Chapter-7

SUGGESTIONS AND CONCLUSION

7.1 Introduction

After an elaborate study of the research project entitled, a critical study on “Freedom of Speech and Expression and Role of Media in Indian Democracy”, to the light of various judicial pronouncements and enactments at national and international level, various suggestions are proposed in this concluding chapter. The present study is not merely an overview of democratic system, freedom of speech and expression, and media; rather it has covered a spectrum of subjects ranging from the Constitutional mandate of freedom of speech and expression and freedom of press. This study discussed role of media mostly debated issues of censorship like hate speech, privacy rights, reputation, contempt of Court, media trial, taxation, broadcasting, freedom of press and right to information.

An attempt is made to proving the significant role played by media in Indian democratic system as well as the hardships the media faced from the government in different times. Due to role of media, involvement of people increasing day by day in making of public policy which is ultimately resulting for the establishment of a real and workable democracy in India. Indian democracy is now a day more matured because of the role of media being played in the present scenario.

Therefore cumulative conclusion is Media plying a very important role in democratic system like India by giving information to its citizens. Due to such information through media, citizen control the State activities and involvement of people in making public policies, which resulted in establishment of real and workable democracy in India. Impact of all these thing, today Indian democracy became more matured as compare to the earlier times.
The attempt has been made to provide a closely reasoned critique of the role of media in Indian democracy, along with certain fruitful suggestions.

7.2 Criticism on Media’s Role in Indian Democracy

It is true that media playing very important role in democratic country but, in general, there are certain demerits or lacunas being attached to role of media in Indian democracy. The following problem areas are identified which need to be tackled for more workable and the smooth functioning of Indian democratic framework.

7.2.1 Violation of Right to Privacy of Individual by Media

Privacy means State in which one is not observed or disturbed by other people. It is space of the individual in which government or any person or institution cannot interfere. It is a pure right of the individual to be left him alone in his own sphere without interference as for as no unlawful act is done by him. It is natural inseparable human right of the individual. However, privacy differs from person to person and from situation to situation. The media people generally in order to draw out information invade the privacy of a person.

As far as Indian legal system is concerned, it is the right of freedom of individuals from the unwarranted, arbitrary not necessary surveillance, search and seizure; it is the Indian judiciary that interpreted and recognizes the right under Article 21 of Indian Constitution in different cases. What personal matters should be disclosed and what is not the willingness of that individual. It is not merely an informational right, but a truly substantive right. In India there is no such specific law to safeguard the privacy of the individual.


2. Ibid.
The rapid growth of the media, especially the Indian media in recent years, has brought into focus issues of individual privacy. Through the media it is become possible to bring personal life of an individual into the public domain, exposing individual to the risk of violation of his privacy.

Previously information of the individual was not easily accessible without his will to the public at large, but after the growth in electronic media like internet, mobile, TV etc. violation of privacy is relatively high. Impact of the newspaper though is limited, electronic media had much impact on the society. An explosion of visual and electronic media, have facilitated an unprecedented information revolution.\(^3\)

Today almost all people agree that media reporting often resulted in the violation of privacy of the individual. Development of communication in society increases the violation of privacy of the individual.

Freedom of press or media is based on recognition of right to know. The ‘Age of Information’ is a ground reality today and a lot of freedom rises with the electronic media. Issues like pornography and sleaze, and the ‘right to air’ have emerged.

Such privacy can also be seized by the media persons, when they identify the victims especially women, children or HIV affected persons, rape victims, drug addicts, juveniles etc. As the information reaches the viewer or public, further damage to the right to privacy is caused when media reconstructs a crime scene.

The media people use the method of tape recording or video recording to capture anyone’s conversation without the person’s knowledge or consent, further violates person’s privacy

### 7.2.2 Interference with the Administration of Justice by Media

There are two main reasons in which media institutions and judiciary has conflict with each other, first is the media trial which means impact of

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media coverage on a person's reputation by creating a widespread perception of guilt or innocence before, or after, a verdict in a Court of law. The second is ‘Prejudge’ which means judge prematurely without having proper information regarding the facts.

It is the function of the judiciary to adjudicate the matters, and it is also just that people should be tried by the judiciary to decide their liability or innocence, and not criticize by the media.\(^4\)

Print and electronic media both having tremendous, power and reach. Such power and reach of media has to be exercise by them for the public interest and public good. Freedom of media is one of the very important pillars to the rule of law and the democracy on which it rests. But it often founds that media institutions misuse their freedom, to sensationalize any matter they make news out of nothing. Media person presume license to criticize unfairly other institutions of the State.

It is to be seen that often the media report on the sub-judiced matters. It is nothing but interference in the administration of justice by the judiciary. Some kind of media methods or the investigation journalism or the sting operation techniques, not only influence the public opinion but also the persons or authorities connected with this matter like witnesses, victim accused person, judges, investigation officer and so on. Therefore, media trial, sometimes affects the basic cardinal rule of criminal law principle to treat a person innocent unless proved guilty. It means that such kinds of media investigative methods would amount to contempt of Court. The media people can fairly criticized a judicial decision but it must be remain cautious of unfair criticism, scurrilous aspersions or improper imputations or personal bias of the members of the judiciary. Such an act can make them liable for contempt of Court. There is a delicate line of demarcation between what the media people can do and what they cannot do.

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Final adjudication or judgment of the judiciary are public documents and any person has right to comment, criticize and analyze on it including media also, but it must be in a respectful manner towards the institution of judiciary. But there are various instances were media crossed this limit for criticizing the judgment of the Court.

7.2.3. Objectionable Contents on the Internet

Communication through the internet often cross the national boundaries. Due to its global character effective regulation by State authorities, is not possible.\(^5\) When the Constitution drafted, highly effective equipment’s are not invented to interfere in the Indian culture, so outer space is safe and secure.

High tech communication in the outer space have occupied most of Indian houses, pornography available on very cheap rate, where as the nudity, sex, vulgarity, violence have became abnormal, extreme and increase beyond once imagination. Due to this eve-teasing, rape, housebreaking, stabbing, killing etc. have become a part of daily news in country.

Foreign media print everything and post through internet, and poison the youth of India. Neighboring rivals like Pakistan discharge poisonous propaganda through their satellite channels or media. Such kinds of things cannot be tolerated under the name of the any international treaty or universal brotherhood or humanity.\(^6\)

Identified bloggers or persons often posting objectionable comments on the internet, some of the people feel free to abuse, attack, defame, hate, hurt and harm others without fear of being held accountable.\(^7\)

There was meeting of Telecom Minister Kapil Sibal with the officials of Microsoft, Face book and Yahoo in which meeting he advised internet owned companies to screen from the websites some defamatory, derogatory posts

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about religious figure and political leaders such as Prime Minister Manmohan Singh and Sonia Gandhi. However, officials showed their inability to control generated posts coming from India. They cannot be held responsible for determining what is and what is not defamatory. But they assured that monitoring of looking at any specific complaint may be brought to their notice.  

7.2.4 Unfair and Unethical Media Behavior of Media

Running behind TRP, Indian media houses with the view to create sensation, often allow oneself to enjoy the pleasure in unethical behavior, and also many times crossing the limits of decency. There is no such data to suggest to these kinds of reporting which generate a lot of revenue for the media.

Effect of media is not always positive on the young person, sometimes it may be negative. In programs like ‘Satyamev Jayate’, anchor Amir Khan teaches the children showing how to protect themselves against sexual abuse. But, unfortunately, the same day a video broadcast of the releasing party of Film, in which one lady misbehaved with Emran Hasmi, a film celebrity was also telecasted.

Recently, the Maharashtra Home Minister R. R. Patil took the cognizance of media circulations and broadcasting on TV channels news coverage of rave parties in which police involved. To break the news, before conducting such raids, the media filmed people who were not involved in these parties. So, there was fear in the general public that innocent people also might be telecasted. In this context, the Home Minister assured the public that some guidelines would be issued to the media regarding reporting of such events.

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India has been witnessing an increase in a different of reality shows, most of them having been controversial to certain extent. Some of the scenes are abusing the traditional and cultural values of the Indian society. One such reality show on UTV bindass, ‘Emotional Attyachar’, attracts much of controversies and disturbances in the Indian society. These shows had been taken away the privacy of some people by showing on national television. Similar objectionable shows like Comedy circus on Sony TV and Comedica Maha Muquabala on Star plus are some of the worst adult shows which are telecasted on prime time when the whole family watches the show. The question about these kinds of objectionable shows is that what kind of values child is gaining from the popular media. 

7.2.5 Twisting Facts by Media

Twist facts means media turning the facts in the opposite direction. It is defect of media that it often twists the facts for the sake of sensitization of news and increase in TRP. There are some examples wherein media turn the news in different direction.

There was much news in media for instance Bhartiya Janata Party was now attempt to impose its Cultural agenda by announcing meat ban during the Jain festival called as Paryushan. Media tried to create a picture that Maharashtra Government started meat ban, and it was followed by other BJP States joining in such mission. But after research, it is found that ban of meat during Paryushan festival was inexistence in almost all States seven before BJP came into power. In Maharashtra, since 1964 (Congress rule), in Gujarat since 1960 (Congress rule) and in other States like Rajasthan and Madhya Pradesh. Further, in the specific case of Maharashtra, meat ban was imposed by a few civic bodies and no fresh order went from the State Government.

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11. Randeep Wadehra, "Does truth really triumph- Children today are inheriting contradictory values from the popular media", The Sunday Tribune, 8 (May 27, 2012).
12. www.thehindu.com
In another instance, in September 2015, it was reported that AAP Government in New Delhi brought onion at Rs. 18 per Kg. and sold to peoples in Delhi at Rs. 30 per Kg. This was news in India Today Newspaper, and this claim was made on RTI replies, when there was criticism on role of being played by media these thing firstly, the media did not release the so called RTI replies. Secondly, from what was available in public domain from various sources, it was clear that in fact AAP had bought onions at Rs 32.86/Kg from SFAC and the Rs. 18/kg was what SFAC had paid to buy the onions from Mandis.

Again in September 2015 itself, by the same India Today, there was a twist of fact that Sonia Gandhi’s Statement “where was PM Modi when Congress was fighting independence struggle”, claiming she had said and it is obviously stupid because of Modi was not even born at that time. But as later, video of the speech was uploaded. In such video, it was clear that it is only a half Statement. “Modi jaise vicharo wale” was real Statement. But unfortunately India Today twisted the facts and done a very bad paraphrasing job.

In one leading English newspaper published along with the photo of Justice Gyan Sudha Misra of Supreme Court with the caption “Supreme Court Judge says that her daughters are liabilities.” But this was a distorted and fallacious item of news. Supreme Court Judges have to disclose their assets and liabilities. Against the liabilities column, Justice Misra had written a statement “two daughters to be married.” Strictly speaking, it was not necessary to mention this because liabilities mean legal liabilities, for example, housing loan, car loan, and so on. Justice Misra’s intention was obviously to say that she would have to spend on her daughters’ future marriage. She has three daughters (no son), only one of whom has been married. Justice Misranitheresaid, nor intended to say, that her daughters were liabilities. The news was false and defamatory with the obvious intention of creating a sensation.
7.2.6 Paid News and Media

Paid news is a phenomenon in Indian media that refers to the systematic engagement of mainstream media outlets in publishing favorable articles to exchange for payment. Indian politicians paid newspapers or TV channel to carry favorable report. It was the Indian Election Commission of India that detected hundreds of cases out of similar nature.

Narottam Mishra, a Cabinet Minister of Madhya Pradesh, who has been accused by the Election Commission of India, allegedly failed to lodge his accounts of his election expenses in the manner prescribed by law and was linked to 42 news items on him during the November 2008 State elections in which news items people saw, “read more like election advertisements in favor of him alone rather than as news reports”.

In October 2011, Umlesh Yadav became the first ever sitting Member of Legislative Assembly (MLA) to be disqualified for not declaring the expenditure incurred on advertising during her election campaign. Yadav, a member of Rashtriya Parivartan Dal, had been elected from Bisauli, Uttar Pradesh, in 2007. She was banned from contesting election for a period of three years by the Election Commission of India.

The Election Commission is reported to have identified more than 1000 cases of paid news during 2009 to 2013 when elections were held in various States of India.

Host of India News Deepak Chaurasia, involving in paid news is accused of being promoter of paid news. In a video spotted on youtube, Aam Aadami Party leader Arvind Kejariwal was seen discussing with journalist on what part of the interview should be played more.

13. www.thehindu.com
Times of India is owned by the Bennett Coleman and Co.Ltd. offered a private treaty agreement which accepts an equity stake in a company in return for favorable coverage.

In another matter which came into light under paid news, when Jindal Steel filed case against media company Zee News for alleging that Zee News for demanding advertisements so as not to telecast shows in relation to the Indian coal allocation scam.

There are various jurists and thinkers who has criticized paid news. Bloomberg. A famous jurist said that “paid news was rotting India’s democracy”. The Analytic Monthly Review has also criticized India’s media problems such as paid news even after the adoption of neo-liberal policies.

The Press Council of India has also started its own investigation concerning to paid news, but later stopped the investigation abruptly.

7.2.7 Media Making Non-issues as Real Issues

It is another defect of media often represents non-issues as real issues and real issue sidelined. There are various real issues or challenges to working of democratic system in India like corruption, white collar crimes, low literacy poverty, caste system, criminalization of politics, unemployment, lack of housing, basic facilities, medical care etc. Rather than focus on these real issues for eradication, press or media, gives concentration on sensational stories like murder, car classes, and kidnapping sex scandal. Very poor coverage is given to the environmental, educational, foreign policies, problems, where as media has a tendency in covering sensationalist stories and issues that affects persons lives and gives little attention to real issues.

Without addressing the real issues existing in the society, the media houses often try to divert the attention of the people on silly non-issues as the

14. www.thehindu.com
wife of a film actor has become pregnant who will gives birth to male or female child or single or twins, and so on.

Most of the media covering Fashion Week events in which the models were showing cotton garment in different styles and models. But farmer or labor that actually grows such cotton was killing themselves in Vidharba Region of Maharashtra and various other droughts hit areas. Neither the press nor the media covers the tragic stories and real causes behind such unfortunate events and Government Policies to protect lives of farmers. Only few public spirited journalists locally report it.

Though same media mentions farmer’s situations in the nation, their suicides, rise of prices of essential commodities etc., but such media coverage is very small percent of total coverage. Most percentage used to cover news of life of film stars, pop music, fashion, cricket, and political strategies

7.2.8 Media’s Tendency to Brand

Another defect is that tendency to brand someone or some group of persons along with certain activities in media. Whenever any crime or bomb blast or terrorist attack happened in the country, spontaneously many channels start telecasting news items that some fundamental Islamic Terrorist group such as Jaish-e-Mohammed or Indian Mujahideen or any other organization had sent email or massages claiming responsibility. The name of the alleged organizations always be Muslim, in fact truth is that 99 percent of the people are good weather they belong to Hindu, Muslim, Christian or Parshi or belong to any caste. Problem is that the manner in which such news shown by media in newspaper or on the TV Channels, there is a tendency to create the impression that all Muslims are terrorists.

Nobody perfect in this world media also no exception but certain necessary precautions need to be taken while reporting events.

15. www.thehindu.com
7.2.9 Media Ownership

There are various drawbacks of media relating to ownership over it and consequences in society. Political parties and persons with political affiliation own control increasing sections of the media in India.

Concentration of media ownership in the hands of few persons results in undesirable consequences like media primary loyal to sponsors who promote commercials, rather than to protect public interest, absence of healthy market based competition and it negatively impact on the media pluralism.

Media usually controlled by family companies and political groups therefore it is natural that such persons use and control over public thought and use to manipulate the news and views to suit their target.

The control over media in the hands of big industrialist or businessmen and politicians resulted in the twists of news and also imposing the thoughts and ideas of the owners of the media. In contemporary world the media is owned and controlled by public companies and capitalists investors. This shift has been made possible because media organizations are lucrative business enterprises that produces commodities both information and entertainment for audience markets and sell the viewership to the advertisers. Along with globalization, the private companies’ control over the media power has shifted to public companies. If the media industry is concentrated in a few hands, the chance of an idea antagonistic to the idea of the owners getting access to the market becomes very remote.

7.2.10 Media Ethics

In olden days journalism and media profession was a mission to protect the interest of masses, cultivation of moral values, Deeping the democratic principles, service of human being but now a days in modern era, media became business and in the business no place for the ethics, but only to gain the profit, so it ultimately resulted in the irresponsible behavior of media entities.
Media made such type of news and stories which is sensational one and attract the public and increase TRP rating. It resulted in goodbye to the ethics.

Recently manufacturers of commodities making advertisement is to attract the customer, it means one trying to prove better than other through the advertisement only. It is raising the confusion of the customers at the time media become unethical.

7.2.11 Anti-Social Behavior

Most of media institutions cover violence which is resulted in affecting the mind of viewer. Element of the violence can be found in the movie, media reporting, crimes and terrorism. Different types of studies and various research carried out to search impactor influence of media on anti-social activities or behavior it is found that there is very close relation between numbers of hours watched on TV and amount of aggressive behavior. Result of research stated that aggression increase due to the watching violent films because of in which there is naturally high in aggression.

There is different opinion among the groups that one group found strong or correlation between the aggressions and viewing the violent media, while others found little evidence to support earlier view. But both group accepted the truth that regarding anti-social behavior, the parental guidance carries strong influence.

British write author, Briana Winston, recently expressed an identical view when he said, “Exposure to violence heightens aggressive tendencies in readers. Readers, especially children, are prone to show almost same behaviors and aggressiveness as depicted in the advertisement. To stretch the point further, there is a possibility of anti-social behavior getting inculcated in the sensitive minds of some readers”.

7.2.12 Communal Harmony and Media

The media reporting can have adverse affects on the individuals of different communities or religions and the nations; answer to this question is yes.

With the experience of past events, it is generally seen that when the reporting is being done with respect to communal clashes, or any matter published will have negative effect on the religious feelings, e.g. reporting on Babri Masjid, operation Blue Star, publishing cartoon of Prophet Mohammed, writings of Salman Rushdie, debate on Sai Baba, love jihad, etc.

In the event of such community clashes, media need to be a play role such as peacemaker and not to act as abettors and trouble reducer or problem maker because it is responsibility of the media to build national salutatory and its should work or their effort should be re-cement of communal harmony.

Today some of media not strictly adherence to norms and standards at the time of reporting and making comments on matter which are concern to communal relation due to that the object of media role in democracy fail and communal peace and harmony disturbed and national unity having risk to disrupted.

7.2 Suggestions

After the above critical analysis and observation the following suggestions can be given for the betterment of the role media for effectively preserving and protecting democratic principles in India.

7.3.1 Suggestions on Media Ownership

It is recommend by the Second Press Commission as concern to the ownership of the media that, ownership of the media very much affects the protection of the public interest,

Press Commission also recommended, that person carrying business of media and also have interest in the other types of business or person carrying
other business. It should not be have interest other than media. Then such interest should not exceed of 10% of its subscribed share capital.

Businessman ownership on media or press affects on honest working of press, news coverage preference, editorials, and quality of journalism.

Such suggestions of the Press Commission are very useful for the effective check on the exploitation of the power for the vested interest of the owner over media entities.

In the Press and Registration of Books Act\(^\text{17}\) contain the provisions for the registration of newspaper and books, to maintain standard quality of newspapers and books, need to give necessary powers to the registrar to ensure that good people come into this fields and their object must be pure to serve the society and protecting interest of the people. Registrar should have determined the education, background and the objectives of proprietor of the media to carry the media institution.

It Need to regulate financing of the newspapers and subsidies criteria and subsidies to the media houses.

The Government having power according to the Newspaper (Price and Page) Act\(^\text{18}\) to fix the prices size, number of pages, and the number of advertisements, when the government exercise the power, it should be on the objectives criteria.

Media laws regulating the media should be modified in accordance to the national Legislations; especially due consideration should give to the Broadcasting Acts\(^\text{19}\), Wireless Telegraphy Acts\(^\text{20}\) and the Wire and Radio Communication laws\(^\text{21}\).

\(^{17}\) Press and Registration of Books Act, 1867
\(^{18}\) The Newspaper(Price and Page) Act, 1956
\(^{19}\) Broadcasting Act, 1981
\(^{20}\) Wireless Telegraphy Act, 1949
\(^{21}\) Wire or Radio Communication, Chapter 5
7.3.2 Suggestions on Media Ethics

Professionals of mass media like other professional are governed by all the laws of the land. In the profession of mass media there is a sizable area which remains out of the domain of laws and must be governed by professional code of ethics or self regulation.

At present, there was rise in demands from all fields that there should be ethical norms for the media, there must be codification of ethical norms which are applicable uniformly and followed by the media houses at the time of the reporting the events and news, initials should be taken by the media institutions and the State.

Media institutions considered as social institutions which affect people perceptions and understanding the State affairs. Keeping this view in mind, most of the media agreed to have ethical code for the media.

Media play a very important role in legal system. Considering this role of media, various media organizations have developed common institutional features which include good journalism practice, and ethical norms.  

Throughout the world media organizations voluntary accepted certain code of ethics, media should at least following this code of conduct-

1. At the time of reporting journalist should be fair, accurate, and unbiased.

2. When any media did an error at the time of reporting any news then it have the moral duty of the media that errors of facts should be corrected or clarification need to be published.

3. It is necessary to attempt to protect public interest at the time of communication to the public.

4. Media should be avoided to disclose if necessary, race or religion of the person in the news.

To avoid the discrimination on any basis when media providing information to public at large.

To see how human rights and fundamental right to be protected and preserved.

Media should be observed restraint in reports dealing with tension leading to, or likely to lead to public disorder.

Media should not glorify the act of violence in any manner.

Media or journalist should not be exploited their status for non journalistic purpose.

Media should be given due respects to confidence, and privacy of the individual.

Media should maintain dignity of the all State institutions.

The Press Council of India has laid down the code of ethics under the Press Council rules concerning defamation, fairsex, young persons, copyright, communal harmony, privacy, obscenity, contempt of House and contempt of Courts, rumors, cultural and social values, advertising, sting operation, etc. Apart from the Press Council, the business guild has developed the norms to regulate the advertising aspects.

Offensive and objectionable shows should be restricted by the government, either such programs should be banned or should be declared adult shows.

There should be strict guidelines for the broadcasting of programs and its contents. Governmental authority should be kept eyes on offensive and objectionable telecasting and printing of materials and whenever necessary take strict actions against violation of these guidelines.

There should be effective adjudicatory machinery to regulate media ethics whenever any complaints are made with regard to violation of matters referred in code of ethic.
There should be certain guidelines to media houses regarding, how much importance to be given crime news, development related news, social issues, and State affairs.

It is the media to see that at the time of reporting any event, fact, or views related to national importance, then nobody should hijack the spirit of national importance for their own gain under the shadow of news, interview, or opinion through the media.

The governmental authority must have powers at prima facie to stop any kind of anti national propaganda with misleading coverage on the media.

Unethical practices like paid news, corruption, blackmailing, receiving illegal funds for publishing or telecasting news, information in favor of particular individual or political parties, should be condemned by other media houses and need strong regulations for the prevention of malpractices in media.

In India, Press Council Act came to regulate the ethical practices and curb the malpractices in media entities, and Press Council is a statutory quasi judicial authority established for the purpose of regulating the working of press. If any private person has a complaint against the press regarding the publications of personal objectionable matter, then Press Council provides the proper remedy to that person. It is function of the Press Council that it can take grievance of the press persons against action or inactions of authorities in the issues for the protection of the right of the press. It is suggested in this matter, that the cognizance taken or remedy provided by Press Council should be as early as possible.

7.3.3 Suggestions on Information

It is the prime function of the media in democratic State to provide information to the public at large. But, contrarily it was seen that media providing information to suit the interest of a particular class. Information provided by the informative companies to the receiver is leading to serious repercussions in individual’s life or society. So media should be cautious in
rendering information and must be sure about accuracy and authenticity of the facts being conveyed.

When media informing to public at large then, it is the prime duty and the role of media in democracy that truth must be highlighted and present only the facts of the event before the viewers and readers.

It is also suggested that media should not publish or present unverified materials and unseen events as verified and seen.

The media houses and the people involved should always be ready to publish corrections and explanations for any errors they made at time of informing or reporting.

Media news and reporting should reflect the true cultural of diverse community which they represent and should not try to impose conflicting values on the people. Media should identify disregarded values and carry debate over it.

There is no question that advertisement is the main source of earning. Hence, media should be seen and promote only such advertisements which are decent, safe products and scientifically tested, because life of the people and their truest in media is more important than the money. So, whatever information media communicate the public at large, should be supported.

However, if media deviate from the standards, necessary limitations should be imposed but such limitations must be reasonable with particular objects.

Media should seek permission from the author or the Copy Right Board for using work of any person for communicating information to the public. Regarding matters concern to copy right, it is necessary that proper education and training should be provided to media persons. Media persons should be well aware about fair dealing work, commercial dealing work and subject matter of copyright.
Media using works or writings or ideas of one person as another’s without mentioning the sources is violation of ethics of journalism. Media should not publish news of other publisher as their own. This is violation of ethics of journalism.

Whenever Governmental action goes wrong it is the media to inform the public and criticize the governmental malfunctioning. Therefore media keep the control over wrong functions and policy of the government by criticizing the same. However there is very thin line between the fair criticism and sedition. So media persons should be trained in line to understand the same and use proper language at the time of criticizing the government.

Role of media as protector of public interest is the function of the media to give information to the public about the corruption and irregularities in public bodies. But at the time of reporting and communicating to the public, the information on which The media questioning the government bodies or authorities should be backed by the irrefutable evidence and should be published only after due enquiry and verification from concern sources.

Newspapers should keep themselves from barbed, stinging and pungent language and ironical/satirical style of comment.

Media should always try to improve working of State organs, reforms or improvements in their functioning, but not to work which results in loosing public confidence in State organs.

Media should not defame and criticize the acts or conduct relating to discharge of their official duties by the Government, Local authority or other institutions if they are exercising governmental powers.

The Press should eschew publication of inaccurate, baseless, graceless, misleading or distorted matter based on unjustified rumors and surmises. While it is the duty of the press to expose the wrong doings that come to their notice, such reports need to be backed by irrefutable facts and evidences.
7.3.4 Suggestions on Anti- Social Behavior

One of the elements of the film making is violence but media or films should be made an attempt to declare such violence in films as evil or wrong. Film actors are role models for common people and generally they copy the method of violence exhibited in the films. So reducing the violent scenes in films will help to decreases instances of crime rate in country.

While reporting the crime and acts of terrorism, the media people should try to desist from exhibiting images of gruesome violence as they can adversely affect the human psychology.

1. Programs which are harmful to social values, existence of society, and peace in society should be banned.
2. There should be logic and natural programs and serials only to be telecasted.
3. Governmental strong control should be on the programs and news which has negative impact on society.
4. Media should give preferences to News and programs which are useful for the welfare of the society.
5. Media should communicate right massages to the member of the society.
6. Advertisements which are harmful to social values and society must be banned.
7. Media should encourage educational and awareness programs to increase knowledge of the younger generation and the society.
8. Conflicting or disputed serial which promote violent behavior needs to be stopped and harmonious living in joint family need to be popularized.
9. Media should try to telecast such programs which bring the sense of respect and responsibility for the people around.
10. News and programs in media should be depending upon the need of the society.

7.3.5 Suggestions on Communal Harmony

Media is having much effect on the public perception. It is the reporting in the media that has an effect on the increase or decrease of communal clashes. So media need to follow certain standards and principles in communal clash situations such as

It is the prime duty of the media that they should be realized the sensitivity of the situation and should not publish distorted information on communal clashes or it should not glorify.

Media should be used temperate or restrained language while commenting upon instances of communal clashes, which is necessary for preventing the provocation to the clashes.

In this regards the Press Council rightly observed that news, views or comments relating to communal clashes should be published after proper verification of the facts and presented in such a manner which helps to create atmosphere to preserve communal harmony, amity and peace between different groups.

While Media reported such communal clashes should avoided sensational, provocation and alarming headlines. Communal violence should be reported in such a manner as people should not lose their confidence in the law and order machinery of the State.

It is very special duty and responsibility of the media and Column writers towards nation to promote communal harmony, peace and amity. Writings and reporting of news should not reflect their own feeling and views but it should help to a large extent, in molding the feelings and sentiments of the society at large in right way.

It is responsibility of media people to ensure that their analysis is free from any personal preferences, prejudices, or notions.
They (media) should ensure that writing and views are based on verification, accurate, and established facts and do not intent to create disharmony or enmity between castes, communities and races.

Media has to play a very pivotal role in educating and molding public opinion on right and honest lines in regard to the friendly and creating harmonious relations between the various communities and religious groups. Media should show and write views of best minds of the country to achieve national solidarity.

7.3.6 Suggestions on Contempt of Court

There is very thin line between the fair criticism and the sedition which is often crass by the media in various instances, yet judiciary appeal to their conscience and excusing the conduct of media people. So media institutions and their persons should gives due respect to the judiciary and maintain the reputation.

Today, common man having much respect towards the judiciary, treat judicial institution as temple of justice, media also gives respect and takes proper precaution while reporting Court proceeding; try to maintain the same respect and faith in the judiciary.

There is either need to give proper training to media people in the school or in media house offices regarding factors of the law relating to contempt of Court.

In the name of sensationalism, desire to do something especially wrong or unwise, at the expense of those institutions or persons who from the nature of their position and functions cannot reply, the media shall not publish wrong information. In such cases, law should give guidance as to what is permitted and is not permitted.23

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23. Rajendra Sail v. Madhya Pradesh High Court Bar Association and Ors., MANU/SC/03 10/2005 at 14 (Para 37)
It is not possible to take cognizance of contempt of Court by judiciary about every publications, publisher and plead, hence some mechanism may have to be devised to check the publication which has the tendency to undermine the institution of judiciary\textsuperscript{24}.

It is imperative that Courts bear in mind that even judicial injunctions ought not to breach Constitutional guarantees. There is a public interest in the dissemination of information. Information and opinions, however improbable they sound, are entitled to be published.

In cases where the subject matter of publication deals with issues of governance, corruption, maladministration or issues of misconduct, a judicial gag order ought to never be granted. Except in the rarest of rare cases, judicial “gag orders are as abhorrent as executive restraints on the media.”\textsuperscript{25}

Media reporting has great impact on the society and investigation officers and has power to molding the public opinion. So it becomes harder to judge the matter to the judiciary may lead to the miscarriage of justice.

No doubt that media has duty to give information to the public about Court proceedings which based on the role of media in democracy. But it is also to be kept in the mind that such reporting of Court proceeding and Court judgments by the media is not away from lacuna of opinion, bias, and subjective notions of justice

There should be effort to the make difference between the media trial and the media information.\textsuperscript{26}

\textbf{7.3.7 Suggestions on Privacy}

It is duty of the media to ensure that the information relating the act and conduct of public figure or person is received through the fair means and verified and reporting accurately.

\textsuperscript{24} Id., at 13, (Para 33).
\textsuperscript{25} Arun Jaitley, "The Censor Bench", The Indian Express, 10 (April 23, 2012).
\textsuperscript{26} Sidhartha Vashisht (Mann Sharma) v. State (N.C.T.ofDelhi), A.I.R, 2010, S.C. 2352
Media should keep in mind that correctly reporting of interviews, articles or arguments pertaining to public person who is in the focus in any event that are in public knowledge is not treated encroachment into public life. There is very thin line in public life and private life. For instance, if any person himself discloses facts about his personal life before the public then it is not treated as private life of the person.

Media should not be to do tape record or video records or anyone’s conversation without his knowledge and consent, if it is not against the existing laws of the land.

Media should be exclude or delete the words or sentences used in the conversion and interviews or debates which was offensive or defamatory to the any other individual or community.

Media should properly decide the private affair of the person having public importance or have not, and having involved public interest or have not.

Media should not mention name, identity of the victims in the sexual offences, offences by the juveniles or against them at the time of reporting news.

Media should keep in mind that accused guilt be proved in the Courts beyond reasonable doubt. Unless guilt of accused person is proved in the Court, he is presumed to be innocent.

Media should understand that unnecessary interference in the personal life of the individuals is unethical and illegal in the name of right to know. As right to speech and expression have limitations and can be curtailed by the State, in a same way right to know does not means violation of right to privacy of other person.

7.3.8 Suggestions on Objectionable content on internet and Protection of Society

India should led to find out a proper forum where objectionable matters in the cyber space to be heard which are day to day posted and loaded on the
internet beyond any boundaries or restriction. If the cyber space is not censored, coming generation will lose all morals, ethics, culture, social and human values.

There is no enforcement of international law which can compel media to give full, fair and accurate information. In this regard only journalistic ethics may be workable against suppression, varnishing, garbling and distortion of facts, and mixing comments with facts and such kinds of misconduct.  

7.3.9 Suggestions Provided by Various Committee and Acts:

Media has regarded as potential in the field of information, education, entertainment and nation building, as it is observation by the Chandra Committee under the Chairmanship of AK Chandra.

Committee had recommended that Government can exercise some amount of power in broadcasting and constitute the monitoring committees for private television channels at the State and district level. Not only constitute such authorities but also gives the power to the officers at district level to prohibit the transmission of certain programs which may go against public interest.

Ministry of Information and Broadcasting also gives guidelines to district monitoring committee which is suppose to provide forum to file a complaint against content of television which are treated as objectionable.

The Broadcast Regulation Bill (2007) has empowered the central government to cancel the license if the content of channel found objectionable to the concern friendly relations with foreign country, harmful for public order and communal harmony or security of the State.

Again, the News Broadcast Association’s Code of ethics (2008) make recommendations that journalist should maintain impartiality, objectivity and neutrality in reporting. Journalist also instructed that they should not glorify

crime, violence, and superstation. Again they suggested sexual activity and violence not to be shown explicitly.

The Cable Television Networks Bill (1994) impose the restriction on the programs which contains anything which may be against decency, instigating communal feeling or violence, projects half truth, encouragement to superstations, degrades women and children etc. This bill suggest to the media to carry programs which project women in strong and positive role. In children’s programs bad languages and violence should be restricted, and also any advertisement which describe any discrimination on race, caste, sex or community should not be telecast. Violence against woman and presenting women in derogatory way should not be glorified.

Whatever laws, rules and regulations brought by the State to regulate misbehavior of the media are sufficient, but in fact it is needed to its proper implementation of these laws or regulations.

The Right to Information Act, 2005 is a legislation which brought with intention to discover the truth of everything. Here it is suggested that media should be brought under Right to information Act, 2005 which will result in accountability of the management of media houses.

It is need of hours that the number of programs which encourages peace, stability, communal harmony and progressiveness among people to be given more priority.

Media should gives information with regard to knowledge, agricultural reforms and career opportunities to the unemployed youth.

Duplication, infringement of copy right of original owner of workingliteracy, drama, music, films etc. is another mischief of production houses which earn huge profits. Though there is Copyright (Amendment) Act, 2012 which has tried to fill this gap but the Act is not properly implemented.

There should be Government and inter government cooperation between State Governments and State governments, and State Government and Central
Government Center Government for the proper implementation of Copy Right Act

Advertisement should be distinguished from the program and news. In this regard, Advertisement code should be amended and implement in tune with changing scenario.

It is provided in the Cable TV Network (Regulation) Act, 1995 that all advertisement must be truthful and capable of substantiations. Advertisement should not be in nature to likely to mislead.

Media should learn lessons from the past that live coverage of terrorist attack of 26/11 could have helped the culprits to escape and also created hardships to the rescue team.

Media should avoid unnecessary repetition of footage which is very painful to the viewer.

In the year 1995 the Cable Television Network (Regulation) come into existence in which it provided mandatory registration of all cable operators. The approach of the Act is very good but private channel broadcaster’s kept themselves outside the ambit of this legislation and result is that private cable operators remained unaccountable under this Act.

Media having great impact on the governance, society and course of event, a responsible media entity gives equal coverage and importance to human development, social and economical development and democratic values. Media always try to give contribution in protection and conservation of public interest.

Six core areas for policy making in the media reforms

1. Policy to promote, accountable, transparent self government
2. Media ownership policy
3. Regulation and governance of the internet
4. Subsidies and institutional structure to support nonprofit and non commercial media
5. Hyper-commercialism
6. Global media policy

**Media in democracy and media reforms**

1. Whenever media communicating to the public at large it should not be pressed for commercialization and sensationalism tendency.
2. Media should assume that the ownership of it as public trust and have certain obligations, responsibilities and accountability.
3. In the democratic system like India, media especially news media should be fair, objective, relevant and truthful.
4. No doubt media should have freedom, but there should be State regulations and the area where such laws not work in that place media should adhere to the professional code or self regulation and ethics.
5. The very prime function of the media is to inform the citizens about the developments in the society and media should help them to keep informed media should make democracy to function in its true spirit.
6. It also keeps the elected representatives accountable to those who elected them by highlighting whether they have fulfilled their wishes for which they were elected and whether they have stuck to their oaths of office.
7. Media of public debate getting transformed to mediums for expressing particular interests rather than general interests which are universally accepted. This signifies that public sphere which is essential for a vibrant democracy, can actually be channelized to serve vested interests rather than public good.
8. The role of media in India, the largest democracy of the world is different from merely disseminating information and entertainment. Educating the masses for their social upliftment needs to be in its ambit as well. In a country where there is large scale poverty, unemployment
and underdevelopment, media has a responsibility towards developmental journalism.

9. Values like objectivity and truthfulness in presentation of news and ideas cannot be totally done away with.

10. While discussing the dangers associated with the developments in media, it needs to be said that media in India has also undertaken roles which have strengthened democracy.

11. Mostly developmental news has also been aired through the medium of radio. Its comparative low cost and wide acceptance among poorer sections have made it a potent tool for expressing ideas beneficial to the public.

7.4 Proposals

Freedom of speech and expression is provided in the Art. 19 (1)(a) of Indian Constitution. But unlike American Constitution, it has not mentioned the freedom of press or media. It is only the Judiciary that extended the scope of freedom of speech and expression and included freedom of press and media in the same Article. Just like right to education, which was declared as fundamental right by Supreme Court and Indian Parliament gave due respect to judicial verdict and amended the Constitution and inserted Art. 21(a), the right to education as the fundamental right of the citizens. In the same way it is proposed that Article 19(1)(a) be amended and provide for freedom of press and media by inserting Art.19(1)(a), which includes all kinds of media like print, electronic and new age media.

Such as neither freedom is absolute or nor, freedom of press or media is also not absolute. For this purpose, Art. 19(2), should be amended by adding a sub clause, mention specific grounds for the reasonable restriction i.e, public interest, privacy, administration of justice, morality etc.
• “General Public Interest” as a Ground for Reasonable Restriction

The general public interest should be included as additional ground for reasonable restriction and the benefit of such amendment has to prohibit hate speech through media propaganda based on the religion and caste. This restriction may curtail incidents of illegal strikes and bandhs in the name of freedom of speech and expression. It may also control the unethical behavior of not allowing objectionable contents spread through any communication.

In support of this proposal one can consider the argument of Chairman of Press Council of India, Markandy Katju, who suggested that, media regulation is necessary. He explained over it that what he wants is regulation of the media and not control the media totally. Here regulation and control is two different things. Regulation means there is freedom but subject to reasonable restriction where as control means no freedom. Today media became very powerful and having wider scope in the sense of reaching the audience, had a strong impact on the mind and life of the people. Hence, it should be regulate in the public interest.28

• “Individual Privacy” as a Ground of Reasonable Restriction

D.D. Basu29, a famous jurist, made distinction between the public figure and private individual. According to him a person who is not public figure, his personal privacy should not be violated, where as celebrity who has chosen to be public figure should not complain when wide publicity is given to them. In simple terms, a person who has public figure cannot claim similar extent of privacy as a normal person.

It has been observed by Bridge L. Jhat, “those who seek and welcome publicity of every kind bearing on their private lives so long as it shows them

in a favorable light are in no position to complain of an invasion of their privacy by publicity which shows them in an unfavorable light.\(^{30}\)

At this juncture it suggested that the personal privacy of an individual should not be violated at any cost. A public figure is equally entitled to protection of his privacy and exception for it is Public interest.

- **“Administration of Justice” as a Ground of Reasonable Restriction**

One of the criticisms against the media is that it often interferes in the administration of justice when it starts parallel investigation and much publicity is given before the criminal proceedings initiated. Such a kind of activity of media is not covered under contempt of Court concept which is mentioned under Article 19 (2), one of the grounds for imposing restrictions on freedom of speech and expression. ‘Administration of justice’, is needed to be inserted in ‘reasonable restrictions’ which is helpful to curb the media activities which unnecessarily interfere in administration of justice. In the absence of such a ground, authorities are unable to keep control over the media trial and investigation. So parliament should bring an amendment to the Constitution and insert the ground of ‘administration of justice’ to control the media interference in Court proceedings.

- **Freedom of Media to be Restricted so as to Prevent “Hate Speech”**

India is a secular State, which means State doesn’t favor any religion or oppose. It means in the eyes of law all religions are equal and having equal protection. It is not only function of the State to protect the society against actual breach of peace, but also to create social atmosphere in which sentiments and feeling of the people with diverse or opposite beliefs are not injured or molested by offensive publications which provoke groups of different community to violence. It is Alladi Krishnaswami Ayyar J had emphasized the need for including the phrase “class hatred” in the proviso to sub-clause (a). He argued that since the words “defamation”, “sedition” etc., used under Article

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19(2) did not cover “class hatred”. The inclusion of the phrase was essential to stifle any tendency on the part of the people to promote it. He was supported by Rajagopalachari who emphasized that the fundamental peace and orderly progress of the country depended upon communal peace and harmony and therefore speeches and utterances which were likely to foster communal hatred must of necessity to be prevented.

7.5 Conclusion

Our Constitution is based on the principle of checks and balances. The preamble expresses two ideas which complement each other namely,

1. Rights of the individual which correspond to the duties of the State towards the individual, and

2. Duties of the individual towards the State which correspond to the rights of the society against the individual.

The State is under obligation not to infringe upon the rights of the individual. Similarly, the individual is obliged to contribute to the social welfare. So every attempt needs to be made so that this mutual obligation does not get disturbed. We are given the freedom of speech and also we can express ourselves. But, the beauty of the freedom lies in its limits in the interest of the society.

It is suggested that when an individual is able to use his freedom for the betterment of other besides self, it would be a State of ultimate ecstasy. Therefore, when the media, besides enjoying so much of freedom also enjoys an individual’s confidence, its role in our country today must be to help the people in their struggle against poverty, unemployment and other social evils as well as make India a modern, powerful, industrial State. Our people must develop rational, logical and questioning minds, abandon Superstition and escapism. For this purpose the media can be or must be play a powerful role.


It is further submitted, change is the style of society and also laws needed to be changed on par with the society. In this regard, citing Justice Holmes, Dr. Surat Singh has beautifully remarked that,

“Life of law is not logic but experience, therefore life of law is not precedents but a progressive tradition evolved as per the changing needs of our time in the light of overall integrity of our Constitutional system and goals”.33

In the ultimate analysis, it is hoped that the study proves helpful to those who believe in individual self-fulfillment in a transparent and an accountable democratic polity.

Critically analyzing the whole scenario, it can be concluded that with enormous dissemination capacity, easy acceptance by customers and monopolistic effect on users, a medium like Television, acts as a 'Third Parent' to children, a powerful and hypnotic gadget to adults and a 'Culture Melting Pot' for the society. This 'Cultural Melting Pot' provides common denominator and helps homogenization for a heterogeneous society. As a powerful and hypnotic gadget it affects the behavior of viewers. In a multi religious, multi lingual and multi ethic denomination comprising the polity of India, the social fabric is quite delicate and no act should be done by media which even remotely disturb the equilibrium of society. The media has always risen to the situation whenever there is crisis with booming information and mind boggling entertainment. In the context of global invasion and competition, the need of the hour is sober introspection by journalists and not losing the focus on the paramount duty of media to be Fourth Estate by by-passing the laws, without making any compromise with vested interests. Media should act as torch that shows the way and not fire that destroys; although both give light.

No one is perfect in this world and neither is media. On one hand media is playing a very crucial role to preserve democratic values and help to workable democracy whereas, on the other hand, media is also having certain drawbacks like, in many occasion media violates the right to privacy of the

citizens, interfere in administration of justice, twisting the facts which rise confusion in the people, for TRP, media rise non-issues in to the real issues, Paid News, tendency to brand particular community or individuals as criminals etc., These things shows that still lot of scope for the improvement by which the media can rise up to the expectation of the people.

Media is like a watchdog in democracy. It keeps government active, being just an informer; it has become an integral part of democratic system. After all, on the basis of above discussion one can say that the present media revolution has helped people in making decisions after a proper information through the media and this has led to the beginning of a new era in Indian democracy.

In conclusion it is to be noted that in Indian democracy media has a responsibility which is deeply associated with the socio-economic conditions. The present scenario is not quite encouraging and certain areas need to be addressed. Media organizations, whether in print, audio visual, radio or web have to be more accountable to the general public. It should be monitored that professional integrity and ethical standards are not sacrificed for sensational practices. The freedom of press in the country is a blessing for the people. However, this blessing can go terribly wrong when manipulations set in. The self regulatory mechanism across media organizations need to be strong enough to stop anomalies whenever they occur. Agencies like Press Council of India need to be vigilant to stem the rot. Big media conglomerates are a serious threat. To counter these problem pluralistic media organizations which are financially viable need to be encouraged? Community participation is a goal that the media should strive for in a country like India.