nothing to do with press freedom. Why?

According to the authors of this study, there are two reasons for the difficulties in establishing a link between press freedom and international terrorism. The existing literature uses press freedom as a proxy for media attention.

2. Freedom of information lessons from India: Collaboration, co-production, and rights-based agenda

building. Jeannine E R. Rajdeep P. conducted this research (2018). This study examines the process and culture of developing a right-to-information agenda among non-state actors in India, such as journalists, social activists, and civil society organizations. In-depth semi-structured interviews with study participants (N = 111) from around the country were conducted as part of the research, which began on the 10th anniversary of the Indian Right to Act.

The findings show that collaboration and co-production among these groups were the most important variables in developing a media schedule based on information rights. Rights-oriented language, appealing metanarratives and symbols, information and accountability 'politics,' large-scale events, inclusivity, and news outlet/civil society organization branding efforts are all characteristics of collaborations and co-production.

3. The Role of Press Freedom in Economic Development: A Global Perspective. This study, titled The Role of Press Freedom in Economic Development: A Global Perspective, was done by Abdullah A. Syed Zulfiqar A. (2013). The authors of this paper look at the effect of press freedom on economic development, both in terms of economic growth and foreign direct investment. A balanced panel of 115 nations examines the relationship between press freedom, foreign direct investment, and economic growth. Using the expanded way of moment's technique, the presence of a bidirectional relationship between press freedom and economic growth is established. Using the methodology, we also discover a bidirectional association between foreign direct investment and economic growth. Similar indices produced by Reporters Sans Frontières and Freedom House do not contradict our findings.

4. How Free Press Has Strengthened Democracy in Afghanistan. M. Ashraf Haidari carried out this research in 2019. Since its inception as a modern nation-state, Afghanistan has experimented with several systems of government, according to him. Afghanistan has never had as much democratic government as it did in the 18 years after the Taliban's fall, from absolute and constitutional monarchs to the first republic and communist/Marxist administrations.

In Afghanistan, the free press, one of the most important aspects of any emerging and functioning democracy, has played a crucial role in bolstering democratic governance and the rule of law. More importantly, free media has played a direct role in the rapid growth of a still-growing civil society, empowering vulnerable groups such as women, youth, and the impoverished.

Afghan media has played a key role in shaping and directing electoral processes, reforms, and campaigns across the country, including presidential, parliamentary, provincial, and district elections. Because relevant state institutions are

still weak, the media has informed the public about their electoral rights, how to exercise them, and the logistical and security preparations for national, provincial, and local elections. He underlined the freedom of expression and the press at the study's conclusion.

5. A Comparative Analysis of Afghan and Tajik Media. Wazhmah Osman conducted the research for this article (2019); she argued against the popular belief that the reason for their stark post-9/11 disparities—namely, Afghanistan's relatively open and diverse media environment versus Tajikistan's repressive media regime—is that Afghanistan remains under US influence and development aid, while Tajikistan remains under Russian control. Using case studies from my fieldwork in both countries, I show that Afghanistan is not unilaterally influenced by US aid, which is precisely why the country has not yet succumbed to commercialization. Its media landscape remains lively and viable, albeit fragile.

"The test for Afghanistan will depend on what happens once the international community pulls out and whether media outlets will be able to thrive independently," says Charmaine Anderson, director of Internews Afghanistan (personal interview, January 2014). "We have had a few so-called golden moments, during perestroika, post-9/11, and the recent election," my contact at Internews Tajikistan says when questioned about the future of media and democracy in Tajikistan.

3. Abbreviations and Acronyms

3.1. Freedom of the press

Freedom of the press, enshrined in the First Amendment of the U.S. Constitution, gives the media, including television news shows and newspapers, the right to report stories and state opinions without government censorship or control. Learn the definition of freedom of the press, explore its history, and review examples to understand how this right has evolved.

3.2. Definition

Assume you're a journalist working on an article about a politician under investigation for wrongdoing. You interact with many of his aides, past coworkers, and business associates, all of whom prefer anonymity. When the government learns about your inquiry, they attempt to legally prevent you from publishing it because it is a sensitive matter with major repercussions for top White House officials. On the other hand, you refuse to comply, using press freedom as an excuse.

The right to circulate thoughts in print without government control is known as press freedom. The First Amendment to the Constitution guarantees press freedom to Americans, stating that "Congress shall make no law...abridging the freedom of speech or the press."

3.3. History

A lawsuit concerning John Peter Zenger, a writer, and publisher of the *New York Weekly Journal*, occurred in 1735. After publishing critical tales about public authorities, Zenger was sued for libel, but the case was reversed. This decision established the press's right to criticize public authorities and that accurate remarks can be used as a defense in a libel lawsuit. Following that, the First Amendment was ratified in 1791. This Amendment is the cornerstone of press freedom.

Two legislative acts were passed to control free speech throughout the early 1900s and World War I. The Espionage Act and the Sedition Act were passed to prohibit publications that were pro-German, socialist, or pacifist. The Supreme Court, on the other hand, ruled in 1931 that practically all restrictions on free expression were unconstitutional.

When the Cold War broke out in the mid-1900s, news organizations attempted to make information, such as public records about wars, available to the public. These initiatives were intended to promote the policy that withholding information from the public threatens press freedom.

In the early 1970s, during the Vietnam War and the Nixon administration, there were numerous exchanges between press organizations and the government. *New York Times v. the United States*, a Supreme Court case from 1971, established major press rights. In this lawsuit, the government attempted to suppress sensitive information known as the Pentagon Papers. The information in these papers was classified and related to the Vietnam War. The Supreme Court affirmed the press's freedom of expression and First Amendment rights to speech after the *New York Times* resisted the government's attempt to block publication. As a result, the Pentagon Papers were made public. The press's freedom has been tested several times in the judicial system.

3.4. Freedom of Press: Fourth Pillar of Democracy

Press freedom is the pinnacle of all civil, political, and religious freedoms. The press can serve as a link between the government and the people in a democratic system. This right is extremely crucial during the establishment of a government. Without this right, democracy will perish. The press, which exercises the right to freedom of speech and expression, is the fourth pillar of democracy.

The rights are derived from the United States Constitution. In all countries, the role of the media as a feedback, exposure, and conduit mechanism is critical. The media serves as a filter for most citizens' information about what is going on in government and how it affects them.

In probing misbehavior by politicians, bureaucrats, and private businesses, the media has also played a traditional watchdog and gadfly role, described as "comforting the afflicted and tormenting the comfortable." In addition to being a tool for communication, the media is an important tool for accountability. A free press and free media are one of two institutions, together with an independent judiciary, that can serve as potent counterforces to corruption in public and private life.

Press freedom is viewed as a "species," with freedom of expression as a subspecies. Freedom of the press refers to the ability to communicate and express oneself through various media, including electronic media and printed publications. While such freedom usually entails the lack of intervention from an overbearing government, it can also be preserved by constitutional or other legal safeguards.

3.5. Freedom of the press in India

The Indian press has a long history dating back to the country's British domination. The British government adopted various laws to control the press, including the Indian Press Act of 1910, the Indian Press (Emergency) Act of 1931-32, and others. The founding fathers emphasized the importance of freedom of the press when drafting the constitution. B. N. Rao, the Constituent Assembly's Constitutional Advisor, stated that freedom of the press was implicit in the promise of freedom of speech and expression and that it was unnecessary to mention it separately.

According to Dr. Ambedkar, we do not wish to give the press absolute rights because it has two parts. The first element of the press might be given the right, but not the second. The press is a means of expressing oneself. Article 19(1) (a) of the Indian Constitution states, "All citizens shall enjoy the right to freedom of speech and expression, which includes the right to press as well."

The Supreme Court of India has given its approval to this concept. The Supreme Court has found in some cases that the right to freedom of the press is included in Article 19(1)(a) of the constitution's protection of freedom of speech and expression. The freedom of the press entails independence from government interference with the content and circulation of newspapers.

In the context of democracy, this simply implies that people or citizens have complete freedom of speech and expression, limited only by what is acceptable. When India's press council was concerned, the Media Law was enacted, followed by the Press Regulations, which greatly impacted the publishing business.

Adopting a mandatory license for owning and operating printing presses, which the government normally empowers, is the next step. This action implies that any newspaper,

book, or other written item cannot be published or circulated. The prohibition on publication or dissemination sparked a backlash against the administration, effectively weakening its authority.

This process persisted throughout time, resulting in major change and the establishment of a fundamental constitutional right. The entire developed piece in the country's institution speaks about freedom of expression and the establishment of the Press Council in India.

3.6. Freedom of the press in Afghanistan

One of Afghanistan's greatest achievements since 2001 has been the development of autonomous media. There are about 1,000 media sources today, compared to only 15 in 2000. (Nai 2014a). The vast majority of these new radio and television stations are privately held. In Afghanistan, almost 12,000 people presently operate in the private media business.

The population, for the most part, favors and supports the expansion of national media. The scope of coverage is extensive, and the topic matter is diverse. Security, the exchange rate, weather forecasts, and entertainment are all covered in shows. Although the media is not yet the fourth pillar of the Afghan state, it is on its way to becoming one. Most of the government's performance and actions are observed and covered by the media, which is also used to criticize the administration when necessary. The government has become increasingly responsive to the media and influenced by social attitudes, aware that the entire population is judging their performance.

However, this does not negate the fact that the media industry faces obstacles. More than 44 journalists have been killed in Afghanistan since 2001, and more than 450 infractions against the media have been documented, with the government being accused in most of these cases.

This article will describe the issues the country's media faces and the reasons contributing to such challenges. It will also assess what should be done to avoid such difficulties from occurring in the first place and who is best positioned to address them.

These issues are organized by their influence, scope, and geographic location. This research is based on investigations conducted by Nai Supporting Open Media in Afghanistan, which conducts such investigations regularly and publishes the results in a monthly report called Media Watch.

4. Research Approach

In this research Qualitative research approach is used for the collection of data as well as for its analysis.

4.1. Research Design

"A strategy or blueprint that explains how data relevant to a certain topic should be collected and assessed," writes Nworgu (1991) in Nyekere (2009). "It outlines the procedure for the conduct of every given investigation," he continues.

Research design is defined by Prabhat and Meenu (2015) as the framework or plan for a study that is used as a guide in gathering and analyzing data. They described the notion as a road map for data collection, measurement, and analysis, which includes all the steps involved in completing a study.

Comparative analysis and quantitative research approaches will be used in this study. When these two approaches are combined, a research paper can be transformed from a list of facts to a complete summary of a certain subject.

4.2. Research Tools

In this study, the tools for evaluating and analyzing the data will be a questionnaire and the data acquired from Freedom House. According to Ranjit (2011), a questionnaire is a written list of questions to which respondents are required to respond in writing. "A data collecting instrument consisting of a series of questions and other prompts to acquire information from respondents," defined Karim (2013, p.3).

The research tools (questionnaire and interview guide) are valid since they are most appropriate for survey research methods and assure objectivity in the research.

4.3. Sample Design

A sample design is a method for selecting a representative sample from a population. It is the method or approach that the researcher will use to choose things for the sample. When the target audience under investigation is large, this is frequently used.

4.4. Study Population

In research, the study population refers to the group of people, materials, or entities that a researcher is interested in examining their behavioral patterns concerning their natural environment. The population is defined by Nyekere (2009, p.54) as a group or class of individuals, variables, concepts, or phenomena.

This study's participants include a chosen group of Indian and Afghan journalists. They are going to fill out the survey.

4.5. Method of data analysis

Frequency distribution tables, simple percentages, and bar charts will be used to assess the data collected for this study. The study will be based on the information available on the Freedom House website.

5. Theoretical Framework

5.1. Civil Libertarian Approach

"In the field of libertarian philosophy, the key concern of the civil libertarian is the relationship of the government to the person," writes Massaro (1990) in "Equality and freedom of expression: The hate speech conundrum." The civil libertarian aims to limit this relationship to a bare minimum so that the state may function and offer essential services and security to its inhabitants without meddling too heavily in their lives.

Upholding free speech is a major civil libertarian cause. Additionally, the article states that "Civil libertarians specifically reject bans on hate speech and obscenity." Furthermore, "civil libertarians feel that the benefits of unrestricted public conversation exceed the drawbacks, while they may or may not personally condone conduct related to these difficulties." This is one interpretation of the freedom of speech and expression, and many dissenters like Disha Ravi seem to adhere to it. The issue at hand is the "order" in which the government interferes in its citizens' lives as little or not at all. In light of the prior backdrop of modernization and free migration, it is also vital to assess whether this strategy is appropriate for a multicultural nation like India.

6. Data analysis and interpretation

As captured in the heading, it dealt with the presentation, analyses, and interpretation of data obtained from the freedom house website. The interpretation of the findings immediately follows the analysis of the data obtained.

Here we want to compare the above yearly reports of Afghanistan and India published on the Freedom house website according to seven categories and analyze on research question-based.

As explained earlier, to obtain accurate information for this study, we have collected yearly reports for 2017, 2018, and 2019. The purpose of the study was to look at reports on freedom of expression, political rights, and Civil rights thorough and holistic analysis of the three years situation.

To recall the research questions for this study, answers were provided with the data obtained through the analyzed content of the reports from two countries.

6.1. Research questions

- Does the constitution of India and Afghanistan contain provisions designed to protect freedom of the press, and are they enforced?
- To what extent are Afghan and Indian women allowed to participate in political institutions?
- To which extent India and Afghanistan are alike regarding the Ideology of freedom?
- What is the role of minor political parties and their facilities?

Table 1. Showing the rating of 2017 from two countries for all categories on the freedom house website.

Categories	Afghanistan	India
Political Rights	12/40	35/40
Political Pluralism And Participation	7/16	14/16
Functioning Of Government	3/12	9/12
Civil Liberties	14/60	42/60
Associational And Organizational Rights	2/4	10/12
Rule Of Law	2 / 16	9/16
Personal Autonomy And Individual Rights	2 / 16	10/16

Table 2. Showing the rating of 2018 from two countries for all categories on the freedom house website.

Categories	Afghanistan	India
Political Rights	13/40	35/40
Political Pluralism And Participation	7/16	14/16
Functioning of Government	3/12	9/12
Civil Liberties	14/60	40/60
Associational And Organizational Rights	4/12	10/12
Rule of Law	2/16	9 / 16
Personal Autonomy And Individual Rights	2/16	10 / 16

Table 3. Showing the rating of 2019 from two countries for all categories on the freedom house website

Categories	Afghanistan	India
Political Rights	13/40	34/40
Political Pluralism And Participation	7/16	13/16
Functioning of Government	3/12	9/12
Civil Liberties	14/60	37/60
Associational And Organizational Rights	4/12	8/12
Rule of Law	2/16	9 / 16
Personal Autonomy And Individual Rights	2/16	10 / 16

After reading the data provided in the above chart, the researcher has found that Afghanistan again in 2019 has rated less than India for the following reasons.

Hence, we can say that the Indian constitution believes in unity in diversity and respecting all differences and rights. Indian have the right to express their thoughts freely to make a better India. However, the situation becomes different when it comes to Afghanistan in the sense that the Afghanistan constitution principles look perfect but depend on religion, traditional beliefs, and ethics. Furthermore, the most dangerous thing in Afghanistan is that religious men make the Afghan constitution. They did not separate between religion and politics.

7. Conclusion

The researcher has reached out to the following findings. Based on the provided data above, we can say that the Afghan constitution has included political and civil rights.

Still, when it comes to reality, leaders are violating what has been mentioned in the constitution. In a sense, they do not separate religion and politics. To such a king of men, women should not express their voices or take any position in any political institution. In Afghanistan, there are major and minor political parties; however, all the facilities have been given to the major political parties, which belong to the Pashtun, Tajik and Uzbek ethnicity.

In contrast, the Indian constitution has respected men and women equally, and both genders have contributed to the development of India. It has given them the freedom to express Ideas in democratic behavior. The factors required for the success of democracy in worthy Id are the Inclusion of minorities, all religions, linguistics, ethnic and caste groups should get the equal opportunity to participate in a policymaking, decriminalization of Politics, Social Campaigns, and increase the participation of people.

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