

FREEDOM OF PRESS WITH SIGNIFICANCE OF JOURNALISM ETHICS IN INDIA

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Abstract This paper explores the concept of media ethics with special reference to the Indian Media, both Print and Electronic. The media power has been controlled by economically and politically powerful people. Consequently, a section of Indian press has evaded many issues when harassment or attacks on particular minority communities took place. A few papers have shown anti-minority bias openly. Some of the news papers and e-media works for the political parties, is this freedom of press? The question arises when such things were noticed by common people. This paper will explore those aberrations and analyze the ethical principles of the media. This paper clarifies correlation between freedom and responsibility. The concept of the freedom of the press is a legal matter with its scope and restrictions but the exercising of responsibility depends on ethical codes, which perhaps starts with self-censorship of the media. Ethics have many socio-economical-political and cultural layers which made it flexible in comparison to rigid law. The article mainly deals with 'trial by media' and 'sting operations'.

Keywords: Freedom, ethics, PCI, Indian Press

Introduction

Freedom of the press and journalistic ethics is an important topic today, in India with the word 'press' encompassing the electronic media also. There should be a serious discussion on the topic. That discussion should include issues of the responsibilities of the press, since the media have become very prominent and very powerful. Freedom is important, so is responsibility. In countries like India, the media have a responsibility to fight backward ideas such as caste and communalism, and help the people fight poverty and other social evils. In India, freedom of the press has been treated as part of the freedom of speech and expression guaranteed by Article 19(1)(a) of the Constitution, However, as mentioned in Article 19(2), reasonable restrictions can be placed on this right, in the interest of the sovereignty and integrity of India, the security of the state, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. Hence, freedom of the media is not an absolute freedom.

The Significance of the freedom of the press lies in the fact that for most citizens the prospect of personal familiarity with newsworthy events is unrealistic. In seeking out news, the

media therefore act for the public at large. It is the means by which people receive free flow of information and ideas, which is essential to intelligent self-governance, that is, democracy. For a proper functioning of democracy it is essential that citizens are kept informed about news from various parts of the country and even abroad, because only then can they form rational opinions. A citizen surely cannot be expected personally to gather news to enable him or her to form such opinions. Hence, the media play an important role in a democracy and serve as an agency of the people to gather news for them. It is for this reason that freedom of the press has been emphasized in all democratic countries, while it was not permitted in feudal or totalitarian regimes.

In India, the media have played a historical role in providing information to the people about social and economic evils. The media have informed the people about the tremendous poverty in the country, the suicide of farmers in various States, the so-called honor killings in many places by Khap panchayats, corruption, JNU Case, Election Campaign, International Relations, Paid News, and so on. The Press Council of India has clear guidelines

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मीडिया मीमांसा

Media Mimansa

July - September 2016

for reporting rape. But newspapers generally ignore them. In a profession, where information is the product, it is critical that rape is not "just another crime" and must not be covered as such. It is intensely personal, its violence inescapably intimate. But helpful reporting on rape is the exception, not the norm.

Ethics and its role have been defined variedly. The term 'Ethics' comes from the Greek word 'ethos' meaning 'custom 'or 'usage 'or 'character'. It is a systematic study of general principles of right or wrong behavior. It implies the application of the moral principles to the issues concerning the society. The word 'ethics' has philosophical considerations.

Ethics is a branch of philosophy that involves recommendations on right and wrong conduct .Media ethics is a topic for discussion for nearly a century. However, the media have a great responsibility also to see that the news they present is accurate and serve the interest of the people. If the media convey false news that may harm the reputation of a person or a section of society, it may do great damage since reputation is a valuable asset for a person. Even if the media subsequently correct a statement, the damage done may be irreparable. Hence, the media should take care to carefully investigate any news item before reporting it. Sometimes the media present twisted or distorted news that may contain an element of truth but also an element of untruth. This, too, should be avoided because a half-truth can be more dangerous than a total lie. The media should avoid giving any slant to news, and avoid sensationalism and yellow journalism. Only then will they gain the respect of the people. There are formal and informal controls through which media are regulated. *Formal controls* include rules and regulations, do's and don'ts and industry norms and *informal controls* comprises of civil society organizations, buyers and advertisers.

Code of ethics

Some feel it is necessary and the others opine that it is unenforceable as it restricts the constitutional rights.

Recently, reports were published of paid

news. Which involves someone paying a newspaper and getting something favorable to him published? One of the Chief Ministers of Maharashtra has been summoned by Election Commission of India with some Media Persons. Media comments on pending cases, especially on criminal cases where the life or liberty of a citizen is involved, are a delicate issue and should be carefully considered. The British law is that when a case is *sub judice*, no comment can be made on it, whereas U.S. law permits such comment.

Being the fourth estate of the democracy the media are the means through which people get the information. Another important concept of democracy is that media should serve the governed and not the governors. The information dissemination of media, therefore, centers through public interest. Sting operations, the newest trend of investigation where the journalist catches the subject unguarded, is considered to be a threat on privacy of the individual. The right to privacy in India is also the outcome of judicial activism. A sting operation in media can be very well instrumental to malign a person publicly with the help of spy camera or such hidden weapon. The Aarushi murder case that set off a media frenzy is a case in point.

A teenager girl named Aarushi Talwar was murdered along with a domestic servant of her house in a posh Delhi locality in 2008. The double murder case came under intense media scrutiny with the manner and grammar of the coverage triggering a debate on the limits of the media. The media pronounced guilt and innocence without proper corroboration by the concerned authority. Media's constant pressure forced the investigating agency (the CBI) to take the help of the Supreme Court which passed a restraining order barring the media from any scandalous or sensational reporting on the case. Justice Altamas Kabir stated "We are asking the press not to sensationalize something which affects reputations." But the broadcast media and the press cannot be unilaterally blamed. The news was in circulation in the internet too and the television channels and newspapers used the technique of "reconstruction" of the crime scene and incident to accentuate hype and interest of the

audience/readers in the issue. The need to sensationalize the news emerged from the need to remain relevant and crucial in the public domain. The ethical norms and legal standards make clear distinction between “in public interest” and “interest to the public”. The coverage of 26/11 attacks by the television channels in India came under severe criticism for turning a blind eye to the safety of the hostages, the security of the rescuers and above all the national interest. While all the other attack points were freed from terrorists by the 28th morning, the Taj Hotel remained under the control of the terrorists. The television coverage helped the terrorists by showing everything in their live coverage from the vantage point of the rescuers to the possible strategies and measures to be adopted by the National Security Guards in the “Operation Black Tornado” without bothering about the impact it would have on the security concerns and delaying the rescue process.

Methodology

The methodology used in the paper is philosophical and analytical. Secondary sources like books, journals and newspaper articles both print and online have been made use of in the study. The objective of this paper is to understand the influence of ethics on Indian news media in particular through a few instances in the recent history. We are aware that the traditional mass media like the press and television face a huge challenge when confronted with the possibilities of the new media.

Conclusion

Journalists have to act independently not only for the sake of maintaining ethical standards

but for zealously guarding their freedom and their constitutional rights. Journalists everywhere play a vital role in providing the public with knowledge and understanding. They must therefore remain sensitive to issues such as fairness, accountability and accuracy. Reporters continuously need to ask themselves ethical questions throughout different stages of their investigations and be ready to justify their decisions to editors, colleagues, and the public. Usually, the ethical way of accomplishing tasks is tougher, but all reporters should be willing to confront such a challenge if they want to protect the sanctity of their media.

The media owe social responsibility. It has a multifarious role to play. According to the Press Council of India chairman *Markandey Katju*, “A large section of the population are ignorant and backward, it is all the more necessary that modern ideas are brought to them and their backwardness removed so that they become part of the enlightened India”. Only with the help of media that a number of issues like terrorism, improving international relations, eradicating poverty, solving the problem of unemployment, creating awareness among the people on the issues of concern and others, a solution to all these problems could be found as media could do wonders. “*Free and a responsible press*” if this phrase is to be true in spirit and form, media is expected to follow the ethical standards while reporting and at the same time media also be provided with the requisites for maintaining ethical standards. As far as the PCI is concerned it enjoys limited powers and therefore it must at the most be given the power to keep the media on toes by empowering it to punish those found guilty of violating the norms of journalistic conduct.

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