Role of Media and Right to Privacy in India-

A Legal Perspective

SUMMARY

In the present study, the tension between the freedom of expression and the right to privacy is examined with particular attention to media in India. Freedom of Press is integral part of the freedom of expression. Infant print media has grown up as a youth with tremendous dimensions viz, electronic media. The study crucially highlights that freedom of speech and expression assured to media has to be exercised subject to the degree to which private information is exposed therefore depends on how the public will receive this information, which differs between places and over time. The rules against unsanctioned invasion of privacy are part of many countries’ privacy laws, and in some cases, Constitution.

The roots of right to privacy may be traced back from the natural rights, which are basic, inherent and inalienable rights. There are also strong legal bases for the right to privacy in International Law and human rights. In addition to this, a number of regional legal instruments also recognized the Right to Privacy. In India, though this right is not explicitly mentioned in the constitution, it is interpreted by the Supreme Court to be implied in the Article 21 (right to life) of the Indian Constitution. This has been repeatedly reiterated in a number of cases. There are common law and other statutory provisions, which are available for privacy protection.

Examples are not few when media has crossed its limit of fair reporting, in cases, sub-judice. The brutal murder of 14yr teenager at Noida is one of such 'stories'. In this case the apex Court, clarified that transparency is something and secrecy in investigation is another, when it pulled out CBI and a section of the media, for reckless reporting, thereby tarnishing the reputation of the victim and her parents and affecting the probe. Sensationalized journalism has also had an indirect impact on judiciary. The controversial role of media on 26/11, causing threats to security initiatives, in Taj attack case caught ire of the judiciary.

The purpose of the study is to understand whether media is functioning within its arena of Constitution freedom of speech and expression properly, are the internal norms to regulate media are virtually followed, should there be outer checks on media freedom or it is against the democratic principle of freedom of speech and expression. Further, to analyze the limitation on people's right to know and how far appropriate. In the environment of scattered statutory provisions for privacy protection, limitations of law declared by the judiciary on privacy and the modern days threat to privacy, prepare a solid ground for the immediate need of comprehensive and effective law for the protection of privacy in India. It is hoped that the study will be helpful for the members of legal fraternity and for further research on the subject to great extent.

(BINDU SINGHAL)
Research Scholar
Reg.No. 97-CC-4737
Department of Law
Kurukshetra University,
Kurukshetra