

FACETS OF INDIAN JOURNALISM: GLORY, BLEMISHES AND REGULATIONS

MAITRY BHANDARI

AMITY LAW SCHOOL, NOIDA

Abstract:

The role of journalism in Indian democracy is a wide and really old debate. All over the world the positive aspect of media has been expressed widely in many scholarly writings. With the invention and coming of electronic media, press and increasing rate of journalism in the country this has become the real and effective voice that can create a difference. The power of press has increased rapidly during past years that help in shaping the democratic system. With this inrush of power has made press an entity which cannot be brought to the court easily. With the business needs the power of the media is being misused throughout the country and not much for the benefit of the common man.

The news is just breaking news with loads of distraction and actually makes you misinformed rather than informed. Looking at the past the media played a role of making people aware of everything happening around them but today the influence and exaggeration misinforms, misguide the people.

The power of the press directly comes from the fundamental right concept of freedom of speech and expression under article 19(1) (a) of Indian constitution. Under this the question arises about the nature of media, whether it maintains dignity and doesn't misquote the statement or writes anything related to an incident.

Introduction

For a vibrant and developing democracy like India or any other, freedom of speech and expression is very sacrosanct. To preserve democracies all around the world, journalism plays a key role and is a derivative of freedom of speech and expression. Press act as an indirect watchdog on the government and make sure the democracy works all fair and just. It has been witnessed in the history also that press has acted the medium to spread views and problems that the society faced. The most famous freedom fighters from the times of freedom struggle were connected to the English and other vernacular newspapers. Then the reporting was

ethical, it was for the sending authentic news to people and as a tool to serve the country and not mint money. Now when we look at the present case the press has changed becoming only a commercial industry. Today's business scheme is really simple the media houses only want to increase the circulation and focus on the advertisements as both of them are directly proportional and increasing of viewership for electronic media. Press is considered as the fourth pillar of the democracy and it keeps on working to make it better and tells the lacunae in the government working closely at the policy and implementation level. When there is criticism by the opposition, it helps the government work more efficiently and strengthens them and lays an opportunity for the course correction by the government. The continuous vigil gets the government a real friend and do a much require critical analysis of all the policies made by them. Example of the same is that Jawaharlal Nehru used to read his criticisms. He was fond of his own cartoons that were drawn by RK Laxman in the newspaper Times of India where his cartoon character's 'the common man' and the daily cartoon strip 'you said it' Laxman this thing used to make a constructive criticism on the policies of the government in a very critical satirical way. Pandit Nehru has always acknowledged sometimes that these cartoonists used to show a path for the correction in policies of the government.

With coming up of electronic media the journalism had seen a lot of negative faces till the time it was dominated by print media it remained a very positive force which always worked for the betterment of the society. Specifically it is considered and even the Hon'ble Supreme Court of India has agreed to the fact that the laws passed for the print media are not sufficient and there are a lot of lacunas and it does not properly regulate the print media in the country.

The negative aspects of the media show that how dangerous the reporting can be and how these are very dangerous for the fundamental rights that the citizens possess.

Positive Facet of Media

During the initial days immediately after the independence of the country media remained a very positive force because a lot of media houses were run by those people who had seen the freedom struggle very closely and their respected the new liberty and the Independence that the country got and it definitely saved themselves from misusing the same. The constructive and ethical role that the media had played was acknowledged by the apex court in many cases.

Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India,¹ Supreme Court, through² Justice E. Vekataramaiyah has very beautifully chalked out the importance of media in a democracy as under:

Freedom of press is the heart of social and political intercourse. The press has now assumed the role of the public educator making formal and non-formal education possible in a large scale, particularly in the developing world, where television and other kinds of modern communication are not still available for all sections of society. The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate cannot make responsible judgments. Newspapers are purveyors of news and views having a bearing on public administration very often carry material which would not be palatable to governments and other authorities. With a view to checking malpractices which interfere with the free flow of information, democratic constitutions all over the world have made provisions guaranteeing the freedom of speech and expression laying down the limits of interference with it.

Majorly in last two decades the country has seen positive as well as negative impacts of electronic media. Electronic media impacts a lot of people in different ways and it has reached to the illiterate people widely through its mode of audio-visual contact the people who cannot read newspapers are now listening to the news debates that are held on various different electronic platforms. This has definitely played an important role in spreading all kind of socio-political and economic awareness among the masses across the country. Electronic media has definitely played an important part in spreading mass agitations and getting justice for a lot of victims for example Nirbhaya, Jessica Lal and the recently happened case of Sushant Singh Rajput where there is a lot of debt. But as there are two sides of the coin with the positive aspect of the media there are negative aspects as well and these predominantly exist because of the fact that in the present day electronic media has been kept on checked like some unbridled horse.

Negative Facet of Media

Negative facets of media consists of bad journalism like yellow journalism, paparazzi, Page3 journalism, paid news, extortion by media and the media trials. All of these kinds of bad faces of media deserve an independent research as they are not only the categories of media but categories by which human rights are violated by the

¹ *Indian Express Newspaper v. Union of India*, 1985 SCR (2) 287.

² *ibid*

media. Character assassination of a very famous personality is something which is very common these days. An example of the same is the Aarushi murder case and in only few days the media had made Aarushi's parents Rajesh Talwar and Nupur Talwar murders and after the CBI investigation it was declared that her father was not the murderer. It has happened in various cases related to electronic media where they launched serious campaigns against some people, like in 2004-2005 Shankar Sankracharya Jayendera Saraswati of Kanchi Muthh. This trial continued for several months which actually destroyed the image of Jaya Nanda Saraswati and the Institution of Shankaracharya in totality and later in 2013 this person was acquitted and the media did not talk about it. Similar trend has been continued in print media as well. It is been noticed over years that the news is basically misinformation and exaggeration only to mint money. Over time it has been noticed that there has been wrong reporting and as the media has pressure to make a course correction somewhere then a small publication is done somewhere in the last pages. One such example is NDTV has been asked to apologise by quite a few vigilant viewers and some stakeholders. Prannoy Roy apologised for showing P.O.K as part of Pakistan and BJP MP Mahesh Giri for producing a fake letter in his name. In society it is considered that every publicity be it negative or positive is a good publicity is in the benefit so when such kind of wrong reporting is done about famous personality or celebrities and they are targeted they don't get affected because they are part of the society and getting publicity. When character assassination is done on news related to some common people it becomes a blow of dignity and life to the person who targeted.

Oppression of Fundamental Rights

Lord Acton's statement 'Power corrupts and absolute power corrupts absolutely' is an evergreen statement. No doubt that media has been very powerful tool in the modern system of government. There are pros and cons attached to every absolute power in the world and hence media is one of those. As said by Lord Acton, excess of freedom that is been given to media has turned out to be a curse in a lot of ways and has oppressed the fundamental rights and business of extortion has increased tremendously. It has been noticed that violation of fundamental rights of citizens has happened a lot of times.

- **Right to speech and expression**

Article 19 (1) (a) of Indian constitution which is right to speech and expression is such a fundamental right which is very important and mother of all the rights. in the country it has been noticed that this right has been violated by media in many ways like the citizens are misguided by not producing the correct information and

right to correct broadcast is influenced by the Indian media a lot of times. directly these rights are not taken into consideration but there have been times when the apex court has acknowledged such infringement.

- **Right to dignity**

It is a well known fact that article 21 of the Constitution talks about right to life and dignity and now a days Media has been the biggest attacker on the dignity and reputation of people. It can be also turned that article 21 is much more superior as compared to article 19 of the Indian Constitution full stop freedom of speech and expression has a lot of restrictions and is the extended version of personal liberty where as right to life is not subject to any restrictions. the apex court of the country has said again and again that the speaker cannot enjoy absolute right to speak Where are the person cannot have the right to insult other people and use the freedom of speech and expression as a defence. there have been various cases where such people are books for defamation under section 499 of Indian Penal Code 1860.

In *D.C. Saxena (Dr) v. Hon'ble The Chief Justice of India*³, Supreme Court of India, marking the duty of the speaker (which can be read as the press also, according to the need of this article), has held as under:

“The interest of the people involved in the acts of expression should be looked at, not only from the perspective of the speaker, but also the place at which he speaks, the scenario, the audience, the reaction of the publication, the purpose of the speech and the place and the forum in which the citizen exercises his freedom of speech and expression. The State has a legitimate interest, therefore, to regulate the freedom of speech and expression which liberty represents the limits of the duty of restraint on speech or expression not to utter defamatory or libelous speech or expression. There is a correlative duty not to interfere with the liberty of others. Each is entitled to dignity of the person and of reputation. Nobody has a right to denigrate others’ right to person or reputation”.⁴

Regulatory Mechanism in India

A lot of examples of shameful journalism have shown all of us that there is the dire need to protect the fundamental rights of the people from the slaughtering done by the media.

³ (1996) 5 SCC 216

⁴ *ibid*

On the other hand It is said that media shouldn't be control but should be facilitated by the government as the democratic norms of the country demand.

Dr. Madhava Menon, has aptly opined in one of his articles, “the role of law in directing social change is indeed on test in the matter of broadcasting law. There is no definite model to follow it has to be evolved perhaps, through trial and error. If the Fundamentals are clear the state is willing to play its rightful role as an umpire and guardian of public interest.”⁵

As an idealistic approach the media should have some minimum regulatory mechanism to avoid the malpractices of the media. It is been seen the self regulatory system is not that effective as it does not provide any different punishment to the journalists are the media houses that violates such fundamental rights. Recently some media houses have revealed the name of the gang rape victim in Kathua but then no action was taken by the so-called self regulatory system and finally the Delhi High Court imposed a fine on all such media houses. Due to such ignorant approach of the self regulatory system this shows us the need of getting a more efficient system that makes the media more responsible.

Conclusion

In many ways, the media has active as an important pillar of democracy and worked for the betterment of the citizens and Society. In 1990 during the era of liberalisation globalisation and privatisation media became and industry. The commercial edge in the electronic media in particular changed the face of it. In last two decades the side of the media has appeared where it proved harmful and dangerous for the democracy as well as basic human structure. Now this is a correct time when the Government of the country should make and autonomous body for the regulation of the media combining all the present bodies with a mandate to take care of all forms of media including print electronic as well as the social media news which also creates chaos and havoc in the country.

⁵ N.R. Madhava Menon; “Who Controls the Air Waves” III (3) *Voices*, 28 (1995)