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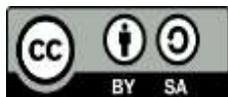
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## **Unit- 1: Media Portrayal of Women, Issues of Empowerment**

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### **1.1 Learning Objective**

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The objective of this unit is to

- a. Understand the issues faced by women due to gender bias
- b. Understand the role of media in portraying women

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### **1.2 Gender Equality or Inequality In India**

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To understand this topic it becomes necessary to understand ‘what is gender?’ As defined by World Health Organization (WHO), gender refers to the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. However, it varies from society to society and can be changed. While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact with others of the same or opposite sex within households, communities and work places. When individuals or groups do not “fit” established gender norms they often face stigma, discriminatory practices or social exclusion. Gender norms, roles and relations influence people’s susceptibility to different situations.

In India, gender equality/inequality has always been a matter of debate. If one goes through the Hindu religious texts like Vedas and Puranas, one will find that there was a time where women were considered more powerful and were given preference. *Swayamvars* (a type of marriage in Hindu religion in which the bride had the authority to select and reject her groom) which existed in mythical age is one such example to prove the above sentence.

However, as time passed, women were made a subject of homely matters and her privileges snatched. They were not allowed to stand equal to men. Women and children were supposed to be the most vulnerable and attacked to take revenge. The stories of Sita from Ramayana and Draupadi from Mahabharata are examples of such subjugation.



But this was not all. Women have always stood for their position and pride. During India's struggle for independence many women came forward to fight equally for the freedom. Rani Lakshmi Bai, Sarojini Naidu, Savitri Bai Phule, Captain Laxmi Sehgal, Kasturba Gandhi, Indira Gandhi are few names but the list is long with many names unsung.

If we go through the history, we will find that the roles of women have been shifting from time to time. She enjoyed extreme supremacy during matriarchal reign but gradually men couldn't bear the supremacy of women over theirs and then particular norms were set for them. The society turning into patriarchal, women have been suppressed thereafter. There came a time when numerous norms were set for women like *sati pratha*, *pardah* system. People came forward to break these norms and they abolished, but only for namesake. These norms and the subject of gender differentiation had been injected so deep that they have yet not been abolished from the mentality. This statement can be justified where widows are not allowed to wear colourful attires, eat plain vegetarian food and at times even segregated from blessing married couples. Women who have not been able to conceive are seen as if they are some infectious disease. And yes, these customs are quite prevalent today.

Women and girls in many parts of rural India are not let to rise above their daily household chores. There are families who are dismayed if a girl child is born. A girl child is not allowed to get out of the house. While the male counter-part goes to school and gets proper education, she is supposed to stay at home and help other female members with the daily chores. Not only this, discrimination is done also in choice of meals and luxury. Apart from these, women are subjected to domestic violence.

People may say that these differentiation and norms only exist in rural India, if they exist. But the reality and data do not spare the urban India also. Cases like Nirbhaya gang-rape case from Delhi, murder of the famous female journalist Gauri Lankesh, Karnataka speak a different story.

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## 1.2 Issues Faced by Women

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If we come to talk about issues faced by women, the list goes on. A female's struggle starts from the day she is conceived in the womb of her mother. Sex determination and abortion of a female foetus has been put under punishable act. But the ground reality differs. There have been numerous cases of killing of female foetus. Many times if the child is born, she is thrown in garbage or killed just after birth, even sold for prostitution.

Some other issues faced by women are as followed –

- Female infanticide and sex-selective abortion
- Preference to a boy child over girl child
- Child marriage



- Domestic violence
- Dowry
- Sexual harassment
- Acid attack
- Workplace and wage discrimination
- Honour Killings
- Trafficking

Women in India have been subjected to violence with changing forms. Many times these crimes are not reported even due to social stigma (which is an issue in itself).

According to Thomas Reuters Foundation survey India is the fourth most dangerous place in the world for women to live in. Women belonging to any class, caste, creed or religion have been victims of this cruel form of violence and disfigurement.

Women who dared to refuse a man's proposal of marriage or asked for a divorce were made victims of acid attacks in the form of revenge. Laxmi Agarwal's case is one such example in which a 15 years old girl, Laxmi, was attacked by a 32 years old man, Gudda, when she refused his proposal.

The next issue which has been traditionally prevalent in India but is supposed not to be continued in modern India is 'child marriage'. However, according to UNICEF's "State of the World's Children-2009" report, 47% of India's women aged 20–24 were married before the legal age of 18, rising to 56% in rural areas. The report also showed that 40% of the world's child marriages occur in India.

Another major issue is 'domestic violence' which is endemic in India. Around 70% of women in India are victims of domestic violence, according to Renuka Chowdhury, former Union minister for Women and Child Development. The National Crime Records Bureau reveal that a crime against a woman is committed every three minutes, a woman is raped every 29 minutes, a dowry death occurs every 77 minutes, and one case of cruelty committed by either the husband or relative of the husband occurs every nine minutes. This occurs despite the fact that women in India are legally protected from domestic abuse under the Protection of Women from Domestic Violence Act. It will not be wrong to say that almost every woman is exposed to domestic violence in physical, psychological or economical forms. Dowry has been recognized one of the major cause of domestic violence.

'Honour killing' is another heinous crime against woman. Females in India are seen as torchbearers of family's 'honour'. Falling in love with men of other religion, caste and dalits and marrying them is seen as an offensive act.

Many couples have been tortured, beaten up brutally and killed in the name of this offense. There are numerous cases where the couple is murdered by the family members only. A 16 years old girl in Chadigarh was killed by six of her family members because she had fallen in love with a 19 years old boy from her village. In other cases, Swathi



and Nandish from Tamil Nadu, Harish and Meenakshi from Bengaluru were killed for the same so called ‘offense’.

Recently, the country has seen an outrage due to another issue which is rape. Forget women, even girl infants and children are not safe. Three days after a two-and-a-half year old girl was abducted from her home in Aligarh, Uttar Pradesh, her mutilated body was carried by stray dogs out of a dumping ground. This little girl was raped her eyes gouged out and then killed & dumped. Another severity happened when an eight year old girl, Asfia, was abducted and killed in Kathua, Jammu.

Rape in India has become one of the most common crimes against women and United Nation’s human rights chief has pronounced it as a ‘national problem’.

This gender discrimination does not leave a woman at her workplace also. Study reveals that most women get paid less only because of their gender. The recent ‘Me Too’ campaign has brought in lime light the ‘favours’ asked by men at workplace where eminent personalities like MJ Akbar, Nana Patekar, Anu Malik and many more were put to question. Social Media was flooded with the ‘hash tag Me Too’ from women from not a field to spare. Apart from verbal and physical abuse, women suffer from unfair wages due to their gender at workplace (mostly in private sectors). There have been examples when women were thrown out of their jobs when asked for a menstruation leave or maternity leave.

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## **1.4. Government Policies for Girls and Women**

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To ensure the safety and development of girls and women, Government has always been coming up with different policies and schemes. Some of the policies are as followed –

- Beti Bachao Beti Padhao
- UJJAWALA – A comprehensive scheme for prevention of trafficking and rescue, rehabilitation and re-integration of victims of trafficking and commercial sexual exploitation.
- Working women hostel
- Naari Shakti Puraskar
- Mahila Shakti Kendra
- All-women police station
- STEP – Support to training and employment programme for women
- Reservations to women in educational institutions
- Several scholarship programmes

The most recent development has been ‘death-sentence’ to the accused of rape of child below 12 years among few others. All these and other policies and schemes are examples of a progressive step taken to empower girl and women.



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## 1.5 Understanding Feminism

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In recent days a strong word has come up in favour of women, 'feminism'. What is feminism? So any idea that defines, establishes and achieves the political, economic, personal and social equality of the sexes can be termed as a 'feminist idea' and the whole 'feminism'.

Feminism has covered a whole range of social, political and ideological movements which shares the goal to attain equality with the other sex. It indulges breaking stereotypes.

In one of the recent cases, Bollywood actress, Priyanka Chopra was trolled for wearing a skirt and showing legs while meeting the Prime Minister of the nation in an off-shore formal meeting. This incident was condemned harshly. Questioning any woman on the choice of dress is against the conduct and feminist parties had come in front as saviours. Feminism incorporates the position that societies prioritize the male point of view, and that women are treated unfairly within those societies. People with these ideologies are making an effort to change that include fighting gender stereotypes and seeking to establish educational and professional opportunities for women that are equal to those for men.

Feminist movements have come in front to campaign for women's rights, including the right to vote, to hold public office, to work, to earn fair wages or equal pay, to own property, to receive education, to enter contracts, to have equal rights within marriage, and to have maternity leave. Feminists have also worked to ensure access to legal abortions and social integration, and to protect women and girls from rape, sexual harassment, and domestic violence. Changes in dress and acceptable physical activity have often been part of feminist movements.

The above mentioned '#Me Too' campaign was one such feminist movement.

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## 1.6. Portrayal of Women in Media

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Media is a strong platform to put any issue forward. Not to mention, any nation's media plays a pivotal role in raising and shutting any issue, and creating and demolishing one's image.

The fast and recent transformations in information technology have undoubtedly been able to make great contribution to the advancement of women. Without fail one can notice that more women are involved in careers in the communications sector. However, very few have attained positions at the decision-making level or serve on governing boards and bodies that influence media policy.

Going back to the 90's and early 20's, names of female journalist, news anchors and film directors could be counted on fingers like, Neelam Sharma, Nalini Singh, Barkha Dutt, Meghna Gulzar. The scenario has drastically changed with the increasing number



of television channels, newspapers and magazines. The increase in number of media forms is almost equal to the number of female names attached to them.

Films have been a very strong medium of portraying women in our society. In the beginning of Indian cinema, there were no female faces; male actors would get dressed as their female counterpart. Introduction of actresses like Durga Bai, Geeta Dutt and so on started changing the scene and scripts with female characters being written. Even then, females were just supporting actresses and their role would not exceed more than frilling and twirling.

In 1972, there came a movie, *Sita aur Gita*, in which the story revolved around the female protagonist played by Hema Malini. Though it was a comedy, it was one of the movies which established a strong woman character. This was the time when characters for women started being sketched with equal priority. Introduction of Sridevi was another milestone in Indian cinema for portrayal of women, as a film magazine asked 'Is Sridevi a hero?' Sridevi's character in movies like *Sadma*, *Chalbaaz*, *Mr. India*, *Lamhe* made her a worthy opponent against her co-stars.

However, mid-nineties has seen the most derogatory portrayal of women, where women could be seen shaking their legs on some of the most mean and sexually provoking item numbers. For example numbers like *munni badnam hui*, *chikni chameli*, *chammak challo*, *tu cheez badi hai* must have clearly objectified women.

But then there were many saviours also. Movies like *Aradhana*, *Kya Kehna*, *Sangharsh*, *Fire*, *Mrityudand*, *Kahaani*, *English Vinglish*, *Queen*, *Naam Shabana*, *Pink*, *Mary Kom*, *Dangal*, *Mom*, *Raazi* has helped create an image of women where she is not just seen as decorating the scenes but playing her parts strongly.

Print and electronic media has also seen some major changes as most of the anchors are women now. This has helped in giving feminine touch and female perspectives have been uncovered. Vidya Balan's radio show '*Dhun Badal Ke To Dekho*' is a fresh breeze among these cheesy and mushy shows on radio FM channels. Even on debate desk, female moderators can be seen shutting the arguers.

Daily soaps on television channels cannot be ignored while talking about portrayal of women in media. In some recent studies it has been found that Indian daily soaps are one of the most depressing in the world. In most of the daily soaps women can be seen decked up with heavy jewelry and make up, and wearing the most glittery clothes even when at their homes. Here, the vamps are busy plotting conspiracies and the protagonists sobbing continuously. Some of the examples of such daily soaps are – *Ye Rishta Kya Kehlata Hai* (which has been running onscreen for almost 12 long years), *Naagin* (a serial which is based on fake superstitious ideas), *Guddan Tumse Naa Ho Payega*, *Kasauti Zindgi Ki* and many more.

But this is not in all cases. There had been serials like *Udaan*, *Shanti* in mid-nineties which had come up with some very strong women characters.



It cannot be held untrue that the picture is not very balanced of women's diverse lives and contributions to society in the changing world. The world-wide trend towards consumerism has created a climate in which advertisements and commercial messages often portray women primarily as consumers and target girls and women of all ages inappropriately.

Most of the advertisements are men oriented and focused on luring women as a sex object. For example advertisements of deodorants, talcum powders, men's inner wears, condoms etc. In maximum of these advertisements women are subjected to creatures for getting pleasure in these advertisements. Not only these, but women cosmetics' advertisements are also biased. Most of the advertisements of beauty products insist on promising fairness and focus on outer beauty rather than improving the quality and texture of the skin and personality overall.

In general, media continue to present both women and men in stereotyped ways that limit our perceptions of human possibilities. Typically men are portrayed as active, adventurous, powerful, sexually aggressive and largely uninvolved in human relationships. Just as consistent with cultural views of gender are depictions of women as sex objects who are usually young, thin beautiful, passive, dependent, and often incompetent and dumb. Female characters devote their primary energies to improving their appearances and taking care of homes and people. Because media pervade our lives, the ways they misrepresent genders may distort how we see ourselves and what we perceive as normal and desirable for men and women.

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## **1.7 Empowerment of Women through Media**

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Media can be one of the most powerful tools in empowering women as it reaches the mass. Media has the power to educate and influence public opinion. Any common man relies on the media to know about happenings around his society, nation and world. Media also has the power to pressurize.

In today's scenario when media had so much transformed and extended, it becomes its one of the responsibilities to increase gender sensitivity.

Some of the ways in which media can help in empowering women are -

- Media should avoid being gender judgmental.
- Derogatory contents of women should not be promoted.
- Media's should speak against atrocities against women without fail.
- Most of the schemes of government do not reach to the targeted segment because of lack of awareness. Here media can play a vital role in spreading awareness on health, political involvement, economy and psychology of women.
- Success stories of other women should become dominant in media as advertisements are.



- Wide spread of internet and online web series are playing a good part in taking up women issues. Instead of family dramas, ideas based on issues of women and their solution should be developed and their reach made sure.
- Media only for dissemination of news (paid news) and entertainment should be checked. A more balanced content should be designed.

The cases where media has played an active role in empowering the women cause are Priyadarshini Mattoo Murder, Jessica Lal Murder case, Shah Bano Case, Bhanwari Devi Case, Shreya Singhal, Kathua Case, Nirbhaya case and many more. Apart from these some serious issues are raised in the fiction stories too. These the readers can add as per their exposure to such programmes which are significant with reference to women and society.

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## 1.8 Summary

Women should be empowered by enhancing their skills, knowledge and access to information technology. This will strengthen their ability to combat negative portrayals of women internationally and to challenge instances of abuse of the power of an increasingly important industry. Self-regulatory mechanisms for the media need to be created and strengthened and approaches developed to eliminate gender-bias programming. Most women, especially in developing countries, are not able to access effectively the expanding electronic information highways and therefore cannot establish networks that will provide them with alternative sources of information. Women therefore need to be involved in decision-making regarding the development of the new technologies in order to participate fully in their growth and impact.

In India, media is considered to be the fourth-pillar of democracy. Hence, its responsibilities increase while portraying women. Media should promote mainstream gender perspective policies and programmes. News, serials, films which distort and defame a woman's image should suddenly be scrapped.

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## 1.9 Check Your Progress

1. Discuss the changing role of women in Indian cinema in every decade since the beginning of Indian cinema.
2. Taking into account the recent rape cases in the country, analyse the role of media.



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## Unit-2: News Media and Ethical Concerns

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### Structure

- 2.0 Introduction
- 2.1 Learning Outcomes
- 2.2 What are News Media's Ethical Concerns?
- 2.3 Causes of Ethical Concerns
- 2.4 Universal Ethical Concerns
- 2.5 Ethical Issues
  - 2.5.1 Conflict of Interests
  - 2.5.2 Bias and subjectivity
  - 2.5.3 News-source confidentiality
  - 2.5.4 Sting operations
  - 2.5.5 Paid News
  - 2.5.6 Intrusion into Privacy
  - 2.5.7 PR Press Releases Masquerading as News
- 2.6 How to Address Ethical Concerns
- 2.7 Let Us Sum Up
- 2.8 Check Your Progress
- 2.9 Check Your Progress: Possible Answers

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### 2.0 Introduction

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In the previous unit of this block, you were acquainted with the concept of the term 'ethics' and it was explained why it is vital for all of us to adhere to ethics. In this unit, we shall take the discussion forward and deal with some ethical concerns that our nation's mass media in general, and the news media in particular, should be essentially sensitive to. There are numerous deep-seated ethical concerns in the news media contents that are being thrown up day in and day out. This unit will provide you with some professional inputs and guidelines about news media's role in reflecting these values and our national aspirations.

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### 2.1 Learning Outcomes

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After reading this unit, you should be able to:

- define ethical concerns;
- discuss the reasons of these ethical concerns;
- outline steps to address these ethical concerns; and
- develop ethics in your professional career.

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### 2.2 What Are News Media's Ethical Concerns?

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In the previous unit, ethics were defined as "that branch of philosophy dealing with values relating to human conduct with respect to rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such action." By



dictionary definitions both ethics and morality are concerned with conduct that is right is wrong according to accepted standards or principles.

Now, let us understand the meaning of 'ethical concerns' in news media's operations. According to the 1996 edition of the Webster's New Universal Unabridged Dictionary the word 'ethical' means: "pertaining to, or dealing with morals or the principles of morality; pertaining to right and wrong in conduct; secondly, being in accordance with rules or standards for right conduct or practice, particularly the standards of a profession that should be: good moral, upright, honest, righteous, virtuous."

According to Roget's 21st Century Thesaurus in dictionary form, 1999 the word 'ethical' stands for being "clean, conscientious, correct, decent, elevated, equitable, fair, good, high-principled, honest, honourable, humane, just, kosher, moralistic, noble, straight, respectable, right, right-minded, square, true blue, upright, upstanding, virtuous."

The online dictionary.com states the meaning of 'ethical' as: "pertaining to or dealing with morals or the principles of morality; pertaining to right and wrong in conduct; or, according to standards for right conduct or practice, especially the profession."

Now let us look at the word 'concern,' according to Webster's it means: "to relate to; be connected with; be of interest or importance to; to affect; to interest or engage; anything that relates or pertains to a person; business; affair; matter that engages a person's attention, interest, or care or that affects a person's welfare or happiness; important matter having bearing on."

Therefore, if we put these two words together, 'ethical concerns' would mean anything that calls into question the ethics of a person or organisation. However, it also needs to be stated that the concept of right or wrong varies with time, place and situation. They evolve over a period of time and cannot be applied uniformly as they are relative concepts. Behaviour that is considered unethical by one society or a generation may be quite acceptable to another. Nonetheless, ethical conduct remains of significance to the society.

Any event or story that is not completely truthful or has been obtained through wrongful means or not 'according to standards for right conduct' of media is of ethical concern. If any news medium focuses negatively or adversely on a specific aspect of a news story, without any valid, verifiable, or justified reason on a person, an organisation/institution, business firm, to deliberately hurt their image; that would be deemed unethical.

Thus, as a media professional you should make correct choices in your conduct and decision-making in day-to-day practice, so that you can discharge your duties without fear or favour, and with a clear conscience.

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### **2.3 Causes of Ethical Concerns**

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In recent times, the delivery of news has become almost instantaneous - thanks to the worldwide web, 24x7 global internet services, smartphones, texting, etc. In order to



meet the audiences' needs, expectations and demands for news, and still more news, reporters and news correspondents are constantly expected to meet the taxing standards and requirements that are set by news media organisations. To effectuate the rising scales and standards of speed, accuracy and fairness, the news media are quite frequently faced with several tough situations and requirements. Moreover, to make sure that what the news media present to the audience is objective, truthful, verifiable, just, impartial, most important, and latest to the fraction of a second; is extremely challenging during normal circumstances for anybody. These could be even more stern and critical in emergent circumstances.

The reporters have to rise to the demands of any occasion and race against time to meet the unearthly deadlines and cope with limited feedback from news sources. For example, an untimely fire or murder mishap will invariably put the news media persons on their toes. Besides, with a view to making a report accurate and comprehensive to the last detail, collecting and packing all the facts, writing the piece as objectively as possible and, turning it in time for publication or broadcast turns out to be very often an exacting challenge and, these have to be met by media news reporters daily to meet audiences' expectations from them.

While the news media always stretch every nerve to be up-to-date, truthful and objective in reporting a news event; but extraordinary haste, jet speed-developing events, shortage of time, and lack of fuller details may make the story wanting in many ways, such as a detailed description of circumstances leading to the occurrence of the event, etc.

Given the arduous environment in which the news persons perform their task, though difficult, certain vital points can get left out due to heavy scramble for resources, late news-fall, and shortage of newspaper space or lack of radio or television time. To handle such tight rope situations, many times reporters make do with whatever information is easily available or accessible to transmit their dispatches in time. Obviously, mistakes do take place; inaccuracies are bound to creep in, most often unintentionally, and sometimes, even deliberately. Racing against the clock, or due to lack of resources at their disposal, a reporter may not visit the news spot, which can create visible (objectionable) loopholes in the story and may lead to people's distrust of the news media's adequate care for the audiences' ethical concerns or the core values of the media outlet's intentions and integrity.

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## **2.4 Universal Ethical Concerns**

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News media establishments have globally accepted ethical principles and standards. Stephen Ward of the University of Wisconsin, Center for Media Ethics opines, “global media ethics aims at developing a comprehensive set of principles and standards for practice of journalism in an age of global news media”. He states that since “news reports via satellite or internet reach people around the world, and influence the actions of governments, militaries humanitarian agencies and warring ethnic groups, a



responsible media ethics is needed in a world where news media bring together a plurality of different religions, traditions and ethnic groups.”

Prof. Ward further argues that global journalism ethics can be seen as an extension of journalism ethics - to regard journalism’s ‘public’ as the citizens of the world, and to interpret the ethical principles of objectivity, balance, and independence in an international manner. Journalism ethics become more ‘cosmopolitan’ in tone and perspective. According to him, the components for global media ethics should be: “1) global re-interpretation of the ethical role and aims of journalism; 2) global re-interpretation of existing journalism principles and standards – objectivity, balance and independence; 3) construction of new norms and ‘best practice’ as guides for the practice of global journalism”.

In addition, it should be remembered that today’s news media persons will gain greater insights in the audiences’ extending ethical concerns by pursuing the following new leads of the profession: by conducting research studies in news media’s new innovation in reporting new and emerging global regions, studying the impact of globalisation of news media — ownership, technology, practice; coverage of global issues; their local and international approaches to news reporting, news analysis, photojournalism, etc. To adequately perceive such issues at length, it would be immensely profitable to access some of the internationally recognised news media organisations’ news outlets; such as The Wall Street Journal, The Times, London, Fox television network; The New York Times and its affiliates, The International Herald Tribune; to name a few.

News media persons should also try to emulate global reporting practices and standards; redefine coverage of international events; watch globally accepted journalists’ code of ethics; global initiative to defend and enhance free and responsible news media. It is considered imperative that global media ethics should act as global agent; serve the citizens of the world; and promote non-parochial understandings.

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## **2.5 Ethical Issues**

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As discussed earlier, news media is faced with various kinds of ethical concerns which may vary in terms of time, place, person and organisation. However, some major issues afflicting news media are discussed in this section.

### **2.5.1 Conflict of Interests**

Conflict of interest occurs when a media person’s obligations or interests clash with his/her duty as a journalist. This practice can take on many forms, let us look at some of them.

Many media organisations in India have stakes in other business interests and this interferes with their ability to report objectively on topics that could be detrimental to the said businesses. In such cases, media owners try to tell the stories in a manner that is beneficial to them. They would not want to report and can forbid their editors to report on any issue which could harm their business or affect them adversely. For example, a conflict or clash of interest could crop up while reporting a political story negatively



whence the news media owner may be positively inclined to the issue reported. A case in point is that of a large Kolkata business house's interest in a newspaper. The owners of a newspaper simultaneously had huge interest in rayon and jute manufacturing businesses in Kerala and West Bengal, respectively. In such situations, particular news media outlets that are owned by these industries, support and propagate the interests of their enterprises by extensive reporting of government policies concerning these industries.

It is a reality of the day that almost all news media organisations survive on the strength of advertising revenue. There are several advertisers – multi-national corporations and domestic – who dole out heavy and regular ads to the popular news media outlets to seek their editorial support and favourable comment about their business interests.

In certain cases, news media outlets have fixated bias against certain parties / leaders /ideologies due to reasons of their own. The viewpoints purveyed and supported by different channels such as NDTV network, The Times Television, Zee network, Doordarshan, or Eenadu television would obviously be poles apart. The reporters of the respective news media would give a core view, but the crux of the story may be tilted to suit the particular news media's political policy directions.

If a newspaper owner or editor happens to be a nominated legislative member of a party, it would be natural for that media outlet to favour that party, or support its ideology. In such cases, the reporting tilts in their or their party's favour, which is bound to be apparent in their newspapers' editorial policies and routine reporting. A reporter of the news media outlet may earn the wrath of his employer or editor doing a news story that may conflict with the political, religious, economic, and business interest of the media outlet's owner.

There could also be some occasions when a reporter's personal views may conflict with the politician or the party that s/he is reporting on. Also, the views of the editor / proprietor could be in conflict with the politician or the party. It is quite common that some reporters/ correspondents are innately committed to certain political ideologies or political groups, and these are reflected in their stories.

In such circumstances, an independent-minded reporter while writing the news story 'objectively' could hurt his/her own or the political interests of the organisation, or could dilute the spirit of the event or issue s/he may be reflecting on. Thus, conflict of interest constitutes a serious issue plaguing news media today.

### **2.5.2 Bias and Subjectivity**

News reports are often reported in a particular style, angle, bias in a manner that has led to the suspicion of the news media's intentions and objects. Apart from the bias due to conflict of interest discussed above, reporters quite often get personally involved in doing their stories about certain noted politicians against whom cases of alleged corruption, murder, disproportionate assets, etc., are in courts. Similarly, there are



several criminal-politicians, seasoned criminals, and gangsters about whom media persons get to know intimately, and gauge their interests in various national and international scandals. Such personal knowledge gathered when court hearings are in progress leads them to become biased against them. Media persons who cover and see them in court on a regular basis are able to see through their scandalous careers based on the court proceedings. Hence, their reports are likely to get coloured with their personal knowledge of such people's dishonest deeds leading to bias and subjectivity in reporting.

### **2.5.3 News Source Confidentiality**

With a view to writing in-depth stories, and analysis, or doing investigative reporting, journalists quite frequently report based on information from confidential sources and sensitive documents. Centered on materials so procured or offered, reporters rush through exclusive articles that create a lot of commotion, public furor and even at times political storm. There have been innumerable cases where reporters have published articles using confidential sources and quoting from secret papers and official government documents that have overthrown regimes, ousted governments, put many chief ministers and VIPs behind bars. Often, serious ethical concerns have been expressed where reporters covered special stories, based on information concerning an individual's personal conduct in private life.

### **2.5.4 Sting Operations**

Deep and all-pervasive ethical concerns have also been involved in issues relating to sting operations, also known as under cover reporting. For example, former BJP president Bangaru Laxaman was shown accepting Rs.1 lakh for promising political favours in Tehelka's sting operation. In yet another identical case, a sting operation on a Delhi government girls' school teacher was alleged to be involved in a prostitution racket. The sting operation proved to be a fraudulent act; the sting operator was later held and criminal proceedings initiated against him. In the entire process an innocent woman was dragged in a false allegation and the reporter's fraudulent reporting was widely condemned. Due to the news media reporter's penchant for scoops and exclusive stories using sting operations, they get into innumerable traps. While some do triumph with glory, and win awards; there are several others who err and get dropped by the wayside and become victims of many unethical allures for the sake of outpacing and beating their rivals, contemporaries and competitors.

### **2.5.5 Paid News**

According to the Press Council of India (PCI) paid news is 'any news or analysis appearing in print or electronic media for consideration in cash or kind'. The trend of paid news is on the rise in India, and several print and broadcast media organisations publish favourable news stories in exchange for money. These news stories could be sponsored by organisations, celebrities, high end businessmen, political parties and politicians. A few years ago the PCI asked government to stop giving advertisements to the newspapers found guilty of paid news.



### **2.5.6 Intrusion into Privacy**

One of the cardinal principles of news reporting is that news should be treated as a serious business and not considered as entertainment. However, some news media outlets, particularly television channels, often put out news events in a trivially light-hearted style creating derisive impression about the mass media as an institution. Some news media persons in their hunger for exclusive stories about the high and mighty, VIPs, or celebrities, tend to intrude into or peep into the individuals' totally personal, private and intimate affairs, creating privacy issues for news media outlets as also for themselves. Such stories hurt audiences' sensitivities and raise questions about their ethical concerns. News media persons should avoid such ventures lest they are caught on the wrong foot. In fact, some Indian language television news channels have been warned by the Ministry of Information & Broadcasting to shun such practices.

### **2.5.7 PR Press Releases Masquerading as News**

It is a well-known fact that several news media persons end up as public relations personnel or corporate communication specialists due to heavy remunerations offered by many noted multinational companies and corporate firms. These PR persons are often friendly with news media persons and tend to push the press notes and press releases of their companies masquerading as news stories. Such stories are very easily discernible and can hurt the ethical views of news media's overall conduct and general public's sensibilities.

Some other ethical concerns pertain to plagiarism, sensationalism, and offensive reporting. Plagiarism of news items from other sources degrades the media's prestige and lowers the reporter's position in the profession. And, when the media audiences discover such tendencies in a particular mass medium's practices, they start losing faith and trust in its credibility and integrity in its overall news operations. They may occasionally present certain exclusive stories in a manner that's deemed outrageous and outright offensive. Sensational reports on rapes, kidnapping, molestation, murders, and many other crimes relating to women not only are in bad taste, but also demeaning for women.

It has been noticed of late that innumerable popular culture themes from western media, though not completely compatible to our ancient heritage and culture are being put out on television channels, and disseminated even through print media. Majority of weekend magazine sections of most mass-circulated daily newspapers in English and other Indian languages, and weekly glossies are reproducing cheap titillating stuff from foreign journals. In addition, images or graphic description of wars, sex, violence, mutilation of bodies, also constitute ethical concerns. Graphic and gory images do not always carry the real story, in fact it has been proved that exposure to such images can desensitise people towards the gravity of the story. Apart from this, reporters should also be careful about the use of inappropriate language, deliberate manipulation of news or giving a slant to a story, which also constitute unethical practices.



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## 2.6 How to Address Ethical Concerns

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Many mass media establishments and organisations have drawn up their own codes for their journalists. One such prominent organisation is The Society of Professional Journalists of the USA. The SPJ is “dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior.” In India journalists’ organisations like the Indian Federation of Working Journalists and National Union of Journalists (India) have their codes for journalists. Similarly in Britain National Union of Journalists has its code but the real challenge is that how much these codes are effective in practice. Most of these codes include:

Ethical journalism should be objective, accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information. Ethical journalism should treat sources, subjects, colleagues and members of the public as human beings deserving of dignity and respect. The highest and primary obligation of journalism is to serve the public.

A code of ethics specifies the following guidelines to journalists:

- Take responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible.
- Remember that neither speed nor format excuses inaccuracy.
- Avoid undercover or other surreptitious methods of gathering information unless traditional.
- Support open and civil exchange of views, even views they find repugnant.
- Recognise a special obligation to serve as watchdogs over public affairs and government. Seek to ensure that the public’s business is conducted in the open, and that public records are open to all.
- Never deliberately distort facts or context, including visual information.

If you see a news organisation that seems to regularly ignore these guidelines, question it.

News media reporters are expected to be accurate, truthful, objective, and balanced in writing their stories. However, it needs to be stressed here that ‘truth is not a matter of reporting what has happened, but an accurate reproduction of what someone has told you that has happened, as s/he saw it happening with his/her own eyes.’ This version of the truth fits more comfortably with the working practices of journalists.

Objectivity is an essential technique for removing bias in seeking truth. Objectivity, while not absolutely achievable, can be partially achieved by the journalist if s/he sets aside personal and social conditioning that would colour the story differently. Journalists also have the responsibility to not produce information or to see their information is not used to mislead the public. In addition, they need to provide balance in news reporting which involves providing equal space and time to all parties involved, while writing or describing a news occurrence. Be it the ruling party, or the opposition,

political leaders, and their views, it would only be prudent to allocate them equal broadcast time or newspaper space.

Self-regulation is a nebulous concept which has been defined by the Merriam Webster dictionary as “the act or action of refraining from expressing something (such as a thought, point of view, or belief) that others could deem objectionable”. Self-regulation is done by media organisations/journalists/reporters at their own discretion for various reasons - there may be adverse consequences if they tell the truth, deference to the sensibilities of the public or any other. For example, reporters covering the war live are expected to self censor their stories; for doing otherwise might not be in national interest and due to the commitment to a cause or simply because of personal loyalty to the soldiers, or for the fear of endangering life by giving away vital army information that may prove detrimental for the country. You will read more about self-regulation in Unit 3 of this block.

There is also a stringent need to avoid yellow journalism and sensational stories. It is often said, ‘yellow journalism thrills, but it ultimately kills’ - both the author of the story and media outlet disseminating it. Such reporting has abhorrent sociological impact on younger generation of our times.

It is vital to draw the attention of media owners, media professionals, media consumers and the powers that be, toward these emerging maladies which are likely to dilute our inherent values, social mores, and our rich and ancient culture. The need of the hour for reporters is to be aware of the sensitivities of their audiences - their likes and dislikes, preferences, and social milieu to address their information needs. The golden rule for any mass medium to win new audience, retain the old ones and climb new height in the business is to be as objective, truthful, balanced, fair and transparent as possible. These may seem rather difficult to achieve in the present media environment, but need to be adhered for creating a healthy, informed and congenial society.

## 2.7 Let Us Sum Up

In this unit, we discussed some ethical concerns and how to deal with them, with the help of examples. We identified some areas of concern in present media environment such as conflict of interests, bias and subjectivity in reporting, paid news, news-source confidentiality, sting operations, intrusion into privacy and press releases masquerading as news; etc. which need to be checked. We also outlined some dos and don'ts for media persons who are expected to be accurate, objective, balanced, impartial, sensitive, responsible, and trustworthy in their reporting.

As news media operations are rapidly becoming technology-based, time-bound, financially-restrained and politically-constrained; the task of reporters gets highly complicated. Reporting news is a responsible job that should be undertaken with due



care and caution. A news story that hurts the intrinsic values, cultural moorings and cherished ideals of a society will be abhorred by audiences. It is bounden duty of news media persons to follow basic ethical norms and report news in a manner that does not call into question their integrity as a journalist.



## 2.8 Check Your Progress

- 1) What does the term 'ethical' mean?
- 2) How has 24 hour media affected the standards of news?
- 3) What are global journalism ethics?
- 4) How can news media professionals address the ethical concerns of global audiences?
- 5) How do business pressures affect news media's ethics?
- 6) What kind of concerns does yellow journalism raise for news media?

## 2.9 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

- 1) The term 'ethical' implies making correct choices in our behaviour, conduct, and decision making so that we can discharge our duties with a clear conscience, and without fear or favour.
- 2) Twenty four hour new media have led to increased audience expectations which in turn have put undue pressures on media persons. News houses are required to bring news promptly to the audience, which affects the standards of speed, accuracy and fairness, of the news stories. In the race for breaking news, scoops and exclusives, reporters lose sight of their goals and use information which may not be from reliable sources and thus not verifiable.
- 3) Global journalism ethics are universal in nature, following the principles of objectivity, balance, and independence. Global media ethics act as global agent; serve the citizens of the world; and promote non-parochial understandings.
- 4) News media professionals should strive to conduct research to gain insights into new innovations in reporting. They should study the changes brought about by globalisation, coverage of global issues, and follow globally accepted code of ethics and norms.
- 5) The revenue generated by advertisements is the mainstay of any newsorganisation. In turn, the advertisers expect the news houses to print/ broadcast favourable news about them, which puts undue pressure on reporters and media houses and prevents them from reporting objectively. When large organisations or people have stakes in media houses, it can lead to biased news reports.
- 6) Yellow journalism is the practice of sensationalising news in order to increase circulation and TRPs. Emanating from non-reliable sources, many a times these reports are in bad taste and lead to a loss of reputation of the reporters as well as the media organisation indulging in it.



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## Unit-3: Media Ethics and Self-Regulation

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### Structure

- 3.0 Introduction
- 3.1 Learning Outcomes
- 3.2 Concept of Self regulation
- 3.4 Codes of Ethics
  - 3.4.1 Canons of Journalism
  - 3.4.2 Commission on Freedom of the Press
- 3.5 Essential Ethical Values
- 3.6 Emerging Ethical Areas
  - 3.6.1 Diversity and Sensitivity
  - 3.6.2 Advocacy and Ethics
  - 3.6.3 Digital Media Ethics
  - 3.6.4 Ethics related to Citizen Journalism
  - 3.6.5 Use of Hidden Cameras
- 3.7 Let Us Sum up
- 3.8 Check Your Progress
- 3.9 Check Your Progress: Possible Answers

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### 3.0 Introduction

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In the previous units we defined ethics as ‘rational systematic principles, values and norms to determine what is good and bad, correct or incorrect, right or wrong thus make correct choices’ as far as human actions are concerned. We looked at various theories of ethics and examined some ethical concerns pertaining to media. We also discussed that Self-regulation applies not only to media groups and organisations but also to individual journalists. In this Unit, we shall focus our attention on the ethical value systems which you can set for yourself as a media professional to face the challenges in your day-to-day work.

We shall start by defining the concept of self regulation and making a distinction between codes, laws and ethics for a better understanding of the subject. Then we shall briefly look at some important code of ethics such as the Canons of Journalism and Commission on Freedom of Press report to link them with the present times to understand how these ethical principles are still valid and pertinent. We shall examine the universal tenets of journalism or ‘essential shared values’ and proceed on to discuss some emergent areas of ethics such as diversity and sensitivity, advocacy, digital media ethics, citizen journalism and sting operations among others. Through this discussion, we shall try to explain how media ethics and self regulation are interlinked and if media professionals follow certain ethical principles and norms, it will lead to self regulation on their part and the profession as well.

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### 3.1 Learning Outcomes

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After going through this unit, you should be able to:

- discuss the concept of self regulation;

- distinguish between codes, laws and ethics;
- describe universal media ethics;
- analyse emerging ethical areas such as diversity, advocacy, digital media; and
- apply ethics in your day-to-day work.




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### 3.2 Concept of Self Regulation

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At the outset, let us look at the concept of Self-regulation which is a voluntary act on the part of an individual media professional as well a media organisation. It is not imposed by any external agency therefore it carries more credibility in the eyes of the public. Self-regulation ensures that the media can operate independently which is in the interest of the media as well as its different stakeholders and the audience. To facilitate ethical conduct, a number of self regulatory mechanisms exist for the Indian media such as codes of ethics, press councils and ombudsman. Organisations like News Broadcasters Standards Authority (NBSA) and Broadcasting Content Complaints Council (BCCC) have been set up as internal self regulatory mechanism for television (news and entertainment) respectively. However, it has been found that many existing self regulatory mechanisms have not been able to live up to the emerging challenges as some are perceived to be lacking in teeth or being unduly restrictive in their mandate. Some are inadequately resourced while questions have also been raised about the desirability of state funding for self regulating mechanism.

Self regulation is not a new concept as it has existed for a long time in the form of codes of conduct, ethics and practices. Many a times these terms are used interchangeably but each has a different meaning and scope though they are also interlinked in some ways. Let us look at them in detail for a proper understanding and application.

**Code:** Code is a systematic set of guidelines or framework for standard moral behaviour – it is an index of what is generally considered desirable. A code is a document that sets out guidelines aimed at proscribing certain types of conduct deemed unethical and identifying other types of conduct as being ethical. According to Retief (2009), “it serves as the conscience of the worker as an individual and of the organisation as a whole”. Code is not a legal document and cannot be enforced by law. Some scholars argue that codes work against the independence of free press and lead to self-censorship. However, it cannot be denied that adherence to codes can make recurrence of the past mistakes less likely and improve the future work.

**Law:** Law is a set of rules established in a social system, which demand or prohibit certain actions. These are governed by the courts of law and are abiding on its people and breaking of law is punishable. Some media laws such as the Contempt of Court, Libel and Defamation, Official Secrets Act etc. will be discussed in detail in Block 2 of this course. However, laws have their limitations because



new areas keep emerging and laws cannot be enacted for every situation. There are occasions which require a careful interpretation of the existing regulations to determine the best course of action.

Ethics: Ethics do not involve application of a formal set of codes and rules but are more in the nature of self-check or self control, thus are all about personal decisions and practices. Ethics is not law, although law quite often stems from the ethical values of a society at a certain time. Violations of the law involve punishment whereas, ethical misconduct does not. According to American media theorist John C. Merrill (1982), “law is something that is socially determined and socially enforced. Ethics on the other hand is personally determined and personally enforced”. Ethics provide a media person certain basic principles or standards by which s/he can judge action to be right or wrong, good or bad, responsible or irresponsible. Thus ethics is primarily personal and law is primarily social. Ethical standards are individual and internal and they cannot be punished by an outside force.

There has been a growing debate on whether codes of professional practices should be impinging upon the journalists or voluntary in nature. John Hulteng (in Reitef) argues, “codes without teeth, without an agency to enforce them tend to be most influential with those who are already behaving responsibly, they often have little effect on the ones who need the guidance the most”. Merrill argues that media persons should seek ethical guidance from within themselves and not only from codes of organisation, commissions or councils while some scholars believe that to “follow rules blindly is to surrender moral impulse”. Nonetheless, it cannot be denied that codes help to guide a media person and enable him/her to adhere to certain professional norms and standards. While it is important to have codes, laws and regulations it is equally important for a media person to develop a strong ethical sense and value system to face the challenges and complexities of the real world and make correct choices in his/her professional life.

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### **3.4 Codes of Ethics**

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Various codes of conduct have been formulated by different bodies and institutions from time to time. According to a UNESCO report, more than 370 Codes of Practices are said to be listed by the International Press Council in different parts of the world. Although, journalists generally resist any kind of code as these are seen to keep certain check on their freedom of expression, but codes of conduct are aimed to help the journalists and contribute in their freedom. It is believed that a good code does not impose restrictions rather it flags the problem areas which need to be anticipated and avoided in discharge of their duties. Some media organisations prefer to use the term codes of practice or codes of ethics instead of code of conduct - whatever be the nomenclature, they all are aimed to develop a responsible attitude in the exercise of journalistic duties and create a ‘collective conscience of the profession’.

It will be useful to take a brief overview of the evolution of codes of ethics to analyse how the ethical values outlined by them continue to be pertinent and meaningful today.



### 3.4.1 Canons of Journalism

The first code of ethics for journalists was adopted in 1910 in the United States by the Kansas Editorial Association which was written by William E. Miller. The Kansas Code was largely focused on advertising and called for advertising policies that were “forthright and fair and news that was honest, just and decent”. In another initiative, a group of journalists formed the American Society of Newspaper Editors and adopted an ethical code known as “Canons of Journalism” in 1923 which highlighted the importance of responsibility, freedom, independence, honesty, accuracy, impartiality, fair play and decency. These Canons were adopted as a model and followed by other codes for newspaper and press associations.

The Radio Code was adopted in 1928 which was later expanded into Radio and Television Code covering advertising and programme content. However, adherence of these codes was voluntary and noncompliance went unpunished. According to Ferre, (2009), “concern for journalism ethics became synonymous with culling values from the facts of human experience so that reporters could produce news that was neutral, unbiased and factual”.

The advent of television was a watershed in the history of media which hit the imagination of the masses and briefly eclipsed radio and cinema. It also led to great expansion of media organisations and the growth of advertising industry ‘which financed daily newspapers, magazines and books’. All these developments led to an increased concentration of media in a few hands and the US Government made various efforts to break the monopoly of large media companies and provide diverse perspectives.

### 3.4.2 Commission on Freedom of the Press

The scope of media ethics was expanded by the US Commission on the Freedom of Press under the chairmanship of Hutchins in 1947. It called upon the press to provide daily news that is “trust worthy, a forum of public expression, inclusive reporting free of stereotypes, stories that pursue and probe democratic life and universal access to daily news. It reaffirmed the principle of freedom and that press plays essential role in political and social life”.

The Hutchins Commission report identified five essential requirements against which the performance of media institutions might be measured:

- “The press must provide a truthful, comprehensive and intelligent account of the day’s events in a context that give them meaning. In this process, facts are insufficient; the truth about the facts (relevant background surrounding the facts) is also essential. Stories should be put in perspective and the credibility of conflicting sources evaluated.
- The press must serve as a forum for the exchange of comment and criticism.



- The press should project a representative picture of the constituent groups of society. Racial social and cultural groups should be depicted without resort to stereotypes.
- The goals and values of society should be presented and clarified.
- The press should provide full access to the day's intelligence”.

These could be accomplished if the press was more responsible, journalists were better trained and the press effectively regulated itself. Self-regulation was considered as the key feature, and government intervention as the last resort.

The Hutchins Commission laid the foundation for Social responsibility theory and stimulated a series of attempts to describe the normative media theories. Ferre (2009) argued that although the press ignored the Hutchins Commission report; the social responsibility aspect was taken seriously by Journalism Schools. McQuail, (1998) observed that “these recommendations were followed by many different codes of ethical conduct depending upon the conventions and traditions of the country and on who formulated the code – whether it were publishers, editors, journalists or an external regulatory body”. Retief (2009) believed that the most important contribution of these codes was to safeguard media freedom and to prevent government regulation of the media.

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### **3.5 Essential Ethical Values**

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There are certain essential ethical values traced across cultures and nations such as truthfulness, fairness, independence, accountability, objectivity and privacy which every media professionals should strive for. These are briefly recapitulated here as these are crucial not only for quality journalism but also for empowering a common reader and maintaining democracy.

**Accuracy:** Journalism as we are aware is a vital public trust. Its objective to inform people of the rights and wrongs committed and expose corruption and unearth scandals in different sectors of life. A truthful account of an incident is accurate, factual, based on evidence and aims to bring the truth out in public sphere and lead democratic debates on a given issue. It is substantiated by cross checking of facts and figures and guards against rumours, speculations and hearsay. Pre-publication verification is a cardinal principle of good journalism. Accuracy, apart from factual details such as names, places, date, time, and people involved, spellings etc. is also maintained in the use of appropriate headlines that are not misleading and justify the story. The recent trend of re-enactments and dramatisation in news channels tend to colour facts. Accuracy also has to be ensured during editing as well as translation. The mad rush to break stories, as discussed in the previous unit may lead to factual errors. According to famous journalist Carl Bernstein,

“The greatest felony in the news business today is to be behind, or to miss a big story. So speed and quantity substitute for thoroughness and quality, for accuracy and context. The pressure to compete, the fear somebody else will make the splash first, creates a frenzied environment in which a blizzard of information is presented and serious questions may not be raised”.

Since news stories are written/telecast under great pressures and hurry, even the most meticulous and conscientious journalist is likely to make mistakes. Senior journalist Vinod Mehta (2011) emphasised, “every effort should be made to prevent it by being extra diligent and giving attention to the details. However, in case of a bonafide bloomer, instead of a cover up, you should bring it to the notice of your seniors and a clarification may be issued as quickly as possible. Subsequently, all efforts should be made to ensure accuracy at all levels to maintain your individual credibility as well as the organisation you serve”.

**Objectivity:** Emphasising the need for objectivity, famous journalist C.P. Scott said, ‘Facts are sacred comment is free’. Objectivity involves separation between news and opinion. It is often argued that neutrality of journalists is a myth as they tend to have strong views. However, it is important when a stand is taken on an issue, it should be made clear as discussed in the section 3.6.2 on Advocacy and Journalism.

Media houses work under various pressures including those from the Government, advertisers, corporate houses, PR agencies among others. The basic question as a media professional you need to ask as to who are you accountable for? Is it the government of the day, management of the media house, the advertisers, corporate houses or the PR agencies? If journalism is a public trust then your ultimate accountability lies with the common reader/viewer/listener specially the deprived and marginalised sections of society.

**Privacy:** Maintaining privacy is yet another important ethical issue. You would have noticed that television channels often transgress the boundaries of decency in their mad rush for TRPs. Intrusion in private grief is a charge made on media very often as media tries to capture each drop of tear whether it is a common lay person, celebrity or even a national icon. To take an example, the family of Nelson Mandela, anti apartheid hero, while on life support in a hospital accused news crew of obstructing entry to the hospital making themselves a big nuisance. His daughter called the foreign media ‘vultures’ who failed to respect the family’s feelings while covering the deteriorating medical condition of Mandela. Some scholars argue that privacy can be breached only when there are sufficient reasons that the issue is for ‘public good’. However, at any stage, the need for maintaining sobriety and decency cannot be overemphasised.

### Essential Shared Values

Above discussion can aptly be summed up in the words of Elliott (2009) who identified the following ‘essential shared values’ sustained across cultures and time:



- 1) “Journalists should strive to publish news accounts that are balanced, accurate, relevant and complete (BARC).
- 2) Journalists should strive to publish news accounts that are BARC without causing harm that could be prevented.
- 3) Journalists should strive to give citizens information that they need for self-governance. This principle is the defining principle for the practice of journalism and the one that justifies causing harm in the production of news stories. If citizens need to have that information, it is justified to publish it, even if the information causes harm to some individuals or group”.

Thus, you will have to develop your own ethical value system which you need to adhere without any outside pressure and interference to retain your individual freedom.

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### **3.6 Emerging Ethical Areas**

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As societies become complex, new issues keep emerging, expanding the nature and scope of media ethics. To face such emerging challenges, you will require not only different skill-sets but also strong ethical principles. Moreover, the role and canvas of a media professional is also changing as in addition to reporters, journalists and sub-editors some of you will also be working as web designers, camera persons, producers and editors and so on. The range of ethical dilemmas that you will face in discharging your respective roles will also vary and apart from general principles discussed above, you may need some specific ethical principles as well. For example, as a television producer you may have to take care of your camera angles especially while looking at women and children

subjects. It has been often found that while focusing on children the camera ‘looks down’ at them posing serious ethical concerns - the same holds true for women subjects. Similarly, while editing the content of an interview, you will have to guard against selective editing. Let us look at some such ethical dilemmas which need to be taken into consideration.

#### **3.6.1 Diversity and Sensitivity**

For a country like India with a population of over 1.2 billion comprising varieties of class, caste, religion, ethnicity, sexual orientations, disability and geographical areas, diversity is a huge ethical issue. There are a number of regions and linguistic zones each having its distinct culture and identity; a variety of languages are spoken, which include 22 officially recognised languages and about 1652 dialects across the country. In a liberal and democratic set up, all members and groups enjoy equal rights. However, it has been often found that specific issues and concerns relating to disadvantaged sections of society, dalits, disabled, minorities and those located in far flung areas do not get adequate media space which further suffers due to stereotypical representations. Identifying people by race/caste/ religions/community is a charge media has often been



faced with which can be avoided unless genuinely relevant to story. According to Whitehouse (2009), if one segment of society is ignored, vilified or even inappropriately sanctified through mass media narratives then those marginalised and the community as a whole will be harmed.

To take the example of projection of women, various studies have revealed that issues related to women have largely been invisible in media unless they are crime related or sensational in nature. Women rarely get covered as contributors to development and governance. Although employment opportunities in media have increased for urban educated women but representation of women continues to suffer from stereotyping; showing them as victims and belonging to weaker sections.

Violence against women especially rape, one of the most heinous crimes against women has come center stage lately. You may recall the brutal gang rape on a Delhi bus in December 2012 which became a defining moment and highlighted the patriarchal attitudes and misogyny on the part of perpetrators of the crime. The widespread public outrage brought people across spectrum together with media as a strong ally. The continued media focus and coverage led to the issue gaining a new prominence in the public discourse including political party manifestoes, election campaigns and even the Union budget. According to National Crime Report Bureau, the incident accounted for increased reporting of crimes as more women feel empowered to come out with their cases. However, a word of caution here - there is need for balanced coverage in such sensitive issues as clamour for instant and retributive justice can even turn counter-productive and harm the cause itself, as shown in 2019 Hyderabad gang rape case. Media may not be the fundamental cause of the problem as it does not exist in vacuum. However, it is in the power of media to give a realistic and adequate portrayal to their problems and concerns.

### **3.6.2 Advocacy and Ethics**

Above discussion brings us to the issue of advocacy and ethics. Advocacy stems from the word advocate – a person who pleads in favour for another; thus advocacy is support or argument for a cause. One may argue that if a media person takes position on an issue then it is at variance with the concept of objectivity. However, advocacy is based on the premise of human rights, democracy and peaceful coexistence. Baker (2009) argues, “Advocacy is for noble (or morally justifiable) causes with moral virtue and with principled motives and means. A principled advocate embodies and enacts the virtues of truth, transparency, respect and concern for disadvantaged sections of society”. S/he follows the path of equity, equality and social responsibility treating people with empathy.



Mehta (2011) observes that occasionally a journalist will have to cover an incident or event which possesses the stipulated two sides but one side is so horrific and unforgivable that you may decide to concentrate on just that side. When confronted with one of these abominable happenings, you can take sides but basic guidelines must be followed. Some examples in this regard could be acid attacks on women, environment degradation, pollution, and so on. Thus, harnessing communication for worthy purposes with moral means to achieve professional objectives is ethical. However, if advocacy is used for self interest, deceit, manipulation, disregard for others then it leads not only to the loss of face for all those involved but also for lowering of moral compass of the society.

### **3.6.3 Digital Media Ethics**

Digital media is a rich source of information which enables information sharing and dissemination without any filters or means to restrict the content. The new media has radically changed the way news is collected and disseminated and emerged as a challenge to traditional journalism which is seen more as a one-way transfer of information. A large section of population, especially the youth, is increasingly dependent on the new media platforms for their information and entertainment needs.

Social media platforms are being extensively used for sharing of views and also as news sources. The authenticity of these sources may be difficult to verify, as at times, people use pseudonyms, or write anonymously. Often when a comment is made on Twitter, Facebook it is countered aggressively or ‘trolled’ in a systematic manner by the opposing group or party. The trend is especially pronounced in comments which are political in nature or in which celebrities are involved leading to sensationalism and vilification of those involved. Some of these comments may be selective in nature and contributed for partisan interests using provocative language. Since journalists follow social media trends like a wire service, at times such trends get reflected in the mainstream media as well.

Attribution of source is yet another area of ethical concern. Publishing news not attributable to any source or under the guise of unnamed or unidentified sources is indicative of poor journalism. Some websites clearly state that the content in the site can be used freely while in certain cases there are conditions to use. For educational purpose, research etc. the material is used with appropriate citations. However, for commercial purposes, permission needs to be taken from the individual or organisation concerned.

Variety of cyber crimes such as morphing, phishing data theft, hacking, cheating, pornography, have further compounded the digital sphere. Digital manipulation of images and pictures and selective editing can lead to misrepresentation and misinformation. It is extremely difficult to get evidence and many a time the real

culprits may be operating from other countries and beyond the purview of the Indian legal system. The conviction rate in cyber crimes is abysmally low and lengthy judicial procedures further compound the process. New crimes emerge every day calling for preventive measures such as training on new software and constant update of knowledge to address some of these concerns.

### **3.6.4 Ethics related to Citizen Journalism**

The access and availability of technology has led to the growth of the concept of ‘citizen journalism’ wherein common person decides and presents the issues of importance and concerns. Citizen Journalism is not an entirely new concept as it existed in some form involving ordinary people in contributing news. However, the term gained currency in 2005. The ease of dissemination of information through web has made it extremely simple to post information on the Internet. Similarly, the accessibility of smartphones with built in cameras and advanced features has empowered the ordinary citizen to write, post and publish material. It is democratic and participatory in nature and can use various media forms as empowering tools. The CJs, as they are popularly called, are not regular employees of a media organisation and may not be professionally trained journalists.

Over a period some confusion has also emerged as to who is a citizen journalist - do bloggers, stringers or those engaged in User Generated Content (UGC) also fall in this category? It is important to make a distinction as the content posted by them could be more of opinion or comment than hard news. Since they do not possess conventional training in journalism, thus may not have necessary skills in research and cross checking of facts. The processes related to gate-keeping, filtering, agenda-setting and ensuring the veracity of information are some issues involved in citizen journalism.

### **3.6.5 Use of Hidden Cameras**

As you are aware there are three types of journalistic writings - Objective, Interpretative and Investigative. Objective writing is neutral, balanced, factual and purely for information dissemination, Interpretative writing involves analysing and interpreting complex issues, claims made by the government and policy issues. Investigative writing works of the premise that something somewhere is wrong and aims to dig beneath the surface in search of ‘why’ and ‘how’. The primary objective of investigative journalism is to uncover the truth for public good, and in this pursuit, it follows an adversary role whether it is government or the corporate sector.

Investigative journalism involves a detailed enquiry of reports, documents and developments. Sting journalism is an offshoot of investigative journalism. Operation West End, Operation Duryodhan, Operation Chakravyuh , BMW Expose Case, Cash-for-Vote Scam were some cases in which sting operations using hidden cameras were



conducted. However, the use of hidden cameras raises thorny issues of privacy, entrapment, and accountability. Since the filming of a person is done covertly it leads to erosion of privacy and at times even obscenity. In some sting operations, the use of illegal methods such as bribery, trespass, etc. have also been reported. Sting operations should not be used as a shield of public purpose in the garb of settling one's own scores and can land the reporter in trouble in terms of defamation, libel etc. The journalist needs to ensure accuracy and observe general standards of decency. Care should be taken that there is no selective editing and the context of footage used is demonstrated. The identity of those not related with the event directly but caught on the footage needs to be masked. It is imperative that the content is conclusive without loose ends so that it does not leave scope for confusion and different interpretations.

In addition to the areas discussed above, ethics are linked with other aspects such as war and conflict reporting, reporting sub-judice matters and so on. A strong grounding in ethics will enable you to take correct decisions in these areas.

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### **3.7 Let Us Sum Up**

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The debate surrounding ethical issues in media has achieved increased prominence in the last few decades and the issue is being hotly debated at various levels and fora. In this unit we discussed that ethics imply the freedom to choose, hence, a strong grounding in ethics will help you understand various critical issues in your profession and follow the correct path. Ethics form the bedrock of the key processes of journalism - identifying information, gathering, selecting and presenting information. In this way, ethics ensure reliability of information on which the credibility of a media organisation depends. In view of the complexities in the present media scenario, the ethical dimension of each area needs to be thoroughly examined. The exposure and guidance thus gained will help you to make responsible decisions in different capacities in your work. As a new generation of media professional you need to have a critical understanding of your role in a highly competitive and profit driven media environment and act as harbingers of change for the well being of society as well as the profession.



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### 3.8 Check Your Progress:

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- 1) Why is it important for a media professional to develop a strong value system?
- 2) How can application of ethics of a journalist lead to self regulation?
- 3) What do the Canons of Journalism stand for?
- 4) What is the role and importance of code of ethics?

### 3.9 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

- 1) It is important for a media professional to develop a strong ethical sense and value system so that s/he can make correct choices to face the complexities and challenges of the real world in his/her professional life.
- 2) Media ethics and self regulation are interlinked. If each media professional follows certain ethical principles and norms and adheres to them despite various pressures, it will lead to his/her own ethical conduct and self regulation in the profession as well.
- 3) The Canons of Journalism stand for responsibility, freedom, independence, honesty, accuracy, impartiality, fair play and decency in journalism.
- 4) Codes of ethics aim to develop a responsible attitude among media professionals toward their work and flag the problem areas which need to be anticipated and avoided in discharge of their duties.



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## Unit-4: Media Laws and Regulatory Framework

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### Structure

- 4.0 Introduction
- 4.1 Learning Outcomes
- 4.2 Need for Media Laws and Regulatory Framework
- 4.3 Press and Registration of Books Act, 1867
- 4.4 Working Journalists Act, 1955
- 4.5 Press Council of India Act, 1978
  - 4.5.1 Objects and Functions
  - 4.5.2 Power to Censure
- 4.6 Ombudsman
  - 4.6.1 Need for Ombudsman
  - 4.6.2 Functions of Ombudsman
- 4.7 Indian Penal Code and Criminal Procedure Code
  - 4.7.1 Section 124 A of Indian Penal Code
  - 4.7.2 Section 153 A of Indian Penal Code
- 4.8 Professional Bodies
- 4.9 Let Us Sum Up
- 4.10 Further Readings
- 4.11 Check Your Progress
- 4.12 Possible Answers to Check Your Progress

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### 4.0 Introduction

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After studying previous units of this block, you would have understood some important media laws of the country. The media are expected to serve the society efficiently and effectively, in areas such as social awareness, educational development, cultural regeneration and political empowerment. Therefore, with a view to discharging these functions and fulfilling national aspirations, it becomes imperative for the mass media establishments to ensure that they perform their duties within the law of the land. They also need to abide by the general regulatory framework set out under various statutes of India.

In this unit, we shall discuss the legal obligations and regulatory framework prescribed by the government and professional bodies for journalists and media persons in India.

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### 4.1 Learning Outcomes

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After going through this unit, you should be able to:

- describe the important provisions of the Press and Registration of Books Act;
- explain the important provisions of Working Journalist Act;
- analyse the role of Press Council of India Act;
- appreciate the need for Ombudsman in a media organisation; and
- discuss the clauses of the Indian Penal Code (IPC), and Indian Criminal Procedure Code (Cr. P.C.) applicable to media persons;
- mention some professional bodies of working journalists and media persons.



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## 4.2 Need for Media Laws and Regulatory Framework

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As you are aware the primary purpose of any law relating to journalists and media persons is to ensure that all journalists and media persons respect and abide by the best traditions of practicing journalism and media conventions, and that they do not indulge in any unprofessional and unethical practices. For, in the event of any legal offences or illegal activities being committed through any journalistic act, person or journalists so responsible – reporter, correspondent, writer, editor, and publisher – all will be held answerable in the court of law, for the illegality so committed.

Therefore, there is great importance and need of media laws and a well laid out regulatory framework for journalists and media persons. It is well known that the law is a set of rules by which citizens regulate their conduct in relation to each other and to the state and is primarily meant to maintain peace and tranquility, law and order and atmosphere of goodwill and cordiality in the society. In any country, there are all kinds of laws to regulate a nation's day-to-day life. It is one of the duties of the government to set up a framework for an orderly functioning of the mass media so as to ensure that media functions in the general and greatest interest of the society. For example, when journalists report crime news, court trials, parliament and state assembly proceedings, personal or government affairs, innumerable precautions, considerations and care have to be taken so that news stories emanating from these sources do not flout legal boundaries. Some of these include: law of defamation, laws prohibiting instigation of some sections of society against others. Similarly, there are laws which prohibit promotion of seditious activities or criminal acts.

In the modern information-based economies, where communication technologies continue to grow and more and more technologies continue to converge, it may be difficult to spot and identify offenders, despite strict regulatory framework being in place. At the same time, it can be safely stated that as the world moves to increased sophistication in all walks of life, conflicts and disputes among individuals and institutions are bound to crop up due to clash of ideas, ideals and ideologies. Therefore in order to safeguard the media's interests, image and reputation and to promote social cohesion and political well being, media persons should fully familiarise themselves with legal restrictions and their implications.

In this unit, we will discuss these enactments, regulations and legal framework briefly, in a manner that you will be able to relate these with your routine journalistic responsibilities. We will also give a brief background to these laws before detailing their provisions, which will enable you to perceive and appreciate each of these legal enactments in proper perspective.



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### **4.3 Press & Registration of Books Act, 1867**

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The Press and Registration of Books Act, 1867 is the oldest surviving Act of the British era, which deals exclusively with newspapers, books and printing presses. The British government wanted details of ownership of all publishers, editor's names, place of publication, name and address of the printing presses and their owners, etc., so that they could easily locate and take action against the defaulting paper/magazine, whenever necessary. Though there were not many newspapers and magazines in most Indian languages at that time, and the press was also not sufficiently developed in the country; the British government was afraid of any criticism which any newspaper might carry.

This legislation immensely constrained and suppressed the professional activities of editors, press persons and the owners of newspapers and magazines and printing presses in India at that time. The law also prescribed that the registration of newspapers with the state authorities.

The Act was amended in 1958. This law is now administered by Ministry of Information and Broadcasting (I & B), Government of India. The Press Registrar, who is a senior official of I&B ministry, is the nodal person under this law and is charged with implementing it. The Act requires that every book or newspaper will have the name and address of the printer and the place of printing, names of publisher and editor and the place of publication. Such a declaration will have to be filed before a district magistrate by the owner of the publication, giving full particulars of his name, address and title of the newspaper, magazine, journal, language, periodicity, price, number and the sizes of pages. Printed copies are required to be sent to the Registrar free of cost.

The declaration will be deemed cancelled if the newspaper/magazine is not brought out within three months of receiving permission to bring out the publication. The Act had penal provisions in case of publication is brought out not abiding by the conditions laid down in the law.

The law does not allow any two newspapers or magazines of the same title in the same language to be brought out by different owners. The Press Registrar, district magistrate or any authorised official will discharge all such functions as prescribed under this law. The press declaration of the publication could be cancelled if any statements contained in it are found to be false.

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### **4.4 Working Journalists Act, 1955**

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The first Press Commission (1952-54) made glaring observations about the unsatisfactory working conditions of journalists and their exploitation in the newspaper industry. Soon after the Commission's report, Nehru government rose to the occasion and the Working Journalists and Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act 1955 was enacted. The Act is popularly known as Working Journalists Act. In fact, it is a welfare measure meant to regulate conditions of



service of the people employed in the newspaper industry. It applies to both journalists and non-journalists employees of newspapers.

Its provisions relate mainly to (a) hours of work, (b) leave, (c) fixation and revision of wages, (d) composition of wage boards, (e) employees provident fund, (f) recovery of money due from employer, (g) retrenchment, etc. Experience indicates that there are problems in implementation of the provisions of the Act, particularly wage board recommendations. With the decline of trade union movement in the country, long delays in court decisions, and rise of the practice of employing people on contract in newspaper industry, a situation has been created that employees' jobs are not as secure as they should be. Under the chairmanship of Justice G R Majithia; Majithia Wage Boards for journalists and non-journalists gave recommendations in the year 2010 for the revision of salaries of the employees of newspaper establishments.

The Working Journalists Act is not applicable in audio visual media, though it covers news agencies like Press Trust of India, Bhasha, United News of India, Univarta, etc.

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#### **4.5 Press Council of India Act, 1978**

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One of the recommendations of the first Press Commission of India (1952-54) was to set up a press council in India. It took the government several years to act on the recommendation. The Press Council of India Act was enacted in 1965, and the Council came into existence in 1966. The first Press Council functioned until 1975 when it was suddenly abolished during the internal emergency from 1975 to 1977. The Press Council was, however, revived in 1978, when emergency was lifted, general elections were held and Janata Party government headed by Morarji Desai came to power at the Centre.

##### **Composition**

Under the Act of 1978, the Press Council of India consists of 28 members, and a chairman. The law requires that the chairman would be nominated by a three- person committee consisting of the chairman of the Rajya Sabha, speaker of the Lok Sabha and a person elected by the outgoing PCI for the purpose. Until now all the chairmen of the PCI have been sitting or retired judges of the Supreme Court of India.

Of the 28 members of the PCI, 13 members are working journalists, six being editors and remaining seven from among working journalists other than editors—three editor and four working journalists are from language newspapers. Besides, members are from managements of daily newspapers – two each from big, medium and small newspapers. One member comes from the managements of news agencies. Another three members are nominated by three organisations – one each by University Grants Commission, Sahitya Academy and Bar Council of India. Five more members are from Parliament — who are in no way connected with the business of newspapers: three from Lok Sabha (to be nominated by the Lok Sabha Speaker) and two from Rajya Sabha (to be nominated by chairman Rajya Sabha).



The term of office of the chairperson and all members is for three years. The PCI membership of MPs is automatically terminated if fresh elections are to Lok Sabha are held, or those from Rajya Sabha complete their tenure in that house. The chairperson and members are eligible for re-nomination for another term of three years. Chairperson is a full-time officer, whereas all other members are not for full time, but they are paid all admissible allowances whenever called for a meeting.

#### **4.5.1 Objects and Functions**

In the Press Council of India Act, a number of functions have been assigned to it. However, the two most important objectives of the Press Council of India are to protect press freedom and to maintain and improve the standards of the press. In this respect the Council adjudicates complaints of journalists for protecting press freedom. It also adjudicates public complaints against newspapers and journalists. The Chairman has the right to take up any complaint *sou motu*, i.e. on his own.

#### **4.5.2 Power to censure**

The Council has the power to censure an editor or a journalist of a newspaper or a news agency if it is found that the standards of journalistic ethics or of public taste have been offended by them. Such an action will be taken only after due inquiry by the Council. The Council does not take up any complaint which is already pending in a court of law. The Council is largely funded by central government. It has the power to levy fees on newspapers and news agencies depending upon their circulation.

It is relevant to mention here some of the important adjudications and guide- lines issued by the PCI on subjects of national importance. These relate to: communal writings and comments on communalism in the press; cases of libel and defamation; objectionable investigative reporting; obscenity and vulgarity in the news stories, features, etc.; right to reply; right to privacy; denial of advertisements to news-papers and magazines; press freedom; and, improper use of press freedom by journalists of newspapers and news agencies.

It may also be pointed out that PCI has prepared a code of conduct for journalists, in collaboration with the Indian Law Institute; and conducted studies in relation to protection of journalists' confidential sources of information; norms of journalistic conduct; coverage of terrorism by the press; communal disturbances, reporting general elections; coverage of AIDS stories, and many other subjects of public interest and intimate concern. However, the Council's complaint procedure is very time consuming, and is not user friendly. It has no punitive power against the erring press. Therefore it is often called a 'paper tiger' or 'toothless tiger'.

Time to time, the Press Council of India demanded that it should be given more punitive powers against erring newspapers, but the government never accepted its demand. There is a fear that if the demand is accepted it may become an institution for some sort of unconstitutional censorship. There has also been a demand that a media council



should be set up in place of PCI which could cover the newspapers, and television broadcast. At present PCI deals only with newspapers. The present Press Council of India was set up in 1978 when there were no private news channels. Today newspapers and television channels both are competing with each other in presentation of news as well as for earning advertisement revenue. Under these circumstances, a demand has arisen that there should be one single body to deal with complaints against the press as well as television channels.

It needs to be noticed that India has a statutory press council, whereas in most of the other parts of the world where democracy is firmly established the press council is of voluntary nature. Sweden, Canada, USA, Australia, New Zealand, etc are the countries with such institutions for the self-regulation of the press.

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## **4.6 Ombudsman**

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The modern use of the term ombudsman began in Sweden, with the appointment Swedish Parliamentary Ombudsman by the government in 1809 in order to safeguard the rights of citizens. It was like a supervisory agency independent of executive branch. Generally speaking, ombudsman is someone who handles public complaints, investigates them and attempts to find mutually satisfactory solutions in an informal manner. In India ombudsman have been appointed in banking and insurance sectors. They can also be appointed in hospitals, universities, and other institutions. Another view is that ombudsman is appointed by an authority to investigate complaints against a person or an organisation.

According to Stephen Pritchard, president of the American Organisation of News Ombudsmen, a news ombudsman receives and investigates complaints from newspaper readers, listeners and viewers of radio and television stations about accuracy, fairness, balance and good taste in news coverage. The ombudsman recommends appropriate remedies or responses to correct or clarify news reports. In the USA, several newspapers, television and radio stations have their ombudsmen. In India, the Times of India was the first national daily to have its own ombudsman. Former chief justice of the Supreme Court of India, P.N. Bhagwati, occupied the position for a few years but The Times of India soon gave up without giving any reasons. At present, The Hindu has an ombudsman, known as Readers' Editor. The New York Times calls its ombudsman as Public Editor. In some organisations it is known as readers' representative, readers' advocate, and so on.

### **4.6.1 Need for Ombudsman**

The establishment of the institution of ombudsman is favoured by media organisations for 'enforcing journalistic ethics'. However, it has also become a 'feature of self-regulatory apparatus' in many countries. In addition, it is also strongly believed that an



‘effective ombudsman should be viewed both by management and the public as representative of the community and should have access to space in the newspaper or air time on the station to disagree with decisions by institutional personnel. An ombudsman should also have seniority or some stature within the industry.’

#### **4.6.2 Functions of Ombudsman**

The office of the ombudsman derives its functions from the essential tenets of ethics of journalism. While the codes of journalistic ethics are laid down by professional media organisations, the particular media office also plays a significant role in prescribing certain do’s and don’ts for the ombudsman. Ombudsman monitors news and feature columns and all editorial materials that appear in the pages of the newspaper for fairness, accuracy, and balance; to bring the objectionable news items to news staff’s notice.

It would be pertinent to point out here that no two ombudsmen work exactly alike. However, all of them scrutinise and critically examine news stories, columns, features, pictures, cartoons, and all other graphic materials for accuracy, fairness and balance. The materials that they deem to be below standard of the newspaper are brought to the notice of the editor who then refers these to the editorial staff responsible for preparing, writing or providing these materials.

Often, items deemed inappropriate or substandard are investigated closely and replies or comments are sent to those raising objections about them. Those responsible for such writings are called to explain for readers, viewers and listeners, as the case may be. In addition, many news ombudsmen write occasional columns explaining criticising, or admiring stories, features and other materials.

Sometimes, ombudsmen initiate public forums or readers’ forums with a view to connecting more closely with the readers. The objective of such a practice is to speak to the public directly, and explain media practices or traditions. But in most cases the news ombudsmen function in an advisory capacity only, and not as disciplinarians.

In the USA, there is an Organisation of News Ombudsmen to help the profession of journalism “achieve and maintain high ethical standards in news reporting, thereby enhancing its own credibility among the people it serves; to establish and refine standards for the job of news ombudsman or readers’ representative; to help in the wider establishment of the position of news ombudsman on newspapers and elsewhere in the media; to provide a forum for exchanging experiences, information and ideas among its members; and, finally to develop contacts with publishers, editors, press councils and other professional organisations for the overall well being of journalism profession.”

As pointed out by a well-known American researcher, Professor Louis A. Day in his book, *Ethics in Media Communication*, “ombudsmen are considered representatives of the public; they should also be even-handed in their handling of complaints. They must



be fair to both readers and their newspapers and editors. One problem has been the public's perception of ombudsmen, who are sometimes viewed as cosmetic response to reader criticism.... Ombudsman has been established to promote the positive role of the readers' representatives. Ombudsmen can provide an avenue for constructive criticism and platform for readers' grievances against newspapers.”

In India as well as abroad, almost all big media houses have some internal procedure to review its contents regularly. In the early 1910's the New York World (1860-1931), whose fame rests on its legendary owner- editor Joseph Pulitzer (1847-1911), had a Bureau of Accuracy and Fair Play, but did not have any ombudsman. The Times, London or the Financial Times, London, do not have the institution of ombudsman, but they have an elaborate procedure to deal with public complaints and make corrections whenever required. In the UK at present the Guardian is the only national newspaper having an ombudsman.

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## **4.7 Indian Penal Code and Criminal Procedure Code**

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As detailed earlier in this unit, there are a large number of specific enactments and regulations that media persons have to abide by to function within four walls of the law of a country. Besides that, the law and order authorities everywhere have to make doubly sure that there are sufficient legal devices to proceed against those who defy specific laws applicable professionally on illegal offences committed by any citizen, including journalists/media persons. Moreover, besides the professional constraints, there are numerous provisions in the general law and order framework of a nation state. For example, in India, Indian Penal Code

(IPC), 1860, Criminal Procedure Code (CrPC), 1973 and many other laws exist to maintain general law and order situation in the country. It is important for you to know some provisions of IPC which are relevant for your profession.

### **4.7.1 Section 124 A of Indian Penal Code**

Writing or Publishing or Selling Seditious Material: Under this section, “whoever by words spoken or written, or by signs, or visible representation, or otherwise, brings or attempts to bring into hatred or contempt, excites or attempts to excite disaffection towards, the government established by law in India shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”

“Disaffection includes disloyalty, conspiracy to dislodge the legally elected government and spreading feelings of sedition and enmity.”



This section also prescribes that if anyone publishes writings which “incite violence or create public disorder, or is intended to create disorder or has tendency to do so with a view to subverting the government established by law would be punished.” Therefore, any matter containing such thoughts if published in a newspaper or magazine, or book would be deemed seditious. Even selling such materials as containing seditious stuff would constitute offence under this section, hence punishable. However, the press would be free to comment on such matters of public interest and general concern provided that it is done fairly and without exciting hatred. But such comments should keep clear of treason, sedition or indecency. It is, therefore, in the interest of media persons to be vigilant so as not to be caught unawares of any legal offence as per the provisions of this law.

#### **4.7.2 Section 153 A of Indian Penal Code**

According to Section 153 A (1) someone who is promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony by words, either spoken or written, or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with maximum imprisonment of three years, or fine, or both.

According to Section 153 A (2) someone who commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language, or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility shall be punished with maximum imprisonment of three years, or fine, or both.

It may be pointed out that media person while reporting communal riots or disturbances which take place in India from time to time are likely to fall prey to the provision of this law. It is precisely for this reason that Press Council of India has already prepared and framed special guidelines for journalists covering events of terrorism, sectarian and communal disturbances and media persons are advised to take due note of these guidelines.

In addition to the provisions of the IPC mentioned above, some other relevant IPC sections that media persons should be wary of include: Section 171 G (publishing false statements in connection with an election; Section 292 (publishing and sale of obscene book, magazines, etc.); Section 293 (sale of obscene books meant for young persons); Section 295A (deliberate and malicious acts intended to outrage religious beliefs of any class); and Sections 499, 500, 501, 502 and 505 (all relate to law of defamation discussed already).



Similar sections of the CrPC include: Section 91(court summons issued to media persons to produce document); Section 93 (when search warrant may be issued against journalists about some news story or article); Section 95 (power to declare certain publication forfeited and to issue search warrants for the same); Section 96 (application to High Court to set aside declaration of the forfeiture); Section 108 (security for good behaviour from persons disseminating information on seditious matters); Section 144 (power to issue order to journalists in urgent cases of nuisance or apprehended danger); Section 345 (procedure to be followed in certain cases of contempt); and Section 349 (imprisonment or committal of a journalist refusing to answer or produce documents needed by the court).

It would be advisable for reporters and correspondents responsible for reporting such events to equip themselves adequately with knowledge of these sections.

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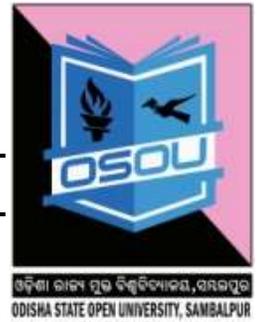
## **4.8 Professional Bodies**

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Although the practice and the profession of journalism is more than 230 years old, well recognised and credible associations, unions or groups of newsmen came into existence only after the attainment of independence in 1947. The first credible body of senior journalists to be set up was the All-India Newspaper Editors' Conference, headed by Durga Das, in 1948. Durga Das was a senior journalist of India who later became editor of the Hindustan Times. After that, another journalists' body to be founded in 1950 was the Indian Federation of Working Journalists (IFWJ) headed by M. Chalapathi Rau, the editor of National Herald.

The National Union of Journalists (India) was formed in Delhi in 1972. This was a break-away group of IFWJ. There was another split in the IFWJ in 1989 and Indian Journalists Union came into existence. However, of late several other new organisations such as All-India Small and Medium Newspapers Federation, the Editors Guild of India, Association of News Cameramen, Documentary Makers, Women Journalists Association and employees of several cable networks have come into existence. Indian Newspaper Society is the oldest organisation which largely represents newspaper proprietors and was founded in 1939 as Indian and Eastern Newspaper Society. Time to time, these journalists organisations have been making demands in the interests of media persons and media freedom.

It would be relevant to point here that most of these bodies have always been concerned with vital problems and issues facing media.



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## 4.9 Let Us Sum Up

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To sum up, it could be said that it is necessary for media persons to know about the important provisions of some laws such as the Press and Registration of Books Act, Working Journalists Act, Indian Penal Code, Criminal Procedure Code, and Press Council of India Act. The two sections of Indian Penal Code, which have been described in the unit, deal with hate speech and maintenance of communal harmony in the country. Although India has statutory press council, the need for media council has also been explained in the wake of new developments in media scenario. The press council was set up when there were no private news channels and it deals with only newspapers. Now the times have changed. The concept of ombudsman in media industry has also been explained. However, this concept has largely been ignored by major media organisations of the country. A brief mention of the national organisations of media persons has also been made. These organisations have been raising demands in the interest of media persons and media freedom, from time to time.

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## 4.10 Check Your Progress

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- 1) Why should media persons be familiar with media laws?
- 2) Enumerate some of the laws and regulations, which media persons should be familiar with.
- 3) Why was Press and Registration of Books Act enacted?
- 4) Why this legislation was not done away with when we have complete freedom of the press in India?
- 5) Why was Working Journalists Act enacted?
- 6) Is Working Journalists Act applicable to audio visual media and news agencies?
- 7) Do you think the Press Council of India should be invested with more powers?
- 8) Why is there a demand for setting up a media council?
- 9) Do you think the Ombudsman should be named from among the senior editors of the newspaper's own staff?
- 10) What are the provisions of Section 153 A (2) IPC?
- 11) What precautions should journalists take to be wary of the provisions of the IPC and Cr.PC to protect themselves?

## 4.11 Possible Answers to Check Your Progress

- 1) In order to safeguard the media's interests, image and reputation and to promote social cohesion and political well-being, media persons should familiarise themselves with media laws, legal restrictions and their implications.



2) Some laws and regulations with which media persons should be familiar with are: law of defamation, laws prohibiting instigation of some sections of society against others. Similarly there are laws which prohibit promotion of seditious activities or criminal acts.

3) The Press and Registration of Books Act, 1867 is the oldest surviving Act of the British era, which deals exclusively with newspapers, books and printing presses. The British government wanted details of ownership of all publishers, editor's names, place of publication, name and address of the printing presses and their owners, etc., so that they could easily locate and take any action against the defaulting paper/magazine whenever necessary. Though there were not many newspapers and magazines in most Indian languages at that time, and the press was also not sufficiently developed in India generally; the British government was afraid of any criticism which any newspaper or might carry.

4) At present the Act is just a regulatory measure. It helps in one important respect. If one periodical is being published in one language, nobody else can start publication of the same title in the same language.

5) The first Press Commission (1952-54) made glaring observations about the unsatisfactory working conditions of journalists and their exploitation in the newspaper industry. Soon after the Commission's report, the Working Journalists and Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act 1955 was enacted. The Act is popularly known as Working Journalists Act and is a welfare measure meant to regulate conditions of service of the people employed in the newspaper industry. It applies to both journalists and non-journalists employees of newspapers.

6) The Working Journalists Act is not applicable in audio visual media, though it covers news agencies like Press Trust of India, Bhasha, United News of India, Univarta, etc.

7) Without having punitive powers the Press Council of India is just a 'paper tiger'. Time to time the PCI has asked for more powers, but the government has not accepted its demand. There is fear that if the demand is accepted it may become an institution for imposing unconstitutional censorship.

8) At present the PCI deals only with newspapers. It was set up in 1978 when there were no private news channels. Now newspapers are also competing with these news channels. Therefore a demand has arisen that there should be one single body which could deal with the complaints against the press as well as private channels.



9) The Ombudsman may or may not be from newspaper's own staff, but what is most important is the independence of the ombudsman. S/he should be allowed to work independently and his/her opinion should be respected in the media house.

10) According to Section 153 A (2), someone who commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language, or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility shall be punished with maximum imprisonment of three years, or fine, or both.

11) The press is free to comment on such matters of public interest and general concern provided that it is done fairly and without exciting hatred. But such comments should keep clear of treason, sedition or indecency. Therefore, media persons need to be vigilant and should not get caught unawares of any legal offence as per the provisions of this law.

#### **4.12 FURTHER READINGS**

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