

NEED OF THE HOUR: ETHICAL JOURNALISM

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“Were it left to me to decide whether we should have a government without newspapers, or newspapers without a Government, I should not hesitate a moment to prefer the latter.”

--Thomas Jefferson

Journalism

The activity or profession of writing for newspapers or magazines or of broadcasting news on radio or television.¹ Journalism is the practice of investigating and reporting events, issues and trends to the mass audiences of print, broadcast and online media such as newspapers, magazines and books, radio and television stations and networks, and blogs and social and mobile media.

- The product generated by such activity is called journalism.
- People who gather and package news and information for mass dissemination are journalists.
- The field includes writing, editing, design and photography.

With the idea in mind of informing the citizenry, journalists cover individuals, organizations, institutions, governments and businesses as well as cultural aspects of society such as arts and entertainment. News media are the main purveyors of information and opinion about public affairs.²

Ethics

Ethics is two things³. First, ethics refers to well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific

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¹ Oxford Advanced Dictionary.

² <http://www2.uncp.edu/home/acurtis/Courses/ResourcesForCourses/Journalism/JournalismWhatIsIt.html>.

³ *Issues in Ethics* IIE V1 N1 (Fall 1987).

virtues. Ethics, for example, refers to those standards that impose the reasonable obligations to refrain from rape, stealing, murder, assault, slander, and fraud. Ethical standards also include those that enjoin virtues of honesty, compassion, and loyalty. And, ethical standards include standards relating to rights, such as the right to life, the right to freedom from injury, and the right to privacy. Such standards are adequate standards of ethics because they are supported by consistent and well-founded reasons.

Secondly, ethics refers to the study and development of one's ethical standards. As mentioned above, feelings, laws, and social norms can deviate from what is ethical. So it is necessary to constantly examine one's standards to ensure that they are reasonable and well-founded. Ethics also means, then, the continuous effort of studying our own moral beliefs and our moral conduct, and striving to ensure that we, and the institutions we help to shape, live up to standards that are reasonable and solidly-based.

Three ethical theories:

- Meta-ethics deals with the nature of moral judgment. It looks at the origins and meaning of ethical principles.
- Normative ethics is concerned with the content of moral judgments and the criteria for what is right or wrong.
- Applied ethics looks at controversial topics like war, animal rights and capital punishment

Growth of Media and Journalism in India

Media and Journalism have held great value from time immemorial, with regards to their existence and role in India one has to go back to the days when India was under the British rule. A perusal of India's history as a British colony will highlight the role played by journalism to arouse and gather masses across India to take part in the Indian freedom movement. Ranging from English newspapers like *Bombay Chronicles*, *Bengal Gazette* to vernacular newspapers like *Amrit Bazar Patrika*, *Ghadar* and *Harijan*; each played a special role in strengthening the freedom movement of India awakening the minds of young Indians to win back the independence of their motherland. The power of media threatened the British rule in India and several attempts were made at censorship which involved arrests and torture of the editors and columnists of these papers. But it failed to curb the influence of the growing media and these papers remained in circulation secretly, continuing to play the role of motivating the young freedom fighters to fight for the nation.

After Independence, as India emerged as an infant democracy with mutual dependence of the government and the citizens; the media surfaced as an important forum of communication and information about the developmental activities, policy decisions and certain other events. With each passing year the general public's faith on media deepened and simultaneously the powers of media to influence or even generate public opinion strengthened. The growth of media can be estimated from the fact that at present Indian Press consists of more than 5200 daily newspapers and 42000 periodicals in as many as 101 languages and dialects.⁴ The coverage by media of events both in India and across the globe, capturing issues relating to politics, to disasters, to wars and sports; which cater to needs of all its viewers and readers; and these news items tend to influence the views of the public at large. The impact of Media and Journalism on public today is such that it can lead to violence, public protests and even fall of a government; Media has the capability to make or tarnish the reputation of an individual or an organization. Thus, it will not be an overstatement to suggest that Media today plays the role of the Fourth Estate in the Indian Democracy given the reliance of the people on the Media. With such exceptional ability of Media in the present day, it becomes pertinent to look into the freedom of press in nation, expectations of responsible journalism and the ethical issues cropping up with regards to journalism.

Analysis of the Freedom of Press in India

India as an evolving democracy requires the assistance, reassurance and validation by a free press that truly acts as a medium of interaction of the government and the public at large. A free press puts before the Government the problems faced by the public as well as informs the public of the policy successes, failures and major developmental events taking place in the nation. A press which is puppets in the hands of the government will never be able to serve the true purpose of journalism and this point out the necessity of free press in a democracy like India. Although there is no separate provision in our constitution guaranteeing the freedom of press, as in the countries United States of America, the drafters of the Constitution provided for freedom of speech and expression under Article 19(1)(a). The courts have assumed that the phrase "freedom of speech and expression" include inter alia the freedom of the press as evident from cases like that of *Ramesh Thapar v. State of Madras*⁵. It

⁴ Kiran Prasad, *A Theory of Media Ethics : Foundation and Key Issues*, in MEDIA LAW & ETHICS: READINGS IN COMMUNICATION REGULATION Vol. 1, 53 (Kiran Prasad ed., 2008).

⁵ AIR 1950 SC 124.

is material to know that the question of incorporating a separate provision guaranteeing the freedom of press was argued in the Constituent Assembly, but Dr. Ambedkar said that the freedom of press was included within the ambit of the freedom of speech and expression. But the lack of an explicit provision granting freedom of press reflects in the fact that freedom of press stands on no higher footing than the freedom of speech and expression granted to other citizens.

A survey of civil and political liberties carried out by the Freedom House branded the Indian press as being “partly free”. In United States, the First Amendment to the Constitution provided for a separate provision assuring freedom of press and there are no exceptions to this freedom. In India on the other hand, freedom of press being a part of the larger freedom of speech and expression, is subjected to certain restrictions mentioned under Article 19(2) of the Constitution. Despite India being the largest democracy in the world albeit, its press has never been accorded a free status despite having an estimated newspaper readership of 203.6 million.⁶ The data gathered by the Indian Readership Survey 2014 suggests an increase by 3.28% in media consumption from the data gathered by the survey in 2013. To know the nature of restrictions applicable to the freedom of press in India, a scrutiny of Article 19(2) is a must.

The grounds for constitutional limitations upon the Freedom of press as provided under Article 19(2) are as follows:

- 1. Sovereignty and Integrity of India-** This ground was added by the Constitution (6th Amendment) Act, 1963 so as to give effect to the recommendations of the Committee on National Integration and Regionalism. This ground gave government the power to impose restrictions upon any attempt by an individual or organization to make secession from India or cause disintegration of the nation. This ground is a much needed one as given the wide circulation and spread of media, any journalism capable of threatening the sovereignty and integration of the nation must be checked before India is subjected to disintegration and fragmentation. So, an expression which is considered prejudicial to the sovereignty and integrity of the nature can be punished validly by law without any challenge to its constitutionality.
- 2. Security of the State-** Security of State as a ground refers to both internal and external security. With regards to external

⁶ National Readership Survey (NRS) 2006, The Hindu, August, 30, 2006.

security, the State would be able to restrict the freedom of press if it is so essential to protect the nation from external aggression or war. Similarly, State has the power to regulate the freedom of press if it tends to lead to violent revolution or anarchy. However, this should not be construed to mean that there can be no valid criticism against the Government and its policies; but if the media instigates public agitation and overthrow of the government by unlawful means, it can be restricted on the ground of security of state. The provisions under various legislations restricting the freedom of press on this ground have been challenged from time to time and the Courts have objectively struck down or upheld the constitutionality of the provisions on case to case basis. To provide against the misuse of the ground, Supreme Court in the case of *State of Bihar v. Shailabala Devi*⁷ settled a view that “the expression “security of the State” cannot be interpreted to cover minor breaches of public order and peace.”

- 3. Friendly Relations with Foreign States-** As a prudent measure, the press in India is not allowed to indulge in journalism or media coverage that may adversely impact India’s relation with other nations and the State can enact legislations restricting such media coverage. This ground cannot be perceived as one to completely restrict any legitimate criticism of the foreign policy of the Indian Government or the Government of any other State as long as it does not negatively affect India’s relation with other States.

- 4. Public Order-** The term “public order” has a wide meaning and has to be understood in comparison to other grounds set forth under Article 19(2) of the Constitution and the question as to what constitutes ‘public order’ has come up before the Supreme Court in a number of cases. In one such case of *Ramji Lal v. State of Uttar Pradesh*⁸, Section 295A of the Indian Penal Code (IPC) was impugned as violating Article 19(1)(a) as the section made it an offence “to utter words or make visual representations with deliberate intent to wound the religious feelings of another person or class of persons.” In this case, the petitioner who was running a monthly magazine *Gaurakshak* contented that insults to religion or religious belief of a class of citizen of India may not lead to public disorder in some cases and so Section 295A could not be described to be in the interest of public order. The Court rejected the contention and held that: “the provision in question

⁷ AIR 1952 SC 329.

⁸ AIR 1957 SC 620.

penalised those activities which had a tendency to disrupt public order.”

5. **Decency or Morality-** The terms ‘decency’ and ‘morality’ are subjective varying from society to society, age to age and person to person. IPC lays down the law regarding commission of offences affecting public decency and morals. In the landmark case of *Ranjit D. Udeshi v. State of Maharashtra*⁹, the Supreme Court pointed out that: “it was essential that a balance should be maintained between the freedom of speech and expression and public decency and morality, but when the latter was substantially transgressed, the former must give way.” Hence the validity of the restrictions on the ground of decency and morality has to be determined on a case to case basis.

6. **Contempt of Court-** This ground found place under Article 19 (2) to safeguard the dignity and independence of judiciary. There are three kinds of contempt of court; (a) scandalizing the court itself, (b) abusing the concerned parties, and (c) in prejudicing mankind against persons before the cause is heard.¹⁰ The Constitution via Articles 129 and 215 empowers the Supreme Court and High Court to punish for their respective contempt. Though Judiciary is open to legitimate criticism of its judgments, but any remarks scandalizing or adversely affecting the repute of a judge may not be permitted and such freedom of speech and expression may be subjected to restriction under this ground.

7. **Defamation-** Defamation as known in common parlance is an injury to a man’s reputation and is segregated into civil and criminal defamation. Freedom of press is subject to reasonable restrictions by law relating to defamation and so Sections 499 and 500 of IPC dealing with offence of criminal defamation cannot be said to be in violation of Article 19(1)(a) and the media will be liable as any other citizen if matter published is defamatory of a person, though the parameters to prove civil and criminal defamations differ.

8. **Incitement to an Offence-** This ground was inserted by the Constitution (First Amendment) Act, 1951 and so now the Legislature is competent to enact law making incitement to an offence, punishable under such law. But mere admiration or approval of an offence by the media cannot be said to be

⁹ AIR 1965 SC 881.

¹⁰ B.R. SHARMA, FREEDOM OF PRESS UNDER THE INDIAN CONSTITUTION 65-98 (Deep and Deep Publications, ed. 1993).

incitement to offence and hence cannot be made subject to restrictive legislations.

In light of the above discussion, it can be safely inferred that there is no straight jacket formula provided to determine validity of laws incorporating these grounds of restrictions. Though the Constitution protects the freedom of press but the full implications of this freedom has never been worked out either by the Parliament or the Courts. The Courts are consistent with the decades old view that with respect to Articles 19(1) and 19(2) the journalists and media are placed on no higher pedestal than any other citizen not realizing the special responsibilities shouldered by the media as a headspring of information for which a greater freedom of press is desired.

Ethical Principles of Journalism

1. Obligated to deliver the truth

It depends on the citizens of a democratic nation to have correct facts on which they can rely. The so called journalistic truth starts off with gathering and testing the facts. Journalists should try their best convey the news without any bias and without subjecting it to their personal opinion. What makes journalism so important is its power to be precise, to be the basis for deliberations, debates and criticism which is only possible only if there exists a leveled field free from bias and colored interpretations of the news.

2. Answerable to the public

In the field of journalism, the primary answerability is to the citizens, not to the sponsors, the shareholders etc, because this is what makes it the medium of public interest. Following this commitment make the news channel more credible and certainly adds to its good will. Another important aspect is to cover all the sections of the society and not ignoring a particular sector to save it from public scrutiny.

3. Verification is a necessity

What news is to be presented to a large extent is based on how verified it is. When we talk of journalism acting objectively, we relate the concept to delivering transparent news and this transparency depends upon the extent of verification of the news. Without verification, there will always be hint of personal opinion of the journalist in the news article. Thus the journalist should deliver the truth that exists and the one that he wants to hear or present.

It is this method which prevents journalism from becoming a work of mere fiction.

4. Independence

Independence is the corner stone of the trust in Journalism. Independence is what provides a sense of impartiality.

5. Present significant and relevant news

Journalism is not just a piece of story; it is a story with a meaningful motive. It is beyond attracting audience. It is to strike the correct division of what is interesting and what is significant. It should constantly scrutinize itself and decide what is meaningful enough to be presented. The effectiveness depends on both the amount of audience and the extent to which it serves its purpose.

Ethical Issues- The Dark Side of Indian Journalism

A democracy can be a success only if its citizenry is well informed and free to participate in public issues, for which an important constituent is free press. The daily newspaper as an information carrier on a range of issues is the only source which both rural and urban India accesses alike, though urban India and to some extent even rural India has access to other forms of media like radio and news channel on television but no form can substitute a newspaper. Given this great dependence and faith entrusted on the media (both print and electronic) and journalists, it is only fair to expect that the Media shoulders their responsibility and brings to its readers and viewers accurate information giving objective view without unnecessary attempt at sensationalizing the events. But unfortunately, the press in existence today show blatant disregard to these expectations of responsible and ethical journalism and the shift is in favour of selling newspaper for maximizing commercial gains and raising Television Rating Points or TRPs of news channels. The commercialization of journalism has diverted attention to trivial news items which although attracts increased viewership but also results into the public remaining ignorant about certain issues of prime importance. To substantiate the above statement, the authors cite the example of a news piece in 2006, which flashed across news channels for 48 hours covering the rescue of a boy named 'Prince' from a ditch and on the other hand the cause, effect and consequential activities relating to Syrian crisis, conflict in Ukraine finds little or no mention amongst news items. This is not to suggest that the ill fate fall of the young boy into the ditch is not significant, but to continuously cover the incident for 48 hours at the cost of other equally or even more significant information cannot be said to be an act of responsible

journalism. In the last few decades, there has been a rise in the instances of unethical journalism in India. In the words of writer Late Nirad C. Chaudhuri: "Indian are by nature emotive, rather com-motive in their expression", and these words stand accurate when reflected in context of Indian Journalism today. The problem with journalism today is varied from paid news to yellow journalism to increasing trend towards commercialization of news items and in this segment, the authors aim at discussing the same.

- 1. National Security-** Although the Constitution provides for national security as a ground of restriction under Article 19(2), it is not always possible to legislate foreseeing all instances that may have an impact on national security. Even when the law fails to sufficiently protect the national security interests, it is upon media to act in a prudent manner and report incidents having regards to the security concerns of the nation. The coverage of the terrorist attack on Mumbai in November, 2008 was suggestive of media's callous attitude towards concerns for national security. Covering the attack live for almost 2-3 days, the media disclosed the actions and moves taken by police and armed forces in combating the terrorists and this resulted in transfer of India's security plan to terrorists located in Pakistan who instructed their subordinates participating in the attack and ultimately leading to loss of life for policemen and armed personnel. This is not an isolated incident where media coverage and insensitive journalism has led to security threats in India. The news reports of communal conflicts are also presented in such a manner so as to further incite internal security threats in the nation and especially with the news room debates where the leaders of the nation are often seen to make abrasive remarks which worsen the ongoing conflicts.
- 2. Paid News-** The problem of 'paid news' goes beyond the individual corruption of journalists and media houses and is undermining the democracy in India. The phenomenon became particularly noticeable during the 2009 General Elections, as reports came for or against political figures and mostly after under-table financial transactions between the political parties and media indulging in the phenomenon of 'paid news'. The trend continued to grow in subsequent assembly elections in various states across India and in 2014 general elections, about 694 cases of paid news were detected by Election Commission.¹¹ News is meant to be objective,

¹¹ IANS, *Almost 700 paid news cases detected in 2014 Lok Sabha elections*, DNA (Apr. 5, 2015, 6:35 P.M), <http://www.dnaindia.com/india/report-almost-700-paid-news-cases-detected-in-2014-lok-sabha-elections-1989485>.

fair and neutral and this is what sets such information apart from advertisements that are paid for by corporate entities, governments, organizations or individuals and this difference blurs out in instances of paid news.¹² The offers made by media houses of 'rate cards' which are widely availed by political figures in the nation and such offers applaud the political leaders who pay for it and simultaneously diminish the reputation of their political opponents. The casual approach towards journalism under the leverage of paid news can be clearly seen in examples where some specific newspapers on same page applaud competing candidates going to the extent of suggesting that both are equally likely to win the elections. So, to deal with the problem the Press Council of India (PCI) appointed a sub-committee comprising Shri Paranjay Guha Thakurta and Shri Kalimekolam Shreenivas Reddy to look over the issue on June 9, 2009. Based on the suggestions given by this sub-committee, the PCI appointed a drafting committee to prepare a final report. The Committee defined "paid news" as "Any news or analysis appearing in any media (Print and Electronic) for a price in kind or cash as consideration." Not only does paid news affect the objective analysis of election candidates by general public, it also violates the Conduct of Election Rules, 1961 as such expenses are not reflected in the candidate's election expenses. Apart from this, even the media houses don't account for such income which violates both the Companies Act, 2013 and the Income Tax Act, 1961. The above discussion highlights the menace caused by the phenomenon of 'paid news' in India.

- 3. Trial by Media-** Yet another growing area of concern is trial by media, where certain cases are given such wide coverage accompanied with unverified facts and sensational presentation that the case is already opined upon even prior to commencement of judicial trial. The media has self-assumed the role of a 'Public Court' and has started interfering in court proceedings often overlooking the vital gap between an accused and a convict.¹³ On 6th August, 2008, the Supreme Court of India criticized the media for assuming the role of a super investigating authority in the Arushi Talwar and Hemraj murder case and tarnishing the image of not only Arushi's parents but also the deceased persons. Media trial prejudices the accused's right to Fair Trial and in some cases

¹² Press Council of India, *Report on paid news*, PCI (Mar. 27, 2015, 08:17 P.M), <http://presscouncil.nic.in/oldwebsite/councilreport.pdf>.

¹³ SantruptSathpathy, *Trial by Media*, LAW WIRE (Apr. 7, 2015, 4:55 PM), <http://www.lawinfowire.com/articleinfo/trial-by-media>.

especially those involving sexual assault even the victim's right to justice is prejudiced through news reports on her life implicating the victim to be a person of easy virtues. This clearly is Media overstepping its boundaries and trying to unethically interrupt the justice system prevalent in India.

- 4. News and Show Business-** Television as it exists today is a show business. For that reason at least one branch of journalism is trying to adapt itself to a strange new world. In so doing it has taken on some of the elements of this show business. Television news has tried to fit into this glittering show world by a series of compromises which affect both the persons working in the TV news and the product they put on the screen.

Journalism has never known such a disparity in pay as there exists today. The reporter who works with a camera team and develops pictorial stories requires new skills, and his job cannot be compared exactly with a particular newspaper job. But his pay is comparable to what a news writer or editor makes. It is when this issue makes the reporter a performer and news deviates from its very purpose, which is to keep the citizens informed.

Television news has been cut to a pattern that says: "Television is an entertainment medium; therefore television news must entertain." While conceding that news must be presented interestingly if it is to compete and hold an audience, newsman must not succumb to sensationalism. Just as it is true that a good newspaper does not have to be dull, television news can inform with liveliness and vividness. The point is that it must not forget that its primary purpose is to inform and everything else is secondary. Television news is a basic medium for conveying information and adding to human knowledge. If it is not used in this manner, it will abdicate all the claims of it being the basic medium on which people rely. Currently, because it is a part of the show- business system, electronic news cannot ignore the rating obsession. If the news does not do well against certain competition, it is liable to be moved to another time period or to lose its sponsor. Those are the facts. Even so, electronic journalism must keep its balance and remember that a high rating is not the end to which all means must be subjected.

- 5. Deception-** To fulfill the role of watchdog, the journalists sometimes use means of deception that constitutes series of invasion of privacy. They are justified, provided that they have carefully deliberated the reasons for and against deception. The

short term and long term implications of their work on the society at large. The story needs to be socially significant, with its exposure resulting in unveiling public good or unmasking those harming the public. It has to be clear that the benefits resulting from the unveiling of the story outweigh the harm involved in resorting to deception; the other alternatives of expressing the story have been exhausted and have been proven to be insufficient. Accordingly, resorting to deception is justified in only exceptional cases.

The instances of unethical conduct by Media and Journalists are shaking the faith of its readers and viewers who depended on the media for objective and accurate reporting without an attempt at sensationalizing matters. This problem needs to address with utmost sternness so that the public faith in Indian journalism is not lost and the veracity of Indian Press can be trusted and for this reason the PCI has come up with a code of ethical conduct to be followed by journalists in India.

Responsibility of Media

A discussion on journalism must always take into consideration the political and economic establishments, the morals of the nation and the citizen's basic rights and the conceptions of good that guide society. The dissemination of information should take place only after thought has been invested in trying to evaluate its possible results. Media is expected to act with responsibility and accountability with regard to all pieces of the information. Journalists should always be aware of the likely harmful consequences of their actions.

Journalists who live in a democracy are not abstract humans living in some sort of natural state. They are citizens who are expected to support the democratic process by which they operate, and to exhibit responsibility in their reporting. Entry into the world of journalism does not exempt the individuals from their basic responsibility. On the contrary, because of the extra burden of affecting the lives of others, journalists are expected to show sensitivity. They should at all time show respect for the dignity, privacy, rights and well-being of the people encountered in the course of gathering and presenting the news. The respect for others and not harming others should not be held to be secondary to considerations of profit and personal prestige. Journalism does not mean only increasing the sales of a newspaper or promoting the rating of the broadcast. It also means seeing people as ends and not as means.

Boundaries of Media Coverage

The media should not aid in staging, promoting, exaggerating events or rumors. The media has been noticed to act irresponsibly and immorally in all the following instances:

- Reporting on the basis of rumors, without any supporting evidence, or without cross checking sources and testimonies.
- Reporting imprecisely in the interest of creating sensational news.
- Media coverage that shows no consideration other than ‘the public has the right to see all that I am seeing’, without regard for the consequences, is immoral. For instance, reporting is immoral when media broadcast accidents and terrorist events love, unedited and in consequence some of the victim’s relatives are informed of the death of their loved ones by means of the shocking pictures.

The newspaper editors and those who control television programs need to recognize their responsibility and act according.

Ethical Journalism and the Law in India

Newspapers in India are not clad with the quality of virtue all that much, they have their failings and the freedoms and liberties given to them are often misused by them. The Press Commission of India has time and again expressed concern over the “standards and performance of press”.¹⁴ As the press is generally owned by private entities, the expectation of them to follow uniform standards voluntarily is a futile one. The need was felt to establish a Press Council in the country and accordingly the Press Council Bill was introduced in the Parliament in July 1956 and after repeated lapses up to 1966, the initial Press Council Act was passed in 1966 and the Press Council of India was established on July 4, 1966. This Act of 1966 was repealed during emergency in 1976 and subsequently a second Press Council Act (hereinafter the ‘Act’) came into force of March 1, 1978 and has been in existence till the present day. The Press Council is an autonomous body being free from any governmental control and empowered to draw up its own procedures.

The object of the Press Council is both to maintain the freedom of press and to maintain and improve the standards of newspaper and news agencies in India. Under Section 13 of the Act lays down the

¹⁴ Report of the Press Commission (1952), at 340.

functions which are to be performed by the Press Council. These are, (a) to help newspapers and news agencies to maintain their independence; (b) to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards; (c) to ensure on the part of newspapers, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship; (d) to encourage the growth of a sense of responsibility and public service amongst all those engaged in the profession of journalism; (e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance; (f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source.

The Press Council in 2010 released a revised edition of “Norms of Journalistic Conduct” which provides comprehensive guidelines on all aspects connected to journalism. Under these Norms, the accuracy and fairness in content and reporting has been stressed upon and directions are given to the press to stay away from publication of inaccurate, baseless, graceless and distorted material. In order to give the readers and viewers an objective insight into a matter, the media and journalists have been guided to give all the sides to a story without any suggestion towards a preformed opinion. In cases, where journalist receive information pertaining to public interest which may tarnish the image of an individual or organization, such information must be verified prior to publication and attempt must be made to contact the individual or organization whose repute is at stake to find out his version of the story and the 2010 norms also mandate that documents which form the basis of news reports must be preserved for 6 months post publication. The Norms prohibit newspapers to publish defamatory content about dead persons except under rare circumstances for sake of public interest as a dead person cannot defend his stand. Via the Norms, The Press Council also prohibits the journalists from imposing their own opinions in matters reported which is often the case in media trials and reports on corruption. The 2010 Norms further object to the practice of newspapers using barbed, stringent and derogatory language and satirical style of commenting. The Norms also suggest that Journalists cannot invade anyone’s right to privacy out of morbid curiosity unless backed by an aspect of public interest. Interestingly, the revised Norms prohibit the Journalists from tape-recording conversations without the person’s knowledge or consent. The Press has been imposed with the responsibility to report proceedings of the Houses of the Parliament and the Legislatures of the States as long as such reporting is done objectively without malice. In cases of reporting judicial proceedings,

the journalists are cautioned against obstructing, impeding or prejudicing seriously the due administration of justice. The norms aptly prohibit the Journalists from commenting upon evidence collected or character of accused once the court becomes seized of the case. The norms prevent the Journalists to report anything which appears to be vulgar and obscene to public at large. The Media is also not to glorify evil social practices, acts of violence, give wide coverage to matters pertaining to communal conflicts and to refrain from sensationalizing such news items. The practice of threatening people by maligning them through columns of newspapers to extort money must not be resorted to by ethical journalists. Journalists must not indulge in plagiarism and unauthorized lifting of news as it goes against the norms of ethical conduct for Journalists. These detailed norms released by the PCI are to go a long way in resolving the unethical issues that are challenging the age old foundations of Journalism in India.

The Act of 1978 and the norms released by the PCI are sure one of the measures to curb the growing unethical conduct of the Indian Press but the authors find it suitable to mention a few other legislations in place that act as an obstacle to the misuse of freedom of press in India.¹⁵ These legislations are:

- The Official Secrets Act, 1923
- The Law of Defamation
- The Censorship
- The Copyright Act, 1957
- The Laws of Obscenity which is further composed of legislations like Section 3 of the Dramatic Performances Act, 1876; Section 11 of the Customs Act, 1962; Section 20 of the Post Office Act, 1898; Drugs and Magic (Objectionable Advertisements) Act, 1956 etc.
- The law dealing with Parliamentary privileges
- The Contempt of Courts Act, 1971.

Despite there being a number of codified laws along with the existence of Press Council to regulate the conduct of Journalists and Media in India, instances of irresponsible and unethical journalism continues and the authors in the following segment therefore lay down certain suggestions which may bring an improvement in this troubling scenario of Journalism in the nation.

¹⁵ P.E THOMAS, *Laws and Regulations Governing Press Freedom in India*, in *MEDIA LAW & ETHICS: READINGS IN COMMUNICATION REGULATION* Vol. 1, 99 (Kiran Prasad ed., 2008).

According to *Markandey Katju*, the proposed media council shall have 48 members, as against 28 members in the Press Council of India. Of 48 members, 40 shall be the representatives of media (20 from print and 20 from broadcast media) and the council should be given the power of punishing media if it violates the code of conduct and repeated violation would lead to cancellation of license¹⁶. The parliamentary Standing committee too raised this issue in wake of the poor disposal status of the paid news by the Press Council of India¹⁷.

Some of the Recommendations

- We should strive to establish a working environment in which journalists understand their responsibility as people who work in the industry and as citizens in democracy, applying judgment and ethical standards in their reporting, and self-scrutinize and self-control their activities. It is essential to make ethics studies obligatory in media school emphasizing its importance.
- The Press Council should publicize itself, its powers, its work and its adjudication so as to make itself known to the public and to gain its trust.
- Freelance journalists should make themselves familiar with the respective code for practice of the newspaper for which they are writing.
- The code practice should be incorporated into the contracts of the editors and reporters.
- Journalists should adopt their own Journalist oath, in the same manner as the Hippocratic Oath in medicine. The Oath should outline stringent terms and values that would not change over the years.

Conclusion

Limitations need to be placed on media coverage. Freedom of speech is a fundamental right, an important anchor of democracy, but it should not be used in an uncontrolled manner. Unlimited liberty and unqualified tolerance right might deteriorate into anarchy and

¹⁶ MarkandeyKatju,, *Media Council Need of the Hour*, DECCAN HERALD (Apr. 3, 2015, 07:10 P.M), <http://www.deccanherald.com/content/296654/media-council-need-hour.html> (2012).

¹⁷ *Wind up Press Council or Revamp it: Parliamentary Panel*, ECONOMIC TIMES (Apr. 6, 2015, 9:25 P.M),[http://articlas.economicstimes.indiatimes.com/2013-05-06/news/390653231_1_paidnews-mediahousesmediacouncil/wind-up-press-council-or-revamp-it-parliamentary-panel/PTI-may-6,2013,9.13-pm-IST\(2013\)](http://articlas.economicstimes.indiatimes.com/2013-05-06/news/390653231_1_paidnews-mediahousesmediacouncil/wind-up-press-council-or-revamp-it-parliamentary-panel/PTI-may-6,2013,9.13-pm-IST(2013)).

lawlessness, and in such an atmosphere, democracy would find it quite difficult to function, and the media would be one of the first institutions to be undermined.

Today's public is more aware of the power of the media and is more willing to voice its dissent when it finds the media's conduct offensive or unacceptable. It seems that ten years ago the publication of a correction was a rare occurrence, whereas nowadays people complain more and media agencies are more willing to admit their mistakes. The media should understand that it is preferable to control its agencies than for the state to intervene through the legislature and courts.

No one on the outside has made criticisms of television news which the individuals working in it haven't themselves made. This profession has been self-examining and unceasingly self-critical, willing to find ways to improve itself. As evident from the remarks of the former PCI Chairman, Justice M. Katju,

- Firstly media's focusing on trivial issues rather than on issues of concern,¹⁸ as Noam Chomsky opines that most of media reporting is biased towards the affluent and the influential class¹⁹.
- Secondly dividing communities and creating misunderstanding among them and thirdly engaging itself in obscurantist fetishes like astrology and supernatural rather than propagating rational and scientific thinking. According to *Katju* media has an important role to play in helping the country to make a transition from a feudal society to a modern industrial one quickly and without pain. He wants media to play a similar role played by the European media by attacking feudal, backward ideas and practices like casteism, communalism, superstition and promoting modern, scientific and rational ideas²⁰.

Media is the most common mode of carrying forward the public opinion and also keeping the public informed. It is thus important that media acts with a sense of responsibility. The media should keep its opinion objective, free from and prejudice or bias. It should try

¹⁸ Muralidharan, Sukumar, *Press Council as Bully Pulpit Debate on Media that could go nowhere*, ECONOMIC AND POLITICAL WEEKLY, Nov.19, 2011, at 47.

¹⁹ Stark Aaron, *Media, Politics and Action*, CMAGENDA,(Apr. 5 2015, 6:17 P.M),<http://www.chomsky.info/>.

²⁰ Justice MarkandeyKatju,*On the role of Media in India*, HINDU, (Apr. 3 2015, 7:23 P.M),<http://www.thehindu.co.in/>.

and explore all the possibilities and point of views. Undoubtedly free media is a pillar of democracy. One of its roles is to watch what the Government does; the media will not be able to perform this duty if it is under the government's control. But it is essential for the media to take some concrete measures to improve their conduct.

