

Media Laws, Ethics and Social Responsibility

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Pondicherry University

(A Central University)

Directorate of Distance Education

R.V. Nagar, Kalapet, Puducherry – 605 014

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SYLLABUS – BOOK MAPPING TABLE

Media Laws, Ethics and Social Responsibility

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Unit I: Brief history of Indian journalism and press laws in India – Constitution of India – Fundamental rights – Freedom of speech and expression – Defamation (Libel and slander considerations) – Freedom of the press – Right to Information – Protection of whistleblowers – Idea of Fair Trial/Trial by media – Contempt of court – Issues of Privacy – Free speech on the web – Cyber laws – Intellectual Property Rights – Fair use – Copyright – Copyleft – Creative Commons – Public Domain.	Unit I: Core Values of the Indian Constitution (Pages 1 – 37)
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Unit I Core Values of the Indian Constitution

Learning Objectives:

By the end of this unit the learners would be able to:

- Learn about the history of Indian journalism and press laws in India.
- Know about the Constitution of India.
- Know about the fundamental rights of India.
- Understand the various freedom of the press, law and ethics.
- Uses of the idea of fair trial/trial by media.
- Understand the Right to Information Act of 2005.
- Know protection of Whistle Blowers Act, 2011.
- Know about the civil and criminal contempt of court.
- Understand the importance of cyber law.
- Understand various cases of defamation, intellectual property rights, copyrights, etc.

Structure:

- 1.1 Brief History of Indian Journalism and Press Laws in India
- 1.2 Constitution of India
- 1.3 Fundamental Rights of Indian Constitution
- 1.4 Freedom of Speech and Expression
- 1.5 Defamation (Libel and Slander Considerations)
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1.1 BRIEF HISTORY OF INDIAN JOURNALISM AND PRESS LAWS IN INDIA

Introduction

The Indian journalism and press laws have an extended history covering from the colonial past in the second half of the 18th century to the present day as the most significant operational democracy of the 22nd Century. On the other hand, there was no press directive and regulation until the British East India Company (EIC) reigned or controlled a portion of India after the Battle of Plassey in 1757. When only Europeans were allowed to publish newspapers in India, prohibiting the editor (printer) was the critical consequence. During the reign of the EIC, there were a number of acts passed as severe controls and restrictions over the Indian press.

As in other walks of life, journalism in India has always persisted on a high ethical level. Through the press, a patriotic revolt or insurgence was slowly restored together through words and symbols. It was the long freedom struggle that included various challenges. It is divided into two parts- pre-independence and post-independence challenges and journey.

Pre-independence Indian journalism and press laws in India

- James Augustus Hickey, widely known as the "Calcutta General Advertiser," founded "The Bengal Gazette" in 1780. The first newspaper was this one, that lasted just 2 years before being seized by the East India Company (EIC) in 1782 because it contained items that were critical of the firm and the British.
- A number of other newspapers or press control like 'The Bengal Journal', 'Calcutta Chronicle', 'Madras Courier', and 'Bombay Herald'. However, all of them were restrained by censorship or restriction processes forced by the British East India Company.
- The "censorship of press legislation," passed by Governor-General Richard Wellesley in 1799, was established, but it was stopped by the French from issuing or printing whatever against the British. All the way through 1799, 1818 and 1823, the British government passed numerous acts to control and restrict the press in the country.

NOTES

- Raja Ram Mohan Roy protested against the limitations on press freedom in 1824.
- In 1835, Metcalfe law was also introduced as a 'Liberal Press Policy'.
- After the Revolt of 1857, the 'Licensing Act' was enacted by Governor General Canning who imposed stricter restrictions on the press.
- Metcalfe's Act of 1835 was loosened by the Registration Act of 1867, and as of that point, it is stated that the government works as a monitoring authority rather than a restrictive body.
- In 1878, Viceroy Lytton passed the 'Vernacular Press Act' restricting Indian-language newspapers' freedom of expression. The act did not, however, apply to English-language newspapers and journals.
- Viceroy Lord Ripon overturned the Vernacular Press Act's pre-censorship in 1882.
- Newspaper Act of 1908 provided courts the authority to seize press assets that published inflammatory content likely to cause encouraging acts of violence.
- The Press Committee, led by Sir Tej Bahadur Sapru, recommended that the acts of 1908 and 1910 be repealed in 1921.
- In general, the Salt Satyagraha of Mahatma Gandhi used the media to mobilise the populace against the British. The provincial government was given the authority to stifle writings that supported the Civil Disobedience Movement.
- Further restrictions were imposed once World War II began in September 1939. Despite the Press Emergency Act of 1931, the government insisted on stricter control.

Post-independence Indian journalism and press laws in India

- In the meantime, Indians enjoyed no fundamental rights in the British Government; there was no demand for Freedom of expression and speech. Before independence, as is marked by the history of Indian journalism, overabundances of laws relating to media were passed mainly to suit the interest of foreign rulers.
- Next to post Independence, the Indian Constitution did not make any special reference to the word 'PRESS'; the extreme discussions among the maker of the Indian Constitution made sure that the press would create a distinct place for itself without a specific reference.
- The press, in today's media development, has become influential in setting the social, political, cultural, economic and religious agenda of the country. The necessity for freedom of speech and expression in India has been clearly established by the civil society, and the Supreme Court of India first acknowledged this requirement in 1950, when the Indian Constitution was still being put into effect.

NOTES

- While deciding the issue in advance of newspaper censorship, the Indian Supreme Court got to work. However, a lot of time has passed since then, and as time goes on, media production has changed in a typical way. Therefore, in the context of today's media functioning, responsibility is a word that is heard more frequently than freedom, which justifies a critical examination of the changing face of media.
- With the intention of examining press legislation in the context of the fundamental rights outlined by the constituent assembly, the Press Enquiry Committee was founded in 1947.
- With Article 19(2), the Media (Objectionable Matters) Act of 1951 became law. It gave the government permission to demand publication loss insurance against "objectionable matters." It continued up to 1956.
- Press Commission under Justice Rajadhyaksha. The commission suggested in 1954 the starting of the All India Press Council, banning game mystery struggle and fixing the press page. Some other acts are also included like:
 - Delivering of Books and Newspapers (Public Libraries) Act, 1954
 - Working Journalists (Conditions of Services) and Miscellaneous Provisions Act, 1955
 - Newspaper (Price and Page) Act, 1956
 - Parliamentary Proceedings (Protection of Publications) Act, 1960
- All subject of materials relating to press freedom, according to Article 19(1)(a) of the Indian Constitution, clearly states that "All citizens shall have the right to freedom of speech and expression..." But we also note that all these freedoms are limited under Article 19(2) that stops absolute and unconditional power under 19(1).
- Added to all the above, there are other self-regulatory associations. Examples of organisations that self-regulate the news content broadcast on television are the News Broadcasters Association (NBA) and the Broadcaster Editors Association (BEA).
- The Central News Media Accreditation Guidelines, published in 1999 and overseen by the Central Press Accreditation Committee, which awards accreditation to representatives of media associations, serve as the foundation for how the electronic media operate.



Indian Press: Pre 1947



Indian Press: Post 1947

NOTES

Check Your Progress

1. _____ widely known as the "Calcutta General Advertiser," founded "The Bengal Gazette" in 1780.
2. The "censorship of press legislation," passed by Governor-General _____ in 1799.
3. _____ protested against the limitations on press freedom in 1824.
4. In _____, Metcalfe law was also introduced as a 'Liberal Press Policy'.

1.2 CONSTITUTION OF INDIA

Introduction

The Indian Constitution, country's most important legal document, is one of the world's, lengthiest constitutions in the world. It comprises legitimate authority and was accepted by the people of India through a preamble statement. The constituents can't be dominated by the administration. It has the world's longest written constitution of any independent nation. It is in charge of the country. Its principal architect is considered as B.R. Ambedkar. At first, our Constitution covered 395 articles split into 22 parts and 8 schedules. So, today our Constitution has the following:

- 25 Parts
- 12 Schedules
- 448 Articles
- As of September 2016, there have been 101 (latest by GST Bill) amendments to the Constitution of India since it was first enacted in 1950. There are two types of amendments to the Constitution which are governed by article 368.

The above data make our Constitution the broadest constitution in the world.

Check Your Progress

5. The _____ has the world's longest written constitution of any independent nation.
6. Principal architect of Indian constitution is considered as _____.

1.3 FUNDAMENTAL RIGHTS OF INDIAN CONSTITUTION

Introduction

The fundamental rights are covered in a chapter of the Indian Constitution. Indian citizens' fundamental rights are outlined in Part III (Articles 12-35). Because they are essential to the formation of the human personality, the fundamental rights are so named. We are granted six fundamental rights under the Constitution. The essential rights guaranteed by our Constitution are as follows:

NOTES

- Right to Equality (Article 14-18)
- Right to Freedom (Article 19-22)
- Right Against Exploitation (Article 23-24)
- Right to Freedom of Religion (Articles 25-28)
- Cultural and Educational Rights (Articles 29-30)
- Right to Constitutional Remedies (Article 32).

1. The Right to Equality (Article 14-18)

One of the key principles in the Constitution is true justice. It is interesting that Articles 14-16, cover the full scope of justice under the strict observance of the law and non-discrimination, just as Articles 17-18, cover the possibility of public relations at a more remarkable depth.

Article 14: It guarantees that all persons living in India are treated equally under the strict supervision of the regulation and are subject to the costs of the same guarantee under regulation.

Article 15: It prohibits discrimination based on religion, race, rank, sex, place of birth or any combination of these variables.

Article 16: It provides the same open door for day-to-day work and does not allow the State to harass anyone depending on one or more of the following: race, gender, position, sex, fall, place of birth, place of residence, or any combination of these characteristics.

Article 17: It forbids using the property in any legal actions and makes doing so a crime. To support this strategy, Parliament passed the Civil Rights Act of 1955.

Article 18: It forbids the nation from bestowing any subjects without any distinctive or perceived distinction, and Indian citizens are not permitted to receive foreign qualifications.

2. Right to Freedom (Article 19-22)

Article 19: It ensures the following six fundamental liberties to Indian citizens:

- Freedom of Speech and Expression
- Freedom of Assembly
- Freedom of Residence and Settlement
- Freedom to Form Associations
- Freedom of Movement
- Freedom of Occupation, Profession, Trade and Business.

Article 20: Protection from punishment after conviction for crimes.

Article 21: Preservation of life and individual freedom.

Article 22: Protection not in favour of custody and arrest in certain circumstances.

NOTES

3. Right Against Exploitation (23-24)

Article 23: This article provides information on how to prevent human trafficking and forced labour.

Article 24: The article addresses issues like not letting kids work in manufacturing, etc.

4. Right to Freedom of Religion (25-28)

Article 25: Freedom of religion to be practised, exercised, and expanded in a peaceful manner.

Article 26: Right to conduct religious affairs.

Article 27: Prohibits taxes based on a person's religion.

Article 28: Religious rites for freedom in several educational institutions.

5. Cultural and Educational Rights (Articles 29-30)

Article 29: It gives any group of citizens with their own language, script and culture the right to the domain and grows it, protecting minorities' rights by forbidding the State from commanding outdoor values on them.

Article 30: It generally gives strict and semantic minorities the option to build up and direct instructive foundations fitting their personal preference to protect and foster their own way of life and disallows the State from victimizing any organization that is controlled by a strict or social minority while allowing help.

Article 31: The Constitution Act of 1978's 44th Amendment abolished the article governing the forced acquisition of property.

6. Right to Constitutional Remedies (Article 32)

Article 32: The Supreme Court has been given the Constitution as a protection of fundamental freedoms, and Article 32 provides a definitive solution, such as the Fundamental Right, to the exercise of any remaining Constitutional Rights. Dr. B.R. Ambedkar, the father of the Indian Constitution and polymath, wanted the Constitution to provide a tangible guarantee of basic human rights, and therefore Article 32 was written by him.

The rights to petition the Supreme Court for the enforcement of Fundamental Rights, including the Writs of Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto, are primarily covered under Article 32.

Check Your progress

7. _____ It guarantees that all persons living in India are treated equally under the strict supervision of the regulation and are subject to the costs of the same guarantee under regulation.
8. _____ It prohibits discrimination based on religion, race, rank, sex, place of birth or any combination of these variables.
9. _____ This article provides information on how to prevent human trafficking and forced labour.
10. _____ the article addresses issues like not letting kids work in manufacturing, etc.

NOTES

1.4 FREEDOM OF SPEECH AND EXPRESSION

Introduction

Freedom of speech and expression is protected under Part III of The Indian Constitution which deals with Fundamental Rights. All citizens are promised or guaranteed freedom of speech and expression under the Indian Constitution. The freedom of speech and expression is one of the six freedoms outlined in Article 19 of the Indian Constitution's Right to Freedom section.

The Supreme Court of India stated that in order to exercise its authority under Article 129 of the Indian Constitution, the court must strike a balance between the rights guaranteed by Article 19(1)(a) and the limitations imposed by Article 19(2). The Preamble of the Constitution, where an earnest effort is made to defend all of its citizens' freedom of opinion and speech, is where the perspective following this Article is found.

Article 19(1)(a)

All Indian citizens have the right to freedom of speech and expression under Article 19(1)(a). It comprises the right to express individual views, beliefs and opinions on any issues over and done with any medium.

1. It indicates that all citizens can express their views, belief and opinions freely.
2. It included expressing views and opinions through any medium including word of mouth, printing, writing, film, movie, banners, posters and others.
3. It also includes the right not to communicate or speak. (It may be no one can force anyone to give an opinion on any issues. It may depend on an individual or situations.)
4. It includes artistic as well as commercial speech and expression.
5. It includes the right to communicate through print or publicize the information.
6. Press freedom is also covered in this article.
7. It may also include spreading or circulating an opinion by any medium.
8. Additionally, it might cover the right to information access under the Right to Information Act (RTI).
9. Some other expressions are included by the Supreme Court of India. For example, in 2004, hoisting, lifting and raising the flag of one's country was also a type of freedom of expression.

Article 19(2)

Article 19(1)(a) right is subject to sensible limitations being enforced in Article 19(2). Free expression cannot be confused or connected with an authorization to make groundless and unreliable charges in contrast to the judiciary.

NOTES

The Indian Constitution guarantees every citizen the right to express themselves without fear of retribution, but this right must be exercised responsibly and with caution. Speaking freely is not always possible. Restrictions on the right to freedom of speech and expression are imposed by Article 19(2). In the interests of preserving the right to free speech, certain restrictions are justified for the following reasons:

1. Public order
2. Security of the state
3. Decency and morality
4. Hate speech
5. Defamation
6. Contempt of court
7. Incitement to an offence
8. Friendly relations with foreign countries

Recent cases imposed under Article 19

1. Sunaina Holey Versus Chief Minister Uddhav Thackeray and his son Aditya Thackeray

(Source: Deccan Chronicle, 11 September, 2020)

A lady who was arrested for allegedly making derogatory comments about Chief Minister Uddhav Thackeray and his son Aditya Thackeray on Twitter was denied interim protection from arrest by the Bombay High Court.

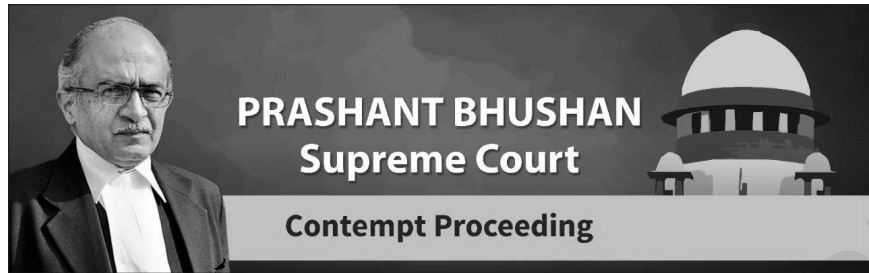


2. Supreme Court versus Prashant Bhushan

(Source: The Hindu, 14 September, 2020)

Prashant Bhushan, a civil rights attorney, paid a ₹ 1 fine imposed by the Supreme Court as retribution for his Tweet "Scandalising the Court," which constituted criminal contempt.

NOTES



Check Your Progress

11. All Indian citizens have the right to freedom of speech and expression under _____.
12. Article 19(1)(a) right is subject to sensible limitations being enforced in _____.

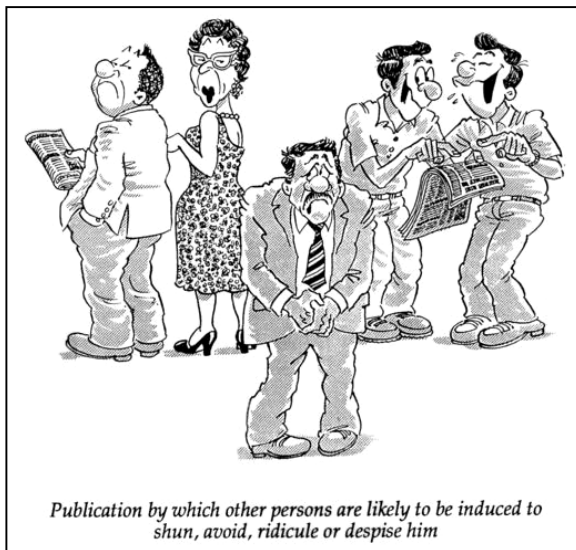
1.5 DEFAMATION (LIBEL AND SLANDER CONSIDERATIONS)

What is defamation?

Defamation permits individuals to guard their reputation, status and character from partial attacks. Most individuals are aware of their rights, but certain things, like defamation, can limit the words we express or publish. It is the area of law that deals with communications pertaining to someone else's reputation.

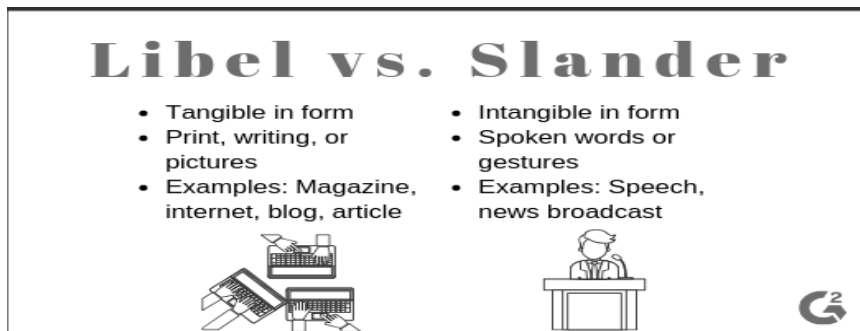
Defamation law is the place of law that communicates the reputation of another person. The main objective of the defamatory law is to keep the individual from having their lives or livings may change because of false statements used against them. It may be conveyed by the exact meanings of words like calling someone corrupt, thief, cheater, or murderer, which are called defamatory words.

Defamation law allows people to protect their reputations from unfair attacks. So if someone is defamed by others, then he/she can sue the defamer and claim a retraction or public apology.



Types of defamation

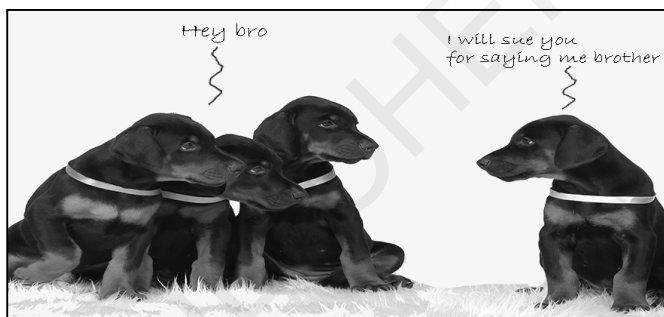
Libel and slander are the two sorts of defamation that exist.



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- (a) **Libel:** Libel is defamation that's written down. It is a defamation of character in print, audio, or video publications. It means to write false charges against another person with the intent to harm. Libel is like videos or writing defamatory comments in writing in the public sphere, like news articles or blogs on reputable social networking sites.
- (b) **Slander:** Slander is defamation of appellant through unrecorded or unspoken gestures or verbal remarks. Slander is like a spoken word in a public place or public platform, such as stories, rumours, memes, and videos posted online. However, in case of slander, it is not unlawful unless the person defamed can prove actual loss.

Elements make up a defamation case



1. **Defamation must be published:** The statement must be published, but it must be made available to someone other than the person about whom the statement was made.
2. **The statement must be false:** A defamatory statement must be false. In this defamatory situation, truth is the only defence against defamation. No one is prohibited by law from disclosing accurate information regarding an individual or person. To have a defamation claim, the statements need to prove false.
3. **A statement which cause harm or damage reputation:** A statement is harmful or damaging if it seriously shames, disgraces, ridicules or harm an individual's reputation. It may include statements regarding sexual conduct, illegal behaviour, racial and religious comment, or hurting someone's livelihood.

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- 4. The statement must refer to the plaintiff (accuser):** If the person to whom the statement was published could sensibly conclude the statement which referred to the plaintiff, the defendant is nevertheless liable. It may include financial plaintiff, negative plaintiff character, plaintiff morality and integrity.

The plaintiff statement must refer to the person, class of person or the head of a company. The reference may be direct or indirect, so it is not necessary that it mention only by name or recognition. The statement made should harm or injure the plaintiff in some way. For example, the plaintiff may lose his job, position, status and reputation because of the statement made.

- 5. The statement is not privileged:** The statement may be privileged the person who has made the statement is protected from legal responsibility. For instance, if someone testifies in court, nothing they say within may be libellous. Furthermore, what legislators or policymakers say when participating in a formal conversation is equally safe.

Check Your Progress

13. _____ permits individuals to guard their reputation, status and character from partial attacks.
14. _____ is the place of law that communicates the reputation of another person.
15. _____ is defamation that's written down.
16. _____ is defamation of appellant through unrecorded or unspoken gestures or verbal remarks.

1.6 FREEDOM OF PRESS

A. Introduction

The amendment to the Indian Constitution legally protects press freedom in India. The law of India typically protects the sovereignty, moral standards, and national integrity in order to retain a mixed legal framework for independent journalism.

People must be allowed to express themselves and share their opinions with the general public in order to maintain the self-governing and democratic way of life. In India, misleading information and media bias are regulated by certain constitutional amendments that the nation's Constitution designates.

B. Article 19 (1)(2)

Article 19 (1) and (2), must protect the public interest, which establishes appropriate restrictions on the freedom of expression in areas affecting:

- (a) Sovereignty and integrity of the state
- (b) Contempt of court
- (c) Incitement to offence

NOTES

- (d) Security of the state
- (e) Friendly relations with foreign countries
- (f) Public order
- (g) Defamation

C. Case study

Romesh Thapar v. State of Madras

In the case of Romesh Thapar v. State of Madras, Patanjali Sastri, CJ, wrote, “Freedom of speech and the press is the foundation of all democracy because without free political dialogue, no public education, it is crucial to the smooth running of the organization, popular government policy, it is possible.” In this case, the Madras government restricted the entry and distribution of the “Cross Road,” an English language published once a month in Bombay.

Just as “publishing would be less profitable than free media,” the same was considered a violation of free speech. “One-sided knowledge, deception, distortion, and ignorance all equally create many ignorant people, making democracy a laughing stock,” remarked the Supreme Court in the case of Union of India v. Association for Democratic Reforms. Aspects of freedom of speech and expression include the right to impart and receive information as well as freedom of expression. The court ruled in the case of Indian Express Newspapers. In the democratic process, the role of Union of India is crucial. The courts have a responsibility to uphold media freedom by deeming all governmental and executive actions that restrict it unconstitutional. As listed below, there are three stages of oppression:

- (a) Access to all sources of information,
- (b) Freedom of publishing,
- (c) Freedom of movement.

The legislature has trampled on the freedom of the press. It was found that there was a violation of media freedom and not a reasonable restriction under Article 19 in the case of Sakal Papers v. Merger of India. The Court also decided the legitimacy of the Newsprint Control Order, which establishes the maximum number of pages, in the case of Bennett Coleman and Co. v. Union of India, which determined that it violated Section 19(1)(a). It is not, as defined by Section 19(1)(b), a reasonable restriction. Additionally, the Court denied the government's plea to cooperate with the investigation.

Check Your Progress

17. The _____ to the Indian Constitution legally protects press freedom in India.
18. Article 19(1) and (2), must protect the public interest, which establishes appropriate restrictions on the _____.

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1.7 RIGHT TO INFORMATION

Introduction

The Right to Information Act of 2005 is the name given to this legislation. His Excellency, the President of India, gave his consent and authority to establish the RTI Act of 2005. The Parliament passed this Act on June 15, 2005, and it was published in the Indian Gazette on June 21, 2005. Except for the state of Jammu and Kashmir, it covers the entirety of India.

The Parliament of India has set up the Right to Information Act which believes that all the country's citizens are entitled to get the information for which it has set out the rules and procedures. Under this Act, a citizen of this country can ask for the information from public officials.

Data is anything that can be accessed by a public authority under any other law currently in force, including records, archives, notices, messages, assessments, counsel, official statements, handouts, orders, logbooks, contracts, reports, papers, tests, and models. It also includes data pertaining to any private body.

The record comprises of below:

1. Any document microfilm, microfiche or facsimile copy;
2. Documents, manuscripts and files of any kind;
3. Any other type of material generated by a computer or other device; and
4. Any reproduction (whether enlarged or not) of a picture or images encoded in such microfilm.

Public authorities are any governing body, body or institution established or established:

1. Any other law passed by Parliament
2. By the Constitution or under the Constitution
3. Any other law passed by the Legislature
4. Any organization owned, controlled, or funded by a non-governmental organization, a non-governmental organization is funded significantly, directly or indirectly, by government grants, as defined by a notice issued or an order issued by a competent government.

A request for information under this Act must be submitted in writing or electronically to government representatives in Hindi, English, or the official language of the location where the request is being made, along with any other costs not specified, and enter contact details.

Check Your Progress

19. The Right to Information _____ is the name given to this legislation.
20. The Parliament passed RTI Act on June 15, 2005, and it was published in the _____ on June 21, 2005.

1.8 PROTECTION OF WHISTLEBLOWERS ACT, 2011

Core Values of the Indian
Constitution

A. Introduction

A whistleblower is a person, usually an employee, who discloses information (Mostly illegal activities, wrongdoings, deemed illegal, immoral, illicit, or dangerous, or that involves fraud or abuse of taxpayer funds) within a private, public, or government institution internally, externally or publically, whistleblowers have the choice of making allegations or presenting facts. Over 83% of whistleblowers within the company go to a supervisor, human resources, compliance, or an impartial third party, anticipating that the business will handle problems and remedy the issues.

By contacting a third party, such as the media, government, or law enforcement, a whistle-blower can bring concerns to light outside of the business. Under the Whistleblowers Protection Act of 2014, any person (i.e., a whistleblower) can report a public official's act of corruption, wilful misuse of power or discretion, or criminal offence. Ministers, lawmakers, members of the lower courts, representatives of regulatory organisations, workers in the federal and state governments, and others are included in this group. Such disclosures are made to a designated Competent Authority, which is required to conduct a covert investigation while concealing the identity of the complaint and the public official.

The government floated modifications in Rajya Sabha after the 2014 Act was enacted as a Bill by Lok Sabha, prohibiting the disclosure of two types of information. This includes information about

1. India's sovereignty, economic, scientific, or strategic interests; interactions with other countries; or incitement to commit a crime; and
2. The Council of Ministers' proceedings.

Due to the discussion taking place on the final day of the 15th Lok Sabha, these amendments were not proposed when the Bill was enacted by the Rajya Sabha. On May 11, 2015, the Lok Sabha received the Whistleblowers Protection (Amendment) Bill, 2015, which was later approved on May 13. The Whistleblowers Protection Act of 2014 is modified by this law.

B. Features of Whistleblower

1. A public interest disclosure against a public official may be made by anyone under the Whistleblowers Protection Act of 2014.
2. All related illegal types of disclosures are made in front of a Competent Authority. For each type of governmental employee, the Act stipulates the Competent Authority. For example, for a Union Minister, it would be the Prime Minister; for Members of Parliament, it would be the Speaker/Chairman; for district court judges, it would be the Chief Justice of the High Court; and for government employees, it would be the Central or State Vigilance Commission.

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C. Present Status of Whistleblowers Protection Act, 2011:

1. The Lok Sabha approved the Whistleblowers Protection Bill, 2011, on December 27, 2011. The Bill, as approved by the Lok Sabha, was ultimately approved by the Rajya Sabha on February 21, 2014, and on May 9, 2014, the President gave his assent. The official modifications to the Bill (meant to protect against revelations damaging the sovereignty and integrity of India, security of the State, etc.) were not moved because the Bill was brought up on the final day of the 15th Lok Sabha's final Session.
2. Because the proposed changes are so important, the Act cannot go into effect until the essential changes have been made. Only once the Act is put into effect may rules under the Act be notified.
3. It was not possible to validate media reports that some people had been victimised, attacked, or even killed because they were RTI advocates or whistleblowers. The Central Vigilance Commission (CVC) has said that, as the designated body under the Public Interest Disclosure and Protection of Informers Resolution (PIDPIR), it has not come across any incidents involving the killing or attack of the complainant since May 12, 2014.
4. According to information provided by the CVC, from May 12, 2014, the CVC has only received two complaints from complainants alleging harassment or victimisation in accordance with the PIDPI Resolution, one on May 13 and the other on September 30, 2014.

Note: In a written response to Shri D. Raja in the Rajya Sabha on December 11, 2014, Minister of State for Personnel, Public Grievances, and Pensions, Dr. Jitendra Singh, made this claim.

Check Your Progress

21. A _____ is a person, usually an employee, who discloses information.
22. The _____ approved the Whistleblowers Protection Bill, 2011, on December 27, 2011.

1.9 IDEA OF FAIR TRIAL/TRIAL BY MEDIA

A. Introduction

One of the crucial four pillars of democracy is thought to be the media. Media freedom is the right of the public to access information on public issues. The expression "trial by media" gained use in the late 20th and early 21st centuries to define the impact of newspaper and television reporting on an individual's character and reputation by constructing a widespread opinion of innocence or guilt before or after a judgment in a court of law. Nowadays, there have been many examples or cases in which the media is required to oversee the trial of suspects and has made its decision prior to the court's verdict.

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Currently, the media has transformed into a Janta Adalat, Aapki Adalat, or Public court and started superseding the proceedings of the court. The vital gap between the criminal and suspect is absolutely ignored by the media by keeping at stake the fundamental values of the principle that one is innocent until and unless one is demonstrably and clearly guilty.

B. What is a media trial?

Every time there is any sensitive case that comes to be tried before the court, then among individuals, there is an anticipated gain in curiosity. Media has wide-ranging roles in society. Always looking forward to sensational news, for example, media, including newspapers, magazines, radio, television news channels, news blogs, websites, etc., start publishing their own interpretation of facts and findings. However, this type of investigative journalism is not prohibited in Indian news media.

The impact of media reporting through any news media, including newspapers, magazines, radio, television news channels, news blogs, websites, etc. In general, it is called as "Media Trial". We are currently witnessing a media trial, in which the media conducts its own independent or unrelated investigation and shapes public opinion against the suspect even before the court fully comprehends the case. On the other hand, it completely violates the fundamental legal principles of "guilty beyond a reasonable doubt" and "presumption of innocence until proven guilty" when the custody of an accused person is at issue.

C. Some famous Indian cases of media trial

There have been several cases which have been annoyed by the media; a few of the famous cases have been given below:

1. Sanjay Dutt case (Mumbai serial Blast Case 1993)
2. Jessica Lal Murder (1999)
3. Ayodhya Dispute (1992)
4. The Delhi Rape case (2012)
5. Nithari Kand (2007)
6. Sheena Bora Murder case (2012)
7. Yakub Memon case (Mumbai Serial Blast Case 1993)
8. Arushi-Hemraj Murder case (2008)
9. Nitish Katara Murder case
10. Influence of media on the accused

Check Your Progress

23. One of the crucial _____ of democracy is thought to be the media.

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1.10 CONTEMPT OF COURT

A. Introduction

Contempt, as used in law, is defined as any willful disobedience to or disrespect of a court order, any misconduct in front of a court, or any misbehaviour by legislators in front of the Speaker or other head of a legislative body.

In simple terms, contempt means it is an act of deliberate disrespect or non-compliance with the rules, regulations, laws or dignity of a public authority, such as a legislative body or court.

Generally, persons may be referred to for contempt when they refuse to comply with an order or fail to comply with damage, appeal with documents, refuse proof, interrupt actions through their words or actions, or else disobey a public authority or hold up to disregard and disrespect.

B. The Contempt of Courts Act, 1971

ACT NO. 70 OF 1971 [24th December, 1971.]

A law that controls the way certain courts punish contempt of court and describes and limits those courts' authority to do so.

Be it enacted by Parliament in the 22nd year of the Indian Republic in the following manner:

1. **Short title and extent:** This Act is termed the Contempt of Courts Act, 1971.
2. **It covers the whole of India:** The State of Jammu and Kashmir is exempt from the provisions of this Act, including those that refer to contempt of the Supreme Court.

The Contempt of the Court Act of 1971 was passed, which dealt with contempt of the Court. The High Courts and the Supreme Court are each authorised to penalise anyone for their numerous acts of contempt under Sections 129 and 215 of the Indian Constitution, respectively. Section 10 of the Court Observance Act of 1971 establishes the Supreme Court's authority to penalise disrespect for its inferior courts. Observing the provisions of Sections 129 and 215 of the Constitution does not apply to Article 19(1)(a).

The following sections are often needed to show contempt:

1. Delivering of a valid court order
2. Offender's information about the scheme
3. Offender's ability to comply, once and for all
4. Purposely disobeying a command.

Types of contempt

Contempt is divided into three categories, according to King Hardwick:

- To create embarrassment in court.
- Harassment of persons involved in a court case.
- Discrimination of public opinion on a case before the trial.

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In India, however, there are two levels of court contempt:

1. **Common Insults:** Ordinary ridicule is considered intentional disregard for any choice, order, title, application, document, or other court proceeding or the deliberate leave of a decision granted by a court under Section 2(b) of the Judicial Review Act, 1971.
2. **Contempt for Crimes:** Criminal profanity is seen as the propagation (whether verbally or coined, or by manifestations, whether implicit or explicit) of any matter or act of any other act:
 - Shame or embarrassment, or degrading, in any court, or
 - Discrimination or that interferes with or will interfere with the proper course of any legal process.
 - In some other way, it meddles or takes steps to impede or deter or takes steps to block the organization of equity.
 - “High Court” alludes to the most noteworthy court of a state or association region, just as the legal magistrate’s court in any association domain.

Check Your Progress

24. _____, as used in law, is defined as any willful disobedience to or disrespect of a court order, any misconduct in front of a court, or any misbehaviour by legislators in front of the Speaker or other head of a legislative body.
25. _____ ordinary ridicule is considered intentional disregard for any choice, order, title, application, document, or other court proceeding or the deliberate leave of a decision granted by a court under Section 2(b) of the Judicial Review Act, 1971.

1.11 ISSUES OF PRIVACY

Introduction

Right to privacy is a lawful stretch, or it is considered to be an offence. It occurs when an individual or person interferes in the private natural life of another person without just reason. It arises when the reasonable prospect of privacy is disturbed or violated. **Bruce Schneier** states, “Privacy is an inherent human right and a requirement for maintaining the human condition with dignity and respect.” The following are the common examples of intrusion against which legal action can be taken-

- Listening or intercepting other phone calls, video calling, messaging, chatting and others.
- To make continuous annoying phone calls or chat messages to someone.
- To interfere over and side to side with someone’s private records.
- Publish other information or private secret into public platforms like newspapers, broadcasts or other social media.
- To take photos and videos without the knowledge of someone.

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- It may also include problems such as marriage, education, child rearing and family relationships.

1. Evolution of the right to privacy

The Indian Constitution is ambiguous regarding the right to privacy, so it is a question of legal analysis. The judicial analysis of fundamental rights carries it within the influence of fundamental rights. The right to privacy verdict was delivered by 09 judges of the Supreme Court of India in Puttaswamy versus Union of India, being declared by four of the 05 Judges who wrote opinions.

The leading judgement by Justice D.Y. Chandrachud, while knowing the limitations of using proportional legal and historic structure to form Indian laws, could not help but recognize its power in expressing the opinion of the right to privacy is an example of the basic need of every individual to live with self-respect and dignity.

In the revolutionary case of Justice K.S. Puttaswamy versus Union of India, on 24th August, 2017, Supreme Court gave its judgment on the Right to Privacy, announcing it as a fundamental right of a citizen. This judgement has finally ended the long historical legal battle of nearly the past 50 years.

2. Right to privacy, a fundamental right

The Indian government chose to issue each of its inhabitants an individual identification card called an Aadhaar, which has a 12-digit Aadhaar number. Registration for this card becomes required to support individuals in opening bank accounts, filing tax returns, etc. However, in order to register for these cards, individuals must provide biometric data, such as fingerprint scans and images of their irises (the coloured portion of the eye that helps control how much light enters the eye).

Justice K.S. Puttaswamy, a retired judge, filed a case contesting the constitutional authority of the Aadhaar project, alleging that because registration for the project is made mandatory, citizens' rights to privacy have been violated.

Because of this, none of the people who don't even wish to register themselves have any other choice. Additionally, there are no data protection rules in India, which increases the risk of a leak of a person's private information if adequate precautions are not followed. A violation of people's right to privacy will result from this.

‘Right to Privacy is a Fundamental Right’ says the Supreme Court in unanimous verdict

According to the Supreme Court's ruling, the Indian Constitution guarantees a basic right to privacy, establishing that “The Right to Privacy is protected as an intrinsic part of the right to life and personal liberty.” Following a reference made in the Aadhaar or UID case (Puttuswamy and Anr WP civil No. 494 of 2012) almost two years ago, the nine-judge bench making this decision was established in August 2015. The case was considered by a panel of nine judges, which also

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included the Chief Justice of India, Justice Khehar, Justice Jasti Chelameswar, S.A. Bobde, R.K. Agarwal, Rohinton Nariman, A.M. Sapre, D.Y. Chandrachud, S.K. Kaul, and S. Abdul Nazeer.

Since then, those opposed to the Aadhaar project in academia, activism, petitioning, and law have been waiting for the Supreme Court to rule on whether or not a basic right to privacy would be recognised.

The government purposefully ignored earlier Supreme Court directives restricting the use and growth of Aadhaar during the interim period. The project's many flaws and the harm they pose to the nation's welfare and security have come to light as it has progressed.

Chronology of the case

September 2013: The United Progressive Alliance (UPA) administration led by the Congress is informed by the Supreme Court that Aadhaar cannot be made mandatory for any services.

July 2015: The National Democratic Alliance (NDA) administration, which is led by the Bhartiya Janata Party (BJP), has informed the Supreme Court that it intends to make Aadhaar mandatory for a number of services. Everyone was shocked when Attorney General Mukul Rohatgi claimed that there is no basic right to privacy for individuals. The Supreme Court declares that this will be decided by a constitution bench.

August 2015: Supreme Court put restrictions on the use of Aadhaar in the Public Distribution System.

October 2015: The Supreme Court has approved the voluntary use of Aadhaar in four additional programmes.

March 2016: The Aadhaar Act was approved by the National Democratic Alliance (NDA) government as a money bill to circumvent the Rajya Sabha, where it lacked the necessary support. Over 50 programmes require Aadhaar, making it essential.

June 2017: After waiting almost two years, the Supreme Court appoints a constitution bench to deliberate on the right to privacy.

August 2017: The Right to Privacy is upheld as a Fundamental Right by the SC's nine-judge bench. On August 24, 2017, the Supreme Court issued its ruling on the Right to Privacy, establishing it as a basic right of a citizen in the historic case of Justice K.S. Puttaswamy v. Union of India. The lengthy legal dispute that has lasted for almost 50 years has finally come to a conclusion thanks to this judgement.

Check Your Progress

26. _____ is a lawful stretch, or it is considered to be an offence.
27. The Indian government chose to issue each of its inhabitants an individual identification card called an _____, which has a 12-digit _____.

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1.12 FREE SPEECH ON THE WEB AND CYBER LAWS

A. Introduction

The meaning of “Free speech on the Web” is “the most participating form of mass speech so far developed,” but it requires that the government and courts continually need to maintain the freedom of speech. The fundamental right to freedom of speech and expression is greatly enhanced by this. Everybody needs to feel confident in this. Working to strengthen online free expression needs to be guided by specific values.

The Indian legal system comprises several provisions which limit free expression. Laws like Section 66A are designed particularly to suppress internet expression. The Information and Technology Act 2000 (ITA 2000) is commonly referred to as the IT Act. It is a law passed by the Indian Parliament on October 17, 2000 (Act No. 21 of 2000). The primary statute in India addressing electronic trade and cybercrime is this one. President K.R. Narayan signed the legislation in May 2000 after it was approved at the 2000 budget session.

This IT Act's primary goal is to implement responsible and lawful online, digital and electronic transactions and reduce cybercrimes. 13 Chapters and 4 Schedules make up the Act's 94 sections. The laws are applicable throughout India.

The offences, wrongdoings, punishments, penalties etc., which falls under the Information Technology Act, 2000 are as follows:

1. It gives way for the regulator to a subscriber to provide further tools for information decryption.
2. It falls if any altering with the computer source documents.
3. Penalty provision if any breach of privacy and confidentiality.
4. Penalty if there is the publishing of a digital signature certificate false in certain particulars.
5. Applying the law to violations or offences committed outside of India.
6. Publication of offensive content in electronic form.
7. Penalties for confiscation if it is not to interfere with other punishments.
8. Confiscation (the act of taking or seizing someone's property with powers).
9. It falls when hacking for hateful purposes.
10. Penalty falls when in case of misrepresentation.
11. It gives the power to the regulator to give commands and instructions.
12. It gives the power to investigate offences.
13. It is a protected system.
14. It is stopping publication for fraud purposes.

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B. Amendment 2008

The Information Technology Act, 2008 (IT Act, 2008), also known as the Amendment Act, is a significant improvement to India's IT Act, 2000. Although the Indian Parliament adopted the Act in October 2008, it didn't go into effect until later in 2009.

C. Cyber laws concern

Cyber law or IT law refers to the legal framework governing information technology, including computers and the internet. It oversees programming, data security, online commerce, and the computerised transmission of data. It is associated with respectable informatics.

IT law envelops parts of the agreement, licensed innovation, security and information assurance laws rather than being a different area of law. The assurance of licensed innovation is a significant part of IT law. The topic of programming permits is obstinate and continually evolving both in Europe and beyond.

Cyber Law's Importance

- It applies to all online transactions.
- It monitors every online activity.
- It has an impact on every action and response in cyberspace.

D. Cyber-legal Topic

Various sorts of designs are remembered for digital regulation. A few laws control how people and organizations use PCs and the web, while others shield individuals from becoming survivors of wrongdoing because of untrustworthy internet-based activities. Coming up next are probably the main parts of digital law:

1. **Fraud:** Cyber rules are relied upon by consumers to protect them against online fraud. Legislation is passed to stop financial crimes including credit card fraud and online identity theft. Federal or state authorities may file criminal charges against someone who commits identity theft. It's also possible that a victim will file a lawsuit. Cyber attorneys represent and prosecute anyone who is thought to be conducting online fraud.
2. **Copyright:** The internet has made it simpler to commit violations on other people's intellectual property rights. In the early days of online communication, copyright violations were all too widespread. Both enterprises and private persons need the assistance of lawyers to establish copyright rights. Copyright infringement is a type of cyber law that protects people's and businesses' rights to make money off of their own original works.
3. **Defamation:** A handful of employees voice their frustrations online. It may cross the line into defamation when people use the internet to spread untrue information. Civil rules called defamation laws prevent persons from making false public statements that can harm a person's or a

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business' reputation. When someone makes statements on the internet that are prohibited by civil law, this is referred to as defamation.

4. **Harassment and Stalking:** Online comments can occasionally be used to violate laws that forbid stalking and harassment. Both civil and criminal laws are broken when someone uses the internet to make threatening remarks about another individual. Cyber lawyers bring charges against and represent those who are stalked on the internet or through other forms of electronic interaction.
5. **Freedom of Speech:** One of the most important aspects of internet law is freedom of speech. Cyber laws forbid some online behaviours, yet freedom of speech rules permit people to express themselves. Clients of cyber law firms should be made aware of the restrictions placed on free speech, such as those prohibiting obscenity. Cyber lawyers may be able to defend their clients when it is in doubt whether their actions qualify as free speech.

E. Trade Secrets

Frequently, digital laws are applied to protect proprietary advantages by associations carrying on with work on the web. Google and other web search tools, for instance, give a lot of work to refining the calculations that give indexed lists. They additionally commit a lot of work to create different elements, like guides, smart help, and aircraft search administrations, to make reference to a couple. These organizations which can utilise digital laws to make a lawful move is important to ensure their proprietary advantages.

F. Employment Law and Contracts

You have to utilize digital law each time you click a button indicating that you agree to the terms of accessing a website. Every website contains agreements related to security worries somehow or another.

G. Cyber Law's Benefits

Utilizing the lawful foundation made by the Act, organizations can now convey online business.

1. In the Act, computerised marks are given legitimate authenticity and authorization.
2. It has considered the presentation of business entities into the process of acting as Certifying Authorities for Digital Signature Certificates.
3. It gives the public authority the ability to share alerts via the internet with any office, authority, body, or office owned or controlled by the appropriate.
4. It approves organizations or associations to record any structure, applications or other reports may be sent through the use of the e-structure to any office, authority, body, or office owned or controlled by the appropriate government

5. The IT Act also deals with the major security issues that are essential for the success of electronic exchanges.

Check Your Progress

28. The meaning of _____ is “the most participating form of mass speech so far developed,”
29. _____ are relied upon by consumers to protect them against online fraud.
30. _____ can occasionally be used to violate laws that forbid stalking and harassment.

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1.13 INTELLECTUAL PROPERTY RIGHTS

Introduction

The appearance of a creative brain has all the time been protected by Intellectual Property Laws, specifically copyright. In modern times, there are new innovative forms of creative works, the world of intellectual property rights has effectively adjusted to moving tendencies to offer safety to the creative works of creators.

IPR is asset and crucial to promote innovation and growth of the country. Regardless of such acceptance of IPRs, some individuals still consider it as an obstacle in the progress of technology and innovation. The widespread of IPRs in the extent of human development has made it serious to access the burdens and benefits it transmits. In this situation, the exceptions have been incorporated into the constitution of India and the world. It provides exceptions to patent rights and other associated rights to use IPRs as a tool for their defensible development.

However, exception to copyrights, IPR and other related rights vary from place to place or country to country due to social, political, economic and other reasons or it may also include freedom of speech or market failures.

Exceptions of Intellectual Property Rights

According to the **Standing Committee on the Law of Patents (SCP)** has recognized that the legislation and law giving of various countries responsible for some or all of the following patent rights restrictions and exclusions.

1. The experimental use and scientific research,
2. Private and non-commercial use,
3. Certain use of patented inventions by farmers and breeders,
4. Exhaustion of patent rights,
5. Extemporaneous preparation of medicines,
6. Prior use,
7. Compulsory licensing and government use,
8. Use of articles on foreign vessels, aircrafts and land vehicles.

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Major amendments

The Copyright Act, 1957, which applies to all of India, regulates copyright law there. The law becomes operative or effective on January 1, 1958. Since then, the Act has been revised six times: in 1983, 1984, 1992, 1994, and 1999; the most recent revision was in 2012.

The Copyright (Amendment) Act, 2012 is the most substantial. It provides procedure for disclaimer of copyright, legal licences, necessary licences, voluntary licenses, administration and membership of activities of copyright societies and performer's societies. It can be enforced in criminal courts and civil courts. The following categories can be used to group the amendments made by the Copyright (Amendment) Act of 2012.

1. **Amendment rights Artistic works, cinematographer films and sound recordings:** In the viewpoint of work, Section 14 has been changed. By stating that the right to reproduce or copy an artistic work, to make a copy of a cinematographer's film, or to represent a sound recording now includes storing it in any medium by electronic, digital, or any other means and mediums, the amendment clarifies the rights in artistic works, cinematographer's films, and sound recordings.

For example: Storing work in digital form over the internet created at multiple times or multiple locations in users' computers or accounts. Here, we may argue that the right to store works has been included in the extension of copyright.

2. **WIPO Performances and Phonograms Treaty (WPPT) and WIPO Copyright Treaty (WCT) related Amendment to Rights**

(a) **Commercial Right:** In accordance with Article 11 of the TRIPS Agreement, Article 7 of the WCT, and Article 9 of the WPPT, commercial rental rights for computer programmes and filmmakers' films must be made available. By mentioning the word hire, section 14 introduced this right.

(b) **Performer's Rights:** The Amendment Act 2012 has presented confirmatory performers' rights. Subsections 3 and 4 of the current section 38 have been misplaced, and a new section 38A has been introduced in agreement with Articles 6 to 10 of World Intellectual Property Rights (WIPO), WIPO Performances and Phonograms Treaty (WPPT). In the event that their performances are used in commercial roles, the provision and endowment to the section permit performers to be allowed for royalties or compensation.

3. **Author-friendly Amendments on the mode of assignment and Licenses:** The author-friendly amendments make stronger the position or situation of the creator if new techniques for appropriating and exploiting the work are developed. For instance, when the assignment is given, something is not being used commercially. Like the creator of a literary, fictional, or musical work paired with a cinematographer film or sound recording,

they are not entitled to royalties or other forms of compensation outside of their inclusion in the film or sound recording.

4. Amendments to facilitate access to works

- (a) Grant of Statutory Licenses,
- (b) Grant of Compulsory Licenses,
- (c) Access to copyrighted works by the disabled,
- (d) Relinquishments of Copyright,
- (e) Administration of Copyright societies,
- (f) Fair use provisions.

5. Strengthening enforcement and protecting against Internet

- (a) Section 53, which dealt with the importation of illegal copies, has been replaced with a new section that stipulates thorough border procedures to assist the implementation of rights by providing provisions to control the import of infringing copies by consumers.
- (b) A violation of Section 65A, which was created to protect Technological Protection Measures (TPM) employed by copyright holders to protect their ownership of works, is punishable by imprisonment.

6. Reform of Copyright Board: The Copyright Board has changed its organisational structure under Section 11 to include a chairman and two members. Additionally, it has been provided for the payment of wages and allowances to the Board members.

Check Your Progress

- 31. The appearance of a creative brain has all the time been protected by _____, specifically copyright.
- 32. The _____, which applies to all of India, regulates copyright law there.

1.14 FAIR USE

A. Introduction

A copyright is a collection of rights that vest to someone who creates an original work of creator or authorship. The creator's works or authorship includes literary work, movies, songs and hardware. The copyright gives power to the creator to reproduce the work, distribute, display and perform work publicly.

Remember that it is the responsibility of an individual to learn the correct rules and to determine if they prevent the projected use of other works. It is a precautionary measure that you seek legal redress before using any copyrighted material that you have not produced.

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B. Features of fair use

The four essential features of fair use are as follows:

1. Need to specify the purpose and nature of the use, which includes either commercial or natural teaching. For example, the courts look to see that the use “transforms.” Put it another way, whether we are adding a new word or an explanation to the original or simply repeating it.
2. What is the nature of the copyrighted work? It may be better to use features from many real works than entirely fictional works.
3. A small amount of material from real work will probably be considered more efficient than large amounts. However, in some cases, even a small take may result in the proper use of the “heart” of the job.
4. Proper use is less likely to undermine the copyright owner’s ability to benefit from his or her original work by working on a replacement need.

Check Your Progress

33. A _____ is a collection of rights that vest to someone who creates an original work of creator or authorship.
34. The _____ or authorship includes literary work, movies, songs and hardware.
35. The copyright gives power to the _____ to reproduce the work, distribute, display and perform work publicly.

1.15 WHAT IS COPYRIGHT?

A. Introduction

The copyright was made accessible mainly after the passing of the Indian Copyright Act in 1957, with the simple object of keeping the rights of the owner of any new or original work not being misused or used for commercial gain.

With rare exceptions, having copyright ownership grants the owner the sole right to utilise the work. The legal right to limit distribution and unauthorised reproductions of a creator's works is known as copyright. It disallows others to distribute, copy or change the original work.

Laws and regulations relating to copyright are problematic, but it is significant to recognize their consequences so that they can make informed decisions about the resources they incorporate into their instruction. Generally, there are three elements that are required for copyrighting- Expression, Originality and Fixation.

1. **Expression:** Expression and fixation somewhat go hand in hand. Generally, ideas can’t be copied or copyrighted, but the expression of an idea can be copyrighted. For example, The movie like Agent Vinod, Ek Tha Tiger, Jagga Jasoos and others may not be the real feel of James Bond but is just an expression of the spy movie.
2. **Originality:** To be regarded as the work of a creator, creative work must at least meet a minimal standard of originality. Direct copies made by the

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inventor cannot be protected by copyright or any other work like titles, phrases, personal findings, facts and others. For example, anything written in a book, like facts, findings, quotes, and self-opinion can't be copyrighted. However, the book cover photo of the front cover with a reference can be copied.

3. **Fixation:** A unique idea needs to be stored permanently. The original work must, for instance, be mentioned on paper or must record onto DVD, Pen drive or other. However, unfortunately if that songs perform live or publicly that performance can't be protected.

Check Your Progress

36. The _____ was made accessible mainly after the passing of the Indian Copyright Act in 1957.

1.16 COPYLEFT

Introduction

The concept of copyleft refers to the requirement that software be released with the understanding that users will be permitted to freely copy it, examine and modify the source code, and redistribute it to others as long as the copyleft requirement is also included in the distribution of the redistributed software.

In general, the term "copyleft" refers to a licence that requires that any reorganisation of a work be subject to the same authorization as the original. The GNU GPL (for software) and the Creative Commons Share Alike licences (for works of art) are two examples of copyleft licences.

According to Newman John, "Copyleft in the form of licenses can be used to maintain copyright conditions for works ranging from patents, scientific discoveries, documents, art and computer software."

The Mozilla Public License, the Free Art License, and the Creative Commons share-alike licence condition are notable examples of copyleft licences. The GNU General Public License (GPL), which was first created by Richard Stallman and saw widespread use, is another. The latter two are intended for other kinds of creative and intellectual work, such as documents.

Check Your Progress

37. The _____ refers to the requirement that software be released with the understanding that users will be permitted to freely copy it.

1.17 CREATIVE COMMONS

A. Introductions

Creative Commons (CC) is a non-profit organization that relieves legal problems through the creativity and sharing of information to address the world are demanding challenges. It is also a set of announcements that authors can relate to their work to direct how others may use it.

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Creative Commons licenses point to whether you, as an author, would like your work to be cited, redistributed, adapted, and used for commercial purposes. You may wish to select a more or less conventional CC license on how you see others' structure in your work. In order to achieve CC need to consider the following points.

1. To protect correct attribution, creative and academic works, and to permit others to distribute copies and use those works, CC licences should be made available to everyone in the globe. They should be free, straightforward, and uniform.
2. Need to advance technology similar to CC Search, which makes publicly licenced content simpler to use and understand.
3. Need to work carefully with chief organizations and governments to accept, develop, and enforce open licencing while ensuring the proper usage of CC-licensed materials.
4. Need to produce experts in building and engaging with openly licensed works.
5. Produce CC summit, a yearly event that carries together international groups of artists, scholars, educators, legal experts, activists and others to support the power of global access and open licensing.
6. Need to care for global open education for interested individuals.

B. Types of Creative Commons

1. Attribution
2. Attribution-ShareAlike
3. Attribution-Non-commercial
4. Attribution-No Derivatives
5. Attribution-Non-commercial-No Derivatives
6. Attribution- Non-commercial ShareAlike

Currently, various Creative Commons licenses had “nearly two billion” licensed jobs under them. One of these licenses is used by Wikipedia. Flickr alone had about 415 million Creative Commons licensed images as of May 2018. Stack Exchange (57), mozilla.org (166), Internet Archive (170), Khan Academy (980), LibreTexts, GeoGebra, DoubtNut, and Arduino are among other popular websites that use Creative Commons (at the Alexa level).

Check Your Progress

38. Creative Commons is a _____ that relieves legal problems through the creativity and sharing of information to address the world are demanding challenges.
39. _____ point to whether you, as an author, would like your work to be cited, redistributed, adapted, and used for commercial purposes.

1.18 PUBLIC DOMAINS

Introduction

Original works that are not subject to intellectual property regulations like trademark, copyright, or patent laws are referred to as being in the public domain. These works are preserved by the public, not by specific creators or writers. No one can ever own a work that is in the public domain, yet anybody can use it without permission.

While each work belongs to the public, it is important to understand that they are all in the public domain. Here, copyright may be used to safeguard and protect collections of works in the public domain.

Public domain is a commonly used word in copyright phrasing and idiom, yet it isn't clear in copyright acts. It is however used to refer to content that is not protected by copyright law. There are some public ways that works reach in the public domain where content not protected under copyright law.

1. The copyright has been terminated.
2. The copyright holder knowingly places it in the public domain, known as devotion and dedication.
3. The copyright holder disregarded guidelines for copyright renewal.
4. Some kinds of work are not covered by copyright laws.
5. The work is not fixed in tangible form.
6. The work did not include a proper copyright notice.
7. The work does not have satisfactory uniqueness and originality.

Check Your Progress

40. _____ that are not subject to intellectual property regulations like trademark, copyright, or patent laws are referred to as being in the public domain.
41. _____ is a commonly used word in copyright phrasing and idiom, yet it isn't clear in copyright acts.
42. In 1780, _____ started "The Bengal Gazette"
 - (a) James Augustus Hickey
 - (b) Richard Wellesley
 - (c) Raja Ram Mohan Roy
 - (d) Metcalfe law
43. _____ enacted the 'Censorship of Press Act', in 1799
 - (a) James Augustus Hickey
 - (b) Richard Wellesley
 - (c) Raja Ram Mohan Roy
 - (d) Metcalfe law
44. Freedom of speech and expression is protected under _____ of the Indian Constitution, that covers Fundamental Rights.
 - (a) Part I
 - (b) Part II
 - (c) Part III
 - (d) Part IV

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45. Civil rights lawyer Prashant Bhushan paid _____ imposed by the Supreme Court as retribution for his tweet "Scandalizing the Court," which constituted criminal contempt.
- (a) ₹ 1 fine (b) ₹ 100 fine
(c) ₹ 1000 fine (d) ₹ 10000 fine
46. _____ permits individuals to guard their reputation, status and character from partial attacks.
- (a) Defamation (b) RTI
(c) Whistle blower Act (d) Freedom Act
47. A _____ can expose facts or accusations by disclosing information within a private, public, or government entity privately, externally, or publicly and are usually employees.
- (a) Defamation (b) RTI
(c) Whistleblower (d) Freedom Act
48. Media is regarded as one of the critical _____ pillars of democracy.
- (a) One (b) Two
(c) Three (d) Four
49. _____ are regularly used to protect proprietary advantages by associations carrying on with work on the web.
- (a) Digital laws (b) Moral laws
(c) Political laws (d) Broadcast Law

1.19 ANSWERS TO 'CHECK YOUR PROGRESS'

1. James Augustus Hickey
2. Richard Wellesley
3. Raja Ram Mohan Roy
4. 1835
5. Indian Constitution
6. B.R. Ambedkar
7. Article 14:
8. Article 15:
9. Article 23:
10. Article 24:
11. Article 19(1)(a)
12. Article 19(2)
13. Defamation
14. Defamation law
15. Libel
16. Slander
17. amendment
18. freedom of expression

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19. Act of 2005
20. Indian Gazette
21. whistleblower
22. Lok Sabha
23. four pillars
24. Contempt
25. Common Insults
26. Right to privacy
27. Aadhaar, Aadhaar number
28. "Free speech on the Web"
29. Cyber rules
30. Online comments
31. Intellectual Property Laws
32. Copyright Act, 1957
33. copyright
34. creator's works
35. Creator
36. Copyright
37. copyleft
38. non-profit organization
39. Creative Commons licenses
40. Original works
41. Public domain
42. James Augustus Hickey
43. Richard Wellesley
44. Part III
45. ₹ 1 fine
46. Defamation
47. Whistle-blower
48. Four
49. Digital laws

1.20 SUMMARY

- **Extended History of press Era:** The Indian journalism and press laws have an extended history covering from the colonial past in the second half of the 18th century to the present day as the most significant operational democracy of the 22nd Century.

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- **Defamation:** Defamation law is the place of law that communicates the reputation of another person. The main objective of the defamatory law is to keep the individual from having their lives or livings may change because of false statements used against them. It may be conveyed by the exact meninges of words like calling someone corrupt, thief, cheater, or murderer, which are called defamatory words.
- **Libel:** Libel is defamation that's written down. It is a defamation of character in print, audio, or video publications. It means to write false charges against another person with the intent to harm. Libel is like videos or writing defamatory comments in writing in the public sphere, like news articles or blogs on reputable social networking sites.
- **Slander:** Slander is defamation of appeal through unrecorded or unspoken gestures or verbal remarks. Slander is like a spoken word in a public place or public platform, such as stories, rumours, memes, and videos posted online. However, in case of slander is not unlawful unless the person defamed can prove actual loss.
- **Whistleblower:** A whistleblower is a person who divulges information, typically an employee (Mostly illegal activities, wrongdoings, deemed illegal, immoral, illicit, or dangerous, or that involves fraud or abuse of taxpayer funds.) within a private, public, or government institution internally, externally or publically, whistleblowers have the choice of making allegations or presenting facts.
- **Contempt of Court:** Any willful disobedience to or disdain of a court order, as well as any misconduct in front of a court, are considered acts of contempt in the legal world or misbehaving of legislative members in the presence of the Speaker or heading authority of a legislative body.
- **Right to privacy:** Right to privacy is a lawful stretch, or it is considered to be an offence. It occurs when an individual or person interferes in the private natural life of another person without just reason. It arises when the reasonable prospect of privacy is disturbed or violated.
- **Free speech on the Web:** The meaning of "Free speech on the Web" is "the most participating form of mass speech so far developed," but it requires that the government and courts continually need to maintain the freedom of speech. The fundamental right to freedom of speech and expression is greatly enhanced by this. Everybody needs to feel confident in this. Working to strengthen online free expression needs to be guided by specific values.

1.21 KEY TERMS

- **Fundamental Rights:** The fundamental rights are covered in a chapter of the Indian Constitution. Indian citizens' fundamental rights are outlined in Part III (Articles 12-35). Because they are essential to the formation of the human personality, the fundamental rights are so named.

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- **Freedom of Press:** The amendment to the Indian Constitution legally protects press freedom in India. The law of India typically protects the sovereignty, moral standards, and national integrity in order to retain a mixed legal framework for independent journalism.
- **Right to Information:** The Right to Information Act of 2005 is the name given to this legislation. His Excellency, the President of India, gave his consent and authority to establish the RTI Act of 2005. The Parliament passed this Act on June 15, 2005, and it was published in the Indian Gazette on June 21, 2005. Except for the state of Jammu and Kashmir, it covers the entirety of India.
- **Contempt:** Contempt, as used in law, is defined as any willful disobedience to or disrespect of a court order, any misconduct in front of a court, or any misbehavior by legislators in front of the Speaker or other head of a legislative body.
- **Intellectual Property Rights:** The appearance of a creative brain has all the time been protected by Intellectual Property Laws, specifically copyright. In modern times, there are new innovative forms of creative works, the world of intellectual property rights has effectively adjusted to moving tendencies to offer safety to the creative works of creators.
- **Copyright:** The copyright was made accessible mainly after the passing of the Indian Copyright Act in 1957, with the simple object of keeping the rights of the owner of any new or original work not being misused or used for commercial gain.

1.22 SELF-ASSESSMENT QUESTIONS AND EXERCISES

Short Answer Questions

1. Defamation
2. Copyleft
3. Intellectual Property Right
4. Cyber Law's Benefits
5. Copyright
6. Creative Commons
7. Public Domain
8. RTI
9. Whistleblowers
10. Creative Commons
11. Public domains

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Long Answer Questions

1. Who founded India's first newspaper?
2. What is defamation? Explain.
3. Discuss Pre-independence Indian journalism and press laws in India.
4. Discuss Post-independence Indian journalism and press laws in India.
5. What is the framework of the Constitution?
6. Discuss in detail freedom of speech.
7. What are the six main freedoms of the Indian Constitution?
8. Which articles are covered in right to freedom?
9. What is the framework of the Constitution?
10. What are the types of defamation? Explain.
11. What are the salient Features of Whistleblowers?
12. What are the drawbacks of the Whistleblowers Act?
13. Discuss the present Status of the Whistleblowers Protection Act, 2011.
14. Explain the idea of Fair Trial/Trial by media.
15. What is contempt of court? Explain.
16. What are the types of contempt courts in India?
17. Explain in detail issues of privacy.
18. Discuss in detail the meaning of Free Speech on the Web and Cyber Laws?
19. What is "Intellectual Property Right? Explain.
20. What are the four essential features of fair use?
21. What is copyright? Explain.
22. What is copyleft? Explain.
23. Enumerate the importance of creative commons.
24. What is the public domain? Explain.

1.23 REFERENCES

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Newspaper/Magazine

1. Jagran Josh
2. The Hindu
3. Times of Indian
4. Indian Express
5. Loksatta
6. Navbharat

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Unit II Media Ethics

Learning Objectives:

By the end of this unit the learners would be able to:

- Understand the term ethics with personal and group ethics.
- Understand philosophical ethics.
- Know about personal ethics and group ethics.
- Understand the moral judgement.
- Know about the uses of economic imperatives versus ethical duties.
- Understand the uses of the code of conduct for media practitioners.
- Understand the notion of professional standards.
- Help to understand the state regulation or self-regulation.
- Know about the ethical concerns in investigative journalism.

Structure:

- 2.1 Introduction to Media Ethics
- 2.2 Philosophical Background in Ethics
- 2.3 Nature of Media Ethics
- 2.4 Personal Ethics and Group Ethics
- 2.5 Consequences of Personal Choices
- 2.6 Moral Judgements
- 2.7 Economic Imperatives versus Ethical Duties
- 2.8 Code of Conduct for Media Practitioners
- 2.9 Qualities, Qualifications, Duties and Responsibilities
- 2.10 The Notion of Professional Standards
- 2.11 The Regulation of the Media
- 2.12 State Regulation or Self-regulation?
- 2.13 Ethical Concerns in Investigative Journalism
- 2.14 Public Interest Litigation
- 2.15 Ethics in the Digital Age
- 2.16 Answers to 'Check Your Progress'
- 2.17 Summary
- 2.18 Key Terms
- 2.19 Self-Assessment Questions and Exercises
- 2.20 References

2.1 INTRODUCTION TO MEDIA ETHICS

A. What is Ethics?

The Greek word "ethos," which means "way of living," is where the word "ethics" originates. It is a subfield of philosophy that investigates how people behave in society—specifically, how they behave as individuals—to distinguish between what is morally right and evil.

Ethics looks at the rational justification for our moral judgements. It explores what is morally just or unjust, right or wrong, good or evil, etc. The philosophy focuses on the set of rules, regulations and principles by which people have to live. Every person has an opportunity to choose the right or wrong path in their life, but it must be based on the accepted standards, rules and regulations of society.

B. Why do we need ethics?

- Ethics helps us to direct the area between absolute rights and ethical wrong.
- Ethics helps to make an unconditional right action work.
- Ethics helps to make ethical choices.
- Ethics guide values within professions and groups.
- Ethics fits into the norms and standards of a group.
- Ethics develop skills in articulating our own values and principles.
- Ethics is a principal element of any happy, mature and healthy life.

The media has a duty to act responsibly toward the general audience. If this is not the case, then it should be enforced by a governmental body. Consumer behaviour and public opinion can ensure that the media behaves. This idea inspired the creation of Press Councils that drafted Codes of Ethics and anti-monopoly legislation in numerous nations.

Check Your Progress

1. The _____ "ethos," which means "way of living," is where the word "ethics" originates.
2. _____ looks at the rational justification for our moral judgements.

2.2 PHILOSOPHICAL BACKGROUND IN ETHICS

A. What is philosophy?

According to etymology, the words "Philosophy" and "Sophis" in Greek represent "love" and "knowledge," respectively. Philosophy means "Love of wisdom." According to Plato, "Philosophy is the highest form of inquiry." It is demarcated as the science that studies the eventual clarifications or causes of things managed by using only human reason.

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B. Ethics and philosophy

The philosophy of ethics examines the fundamentals of how people behave. Its focus as a science is on examining the ethical context of human behaviour in its natural setting. Any system or theory of moral philosophies, ideologies, and principles were covered by it.

Philosophy is both an action and an understanding. According to Ramon B. Agapay, "Without moral perception, man is only an animal. Without morality, man is a rational being as a failure." In general, there are two self-contradictory values of philosophies in human life. First, man believes that there are some things that he should not do, and second, he believes that values are absolute and cannot be questioned.

C. Division of philosophy

1. **Theoretical philosophy:** It investigates matters of knowledge, such as the existence of God and the universe's beginnings.
2. **Practical philosophy:** It lessens the fact to be acted upon, for example, axiology (study of the nature of value and valuation), semantics (the meaning of phrases and words), ethics, etc.

D. Philosophical ethical approach

When we make our recommendations and judgements, ethical theory is a huge help. Whatsoever approach we take, it provides us with a theoretical tool with practical effects. It being helpful, the least we can hope for from studying philosophy is how providing a suitable response will appear, for example.

We gain fresh viewpoints and a deeper comprehension of the world and our place in it through philosophy. We will run into a variety of moral and ethical problems as we travel through life. It needs to decide what to do or take a position. Generally speaking, we are all personally accountable for our decisions as well as the results of our unique philosophical acts and viewpoints.

Experience suggests that it is wise to give time to reflection and balanced considerations about what defines right and wrong before we make significant decisions unreflectively in the heat of the moment. Good arguments require the time to lay out the foundation and many views involved.

Check Your Progress

3. According to etymology, the words "Philosophy" and "Sophis" in Greek represent _____ respectively.
4. _____ It investigates matters of knowledge, such as the existence of God and the universe's beginnings.
5. _____ It lessens the fact to be acted upon, for example, axiology (study of the nature of value and valuation), semantics (the meaning of phrases and words), ethics, etc.

2.3 NATURE OF MEDIA ETHICS

1. Media ethics has generally been established as a field alarmed with the practices of professionals, particularly the analysis of rigid cases that face journalists (release of sources, deception, the indistinct borders of impartiality, etc.)
2. It builds the way we play our roles within the perspective of mass communication due to the set of values and ethics within this industry.
3. Media ethics is the section dealing with the particular ethical values and principles of media, with print media, film, broadcast media, theatres and the internet etc.
4. The term "media technical ethics" refers to the intersection of technology and ethics, and it focuses on developing moral tool use and safeguards against technology abuse, leading to a shared understanding of the guiding principles for future technological development.
5. Media ethics protects and supports principles such as worldwide deference for time and the regulation of rightfulness and law.
6. Working with the public to share opinions, news, information, and comments on topics of public concern while remaining objective, truthful, and fair is essential to journalism's independence.

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Check Your Progress

6. The term _____ refers to the intersection of technology and ethics, and it focuses on developing moral tool use and safeguards against technology abuse, leading to a shared understanding of the guiding principles for future technological development.
7. _____ protects and supports principles such as worldwide deference for time and the regulation of rightfulness and law.

2.4 PERSONAL ETHICS AND GROUP ETHICS

Introduction

Ethics can vary wildly from person to person and place to place. There are numerous kinds of ethics to characterize the individual, and group ethics constitute a significant part of it. Personal ethics can generally describe a person using the senses when making decisions and behaving in both personal and group settings. It is a real guide to our life. Every person's moral principles differ, but many individuals share mutual beliefs such as respect and honesty.

A. Why are personal ethics important?

An individual personal ethical value is significant for more than a few reasons, including the following:

1. It inculcates a sense of trust and support in leaders.
2. It helps to improve the decision-making process among the leaders.

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3. It allows leaders to move and lead their teams more effectively.
4. It gives an individual a firm basis on which to govern the most suitable action in any given situation.
5. It set a standard and average of behaviour among the leaders.
6. It gives importance to support and motivation to let the leader of their team ahead.

B. Example of personal ethics

1. **Loyalty:** Here, an individual with an individual ethic of loyalty establishes commitment and responsibility in all their relations and can be reliable by others to keep their trustworthy behaviour no matter the situation.
2. **Responsibility:** An individual with a robust ethical code is ready to take accountability for their activities and make variations or replacements when required.
3. **Selflessness:** A self-sacrificing individual puts others first and does not act in self-centred or selfish ways. They give importance to other needs and circumstances and list these requirements beforehand on their own.
4. **Respect:** A person who, both at work and in their personal lives, shows respect for others around them.
5. **Honesty:** It is a crucial ethic. It moves from a person's private life into their group life and ensures trust among the group members.
6. **Integrity:** It refers to the level of promise to continue their moral values in any given situation at the workplace. Here, an individual holds themselves responsible and accountable for their work.

C. Group ethics

A group force at work is the folder that grips organizations together. Lacking them, there would be confusion within the structure of organized functionality. Group performance and progressions are closely incorporated with an individual's ethical and moral fundamentals.

Group ethics can be stated in several ways. As the leader of the group, one must observe to code of ethics in demand to form the procedures and limitations of the group. As a member of a group, one should stand by ethical processes which ultimately reveal the fundamental values of the group.

The structure of the ethical measures and observations within a group is established upon the individual ethics of those within the group. As an essential set of philosophies for the group's ethical management guidelines and procedures, this code of ethics is experimental by all supporters of the group for contribution to the group's ethical status and standing.

Fundamentals of groups

1. The way of life of groups is highly present in all civilizations.
2. A group is principally a gathering of human beings.
3. A group with similar principles will never change.
4. The strong point of a group structure is centred upon the strength of its basics as well as the small particulars which construct the grounds of the group.
5. The common central belief structures among persons are required to safeguard loyalty to the ethical standards established by the group.
6. The code of ethics applies to the group holdings subsidiary, organisation, company, community, and institutions and all of their people belong to them.
7. The general public spends their full lives joining groups, captivating part in them and receiving them.

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Check Your Progress

8. _____ moves from a person's private life into their group life and ensures trust among the group members.
9. _____ refers to the level of promise to continue their moral values in any given situation at the workplace. Here, an individual holds themselves responsible and accountable for their work.
10. A _____ at work is the folder that grips organizations together.

2.5 CONSEQUENCES OF PERSONAL CHOICES

Introduction

We sense that the good things take place for us, whereas the harmful effects are our responsibility. What we need to understand is that every day, we make many choices that impact the consequence of all areas of our life.

If you are in an offensive or rude relationship, constructing a clear choice to leave will have lifelong penalties and consequences. It will influence your self-confidence and mental health. It will disturb your living measures, investments, and even your circle of friends.

We all hold power within us to effect change. That power is birthed from the choices we make. According to an American religious leader named James Faust said, "Tomorrow blessings and opportunities depend on the choices we make today." It is crucial for us to make good choices and distinguish the power of those choices.

How do choices affect our lives?

Life is shaped by our decisions. The price of our decisions has led to the lifestyles we lead now. Some of them are simple, while others are really challenging. Every now and again, we may decide that a choice is too difficult and

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we will not make it. While it could seem like you have escaped with your life, choosing not to make a decision is still a choice.

Consider the situation where you must choose between two job prospects. One is on the East Coast and has a lower pay scale but greater benefits and vacation time. On the West Coast is the other. Although the compensation is higher, living expenses are higher. Although the vacation and benefits are less desirable, it better matches your area of expertise.

Check Your Progress

11. _____ is shaped by our decisions.
12. According to an American religious leader named _____ said, "Tomorrow blessings and opportunities depend on the choices we make today."

2.6 MORAL JUDGEMENTS**Introduction**

The moral judgement provides a theoretical framework that clarifies and defines cognitive processes and moral reasoning around media violence. The mental function known as moral judgement is what drives this investigation.

The moral judgements of good or bad things depend on who's asking, but it is a necessary part of community unity. We every so often view moral judgements with fear and doubt. And maybe it's a slight surprise. Every day our media nourishes excess with conviction and criticism. Place of work gossip and chatters threaten people's careers and psychological happiness or security. However, it is suggested that, somewhere, moral judgements are a serious part of the social fabric, a force that raises the spirits of people to consider the welfare and happiness of others.

A. What are moral judgements?

By projecting a term as moral judgement, we might expect to meet measurements and definitions. But what falls under this term is extremely different. Think through a selection of measured variables given below:

Moral Judgement

1. How is positive and negative or bad behaviour?
2. How responsible is behaviour?
3. How morally responsible is the media?
4. Whether the behaviour is wrong, morally wrong or highly wrong?
5. Whether the behaviour is satisfactory versus permissible?
6. Whether a designated media should act a certain way?
7. Whether a choice is compulsory?
8. How immoral the media is?
9. Whether one is censorious of behaviour?

B. How do we evaluate the morality of things other than deeds?

We do, however, also evaluate them morally. We say that certain people were very horrible people—or evil people—like Stalin, Hitler, and Mao Tse-Tung, and that other individuals were very decent people.

Are there any other broad categories of objects that we make ethical judgements on besides activities and people?

Character traits fall under a different category, one that may be a little less visible. Study character traits like being a person of integrity, a person who honours commitments, or a person who is loving. We consider these to be positive qualities to possess, in contrast to negative qualities as being a cruel or unfriendly person, a liar, or a disloyal person. Alternately, we discuss virtues and vices.

We have, then, at least these three broad categories of moral judgements based on the things that we make moral judgements about:

One: Moral judgements about activities being right or wrong.

Two: Moral judgements about people being good or bad.

Three: Moral judgements about traits of the character being good or bad, being virtues or vice.

Check Your Progress

13. The _____ provides a theoretical framework that clarifies and defines cognitive processes and moral reasoning around media violence.
14. _____ gossip and chatters threaten people's careers and psychological happiness or security.

2.7 ECONOMIC IMPERATIVES VERSUS ETHICAL DUTIES

Introduction

The straightforward danger lies down within the control over the information that has media organizations with individual interests, unburdened with journalistic spirit and imperatives, but lays in fact itself that certain newspaper are within the property of some business group or claim.

Nowadays, information advertising has started to erase the boundaries between entertainment and advertising, and even with serious content, then appear serious ethical questions. Some journalists, ever certain advertisers are worried that this kind of trend leads towards some kind of editorial imperatives that jeopardize the integrity of the media, and conclusions appear that info-advertisements do not create a difference between commercial entertainment and goals.

In the rapid and competitive dynamic world of mass media communications, media authorities or professionals nowadays, overcome by limitations, time limits, corporate interests and bottom-line imperatives can easily drop scene of the moral implications of their work.

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Economic imperatives and ethical issues

There are some economic requirements and imperatives, and ethical issues in media are given below:

1. Stereotypes and standards of those who are different from women, ethnic minorities, caste, religion, women, gays, and lesbians are a matter of ethical concern in Indian mainstream media, where the masculine viewpoints are still unrepresented.
2. Social minorities are occasionally marginalised, missing, or stereotyped in movies, books, television, ads, and other forms of media.
3. The religious differences take place in news reportage, where they impact open opinions and perceptions.
4. Women are still occasionally relegated in the media to traditional jobs where they help their male counterparts.
5. Inappropriate women and ethnic sections are also misbehaving when hiring creative people in the background.
6. Sex promotes the sale of consumer goods and media, including music, movies, and videos.
7. The objectification of women in various visual media has primarily had detrimental effects on youngsters and teenage girls, impractical societal views, and body image worries.

Is Indian media is most corrupt media?

According to World Economic Forum Tweets and the Edelman Report, Indian media is the most corrupt.

In Geneva, Switzerland, the World Economic Forum was founded as a non-profit foundation in 1971. It seeks to be neutral, independent, and unaffiliated with any particular interests. The World Economic Forum tweeted a screenshot of a survey on January 16, 2017, indicating that Indian media was the second-most corrupt. A few reports by WEF are as follows:

1. Sun TV

The world's most watched Tamil-language satellite television stations are broadcast by Sun TV Network. On April 14, 1992, Kalanidhi Maran launched it. According to a BARC survey, Sun TV used to be the most watched entertainment channel in India.

The station has a history of fraud, money laundering, extortion, blackmailing, sexual harassment, criminal intimidation, and paid news. Here is a list of a few of them:

- **July 2011:** Hansraj Saxena, the COO of Sun TV, was detained three times for various extortion and blackmail offences.
- In a written affidavit aired on television, Sun TV COO Hansraj Saxena admitted that the network had produced the modified

footage of His Holiness Paramahansa Nithyananda and actress Ranjitha for extortion.

- **Jan 2015:** C Praveen, Sun TV's subsequent COO, was also detained in connection with sexual harassment claims made by the network's former employees.
- The channel's involvement in a 2G spectrum scandal, which cost the national exchequer a loss of ₹ 17,60,00,00,00,000 (approximately \$30 billion USD), was by far the worst known crime committed by it.

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2. NDTV

NDTV Frauds

Sree Iyer, the author of the book "NDTV Frauds," revealed how NDTV was truly one of the most dishonest media organisations in Indian history. A total financial scam totaling ₹ 48 Crore (\$ 7 Million USD) was perpetrated by two NDTV promoters, the top management, and other vested interest groups over a period of years in order to break the law, evade taxes, and blame the ICICI bank. This was accomplished by creating shell companies with no workers and no revenue.

3. National Herald

A significant political party in India owns The Associated Journals Ltd., the company that publishes the National Herald. It all began in 1938. The publication was briefly shut down in the 1940s and 1970s after independence. In 2008, the operations were temporarily halted due to the financial crisis. The Associated Journals Limited (AJL) board of directors decided to relaunch the newspaper in 2016.

4. Zee News

Two editors from Zee were detained for a \$15 million (₹ 100 crore) extortion attempt.

Nov 28, 2012: On Tuesday, the crime department of the Delhi Police detained two editors from the Zee network on extortion-related charges. The editors were charged with attempting to extort ₹ 100 crore in advertisements from the complainant's company in exchange for stories being dropped.

Another ₹ 100 crore lawsuit for defamation against Zee

March 18, 2014: Famous Indian cricketer Mr. M.S. Dhoni filed a ₹ 100 crore defamation complaint against Zee for attacks on his character.

5. Times Now

On September 10, 2008, Times Now broadcast misleading news, and the TV station was sued for ₹ 100 crores (about \$15 million USD). The channel made an appeal to the Supreme Court in an effort to be exempted from the Bombay High Court's decision that it pay a cash deposit of ₹ 20

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crore and bank guarantees for ₹ 80 crore. It was rejected by the Supreme Court.

The reader wonders how these channels have managed to endure and even grow following multi-billion dollar frauds.

6. Undermining democracy: Press Council report

In India, the Press Council of India is a statutory and constitutional authority that regulates the conduct of the print media. It is one of the most important institutions that uphold democracy since it has absolute authority over the media to guarantee the survival of free expression. Additionally, it has the authority to hold hearings after receiving complaints and to take the necessary measures.

The practise of mainstream media sources routinely writing favourable pieces in exchange for payment is known as "paid news" in Indian media. In order to further their own objectives, entrenched interest groups frequently sponsor this kind of news.

The threat of paid news has been the subject of numerous complaints from Indian residents to the Press Council of India during 2009 and even up to the present. The Press Council of India prepared a report for the next four years and delivered it in 2013. The Standing Committee on Information Technology gave the Press Council of India report to Parliament in 2013.

The report makes some arresting recommendations and notes that self-regulation by India's media has not succeeded in ending the practise of paid news. It advocates a more potent regulatory body and harsher punishments for people who accept payment for news, including as criminal charges that could result in incarceration.

7. Election Commission of India Report

Between 2009 and 2013, when elections were held in 17 states of India, the Election Commission reportedly found more than 1,400 instances of paid news.

Check Your Progress

15. _____ of those who are different from women, ethnic minorities, caste, religion, women, gays, and lesbians are a matter of ethical concern in Indian mainstream media, where the masculine viewpoints are still unrepresented.
16. _____ are occasionally marginalised, missing, or stereotyped in movies, books, television, ads, and other forms of media.
17. The _____ take place in news reportage, where they impact open opinions and perceptions.
18. _____ are still occasionally relegated in the media to traditional jobs where they help their male counterparts.

2.8 CODE OF CONDUCT FOR MEDIA PRACTITIONERS

Introduction

The Greek word "ethos," which means "way of living," is where the word "ethics" originates. It is a subfield of philosophy that investigates how people behave in society—specifically, how they behave as individuals—to distinguish between what is morally right and evil.

It explores what is morally just or unjust, right or wrong, good or evil, etc. Ethics looks at the rational justification for our moral judgements. The philosophy focuses on the set of rules, regulations and principles by which people have to live. Every person has an opportunity to choose the right or wrong path in their life, but it must be based on the accepted standards, rules and regulations of society.

Why do we need ethics?

1. Ethics helping us to direct the area between absolute rights and ethical wrong.
2. Ethics helps to make an unconditional right action work.
3. Ethics helps to make ethical choices.
4. Ethics guide values within professions and groups.
5. Ethics fits into the norms and standards of a group.
6. Ethics develop skills in articulating our own values and principles.
7. Ethics is a principal element of any happy, mature and healthy life.
1. **Accuracy and fairness:** A journalist is responsible for making sure that information is distributed accurately and truthfully. No fact shall be one-sided or the crucial facts intentionally misplaced by journalists and media houses. Groundless reports and assumptions should not be set forth as facts.
2. **Act independently:** Independence is a primary prerequisite of journalism, a cornerstone of democracy. Journalists must be independent voices; they should, with fair acts and criticism or report only as per facts. A journalist should not act with any particular interest of political parties, financial institutions or any particular culture, business or corporates. Journalism has the capability to work as a supervisory body over those whose power and positions most affect citizens.
3. **Avoid fringe benefits:** Investigative journalists should resist the temptations of fringe and unconventional benefits. A journalist should also avoid any quick gains and doubtful facts and, most importantly, verify authentic sources by the reporter at their own level.
4. **Pre-publication verification:** Journalist relies on a professional discipline for verifying information. Journalists, when they are on reporting or giving any other information related to public interests, require utmost care by them. A journalist's transparent approach to

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evidence and factual accuracy from authentic sources alongside it needs required verification at the time of reporting or writing an article in the interest of the public.

5. **Accountability:** Accountability means taking responsibility for the work; for example, when someone makes mistakes, they must fix them and regret must be sincere. Here, ethical accountability of journalists means correcting errors, revealing media misconduct, welcoming criticism and avoiding unethical practices.
6. **Respect facts:** Journalists must respect the truth without any distortion and manipulation of facts. The first responsibility of journalists is to uphold the truth for the facts and the public's right to the truth.

Check Your Progress

19. A _____ is responsible for making sure that information is distributed accurately and truthfully.
20. _____ is a primary prerequisite of journalism, a cornerstone of democracy.

2.9 QUALITIES, QUALIFICATIONS, DUTIES AND RESPONSIBILITIES

Introduction

The media sphere has been smashing with numerous scandals connected to the way in which they have tried to influence the structure for their own profit. Adding to the fact that paid news or commercials have spoiled the reputation of the media houses.

As the numerous scandals issues, the media, which is thought to be the supervisory body as a fourth pillar in a democracy, has now been suffering from trustworthiness issues. There are some very important qualities, qualifications, duties and responsibilities of media people are given below:

Qualities, qualifications, duties and responsibilities

1. Do not place needless importance on individual features, comprising race, nationality, sexual orientation, ethnicity, gender, religious beliefs, bodily or intelligent disability and family relationships.
2. Attempt to identify the source of all information. Consider the source's goals and any other sources that can be used to identify them before agreeing to a source's request for confidentiality.
3. Where you get self-assurances are accepted, respect them in all situations.
4. Do not inappropriately use a journalistic position for personal gain.
5. Understand first and report fairly, honestly and with all integrity.
6. Being a media person, always strive for accuracy
7. Try to expose and revelation of all crucial facts to the audience and public.

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8. Avoid omitting important information or giving emphasis that is misrepresented or twisted.
9. Make every effort to ensure a decent possibility of a response.
10. Do not permit advertisements or other profitable concerns to demoralise accuracy, fairness or independence.
11. Do not copy, imitate or plagiarise any fact by others.
12. Journalists have the right to fight pressure to interfere.
13. Any manipulation of fact possible to mislead should be revealed.
14. Do your maximum to achieve fair correction of errors.
15. Use fair-minded, responsible and truthful means to get material.
16. By no means exploit an individual's helplessness or inexperience in media practice.
17. Present facts, pictures, images, depictions and sounds which are true and accurate.

Check Your Progress

21. The _____ sphere has been smashing with numerous scandals connected to the way in which they have tried to influence the structure for their own profit.

2.10 THE NOTION OF PROFESSIONAL STANDARDS**Introduction**

Due to convergence and the entrance of media and media-like information from many sources on continually new rising areas, we are witnessing a faster evolution of the media. Analysis of the entire progression and its effects is necessary to determine whether it is necessary to reexamine the conceptual, policy, and standard-setting approaches used up until this point and what modifications, if any, are required for them to remain current with and appropriate for the new situation.

All the way through the last quarter of the twentieth century, media has had a compact tradition of professional values, which have lasted in contradiction of a set of change within the media field. These values comprise long-term professional ethics, combining the notion of a public service mission with notions of fairness, objectivity and accuracy, reproducing core standards connected to media, and the need to behave professionally. Some of the notions of professional standards are given below:

Notions of professional standards

1. Do not allow private or individual interest, commitment, payment, gift, benefit, freebies or any personal belief to undermine your accuracy, fairness or independence.

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2. Categorize yourself and your employer before attaining any interview for publication or broadcast.
3. Assume responsibility for the work's accuracy and double-check data before publishing.
4. Respect private or secret grief and individual privacy.
5. Provide setting; try to avoid oversimplification or misrepresentation in previewing, promoting or briefing a story.
6. Collect, keep informed and truthful facts or figures all over the life of a news story.
7. Be thoughtful when building possibilities, but keep the possibilities they make.
8. Identify and verify sources clearly.
9. Consider the source's purpose and reasons before promising secrecy.
10. Thoroughly seek themes of news reporting and agree to them to answer criticism or claims of misconduct.

Check Your Progress

22. The entrance of media and media-like information from many sources on continually new rising areas, we are witnessing a faster _____.
23. Values comprise _____ ethics, combining the notion of a public service mission with notions of fairness, objectivity and accuracy.

2.11 THE REGULATION OF THE MEDIA

Indian media is often subject to self-regulation. There are already organisations in place to control the media, like the ones listed below:

1. **Press Council of India (PTI):** The Press Council of India is an official organisation. It is a method by which the press controls itself. A bill was announced in the parliament in 1956. But it failed with the closure of the House in 1957. The National Integration Council strongly advocated for the creation of the council, which resulted in the bill's revival and the 1965 acceptance and approval of the Press Council Act by the parliament. Finally, it came into existence and was established under the Press Council of India on 4th July 1966. It served as a statutory and independent organisation under Justice J. R. Mudholkar, the then Judge of the Supreme Court of India, as Chairman.
2. **Telecom Regulatory Authority of India (TRAI):** The Telecom Regulatory Authority of India, also known as TRAI, was established in 1997 under section 3 by the Government of India (GOI). It acts as an independent official regulator of the business of telecommunications in India.

TRAI's main purpose is to control telecommunications services, and disputes and defend the interest of the consumers as well as service

providers. It issues a vast amount of regulations, directives and orders that deal with several issues like service quality, interconnection and charges.

A Telecom Disputes Settlement and Appellate Tribunal (TDSAT) was established to take over the decision-making and dispute-resolution responsibilities from TRAI when the TRAI act was changed by regulation, which became effective on January 24, 2000. Both TRAI and TDSAT's main purpose is to standardize telecommunications services and aims to make sure orderly progress of the telecom sector.

Role of Telecom Regulatory Authority of India

- (i) It inspires technological developments and delivers effectiveness and mechanical compatibility.
- (ii) It establishes the standard quality of services and supervises how service providers share revenue.
- (iii) It conducts periodical analyses to guarantee that telecom service providers are performing in the best interests or welfare of consumers and are opening in obedience to widespread service responsibilities.
- (iv) It insures the expansion of the nation's telecommunications industry.
- (v) It attests to adherence to the authorization's rules and regulations.
- (vi) It ensures the growth of the telecommunication sector in the country.
- (vii) It certifies the agreement of the terms and conditions of the license.
- (viii) It settles the disputes amongst the service providers and advice to the government at centre levels that are associated with the progress and development of telecommunication technology.

- 3. Indian Broadcasting Foundation (IBF):** Indian Broadcasting Foundation, also branded as (IBF) is a combined representative organization of television broadcasters in India. It was established in 1999 as India's top organization of television broadcasters. Over 250 Indian television channels are allied with it.

IBF is a non-profit industry association, and it promotes the interest of the Indian television industry. It is credited with the spokesman of the India Broadcasting Industry. It plays a significant role in the world's largest democracy in maintaining the safety of its citizens and the independence of the electronic media.

- 4. Broadcasting Contents Complain Council (BCCC):** Broadcasting Contents Complaint Council is also known as BCCC. In 2011, the Indian Broadcasting Foundation established this autonomous self-regulatory organisation after consulting with the Ministry of Information and Broadcasting. The council, from time to time, get complaints from High Courts. It also contributes to the Ministry of Information and Broadcasting for answers to questions put by members of parliament.

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The BCCC's primary responsibility is to establish self-regulatory rules for non-news channels such as general entertainment, movie, specialty, children's, and other channels. The current chairperson of BCCC as of July 2017 is Justice Vikramjit Sen, and overall it is composed of:

- One chairperson
- Four non-broadcast members
- Four members from the national level statutory commissions
- Four members from the broadcast industry

Mostly, the guidelines of BCCC have been framed after discussion with the industry and government. There are some of the areas which are deliberated and considered while framing the guidelines are

- National interest
- Social values
- Violence
- Racial and religious harmony
- Damage or offence
- Drugs
- Libel, slander and defamation
- Sex, kissing and nudity
- Horror and the occult (Magical powers)

5. Broadcasting Audience Research Council (BARC): The largest television audience measuring service in the world was founded in 2014 and is called Broadcasting Audience Research Council (BARC). Broadcasters, advertisers, and advertising media agencies—the three main participants in television audience measurement (TAM)—are brought together by BARC India through their respective apex organisations.

BARC India oversees and controls an open, comprehensive, and accurate television audience measurement system. It also offers an outfit of insights products planned for broadcasters, agencies and advertisers.

How BARC came into presence and reality

TAM and INTAM, two rating agencies in India, provided data for TRPs in 2000. The information offered by both authorities contained significant discrepancies and disputes. In 2001, TAM triumphs over INTAM, and eliminating any opportunity for a review of the data provided by TAM.

For example

- Despite having 35 of the top 50 television shows in all homes, according to TAM statistics, none of the Doordarshan Channels were in the top 50 shows in cable and satellite homes.

- Instead of DD National, which had a 92 percent share of prime time news, TAM ranked a news station with barely 4% of that time slot as number one ("Sab se Tez").

The TRP data was gathered using 2000 "Baer-O-Meters" that were mounted on the back covers of the televisions, one in each home. In this situation, controversy or disagreement was raised in the Parliament in 2008. After the controversy or disagreement in Parliament, the Telecom Regulatory Authority of India (TRAI) was asked by the Ministry of Information and Broadcasting (MIB) to create regulations for rating agencies.

TRAI recommended self-regulation through an industry-led body in the report's conclusion, BARC came into present and in reality. The Ministry of Information and Broadcasting (MIB) published policy guidelines for television rating organisations in the month of January 2014, and BARC was acknowledged as television ratings in India in 2015.

- 6. Advertising Standard Council of India (ASCI):** Established in 1985, the Advertising Standards Council of India (ASCI) has enacted a Code for Self-Regulation in Advertising. It represents a dedication to truthful advertising and competitiveness that is just in the market. It stands for the defence of the rights of consumers and everyone involved in the advertising industry, including advertisers, media outlets, advertising agencies, and other parties who assist in the design or placement of commercials.

Check Your Progress

24. The _____ is an official organisation. It is a method by which the press controls itself.
25. The TRP data was gathered using 2000 _____ that were mounted on the back covers of the televisions, one in each home.
26. _____ main purpose is to control telecommunications services, and disputes and defend the interest of the consumers as well as service providers.

2.12 STATE REGULATION OR SELF-REGULATION?

Introduction

The purpose of the media, including mainstream media, small and medium-sized media outlets, and community media, is to promote awareness of and participation in the right to free expression. State laws, norms, and procedures are used to impose media regulation, which differs around the world.

They are there to safeguard freedom of expression, control media markets, infrastructure, and freedom of the press, as well as to uphold technical standards and, most importantly, safeguard public interests including media diversity, multiplicity, and variety.

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A. Classification of media

Three categories are used to classify media in general.

1. **Print media:** Press releases, pamphlets, newspapers, and periodicals are all included.
2. **Electronic media:** Radio, television, and movies are all included.
3. **New age media:** It is accessible via the internet or other channels and has a significant impact on the movies, music, and web series that will be made available on Over the Top (OTT) platforms.

The need for media regulation was raised after independence with the advent of technology and to ensure that media activities and practises were not being abused, especially in relation to television, radio, and the press as well as more modern forms of distribution like movies, cable satellite, etc. In India, the state government has created particular laws to control media operations as well as to protect freedom.

The competent authorities periodically passed several pieces of legislation, such as the Press Council of India, with the aim of regulating the media business (PTI). Central Board of Film Certification, Telecom Regulatory Authority of India, and Ministry of Information and Broadcasting.

B. Government control over media

In India, the media is unconstrained. Except for a handful, the government has no restrictions on the media. It depends on the kind of media we're discussing. In India, the media can be broadly divided into five categories.

1. Newspapers are given higher prominence in print media,
2. Radio is included in broadcasting,
3. Television is included in cable and telecommunication,
4. Films,
5. Over The Top (OTT).

C. Media Laws

Numerous laws or rules have been adopted by the authorities to control media activities and safeguard media freedom both during the British era and after India gained its independence. The following list includes some of the significant media legislation.

1. First Press Regulation, 1799
2. Gagging Act, 1857
3. Indian Press Act, 1910
4. Vernacular Press Act, 1878
5. Constitutional Provisions Regarding Press Freedom
6. Official Secrets Act, 1923

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7. Press and Registration of Books Act, 1867
8. Contempt of Court Act
9. Cinematography Act, 1952
10. Young Persons (Harmful Publications) Act, 1956
11. Parliamentary Proceedings Act, 1956
12. Delivery of Books and Newspapers Act, 1954
13. Copyright Act, 1957
14. Press Council of India Act, 1965
15. Prasar Bharati Act, 1990
16. Cable Television Regulation Act, 1995
17. Telecom Regulatory Authority of India, 1997
18. Sports Broadcasting Signal (mandatory sharing with Prasar Bharati) Act, 2007

Check Your Progress

27. _____ Press releases, pamphlets, newspapers, and periodicals are all included.
28. _____ Radio, television, and movies are all included.
29. _____ It is accessible via the internet or other channels and has a significant impact on the movies, music, and web series that will be made available on Over the Top (OTT) platforms.

2.13 ETHICAL CONCERNS IN INVESTIGATIVE JOURNALISM

Introduction

The group of professional journalists believes that public knowledge is the foundation of democracy and the precursor of justice. By seeking out the truth and giving an accurate and comprehensive picture of events and situations, journalists have a duty to further such goals.

All media experts and attentive journalists strive to provide the audience with thorough and reliable coverage. The foundation of a journalist's reputation is their level of professionalism. Members of the society uphold this code as a declaration of the society's principles and practise ethics since they all respect moral behaviour. Investigate the truth and report it; journalists should be fair, honest, and bold in their reporting, information collecting, and analysis. A Journalist must follow the below rules:

1. To prevent an unintended inaccuracy, verify the accuracy of all exercises' and sources' evidence. Misrepresentation done with care is never acceptable.
2. Make a thorough effort to contact the subjects of news items so that they can reply to any accusations of offence.

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3. Sort sources into categories whenever you can. The public is given access to as much information as is practical about the source's dependability.
4. At all times, question the source's reasons before promises are given in return for details. Keep your promises.
5. Check for any distortions in the headlines, news teasers, publicity materials, video, photographs, audio, graphics, sound bites, and citations. They should refrain from generalising or exaggerating situations.

What is investigative reporting?

Analytical Reporters and Editors (IRE) Association legitimize it subsequently: It is revealing, through the work of one individual, item and drive; matters of importance which a few people or organizations wish to leave well enough alone. It incorporates three fundamental components here:

- That the examination be crafted by the correspondent, not an article of an examination made by another person;
- That the subject of the story includes something of sensible significance to the peruser or watcher.
- That others are endeavouring to maintain the mystery of these issues from individuals.

Protest et al. (1991) legitimizes insightful announcing as “the reporting of shock”. In excess of a news-assortment methodology, the reporting of shock is a portrayal that demonstrates the constraint of a country’s municipal morals. Subsequently, the assessment of IR isn’t with respect direct as it appears; rather they are fairly isolated:

- All news-casting is insightful, and, notwithstanding, there is no such classification as analytical news coverage essentially.
- That insightful reporting is an unmistakable class that includes more precise data, more exhaustive, more extensive burrowing than standard, regular news-casting.

Check Your Progress

30. _____ Association legitimize it subsequently investigative journalism.
31. All _____ strive to provide the audience with thorough and reliable coverage.

2.14 PUBLIC INTEREST LITIGATION**Introduction**

Community Interest No law or conduct makes litigation clear. Judges are known to take the general public's intent into account. In Indian law, it refers to legal action taken to defend the general welfare. It is legal action brought before a court of law by a third party other than the party who feels wronged, such as the

court itself. It is not required for the person who has had his or her rights violated to go before the court in person.

The ability granted to the public by courts through judicial activism is known as public interest litigation. These situations could arise when the victim lacks the money to file a lawsuit or when his right to access the courts has been restricted or violated. Any public-spirited person may petition the court to take cognizance of the subject and to begin proceedings.

A. Who can file Public interest litigation?

Any person or organisation may submit a PIL on their own behalf—that is, to protect or enforce a right granted to them by the government—or on behalf of a segment of society that is oppressed or poor and unable to uphold its own rights.

B. Where Public Interest Litigation are filed?

Public Interest Litigation is an extension of writ jurisdiction. Therefore, under Article 32 of the Indian Constitution as well as Article 226 of the Indian Constitution, Public Interest Litigation may be brought before either the Honorable Supreme Court or any High Court of India. To the Chief Justice of India or the Chief Justice of the High Court, however, even a brief letter or postcard may be sufficient.

C. What are the substances which are diverted under PIL?

- Abandoned children
- Bonded labour matters
- Atrocities on women
- Default of lowest wages to workers and mistreatment of casual workers
- Environment effluence and disturbance of ecological balance
- Food adulteration
- Looking after of culture and heritage

Check Your Progress

32. Community Interest No law or conduct makes _____.
33. Any _____ may submit a PIL on their own behalf.

2.15 ETHICS IN THE DIGITAL AGE

A. Introduction

There are three main periods that occur on a timeline of media development: ancient media, old media, and modern media. It is important to consider the history of media development that led us to new media in order to adequately define it.

Old Media emerged with the invention of the commercial printing press, early broadcasting, and video technologies, whereas Ancient Media is characterised by the rise of the written word. The development of digital technology and the internet,

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which brought new tools and competences to the media opportunity, is responsible for the transition from Old Media to New Media.

B. Definition of new media

Robert Logan, in his book *Understanding New Media*, writes, "New media is very simply processed, stored, altered, retrieved, hyperlinked, and—perhaps most revolutionary of all—easily searched for and accessible," according to the definition given above. Old media and new media can be distinguished by the fact that old media is, for the most part, mass media. In contrast to mainstream media, each new media format is also quite interactive. Whether sending an email or using online collaboration tools, users of new media are active content and information creators.

New media theorist **Lev Manovich** describes new media that are native to computers or depend on them for distribution as websites, human-computer interaction, virtual worlds, virtual reality, multimedia, computer games, computer animation, digital video, special effects in movies, and interactive computer installations.

Lev Manovich, nevertheless, focuses more on outlining and describing the characteristics of new media. He considers the following as the main "principles" of new media:

- Numerical Representation
- Modularity
- Automation
- Variability
- Trans-coding

Whatever issues and discrepancies result from the changes sparked by these new media, they were always going to happen and cannot be undone. All we can do is try to make the world a better place to live in by using it in some way.

C. Guidelines for ethics in the digital age

1. Ethical principles can be used to address the weaknesses in technologies that increase profiling, biases, and inequality.
2. Need to approve or develop ethical standards, principles or guidelines.
3. Always abide by rules and regulations.
4. Ensure using people's data with their consent.
5. We do not see each other, but we see or do share our data.
6. Give our opinions generously or correctly.

Check Your Progress

34. _____ emerged with the invention of the commercial printing press, early broadcasting, and video technologies.
35. _____ is characterised by the rise of the written word.

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36. The development of _____ and the internet, which brought new tools and competences to the media opportunity, is responsible for the transition from Old Media to New Media.
37. The term “Ethics” is derived from the _____ word “ethos”, which means “way of living”.
- (a) Greek (b) Roman
(c) German (d) Egypt
38. Ethics is a _____ discipline that studies the principles of human action.
- (a) Psychological (b) Philosophical
(c) Sociological (d) Economical
39. _____ philosophy investigates the truth to be discovered, such as God, the creation of the universe, etc.
- (a) Sociological (b) Economical
(c) Theoretical (d) Practical
40. _____ philosophy lessens the fact to be acted upon.
- (a) Sociological (b) Economical
(c) Theoretical (d) Practical
41. _____ Here, an individual with an individual ethic of loyalty establishes commitment and responsibility in all their relations and can be reliable by others to keep their trustworthy behaviour no matter the situation.
- (a) Loyalty (b) Responsibility
(c) Selflessness (d) Respect
42. _____ An individual with a robust ethical code is ready to take accountability for their activities and make variations or replacements when required.
- (a) Loyalty (b) Responsibility
(c) Selflessness (d) Respect
43. _____ A self-sacrificing individual puts others first and does not act in self-centred or selfish ways. They give importance to other needs and circumstances and list these requirements beforehand on their own.
- (a) Loyalty (b) Responsibility
(c) Selflessness (d) Respect
44. _____ a person who, both at work and in their personal lives, shows respect for others around them.
- (a) Loyalty (b) Responsibility
(c) Selflessness (d) Respect
45. _____ It refers to the level of promise to continue their moral values in any given situation at the workplace. Here, an individual holds themselves responsible and accountable for their work.
- (a) Responsibility (b) Selflessness
(c) Respect (d) Integrity
46. A _____ force at work is the folder that grips organizations together.
- (a) Group (b) Individual
(c) Society (d) Country

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2.16 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Greek word
2. Ethics
3. love and knowledge
4. Theoretical philosophy
5. Practical philosophy
6. media technical ethics
7. Media ethics
8. Honesty
9. Integrity
10. group force
11. Life
12. James Faust
13. moral judgement
14. Place of work
15. Stereotypes and standards
16. Social minorities
17. religious differences
18. Women
19. journalist
20. Independence
21. Media
22. evolution of the media
23. long-term professional
24. Press Council of India
25. "Baer-O-Meters"
26. TRAI's
27. Print media
28. Electronic media:
29. New age media
30. Analytical Reporters and Editors (IRE)
31. media experts and attentive journalists
32. litigation clear
33. person or organisation
34. Old Media

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35. Ancient Media
36. digital technology
37. Greek
38. Philosophical
39. Theoretical
40. Practical
41. Loyalty
42. Responsibility
43. Selflessness
44. Respect
45. Integrity
46. Group

2.17 SUMMARY

- **Ethics:** The Greek word "ethos," which meaning "way of living," is where the word "ethics" originates. It is a subfield of philosophy that investigates how people behave in society—specifically, how they behave as individuals—to distinguish between what is morally right and evil.
- **Need of ethics:** Ethics helps us to direct the area between absolute rights and ethical wrong. Ethics helps to make an unconditional right action work. Ethics helps to make ethical choices. Ethics guide values within professions and groups. Ethics fits into the norms and standards of a group. Ethics develop skills in articulating our own values and principles. Ethics is a principal element of any happy, mature and healthy life.
- **Theoretical philosophy:** It investigates matters of knowledge, such as the existence of God and the universe's beginnings.
- **Practical philosophy:** It lessens the fact to be acted upon, for example, axiology (study of the nature of value and valuation), semantics (the meaning of phrases and words), ethics, etc.
- **Loyalty:** Here, an individual with an individual ethic of loyalty establishes commitment and responsibility in all their relations and can be reliable by others to keep their trustworthy behaviour no matter the situation.
- **Moral judgements:** By projecting a term as moral judgement, we might expect to meet measurements and definitions.
- **Accuracy and fairness:** A journalist is responsible for making sure that information is distributed accurately and truthfully. No information shall be biased or the crucial facts intentionally misplaced by journalists and

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media houses. Groundless reports and assumptions should not be set forth as facts.

- **Group ethics:** Group ethics can be stated in several ways. As the leader of the group, one must observe to code of ethics in demand to form the procedures and limitations of the group. As a member of a group, one should stand by ethical processes which ultimately reveal the fundamental values of the group.
- **Press Council of India (PTI):** The Press Council of India is an official organisation. It is a method by which the press controls itself.
- **Broadcasting Audience Research Council (BARC):** BARC India manages and owns a transparent, wide-ranging and accurate television audience measurement system. It also offers an outfit of insights products planned for broadcasters, agencies and advertisers.
- **Public Interest Litigation:** In Indian law, it refers to legal action taken to defend the general welfare. It is legal action brought before a court of law by a third party other than the party who feels wronged, such as the court itself.

2.18 KEY TERMS

- **Ethics:** The Greek word "ethos," which means "way of living," is where the word "ethics" originates. It is a subfield of philosophy that investigates how people behave in society—specifically, how they behave as individuals—to distinguish between what is morally right and evil.
- **Philosophy of ethics:** The philosophy of ethics examines the fundamentals of how people behave. Its focus as a science is on examining the ethical context of human behaviour in its natural setting. Any system or theory of moral philosophies, ideologies, and principles were covered by it.
- **Ethical approach:** ethical theory is a huge help. Whatsoever approach we take, it provides us with a theoretical tool with practical effects. It being helpful, the least we can hope for from studying philosophy is how providing a suitable response will appear.
- **Media ethics:** Media ethics is the section dealing with the particular ethical values and principles of media, with print media, film, broadcast media, theatres and the internet etc.
- **Media technical ethics:** The term "media technical ethics" refers to the intersection of technology and ethics, and it focuses on developing moral tool use and safeguards against technology abuse, leading to a shared understanding of the guiding principles for future technological development.

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- **Personal ethics:** Personal ethics can generally describe a person using the senses when making decisions and behaving in both personal and group settings. It is a real guide to our life. Every person's moral principles differ, but many individuals share mutual beliefs such as respect and honesty.
- **Moral judgments:** The moral judgment provides a theoretical framework that clarifies and defines cognitive processes and moral reasoning around media violence. The mental function known as moral judgment is what drives this investigation.

2.19 SELF-ASSESSMENT QUESTIONS AND EXERCISES

Short Answer Questions

1. Why do we need ethics?
2. What is philosophy?
3. What is philosophical ethics?
4. Types of ethical judgement.
5. What is group ethics?
6. What is individual ethics?
7. What are the guidelines for ethics in the digital age?
8. What is fundamental ethics?
9. Moral judgement.
10. What is an economic imperative?
11. Why do we need ethics?
12. Press Council of India (PTI)
13. Telecom Regulatory Authority of India (TRAI)
14. Indian Broadcasting Foundation (IBF)
15. Broadcasting Content Complaints Council (BCCC)

Long Answer Questions

1. Define ethics. Why do we need ethics?
2. What is philosophy?
3. Discuss the nature of media ethics.
4. Describe the philosophical background in ethics.
5. What are some of the various categories of ethical decisions that humans, broadly speaking, make?
6. What is group ethics? Explain with an example.
7. How do we evaluate the morality of things other than deeds?
8. How do investigative reporters justify?

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9. What is investigative reporting?
10. Why personal ethics are important?
11. What is personal ethics? Explain.
12. What are the consequences of personal choices? Give examples
13. How do choices affect our lives?
14. What are moral judgements? Give an example.
15. Explain economic imperatives and ethical issues.
16. Is Indian media is most corrupt media? Give an example.
17. Why do we need ethics?
18. Give a brief note on the code of conduct for media practitioners.
19. What are the Qualities, qualifications, duties and responsibilities of media practitioners?
20. Describe the notion of professional standards.
21. What are the existing bodies for the regulation of media in India?
22. What is the classification of media? Explain.
23. Define the term Public Interest Litigation.
24. Give a brief on Public Interest Litigation.
25. What are the substances which are diverted under PIL?
26. What are essential guidelines for ethics in the digital age?

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2. <https://www.prsindia.org>
3. <https://dot.gov.in>
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5. <https://www.barcindia.co.in>
6. <http://www.ccrcc.in>
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Newspaper/Magazines

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Unit III Media Laws

Learning Objectives:

By the end of this unit the learners would be able to:

- Manage ethical questions about how the media should act principally in a democratic society.
- Understand conflict of interest in reporting journalism.
- Know how to avoid conflict of interest.
- Involve or take part in any political activity.
- Avoid accepting financial help and conflicts.
- Understand when censorship occurs, when groups or individuals try to stop others from saying or depicting images, printing and words.
- Study how truthful news and images can go back to the defence of citizens and battle prevention, bring to the attention of the universal community.
- Understand transparent or accountable towards the society.

Structure:

- 3.1 Conflict of Interest
- 3.2 Principle of Independence
- 3.3 Censorship – Threats, Reprisals and Intimidation
- 3.4 Personal Integrity
- 3.5 Principle of Accountability
- 3.6 Legal Ethics
- 3.7 Professional Limits
- 3.8 Principle of Harm Limitation
- 3.9 Media Bias and Sensationalism
- 3.10 Answers to ‘Check Your Progress’
- 3.11 Summary
- 3.12 Key Terms
- 3.13 Self-Assessment Questions and Exercises
- 3.14 References

3.1 CONFLICT OF INTEREST

A. Introduction

Media ethics raises and manages ethical questions about how the media should act principally in a democratic society. Conflict of interest manages ethical obstacles for journalism that are currently present within the content creation procedures. In the days before internet technology, journalists, broadcasters, and publishers handled all of the challenges. It was mainly made for the work of journalists.

B. What is a conflict of interest?

Conflict of interest arises when an individual is dishonest due to a conflict between his/her professional obligations and personal interests. It happens when an organization or individual has some personal benefits like money, status and reputation that helps them to increase their reputation within the organization and society. There are different ways in which disagreements between writers and media and media buyers can arise. A few everyday situations of issues may one-sided include reporting about friends or family members. For example:

1. A doctor should not operate on a family member.
2. A lawyer who has protected a client in the past cannot be hired to take further legal measures for the same client.
3. A newsperson should not cover any news story in which she or he has a personal stake.
4. Acceptance of benefits by journalists, for example, political parties and corporate organizations giving trips or gifts (Car, flat, property, etc.) to editors and journalists in exchange of supportive news and articles favouring them.

Generally, the purpose of the media is to provide accurate information to the public, as it really is. However, sometime unrealistic circumstances can influence a media person to get motivated to do something wrong.

C. How to avoid conflict of interest?

There are some ways to avoid conflict of interest:

1. Don't offer money to any demonstration groups, dispute groups and political parties.
2. Don't accept any gifts or freebies from any corporates organisation, political parties and other wealthy groups.
3. Don't involve or take part in any political activity.
4. Don't be too friendly and sociable with people around you.
5. Don't put your personal opinion in sensational problems.
6. Don't protect your family members or friends, if they have been doing any wrong.
7. Avoid taking any financial help and conflicts.

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Check Your Progress

1. _____ arises when an individual is dishonest due to a conflict between his/her professional obligations and personal interests.

3.2 PRINCIPLE OF INDEPENDENCE**Introduction**

The presence of influence and control over a company or person working in the media is known as media independence. It is the extent of its ability to make decisions and behave logically on its own. In journalism and media policy, it is also contested as a normative virtue.

The power of media can't be denied by anyone or considered absolute. It creates dramatic situations or influences public opinion in different ways. It helps to develop resourceful skills to achieve strategies of communication and public awareness. However, in modern times, the media environment is always changing.

Today's sector follows broader economic developments; permanent writing positions are still scarce. Since the economy is now largely self-employed, many bright critics and reporters are moving from channel to channel. Following that, viewers' methods of finding news and analysis have also evolved. Nowadays, rather than going straight to the original source of information, audiences increasingly follow those writers online by reading their social media feeds.

Constructing the facts known to the public is frequently the first necessary step to start remedying human rights violations and holding governments answerable or responsible. The following principles are needed to keep media independence in reality.

1. **Be purposeful:** Independent media has, on time, made a mistake by stating independence from ideas, causes, convictions, and even points of view, rather than just a suitable interdependence from private groups, political parties, and corporations.

2. **Be humble:** For sovereign and independent media, first, we have to own our ignorance on all things.

Here, stress on speaking heads, conclusive opinions, and sound bites on cable Television have continued the idea that being unquestionably correct is the primary goal of both public discourse and journalism. This closes out chances for questioning, enquiring, imaging and conducting tests. Independent media must take responsibility or obligation and serve as an opportunity for creative thought regarding social justice.

3. **Be brave:** We must break free from the respectability politics that not only put marginalised people at the sidelines but also restrict the quality and scope of public conversation if independent media is to truly offer a competitive alternative to corporate media. What do being courageous and these ideas have in common? The answer is that both can help us

overcome the failure fear that prevents us from creating the kind of journalism we would otherwise be able to.

4. **Be responsible:** Being responsible requires letting go of a legalistic mindset in which anything said or written in a public place is fair game, regardless of its importance or effects.

A media outlet that never published anything of value would be devoted to never treating anyone who reads or is the subject of a story inappropriately. If we have already made up our minds to be courageous and intentional, we can then pick who we are accountable to.

5. **Advancement, not excellence:** Journalists are uniquely positioned to give an example of what it may mean to try to be liberal in a diversified sense in its place. They are committed to teaching us, our job, and our society while also being acutely aware of our limitations and flaws.

Check Your Progress

2. _____ are uniquely positioned to give an example of what it may mean to try to be liberal in a diversified sense in its place.
3. Being responsible requires letting go of a _____ in which anything said or written in a public place is fair game, regardless of its importance or effects.

3.3 CENSORSHIP – THREATS, REPRISALS AND INTIMIDATION

A. What is censorship?

Censorship occurs when groups or individuals try to stop others from saying or depicting images, printing and words. It tries to find to limit the freedom of thought and expression by limiting printed matter, spoken words, representative communications, freedom of art, association, books, movies, music, television programmes, and internet sites.

The networks of censorship can vary far and wide, from person-to-person communication and group-to-group communication. Similarly, a wide-ranging media, which includes literature, writings, electronic communication, music, art, and unexpected speech, can be put in danger of censorship. In each case, censorship is observed as falling offensive terminologies or expressions either directly or indirectly encouraging beneficial ones. Censorship mainly takes two fundamental practices: 1) State-forced and 2) second oneself (self-imposed).

1. **State-forced:** The first practice is mandatory by a group in authority on the individuals, who are focused on the group's authority and who are focused on the groups in influence on the individuals. It comprises punishments, or their danger, that build a chilling outcome, provoking persons to force censorship on them to avoid punishment.
2. **Second oneself or self-imposed:** On the other side, the adverse support of evading punishments for an illegal appearance. Here, the second form comprises a more constructive volunteer or controlled self-censorship by

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persons who select for themselves that controlling their forms of communication has its own merit.

B. Censorship threat

There cannot be freedom if the press is not free. There are no true democratic countries when the press is not free to publish. The way we understand the world and act on it depends on the facts and information we have. Because of this, the freedoms of speech and of the press are fundamental rights, and the free exchange of ideas is a key factor in human progress and vibrant societies.

However, many reporters and reporters around the world today risk their lives to expose the truth. In many countries, human trafficking, investigating corruption violations and environmental or political issues put journalists' lives at risk. Across the world, journalists face numerous threats every day, extending from torture, suffering, kidnapping and arbitrary imprisonment to propaganda campaigns and harassment.

C. Censorship reprisals

1. **Introduction:** The cases range from activists suffering custodial and imprisonment punishments to acts of pressure such as recording participants in gatherings without their approval, even on legal premises of the countries and systems.

The cases like the misuse of online space through cyberbullying, hate speech and insult campaigns are another trend recognized in present times, with lesbian and women, bisexual, gay, transgender and intersex persons sometimes mainly targeted by their own communities. The consequences for civil society are already grave because of fears for safety. Some people do not engage in such activities.

2. **Reprisals are retaliatory in nature:** In case of any differences or problems are not resolved by passive talk, the countries have the right to the option of reprisal. They are executed by a state to seek a replacement from another state for their illegal or baseless acts. The aim of reprisal is to punish the non-compliant state and to force the honest state to stop unlawful or illegal activities and compensate the ill-treated state.

Reprisals are destructive or otherwise universally illegal acts of one state against another and are particularly allowed to grip the concluding to an agreement to a suitable settlement of a dispute shaped by its own universal law-breaking.

D. Censorship intimidation

The right to freedom of expression and information establishes one of the necessary grounds for a democratic society. In battle circumstances and wars, the role of the media is life-threatening in providing the public with truthful and judicious information.

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Truthful news and images can go back to the defence of citizens and battle prevention, bring to the attention of the universal community the horrors, fears and reality of conflict and uncover the violations of human rights and universal humanitarian law.

Diverse forms of violence against media and journalists have increased considerably. For example, intimidation, physical attacks and harassment, targeted investigation and cyberbullying, we now see a range of policies positioned to silence free speech and critical voices.

Check Your progress

4. _____ occurs when groups or individuals try to stop others from saying or depicting images, printing and words.
5. The right to _____ and information establishes one of the necessary grounds for a democratic society.

3.4 PERSONAL INTEGRITY

A. Introduction

If you have integrity, it means you are honest and firm in your moral principles. In today's journalism, there is much dubious news which is rumoured to be true. Due to easy access to social media, there are some individuals as well as groups of people who intentionally spread misinformation, rumours etc. This is one of the biggest reasons why the practice of journalistic integrity is essential.

Over time, journalism ethics have changed. The majority of news organisations have a code of conduct. If professional journalists or news organisations violate these moral guidelines, then their credibility will suffer.

1. **Strive for truth and report it:** It is the first and foremost duty of the journalist to report the truth to the audience. Journalists should be truthful and brave in reporting, gathering and taking information. According to the SPJ Code, journalists must be responsible for the veracity of their reporting, confirm material before disseminating it, and always rely on primary sources. Ethical journalism should always be precise and unbiased.
2. **Maximize harm:** Ethical journalism treats co-workers, themes, sources, and members of the public as human beings worthy of respect. According to the Code, a journalist must have empathy for anyone who might be harmed by news coverage. Journalists must also be watchful of cultural transformations when considering the potential reception of news or information.
3. **Act Unconventionally:** Helping the public is the primary duty of ethical reporting (not the command or the corporations). The "brown envelope" trend in journalism is fundamentally at odds with the rule of journalism's independence and permits the media to deliver biased information to the public.

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4. Be transparent or responsible: By taking responsibility for one's work and being transparent about one's opinions, one practises ethical and moral journalism. Journalists should describe moral selections and progressions to the viewers and should be aware of and openly admit any error. Additionally, errors should be swiftly and visibly corrected.

5. Independence or impartiality: When reporting, journalists must be independent or impartial, which means they must never include their opinions, feelings, or prejudices. Journalists should always speak neutrally and refrain from describing people or institutions in a favourable or negative light. The writer can let each reader create their own perspective on the subject by only reporting the facts.

Check Your Progress

6. _____ treats co-workers, themes, sources, and members of the public as human beings worthy of respect.
7. When reporting, journalists must be _____, which means they must never include their opinions, feelings, or prejudices.

3.5 PRINCIPLE OF ACCOUNTABILITY

Introduction

No problem what subject they cover but reporters need to grip tight to an individuals and institution to be answerable for their actions or work. This is called “accountability journalism”. Whether it's investigations, political fact-checking, or other forms of journalism, it must be effective in engaging the readers and impacting the audience. In the end, all journalism should try to make the important topic interesting.

A very important feature of journalism is accountability. The media adopting responsibility is about the drive of good journalism. Constructing a society in which the influential authorities are answerable to the public. The responsibilities, rights, and answerabilities have to be recognised to safeguard the integrity of media and the protection of the general public in the form of accountability.

- 1. Features of accountability:** A passion for showing broad curiosity: There must be a passion in you to show a broad curiosity regarding a significant topic. You must be able to adapt quickly to new technology and platforms.
- 2. Target Audience:** Think about your target audience. Your audience should not be a small number. Otherwise, you will be restricted. Think about a mass audience.
- 3. Source:** You can never rely on one source, hoping it is true. Multiple sources are essential.
 - (a) Story formation:** Working hard on your context. People must be engaged throughout.

- (b) **Quality relationship:** Building healthy relations with your sources.
- (c) **Connections:** Having a vast network in a newsroom is essential.
- (d) **Drive:** Having exemplary zeal and drive will lead you to untold discoveries.

NOTES**Check Your Progress**

8. A very important feature of journalism is _____.
9. The media adopting _____ is about the drive of good journalism.

3.6 LEGAL ETHICS**A. Introduction**

The non-appearance of prescribed rules and regulations may imply or partially describe why media experience ethical gaps. Ethics has developed a motto in the media professions. Ethics gives a crucial place to media people and focuses more on the principle portion of society. Legal ethics are the rules, actions and values of doing the correct things in times of challenges, controversies, disputes and problems mainly faced by the journalists during news coverage.

Legal ethics in communication and professional code of ethics shapes the moral values that supervise the decisions, judgements, determination and actions of the journalist towards society and people. However, it is mainly the journalists' start, depending on situations like the place, time, nature, behaviour and environment when they report and cover the incidents.

B. Principles of legal ethics

There are some crucial foundations of legal and ethical elements for media.

- Never offend or provoke others.
- Think about the audience's comprehension of the message.
- Communicate fact-based messages wholly and truthfully.
- Eliminate any distractions that can obstruct the message and prepare for language problems.
- Make the information and sources that support the ethics available to others.
- Respect freedom of expression, diverse perspectives and dissenting opinions.
- Never express anything that could be taken as insulting, biased, or hateful.

The dedication of editors and journalists to encourage professional and personal ethics among them, however, is the most important legal ethics principle.

Overall it gives a general framework for how journalists should act or behave in the situation as well as it also gives precise direction to manage issues like safety, security, harassment, politics and conflict of interest. Six types of ethical terms form the basis of trust upon which ethical practice is built.

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Check Your Progress

10. The non-appearance of prescribed rules and regulations may _____ describe why media experience ethical gaps.
11. _____ in communication and professional code of ethics shapes the moral values that supervise the decisions, judgements, determination and actions of the journalist.

3.7 PROFESSIONAL LIMITS**A. Introduction**

Professional code of ethics places the standard of honesty, competence and privacy. It is a code that oversees the performance of an individual or group in a corporate setting. The code of ethics delivers rules and regulations on how an individual should behave in the corporate environment. Unlike standards, professional codes of ethics are generally called a set of rules and regulations which an individual group of persons use.

The main concern of the professional code of ethics is to arrange procedures for the regular standard behaviour in the corporate. There are a few things we need to take when attempting to code of ethics in the organisation. In time to evaluate the code of ethics in the media institution or organisation, and if they aren't clear, have them recognised. There are many things to set in the professional code of ethics and behaviour

B. Professional limit

1. **Professional competence:** Requires knowledge, understanding, accountability and obligation, i.e. gathering a suitable standard of care and attention.
2. **Decision making:** It is an agreement of rules and regulations used by individuals and organisations to oversee their decision-making procedure, as well as differentiate right from wrong.
3. **Integrity and honesty:** Integrity and honesty mean to work as per ethical codes and act in confidence, intellectual honesty and equality.
4. **Accountability:** It means to take charge and responsibility for one's action, judgment, decision and their significances or consequences.
5. **Freedom and impartialities:** Members must use reasonable precautions and decisions to achieve and keep individuality and impartiality in their specialized actions.
6. **Respect others:** Treat others as you want to be treated or respect values and differences within the organisation.
7. **Professional commitment:** Professional expertise establishes a high level of experience and loyalty which supports and encourages the standards of journalists in their work.

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8. **Avoid misconduct or misbehaviour:** Media organisations and employees must not involve in any professional behaviour involving fraud, fake, dishonesty, corruption or any act that reproduces badly on their professional standing, honesty and integrity (For example, gifts and fringe benefits by journalists and media institutions).
9. **Harassment of all kinds:** Media institutions may not harass, discriminate against, or grant a discriminatory bias on the grounds of religion, caste, gender, race and other.
10. **Other codes of conduct:** Besides all of the above, there are some other professional codes of ethics as follows:
 - Respect your readers and viewers.
 - Avoid taking any gifts.
 - Set priorities for important news
 - Avoid any conflict of interest
 - Report only truthful and fact-based news.
 - In a time of covering news, avoid personal viewpoints.
 - Avoid favouritism.

3.8 PRINCIPLE OF HARM LIMITATION

Introduction

The damage principle holds that people's freedom of movement should only be limited to stop harm to other people. The harm principle, as articulated by John Stuart Mill, is a theory which tries to, on the face of it, deliver an objective standard for acts that should be outlawed.

According to the harm principle, unevenly, the state may force an individual only if it can stop harm to others. Undoubtedly, this principle depends fatefully on what we recognize as harm and tiresome.

What is the harm?

To determine what constitutes injury is when the piercing point enters the picture. Although it might sound simple, it's actually not that simple. For example,

1. Paternalism over children was satisfactory since children are not fully skilled in responsibly exercising freedom, but paternalism over entirely self-directed adults is not.
2. In case of certain kinds of speech can be as harmful sensitively as a physical attack. For example, individually insulting or establishing power dominance and oppressing minorities.
3. According to Mill, you do not have the right to incite violence in response to damaging speech. Given that it causes pain and physical suffering, it is obviously destructive. However, he asserts that you do

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have the freedom to damage another person's feelings because doing so does not constitute harm.

An important aspect about the damage principle, which serves as the foundation for determining who is capable or deserving of enjoying their freedom, is that it can be subject to personal, political, or cultural bias. We should always be wary of the potential biases that might influence who or what we apply rights and obligations to.

Check Your Progress

12. The harm principle, as articulated by _____, is a theory which tries to, on the face of it, deliver an objective standard for acts that should be outlawed.

3.9 MEDIA BIAS AND SENSATIONALISM**Biases within the media****Introduction**

Since 1947, discussions of media policy have frequently included references to media diversity. India's present media environment is ongoing, diverse, and regionalized. It has a weak regulatory environment and media owners who are dominant, powerful, and expanding. Investigating the media as a symbol of democracy is the idea.

Types of bias

1. When stories are chosen or prejudiced to appease media owners who are corporations, this is called corporate bias.
2. When stories are chosen or prejudiced to suit advertisers, this is called advertising bias.
3. Sensationalism bias favours the exceptional over the commonplace, providing the appearance that uncommon occurrences like aeroplane crashes are more frequent than frequent occurrences like car accidents.
4. The inclination of the mainstream media is to report what everyone else is reporting and to stay away from stories that might offend people.
5. Concision bias, the propensity to only report opinions that can be briefly stated, weeds out more unique opinions that require more time to express.

Reporting that favours or disparages a certain race, religion, gender, age, sexual orientation, ethnic group, or even person is another kind of bias.

Polarised Media

Journalists are becoming more and more concerned that the Indian media has polarised. Vinod Mehta, the editor-in-chief of the political magazine Outlook, penned the following: "You are either pro- or anti-Modi. No other space is available."

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The CNN-IBN network's editor-in-chief, Rajdeep Sardesai, wrote in The Hindustan Times daily about the "severe polarisation" within the media: "With roughly 400 news channels and thousands of newspapers, politicians are attempting to co-opt the media to enhance their message."

Not only personal media have received criticism for their reporting. After editing out comments made by Modi against Congress candidate Priyanka Gandhi and his claims of closeness to Congressman Ahmed Patel, public broadcaster Doordarshan was charged with censorship. According to Doordarshan, the interview was simply altered for editorial purposes.

In a dispute with the media, the AAP also took part after Kejriwal accused TV networks of spreading misinformation in Modi's favour. The Times of India responded by claiming that the reason people don't believe Kejriwal's party is because of the party's recent actions rather than sweeping conspiracy theories about powerful businesses and political competitors buying off obedient media outlets.

However, according to Kripalani, political and corporate control has had a negative impact on Indian media. "Like the rest of the world's media, it has suffered from a change in business strategy as readers prefer to get their news online. The Indian media has avoided the inescapable by luring funding from significant corporations. Naturally, this has altered the media's agenda and given it a more political perspective.

Media coverage has also been ruined by allegations of corruption against a purported survey company and the Election Commission's discovery of 854 instances of "paid news."

Editorial Freedom

The ascension of Modi does not reasonably secure press freedom in India, according to a posting on the Committee to Protect Journalists website. An individual with the potential to lead the largest democracy in the world needs to be highly tolerant of criticism, according to research associate Sumit Galhotra.

In February, the website Scroll.in stated that CNN-IBN management allegedly told Sagarika Ghose not to tweet any negative things about Modi. "Soon it will be time to tell the story of what's happening to independent journalists in India...not a nice tale," one of her later tweets stated.

The editorial director of India TV, Qamar Waheed Naqvi, reportedly quit in protest over a "manufactured" Modi interview, while a discussion programme on the regional station Sun TV was purportedly cancelled after its host, Theeru Veerapandian, asked viewers to reconsider voting for Modi.

Journalist Hartosh Singh Bal claimed that the publication of an essay criticising both Modi and Gandhi came before his termination as the political editor of the Open magazine.

The subsequent resignation of **Open magazine editor Manu Joseph and The Hindu newspaper editor Siddharth Vardarajan** were also considered as

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contributing factors in the disputes over editorial independence, political reporting, and corporate management.

Media favour Specific Political Parties in India

1. **CNN-IBN:** Sagarika Ghose, the host of CNN-Face IBN's the Nation and a co-promoter of the network (after all, Rajdeep Sardesai is the owner-editor-in-chief), is a well-known Congress stooge.
2. **News24:** Hindi news channel News24 owned by former writer and editor Rajiv Shukla, a well-known Congressman in the Rajya Sabha, a minister in the Union, an industrialist, the vice president of the BCCI, and the chairman of the IPL.
3. **Lokmat:** Maharashtra's Lokmat (and IBN Lokmat) is a Marathi newspaper (and channel). The brothers Vijay (MP for the Congress) and Rajendra Darda are the proprietor and editor-in-chief (Congress MLA in Maharashtra and minister in state govt).
4. **Jagran Prakashan:** LK Advani and the late Narendra Mohan Gupta were close friends. Narendra Mohan Gupta was the chairman of Jagran Prakashan, and you can see that not all of the news they publish is in colour. By the way, that is the most well-known Hindi daily in India.
5. **Reliance-owned and invested Media:** We are all aware of Rajdeep Sardesai and company's abrupt departure from the IBN group (Network 18) following the takeover by the Reliance Group Media arm, which was until recently led by a certain Umesh Upadhyaya, who is now Network 18's Director and, coincidentally, the brother of Satish Upadhyaya, the head of the Delhi BJP.

Check Your Progress

13. When stories are chosen or prejudiced to appease media owners who are corporations, this is called _____.
14. When stories are chosen or prejudiced to suit advertisers, this is called _____.
15. _____ favours the exceptional over the commonplace, providing the appearance that uncommon occurrences like aeroplane crashes are more frequent than frequent occurrences like car accidents.
16. _____ requires knowledge, understanding, accountability and obligation, i.e. gathering a suitable standard of care and attention.

(a) Professional competence	(b) Decision making
(c) Integrity and honesty	(d) Accountability
17. _____ is an agreement of rules and regulations used by individuals and organisations to oversee their decision-making procedure, as well as differentiate right from wrong.

(a) Professional competence	(b) Decision making
(c) Integrity and honesty	(d) Accountability

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18. _____ means to work as per ethical codes and act in confidence, intellectual honesty and equality.
 - (a) Professional competence
 - (b) Decision making
 - (c) Integrity and honesty
 - (d) Accountability
19. _____ means to take charge and responsibility for one's action, judgment, decision and their significances or consequences.
 - (a) Professional competence
 - (b) Decision making
 - (c) Integrity and honesty
 - (d) Accountability
20. _____ raises and manages ethical questions about how the media should act principally in a democratic society.
 - (a) Moral Values
 - (b) Media ethics
 - (c) Media law
 - (d) Media legal
21. Conflict of interest manages _____ obstacles for journalism that are currently present within the content creation procedures.
 - (a) Ethical
 - (b) Political
 - (c) Social
 - (d) Economical
22. _____ independence is the presence of influence and control on an organisation or individual functioning in the media.
 - (a) Ethical
 - (b) Political
 - (c) Social
 - (d) Media
23. The _____ practice is mandatory by a group in authority on the individuals, who are focused on the group's authority and who are focused on the groups in influence on the individuals.
 - (a) State-forced
 - (b) self-imposed
 - (c) organization imposed
 - (d) ethical imposed
24. The _____ comprises a more constructive volunteer or controlled self-censorship by persons who select for themselves that controlling their forms of communication has its own merit.
 - (a) State-forced
 - (b) self-imposed
 - (c) organization imposed
 - (d) ethical imposed

3.10 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Conflict of interest
2. Journalists
3. legalistic mindset
4. Censorship
5. freedom of expression
6. Ethical journalism
7. independent or impartial
8. accountability
9. responsibility
10. imply or partially

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11. Legal ethics
12. John Stuart Mill
13. corporate bias
14. advertising bias
15. Sensationalism bias
16. Professional competence
17. Decision making
18. Integrity and honesty
19. Accountability
20. Media ethics
21. Ethical
22. Media
23. State-forced
24. self-imposed

3.11 SUMMARY

- **Conflict of interest:** Conflict of interest arises when an individual is dishonest due to a conflict between his/her professional obligations and personal interests.
- **Media independence:** The presence of influence and control over a company or person working in the media is known as media independence. It is the extent of its ability to make decisions and behave logically on its own.
- **Integrity and honesty:** Integrity and honesty mean to work as per ethical codes and act in confidence, intellectual honesty and equality.
- **Censorship:** Censorship occurs when groups or individuals try to stop others from saying or depicting images, printing and words.
- **State-forced:** The first practice is mandatory by a group in authority on the individuals, who are focused on the group's authority and who are focused on the groups in influence on the individuals.
- **Decision making:** It is an agreement of rules and regulations used by individuals and organisations to oversee their decision-making procedure, as well as differentiate right from wrong.
- **Censorship reprisals:** The cases range from activists suffering custodial and imprisonment punishments to acts of pressure such as recording participants in gatherings without their approval, even on legal premises of the countries and systems.
- **Censorship intimidation:** Diverse forms of violence against media and journalists have increased considerably. For example, intimidation,

physical attacks and harassment, targeted investigation and cyber bullying, we now see a range of policies positioned to silence free speech and critical voices.

- **Professional competence:** Requires knowledge, understanding, accountability and obligation, i.e. gathering a suitable standard of care and attention.
- **Accountability:** It means to take charge and responsibility for one's action, judgment, decision and their significances or consequences.

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3.12 KEY TERMS

- **Censorship:** Censorship occurs when groups or individuals try to stop others from saying or depicting images, printing and words. It tries to find to limit the freedom of thought and expression by limiting printed matter, spoken words, representative communications, freedom of art, association, books, movies, music, television programmes, and internet sites.
- **Integrity:** Integrity, it means you are honest and firm in your moral principles. In today's journalism, there is much dubious news which is rumoured to be true. Due to easy access to social media, there are some individuals as well as groups of people who intentionally spread misinformation, rumours etc. This is one of the biggest reasons why the practice of journalistic integrity is essential.
- **Media accountability:** A very important feature of journalism is accountability. The media adopting responsibility is about the drive of good journalism. Constructing a society in which the influential authorities are answerable to the public. The responsibilities, rights, and answerabilities have to be recognised to safeguard the integrity of media and the protection of the general public in the form of accountability.
- **Ethical gaps:** The non-appearance of prescribed rules and regulations may imply or partially describe why media experience ethical gaps.
- **Professional limits:** Professional code of ethics places the standard of honesty, competence and privacy. It is a code that oversees the performance of an individual or group in a corporate setting.

3.13 SELF-ASSESSMENT QUESTIONS AND EXERCISES

Short Answers Questions

1. Conflict of interests
2. Censorship
3. Personal integrity
4. What is accountability?
5. Professional limitation

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6. Harm limitation
7. Media bias

Long Answers Questions

1. Define the concept of conflict of interest.
2. What is a conflict of interest?
3. How to avoid a conflict of interest?
4. Describe in detail the principle of independence.
5. Define the term Censorship and threats with examples.
6. Define the term Censorship and reprisals with examples.
7. Define the term Censorship and intimidation with examples.
8. What is personal integrity? Explain.
9. Give reasons why accountability is essential in journalism.
10. What is the principle of accountability? Explain.
11. What are the principles of legal ethics?
12. What is a professional limit? Explain.
13. What is the harm of principle with reference to John Stuart Mill?
14. What is 'harm'? Give example.
15. Define the term media bias with a suitable example.
16. Explain in detail the types of bias.

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Unit IV Marginalised Group Ethics

Learning Objectives:

By the end of this unit the learners would be able to:

- Study how media sphere has been smashed with numerous scandals.
- Understand Media is a means of carrying information regularly and is reachable to the community worldwide.
- Know that the media has an obligation to be responsible to the public.
- Find out Children Mortality and cheerlessness among kids are caused and compounded by hardship.
- Understand Trafficking of kids.
- Understand what is feminism?
- Differentiate between Liberal feminism and Radical feminism.
- Understand stereotyping of minorities.
- Know how the Elderly are portrayed in the media?
- Learn about the social networking sites.
- Know about the various cruel or violent activities.

Structure:

- 4.1 Representation and Ethics
- 4.2 Reportage of Marginalised Sections – Women, Children, Dalits and Differently abled
- 4.3 Gender and Sexual Orientation
- 4.4 Stereotyping
- 4.5 Obscenity and Pornography
- 4.6 Violence and Brutality
- 4.7 Case Studies of Representation of Women in Media
- 4.8 Laws: Indecent Representation of Women (Prohibition) Act, 1986
- 4.9 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Sections 66A, 67 and 67A of the Information Technology (Amendment) Act, 2008
- 4.10 Answers to 'Check Your Progress'
- 4.11 Summary
- 4.12 Key Terms
- 4.13 Self-Assessment Questions and Exercises
- 4.14 References

4.1 REPRESENTATION AND ETHICS

A. Introduction

The media sphere has been smashed with numerous scandals connected to the way in which they have tried to influence the structure for their own profit. Added to the fact that paid news or commercials have spoiled the reputation of the media houses. As the numerous scandals issues, the media, which is thought to be the supervisory body as a fourth pillar in a democracy, has now been suffering from trustworthiness issues.

Media is a means of carrying information regularly and is reachable to the community worldwide. The media is mostly accused by a wide range of philosophers, intellectuals, and critics of supporting conflict, violence, prejudice, discrimination, racism, queer pressure, aggression, attack and other unfair social incidents.

Media has become the support track of modern society. Mass media laws covering an area of the rule include media of all categories like advertising, television, radio, internet, film and new media. At a convincing level, media influences the current and can also influence the upcoming or future of society. Mass media have the influence to mark or unmark government actions. Various laws control the routine of media in India. So, here we can say that mass media are reasonably dominant, but the power of media is measured and controlled by the several laws and rules legislated from time to time. Some of the ethical representations to media and governments are stated below:

1. Political and Ethical representation in Indian Democracy

In Indian democratic representation, individuals participate in political decisions and policies that influence their lives, particularly when those decisions and policies touch them directly rather than through elected officials. When individual people of a democracy actively engage in the creation of laws and policies, representative democracy is achieved. It alludes to an activity that requires involvement.

2. Media ethical representation in Indian Democracy

The media has a duty to act responsibly toward the general audience. If this is not the case, then it should be enforced by a governmental body. Consumer behaviour and public opinion can ensure that the media behaves.

The main goal of ethical journalism is to serve the public by providing accurate, fair, sober, impartial, and decent commentary, views, news, and facts on issues of public interest. Nowadays, ethical representation journalism is expected to cover news in trust with specific roles and responsibilities, or it should be universally recognised.

3. Role of government and media ethical representation

The role of government and media ethical representation signifies cooperation between backing government control of the media and supporting total press

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freedom. It also has a broad appeal among the government and citizens. Press accountability to the general population is required. If this is not the case, then it should be enforced by a governmental body. It is a means of achieving sustainability between the government, media and people. Adopting key ethical principles, such as accountability and transparency, can help ensure the long-term feasibility of society.

Check Your Progress

1. _____ has been smashed with numerous scandals connected to the way in which they have tried to influence the structure for their own profit.
2. In Indian democratic representation, _____ participate in political decisions and policies that influence their lives.

4.2 REPORTAGE OF MARGINALISED SECTIONS – WOMEN, CHILDREN, DALITS AND DIFFERENTLY ABLED

Introduction

A marginality is an event that affects many people around the world. People who are discriminated against have limited authority over their lives, as well as the goods that are available to them. These results make them less likely to commit to public liberation. An endless circle is set up where their lack of good and robust communication means they are barred from participating in immediate life, resulting in further closure. Both the individual and societal development are significantly impacted by this.

Discrimination must be addressed because development aims to foster an environment that empowers everyone to contribute to a useful, resilient, and innovative life. Improvements in all conditions are widely considered in terms of greater cooperation. Prejudice denies the majority of the world's population of interest in changing events. It is a confusing story, and many factors cause discrimination. This confusing and big problem needs to be addressed at the level of coping.

1. **Women:** Marginalization is one of the signs of orientation difference under varied monetary situations and as influenced by expressly disclosed, social, legal, and strict aspects. Overall, women may be excluded from some roles and professions, cling to some, and be sidelined in others. By and large, they are marginalized relative all the time to men in each nation and culture. Women (or men) don't present a homogeneous classification where individuals have normal interests, capacities, or practices. Women have a place with lower classes, lower standings, unskilled, and the most unfortunate degrees of marginalized than their excellent partners.
2. **Children:** Children Mortality and cheerlessness among kids are caused and compounded by hardship. Every one of these has outcomes on their

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food consumption, access to medical care, climate, and schooling. The direct relationship between neediness and child mortality and boredom is evident. A system of isolated cruelty in India is obvious from the declining sex ratio and the use of technology to get rid of the girl child. A girl child in India experiences separation and unequal access to nourishing meals. There are many indicators of this breach, including child labour, child trafficking, child sexual exploitation and numerous different types of cruelty and mistreatment.

According to the 2001 census report, with an expected 12.6 million kids occupied with unsafe occupations, for example, India has the biggest number of kids workers younger than 14 on the planet. Among kids, there are a few gatherings like road kids and offspring of sex labourers who face extra types of separation. Countless kids are allegedly trafficked to the adjoining nations.

Trafficking of kids additionally keeps on being a serious issue in India. While orderly information and data on kid assurance issues are as yet not consistently accessible, proof proposes that kids needing exceptional protection have a place with networks enduring hindrance and social rejection like scheduled castes and tribes and poor people (UNICEF, India).

3. **Schedule Castes (Dalits):** The caste framework is a stringently progressive social framework because of basic thoughts of perfection and corruption. Brahmins are at the highest point of the ordered progression, and Shudras or Dalits comprise the lower part of the progressive system. Dalits are marginalised in every aspect of their lives, while having access to basic freedoms like political, social, economical, and social privileges.

A large portion of people in lower levels and Dalits still depend on others for their business. Dalits don't refer to caste; however, they recommend a gathering with a condition of abuse and social handicap and who are defenceless and poor. Education rates among Dalits are extremely low. They have disgraceful buying power and helpless lodging conditions, just as they have low admittance to assets and privileges.

The lower pressure on these circles occurs as physical, mental, emotional and social abuse that finds authenticity in the social and social structure. Real segregation of their habitats is common in cities forcing them to live in unsanitary and uninhabited conditions. This abundance of factors influences their social status, acceptance of medical care and personal satisfaction. There is a high rate of ill health outcomes among groups that are less likely to cause death, trauma, and iron deficiency. The acceptance and use of health care among discriminated groups affect their financial status within the community.

Positive segregation includes social and financial rejection, segregation of residence, refusal, and restrictions on the admission of public and private authorities and employment, as well as the requirement of certain types of

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employment for the Dalits, bringing about the present system of slavery or forced labour. Now, because of government policy on minorities in society and legal protection, the power of class discrimination is dwindling.

- 4. Individuals with disabilities:** People with disabilities must combat centuries' worth of biased assumptions, perilous generalisations, and irrational worry. As with other mistreated minorities, the insult of disability led to the social and economic exclusion of people with disabilities, who were subsequently left for a very long time in a state of terrible poverty. The extent of handicapped populace in India is around 21.9 million.

The level of the handicapped populace to the complete populace is around 2.13%. There are highway and interregional contrasts in the weakened populace. Disabled people must go through different kinds of obstructions while looking for admittance to well-being and well-being administrations. Among the individuals who are disabled women, youngsters and age are more defenceless and need consideration.

Check Your Progress

3. A _____ is an event that affects many people around the world.
4. The _____ is a stringently progressive social framework because of basic thoughts of perfection and corruption.

4.3 GENDER AND SEXUAL ORIENTATION

Introduction

Over the past few millennia, there have been numerous dramatic changes to the position of women in India. The history of women in India has been turbulent, going from a largely unknown status in ancient times through the low moments of the medieval period to the support of equal rights by numerous reformers. There are a few significant human issues in India that demand the government's full attention and care, and their successful resolution will play a critical role in the development of the country.

Concept of feminism

The term “feminism” creates different meanings for everybody. All exchanged ideas about the word “equality”—“equality for women,” “equality for all genders,” “equality in the workplace,” “equality in other areas like political, social, economic, religious and others, etc.”



Fig. 4.1: Feminism

Who is a feminist? Feminists are people who support feminism. What is feminism? Feminism is a theory that says that women and men should have equality which means that they have the same rights. Feminism is sometimes labelled as a philosophy in which women become leading over men. In fact, many feminists feel that the structure of male dominance, usually referred to as the patriarchy, is harmful to men as well as women because of how it regulates “acceptable” masculine behaviour.

Feminism must operate within the very systems that women wish to change in order to thrive. Women must therefore reevaluate their relationship to power and power institutions. Power is complicated, but it's not destructive or hurtful, and it doesn't have to belong exclusively to patriarchy.

Feminist activities in India

In India, feminist activism grew in popularity in the latter 1970s. The Mathura rape case was one of the first national-level topics to unite the women's organisations. Widespread demonstrations broke out in 1979–1980 after policemen accused of raping a little girl in a Mathura police station were found not guilty. The government was forced to change the Evidence Act, the Criminal Procedure Code, and the Indian Penal Code as well as add the category of Custodial Rape as a result of the protests, which were extensively covered in the national media. Since then, female activists have come together to advocate for causes like female infanticide, gender discrimination, women's health, and female literacy.

New women-focused NGOs were able to get started in the 1990s thanks to donations from international donor organisations. Women's rights in India have been greatly aided by self-help organisations and NGOs like the Self Employed Women's Association (SEWA). Local movements now have a large number of female leaders.

Statistics from 1992–1993 show that just 9.2% of Indian families were headed by a woman. However, it was discovered that 35% or so of the households below the poverty line were headed by women.

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Types of Feminism

Following are some of the main subtypes of feminism:

1. **Liberal feminism:** One of the more prevalent forms of feminism is this. Liberal feminists push for political and legal reform in order to achieve justice and sexual equality. This calls for equality in the workplace, in the classroom, and in political matters. It has a close relationship to the autonomy and decisions of the individual.

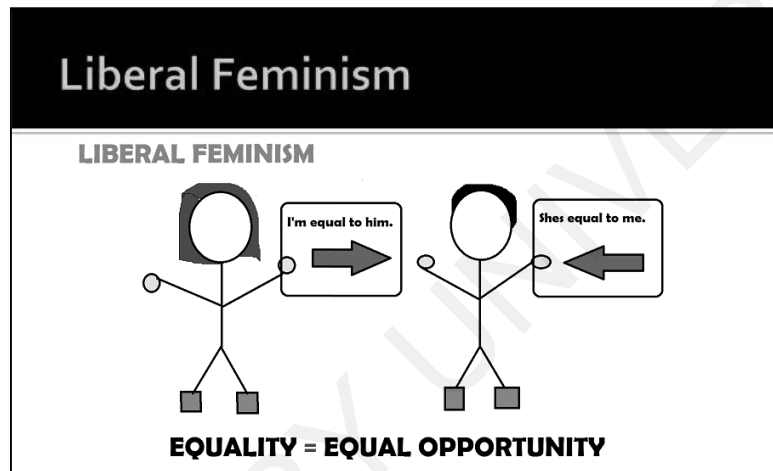


Fig. 4.2: Liberal Feminism

2. **Radical feminism:** People who are radical feminists want to dash away gender discrimination, which according to them, is the only way to achieve equality. Its emphasis is on the patriarchal roots that keep women dominated by men.

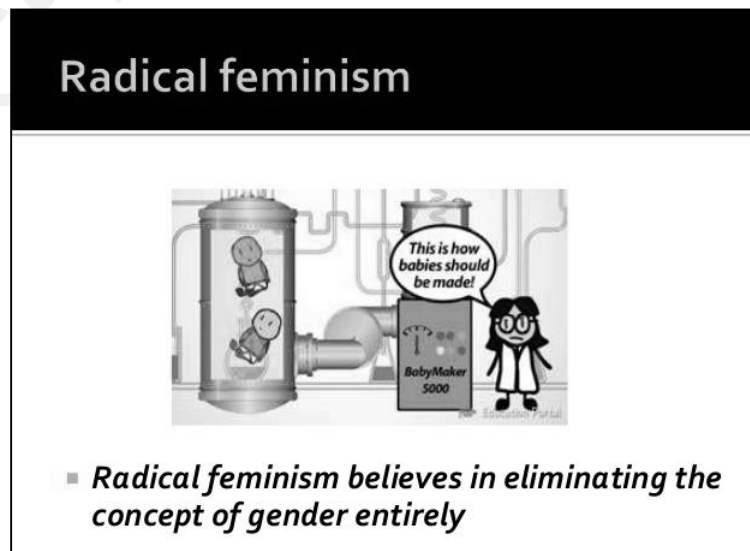


Fig. 4.3: Radical Feminism

3. **Socialist feminism:** Social feminists, in contrast to radical feminists, do not think that patriarchy alone is to blame for gender inequality, but rather they are due to social circumstances in

general. The social feminist theory examines the relationship between women's maltreatment and social and economic factors.

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Fig. 4.4: Socialist Feminism

Check Your Progress

5. _____ is one of the more prevalent forms of feminism is this. Liberal feminists push for political and legal reform in order to achieve justice and sexual equality.
6. People who are _____ want to dash away gender discrimination, which according to them, is the only way to achieve equality.

4.4 STEREOTYPING

Introduction

The advertising industry is rife with many stereotypes, ranging from those of minorities to those of the disabled. It also forms social observations and constructs standards by showcasing a good or service alongside the concept that makes it appealing. Stereotypes are frequently employed primarily because the business behind the marketing knows they will provide the desired results.

Stereotyping of Minorities

A. Racism in advertising

Unfortunately, preconceptions about race are still utilised in certain advertising to imply bad things. Although commercials featuring several races are more prevalent, there is still a significant cultural gap between mainstream consumerism and the reality of racial tension and cultural diversity in society, especially in the United States.

Advertising is repeatedly aimed to particularly appeal to minority communities as well. The claim that advertising are racially divisive contributes to a wider discussion about race and culture in America. Although the campaign

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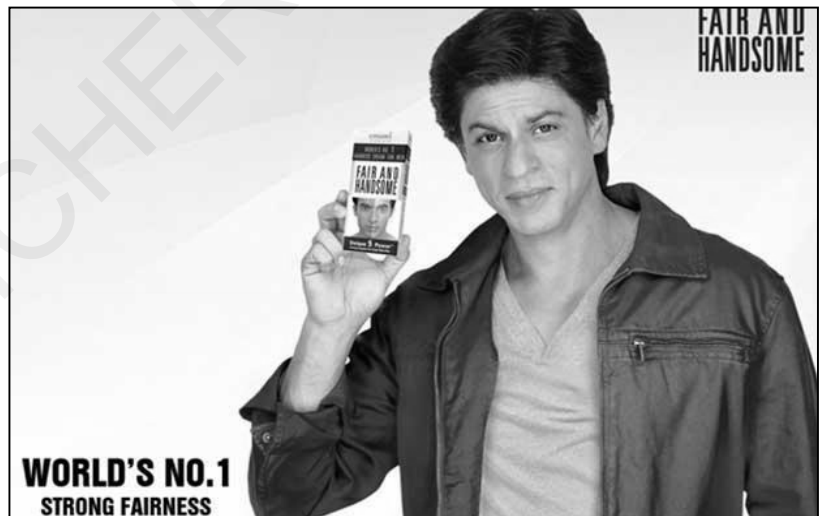
wasn't always bad, the way race was exploited in the advertisements did cause some controversy. For Example,

1. Jewellery print ad:



After garnering harsh criticism on social media for including a dark-skinned child who is stumbling to hold a parasol on top of Aishwarya Rai's head, the advertisement was ultimately forced to be taken off. The advertisement has been criticised for supporting child labour and being racist.

2. Fair & Handsome Cream



King Khan of Bollywood received criticism for endorsing a skin-lightening cream product a few years ago. The commercial sparked the Dark and Beautiful internet campaign, which demanded both the brand and the singer to quit endorsing and marketing fairness creams. Many people supported the cause of the campaign, including Aamir Khan, who declared he would never endorse such products. However, King Khan remained silent during the entire scandal and continued to support the company.

3. Other Examples



B. Stereotyping of Women

Introduction

Women have been prominently featured in advertisements for decades in an effort to pique consumer interest. And it appears that the tactic is effective.

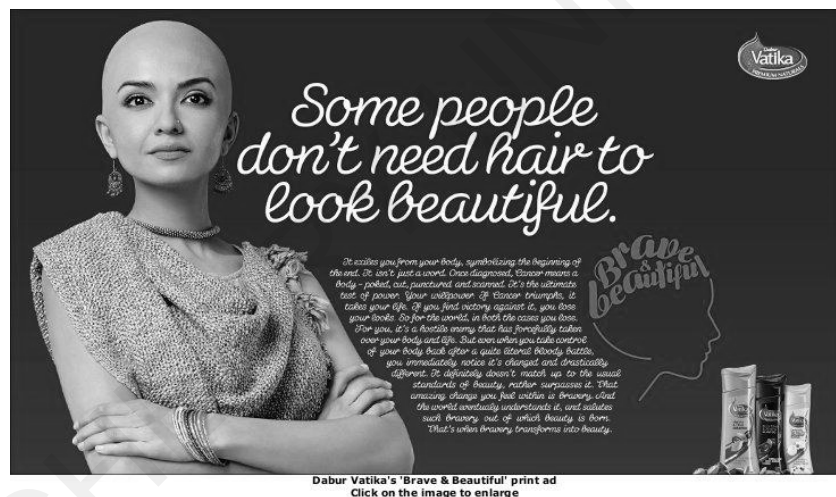
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Advertisers have known since the beginning of advertising that sexual attractiveness and the desire to find a partner were more persuasive than any discussion of the benefits of buying a certain product. As a result, sex imagery has been a crucial component of all advertisements.

Here are a few advertisements from India that portray women in an empowered and modern way.

1. **Dabur Vatika Hair Oil:** The "Brave and Beautiful" campaign by Dabur Vatika highlighted the difficulties cancer survivors confront, particularly the social rejection they experience as a result of losing their hair while receiving chemotherapy. One of these ladies is shown in this advertisement forgoing her head scarf in order to go to work and the encouragement she receives from everyone around her, regardless of how she appears.



2. **Nirma Ambulance Ad:** This Nirma advertisement emphasises a strong theme of female empowerment, in stark contrast to past ones. It shows two women making the decision to act independently and pushing a car out of a ditch as all the guys hopelessly stand by and observe. Oh, and they also smudge their clothes! Women were no longer portrayed by Nirma as domestic helpers but as agents of change.



The negative portrayal of women in advertising

Women have long played a significant role in society. This is true because women perform a variety of roles in their lives, such as mother, sister, daughter, and so on. These roles assist to shape the society in which we live. Because of this, she has earned respect throughout history. But it has been observed that in today's rapidly evolving world, males tend to see women primarily as merely sexual objects.

Here are a few Indian ads showing women in a negative light.

1. **Levis:** The handsome and gorgeous Akshay Kumar is sporting a pair of jeans while flaunting his abs. The female model unbuttons his jeans while she tries her best to seduce him. We can tell this was a spicy advertisement because all the girls were oohing and aahing.



2. **Amul macho:** The "Yeh to bada toying hai" advertising for Amul Macho is one of the most divisive and sexually explicit on Indian television. It showed a woman washing her husband's underpants while wearing a crimson sari. While washing the underpants, the woman imagines that her husband is still wearing it. The woman's suggestive facial expressions render it crude and sexually explicit.



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3. **Slice:** Due of Katrina Kaif's subtle, sexy behaviour in the commercial, Slice got highly popular. The attractive actress is displayed in an unusually sensual avatar in this advertisement, popularly known as the "Aamsutra." She looks quite seductive as she sucks the liquid from her fingertips.



C. Stereotyping of Senior Citizens

Introduction

The big group known as "baby boomers," which was born in the 1950s and 1960s, will reach old age over the following few decades. As they proceed, their sheer numbers and diverse perspectives on ageing will open up new markets in the wealthy nations of the world. However, business is still heavily fixated on youth.

Few, though, see the ageing as a sensational group to sell to. However, businesses continue to target consumers under 50 with 95% of their marketing and advertising budgets. Many companies still have the antiquated belief that the mature market is made up of frugal, old-school consumers who are set in their ways. Why bother, the argument goes, unless you are in the prescription medicine or retirement home business?

Elderly people are healthier, wealthier, and have more time to spend their money than younger people do. Prior to a few decades ago, most people had only a few years left before retiring. The majority of workers who retire today may anticipate 15 to 20 years of leisure time and, because to medical advancements and healthier lifestyles, will stay active for the most of that period.

A mature market that is eager to consume and explore is being created by free time and good health, as well as relative financial security and a greater willingness for self-indulgence. There will always be exceptions, but the general belief seems to be that after you reach the age of 50 (or close to it), you shouldn't pursue a new advertising-related professional challenge. People frequently say, "Not an industry or job for old people."

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This leads few observations:

- The movie industry seeks large, original concepts that resonate with audiences everywhere.
- The craft of storytelling is a crucial aspect of filmmaking; why should it be any different in advertising?
- Because they have more life experience, older folks make excellent storytellers.

Media portrayal of the Elderly

People can learn about social roles from the media, but it also has the ability to sway public opinion and disseminate information that may or may not be factual.

What is the media's portrayal of the elderly?

- Immobile
- Taking carefulness of grandchildren
- Lowly vision and hearing
- Obnoxious/outspoken
- Unable to take care of self
- Unemployed
- Napping
- Not attentive in sex/lack sex drive
- Sewing
- Cooking/ Baking
- Absent mental capabilities (short and long term memory loss)
- In nursing homes

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Elderly and the Media: The Effects on the Individual

Cognitive Effects

- Expectations of oneself (what I should do and what is appropriate vs. inappropriate)
- Self-fulfilling prophecy
- Memory impairment brought on by stress, despair, or anxiety

Emotional and Behavioral Effects

- Depression
- Stress
- Anxiety
- Fear
- Sleep changes
- Eating habits changes
- Irritation
- Suicide attempts
- Physical Effects (Smith, Robinson & Segal, 2012)
- Body pain and aches
- Immune Deficiency
- Disease
- Ulcers
- Brain tumours
- Heart Attack
- Not exercising—fear of inability or weak bones

Positive Indian advertisements towards old people

1. **Tanishq Jewellery -The double knot:** A dusky-skinned mother getting married is featured in a commercial for the well-known jewellery brand Tanishq, which is a welcome change from the year-round deluge of fair and "ideal" people on television.

The advertisement's opening scene features a mom getting ready as her daughter peeks out from behind the door. It was created by the ad agency Lowe Lintas and was directed by Gauri Shinde. The bride's mother joins the husband for the traditional sphere as they both enter the mandap. The daughter requests permission to accompany her mother in the "pheras." The advertisement received a lot of buzz on social media and received a tonne of shares on Facebook and Twitter.

2. **Google ad has moved people to tears across India and Pakistan:** The reunion advertisement, which lasts for three and a half minutes, is about friendship, happy childhood memories, separation, and reestablishing a

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delicate past. He talks of his childhood friend Yousuf, the ancient Lahore candy store his friend's father had, and how he and his friend were split up by the 1947 division. Then Suman looks up the location of her grandfather's boyhood acquaintance on Google and gets in touch with him. The two friends finally meet together again.

How to Prevent Media's impact on Ageism

- Spread the word—Needs to be more public awareness
- When watching any media source, see how the elderly are misrepresented and address to yourself and out loud if someone is around why it is not an accurate representation of older adults
- Needs to be stronger social security for the elderly
- More positive representations of the elderly needs to be shown in media (television, movies, magazines, posters, advertising, etc.)
- Campaigns about the media's influence on ageism.

Stereotyping of LGBT

Introduction

Lesbian, Gay, Bisexual, and Transgender (LGBT) stereotypes are conservative, rigid oversimplifications, sentiments, or imageries grounded on the sexual positioning of gender characteristics of the LGBT public.

The LGBT community has always been fastened as diverse and therefore exposed to stereotyping. Stereotypes about the LGBT public were extremely bad. In fact, for much of the 19th and 20th centuries, an enormous majority of people assumed that the memberships of the LGBT community hurt from mental sicknesses. Some of the stereotypes of LGBT are as follows:

1. Lesbians hate men.
2. Members of the LGBT community are trying or annoying to convert others.
3. All lesbians are boyish.
4. All bisexual persons are immoral.
5. LGBT can't be unusual and religious.
6. All gay men are effeminate (having feminine qualities) and colourful.
7. All transgender women are struggle queens.
8. Sexual people have no libido (sexual drive or desire for sexual activity).
9. All gay men are sexual killers or paedophiles (A person who is sexually attracted to children).
10. All transgender individuals are emotionally ill.
11. Intersex is just another word for transgender (Intersex is a group of situations where there is a difference between the external genitals and the internal genitals).

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7. _____ are frequently employed primarily because the business behind the marketing knows they will provide the desired results.
8. _____ are healthier, wealthier, and have more time to spend their money than younger people do.

4.5 OBSCENITY AND PORNOGRAPHY

Introduction

Although the terms vulgarity and porn are frequently utilized conversely, they are unique. The revolting is something foul, disgusting, or debased, particularly when presented to general visibility. Profanity is a lawful term of workmanship that applies to specific portrayals of sex that are not secured by the protected assurance of free discourse since they appeal to corrupted sexual longing rather than acumen.

In *Miller v. California*, 413 US 15 (1973), the US High Court characterized indecency as material that is prevalently “indecent” (i.e., interesting to unclean sexual craving) as per contemporary local area guidelines; is “plainly hostile” in its depiction of sexual demonstrations; and needs “genuine abstract, creative, political, or social worth” when considered overall. Basically, the concept of uncleanness is limited to what appears to be sensual entertainment, and that suggests the actual manifestation of extreme sexual acts or obscene sexual activity.

Sexual pleasure is an illegal term with a wide range of meanings. It gets from the Greek words for “whore” and “composing” and relates to portrayals of sexual and lascivious conduct, incorporating works with imaginative or scholarly legitimacy (by definition, profanity needs such legitimacy). All indecency is explicit, yet not all erotic entertainment is foul.

The accessibility of sexual entertainment and indecency has expanded consistently throughout the long term, arriving at the top in the year 2000. The spread of such material has been related to the development of a vote-based system (stretching out privileges of articulation to more residents over the long run) and the ascent of such new types of innovation as the print machine, photography, mass distributing, methods of transportation to convey material over significant distances, recordings, satellite TV, and, all the more as of late, the Internet. In 1992, Americans leased 490 million in-your-face recordings, compared to 75 million in 1985, there were 34,000 sites that offered sexual pleasure in 1997, accounting for 10% of the money made online (up to \$1 billion). Sexual entertainment is easily accessible worldwide on the Internet, which delivers and makes legitimate disarray, for the law varies in every nation, and no definitive worldwide standard has been proclaimed. Studies during the 1980s kept up that the development of sexual entertainment was regularly connected with coordinated and different types of wrongdoing, like prostitution, yet no agreement reigns on the degree of hidden world complicity in the obscene business today, particularly given the brought down boundaries of passage into the market given by recordings and the Internet.

NOTES

Of late, the media has assumed a significant part in advancing foulness via semi-bare promotions, videography, news as subtle pornography, among other things. They are undoubtedly questioning the benefits of an entire generation in exchange for a little bit more traffic, readers, viewers, and money.

Profanity is a lawful term that alludes to whatever irritates an individual's ethics. This might be accomplishing something profane, scurrilous, or foul. Indecency is usually utilized concerning porn. However, it relates to significantly more. The Courts have found deciding exactly what qualifies as vulgarity, as it is dependent upon every distinct individual's virtues. The term frequently applies to a sensual substance in books, magazines and movies, just as naked moving. To investigate this idea, think about the accompanying profanity definition.

The US High Court has really settled a three-pronged test to decide if the material can be thought of as profane. These prongs are:

1. It is of minimal logical, creative, artistic, or political worth.
2. It shows or portrays sexuality in a hostile manner.
3. It tends to stir an extreme sexual longing in a normal individual.

An illustration of disgusting material would be no-nonsense erotic entertainment.

The revolting substance is what shows or portrays sexual or excretory issues, like sexual organs, such that it is not sufficiently extreme enough to meet each of the three focuses for vulgarity. An illustration of this could be a real conversation about harshness. This would not meet point #3 for profanity, as a normal individual would not have any interest in inhumanity, yet it is a foul conversation in any case.

Rules and Regulations

The application and requirement of the guidelines by the FCC are impacted by the day when the material was communicated, the setting in which the material was communicated, and the substance's particular nature. Also, a significant outline lies between freely broadcast TV and radio, link, and satellite TV and radio.

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9. _____ is an illegal term with a wide range of meanings.
10. _____ is a lawful term of workmanship that applies to specific portrayals of sex that are not secured by the protected assurance of free discourse since they appeal to corrupted sexual longing rather than acumen.

4.6 VIOLENCE AND BRUTALITY

Introduction

The media's pervasive influence on our way of life and habits has been one of the most important changes to our social position during the 20th and 21st century, or for centuries. In this modern environment, the daily lives of our children are

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significantly influenced by radio, TV, movies, recordings, computer games, phones, and PC networks.

No matter what happens, the media have a significant impact on our kids' values, worldviews, and behaviour. Sadly, the effects of some of the most common forms of electronic media have had a devastating effect on children, especially on children's well-being.

Risk of aggressive behaviour

Over the past 50 years, a growing body of research has shown that watching violent movies, television shows, and, more recently, playing violent video games increases the viewer's chance of acting violently, just as seeing actual cruelty as a youngster increases the likelihood of misbehaviour.

Coincidentally, the new increase in cell phone use, text messages, email, and visitation rooms in our childhood has opened up new social networking sites, new environments that violate traditional family boundaries, a neighbour, and a neighbourhood that would have ensured our childhood are places where antagonism can happen and teenagers can be misled. These international electronic media were not particularly aware of new psychological and adolescent risks. They have made it extremely difficult to protect young ones from the dangers that a married couple may face.

At the moment, it is not just children who are in the wrong places or with unreliable people who are more than likely to bring terrible things with them when they depart the city. Many young people can now effectively access the "genuine" dangerous road. Though the "roads" there are hazardous, our answer shouldn't be to hurry through and keep our kids "inside." Roads also offer useful links and assist young people change into the kind of adults society wants. Perhaps the best course of action is to educate ourselves about the hazards that exist in the city, to assist our children in recognising and avoiding danger, to try not to distort the risks that would undermine our faith, and moreover, to try to control the openness level can be.

Different people may have different things, like the main concern when considering the brutality of the media. Similarly, in society as a whole, there may be little agreement about what constitutes strong, violent behaviour. Many scientists, in any case, have a clear background in what they say about media violence and strong behaviour.

Impact of media

Many commentators portrays media violence as a vivid demonstration of the genuine hatred of one person or another. This definition has changed as speculative theories about the effects of media cruelty have developed and been vocalised in order to uncover the specific types of cruel media shows that are likely to teach their viewers to be more violent. Cruelty films of this genre were common 75 years ago and do not end today, e.g., *M*, *The Malta Falcon*, *Shane*, *Dirty Harry*, *Pulp Fiction*, *Natural Born Killers* and *Kill Bill*. Soon after TV became established in

American homes 55 years ago, savage TV shows became widespread, and they still are today, for e.g., they become part of a growing number of young people, and violent shows are common to them, e.g., Grand Theft Auto, Resident Evil and Hero.

Strong behaviour, according to many experts, is behaviour that is meant to frighten or distress someone. The Laymen may refer to sales representatives who are confident as “powerful,” but scientists do not do so because there is no conspiracy to harm. Physical or non-physical hostility is possible. It covers a wide spectrum of behaviours that don't seem to meet the definition of “violence” as it is commonly understood. Spreading damaging rumours and using curse words go hand in hand. Clearly, the powerful practices of predominant anxiety apparently include real hostility from pushing, from shoving, fighting, and to actual assault and murder. The term “violent behaviour” is often used figuratively to refer to actual hostility toward one another.

Cruel and violent activities

Cruel or violent activities occasionally result in the same cause; rather, various factors that come together in time add to that behaviour. Likewise, the impact of aggressive communication is better understood as one of several elements that may raise the possibility of cruelty and enmity. No reputable expert would advise that negative news sources be the “reason” for violent behaviour.

In addition, a constructive view is important in understanding enough what media violence means by direct action and planning a meaningful response to the issue. The majority of youths who are rude and who engage in certain forms of misbehaviour do not continue to be aggressive teenagers and adults. In any case, studies have shown that aggressive teens and adults are frequently just as amazingly strong and aggressive as children, and that a high percentage of strong youngsters are likely to grow up to be well-adjusted adults. Aggressive behaviour in adolescence is one of the best markers of aggressive behaviour in adolescents, young adults, and moderately older adults. Therefore, any strong moral development in young people is a dangerous aspect of misbehaviour even among adults.

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11. _____ activities occasionally result in the same cause.
12. _____, according to many experts, is behaviour that is meant to frighten or distress someone.

4.7 CASE STUDIES OF REPRESENTATION OF WOMEN IN MEDIA

Introduction

The media has always been a male-dominated industry from the beginning. Sadly, this did not alter over the first quarter of the twenty-first century. It holds true for both the depiction and the finished product.

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While the vocabulary and terminology of the media are still far from perfect, there are still fewer women working as journalists or administrators in the media than there are male peers.

What we face is a representational issue. Our media either ignores women or portrays them incorrectly using inaccurate and prejudiced material.

Objectification of women

1. The following issues become clear when one watches the news, television soap operas, and other programmes at any given time and analyses them methodically.
2. Women are exploited and compared to their bodies in the media.
3. Women and men are obviously assigned separate societal responsibilities by the media.
4. The media frequently portrays and characterises women as victims.
5. Every day, women are objectified without any discernible efforts to support it. Sometimes, this material is presented and marketed as being emancipatory for women, but in reality, it only repeats the problematic portrayals from the past.
6. Sexuality, entertainment, and tabloid topics make up the majority of the content concerning women.
7. Unfortunately, when it comes to other parties, the media largely supports society. Our media not only fails to encourage and inform women to fight for their rights, but it also perpetuates negative and prejudiced perceptions of them in the public eye.
8. Media coverage not only fails to improve their situation, but it is actually made worse, which only increases their anguish and suffering. Their privacy is violated, their rights are violated, and their secrecy is destroyed.
9. Women are increasingly being portrayed in the media as consumers rather than producers.

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13. The media has always been a _____ industry from the beginning.
14. Sexuality, entertainment, and tabloid topics make up the majority of the content concerning _____.
15. _____ not only fails to improve their situation, but it is actually made worse, which only increases their anguish and suffering.

4.8 LAWS: INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

Introduction

Under the (No. 60 of 1986) 23 December, 1986 Act, the expression of “Indecent representation” has been written off as in section 2 (c) in the way

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Indecent Representation of women means “the depiction in any manner of the figure of women; her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, denigrating, women, or is likely to deprave, corrupt or injure public morality or morals.”

An act prohibiting the derogatory depiction of women in commercials, posters, publications, billboards, writings, paintings, photographs, and other media, as well as matters connected to or related to it. The Act imposes fines on those responsible for such publications' publishing, packaging, and distribution. However, it permits the portrayal of any ancient monuments bearing such images as well as the distribution of such materials for educational or scientific purposes.

The Indecent Representation of Women (Prohibition) Amendment Bill, 2012

- Smt. Krishna Tirath, Minister of State (Independent), Women and Child Development, submitted it before the Rajya Sabha on December 13, 2012.
- The Act of 1986 makes it illegal to depict women indecently in publications, ads, artworks, writings, and other media.
- With the passage of the Amendment, Bill 2012, the Act's application was expanded to include modern forms of communication such multimedia messages, internet-based Over-the-Top (OTT) services, and other programmes like WhatsApp, Skype, Snapchat, etc.
- The Bill modifies the terms "distribution" and "advertisements" to encompass all forms of printed and electronic media, including new digital media, SMS, MMS or electronic form. It also changes the definition of 'electronic form'; according to the Information Technology Act of 2000, it includes the creation and storage of such material on magnetic, optical, and other media.
- The term "publish" will now include broadcasting, printing, or distributing through audio-visual means as a result of the Bill's modifications.
- It permits any police officer with the level of Inspector or higher to look into crimes against this statute.
- Multiple offences' punishments are increased by the Bill in accordance with the Information and Technology Act, of 2000. For the first offence, the punishment was doubled to three years in prison and a fine between ₹ 50,000 and ₹ 1 lakh. Previously, the sentence was two years in prison and a fine of ₹ 2000. A third offence carries a sentence of between 2 and 7 years in prison and a fine of between 1 and 5 lakh rupees.

19.2. IPC 292, 293

Indian Penal Code (IPC) Sections 292 and 293 are the two sections of vulgarity. It is a legal phrase that refers to anything morally repugnant and is frequently used interchangeably with the term pornography. The Indian Penal Code's Sections 292 and 293 were enacted with the covert intention of preserving and defending the public right by outlawing the selling of obscene publications and literature, among other things.

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Obscenity comprises pornography, which take account of sexual words, sexual act, etc. or it also comprises certain film, magazines, books, and other forms of entertainment are measured as obscene because they represent sex in very open way that some individuals find vulgar and bad-mannered.

Section 292:

Section 292 of the Indian Penal Code (IPC) says:

Clause (1) to section 292 “A book, pamphlet, paper, writing, drawing, painting representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect such as tend to deprave and corrupt person, who is likely to read, see or hear the matter contained in such materials”.

Clause (2) to section 292 holds a person liable to punishment if he:

- Any obscene book, drawing, painting, paper, pamphlet, figure, or other object of any kind is sold, hired, publicly shown, distributed, or otherwise put into circulation. This also includes making, reducing, or having any of these items in one's possession specifically for such reasons.
- Any offensive object for any of the aforementioned objectives through import, export, or conveyance.
- Participates in or profits from any activity in which he has knowledge or a good faith belief that any such offensive items were created for any of the aforementioned uses, produced, purchased, kept, imported, exported, transferred, shown in public, or otherwise placed into circulation.
- By publicly announcing or otherwise making known that a person is committing or is about to commit an act that is prohibited by this section.
- It offers to attempt to do any act which is an offence under this section.

Section 293:

Section 293, Indian Penal Code, reads as below:

It punishes

"Whoever sells, rents, distributes, exhibits, or circulates any such obscene object as is referenced in the preceding section, or offers or attempts to do so, shall be punished on first conviction with imprisonment of either description for a term that may extend to three years, and with fine that may extend to two thousand rupees, and in the event of a second or subsequent conviction, with imprisonment of either description for a term that may extend to five years, and with fine that may extend."

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16. Indian Penal Code (IPC) Sections 292 and 293 are the two sections of _____.
17. _____ comprises pornography, which take account of sexual words, sexual act, etc.

4.9 SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013; SECTIONS 66A, 67 AND 67A OF THE INFORMATION TECHNOLOGY (AMENDMENT) ACT, 2008

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A. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

(a) Duty of the Employer or other responsible persons in workplaces and other institutions:

It is the responsibility of the employer or other responsible parties to take all necessary precautions to avoid or deter the commission of sexual harassment actions and to provide the mechanisms for their resolution, settlement, or prosecution.

(b) Definition

For these purposes, sexual harassment comprises the following inappropriate sexually motivated behaviour (whether expressed explicitly or implicitly):

- (i) Showing pornography;
- (ii) Sexually explicit comments;
- (iii) Physical progress and contact;
- (iv) Request or demand for sexual favours;
- (v) Any additional inappropriate sexual behaviour, whether it be physical, verbal, or nonverbal.

(c) Preventive Steps:

All employers or persons in charge of the workplace, without prejudice to the generality of this obligation, should take the following steps:

- (i) Sexual harassment should be prohibited, and suitable sanctions should be provided against offenders, in the norms and regulations of government and public sector organisations relating to behaviour and discipline.
- (ii) The explicit prohibition of sexual harassment as described above at work should be made known, publicised, and disseminated in the proper manners.
- (iii) To further ensure that there is no hostile environment toward women at work and that no employee woman has reasonable grounds to believe she is disadvantaged in connection with her job, appropriate working conditions should be provided with regards to work, leisure, health, and cleanliness.
- (iv) In order to comply with the Industrial Employment (Standing Orders) Act of 1946, actions should be taken to include the aforementioned prohibitions in standing orders for private companies.

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(d) Criminal Proceedings

When such behaviour constitutes a specific offence under the Indian Penal Code or another legal provision, the employer must take the required legal action by filing a complaint with the relevant authority.

In particular, it should make sure that any witnesses or victims of sexual harassment are treated fairly and without prejudice. It should be possible for sexual harassment victims to request either the transfer of the offender or their own transfer.

(e) Disciplinary Action

When such behaviour constitutes misbehaviour in the workplace as that term is defined by the applicable service rules, the employer should take the appropriate disciplinary action in accordance with those rules.

(f) Complaint Mechanism

A suitable complaint system should be established in the employer's organisation for the redress of the victim's complaint, regardless of whether the conduct in question amounts to a criminal offence or a violation of the service standards. Such complaint procedures should guarantee that complaints are handled promptly.

(g) Complaints Committee

A complaints committee, a particular counsellor, or other support services, including respecting confidentiality, should be available when needed through the complaint method mentioned in item 6 above.

A woman should be in charge of the Complaints Committee, and at least half of its members should be female. A third party, such as an NGO or another organisation with experience dealing with sexual harassment complaints, should be included in the Complaints Committee in order to avoid the risk of any undue pressure or influence from senior levels.

The Complaints Committee is required to provide an annual report to the relevant government agency detailing the complaints it has received and the actions it has taken. The employers and person in charge will also provide a report to the government department on the compliance with the aforementioned rules, as well as on the reports of the Complaints Committee.

(h) Worker's Initiative

Sexual harassment concerns should be openly discussed in employer-employee meetings as well as in other suitable places where employees can voice their concerns.

(i) Awareness:

Women's rights in this regard should be made more widely known by appropriately notifying the rules (and any legislation, if it is passed on the matter).

(j) Third-Party Harassment

The employer and person in charge will take all necessary and reasonable actions to assist the affected individual in terms of assistance and preventive action when sexual harassment arises as a result of an action or inaction by any third party or outsider.

The Central/State Governments are urged to take appropriate action, such as passing legislation, to make sure that private sector employers follow the rules established by this directive. No rights guaranteed by the 1993 Protection of Human Rights Act would be adversely affected by these instructions.

The Criminal Law (Amendment) Act of 2013**Introduction**

The Indian Criminal Law (Amendment) Act, 2013, was enacted by the Lok Sabha on March 19, 2013, and the Rajya Sabha on March 21, 2013. It modifies the 1973 Code of Criminal Procedure, Indian Evidence Act, and Indian Penal Code to address sexual offences. The Bill obtained presidential assent on April 2, 2013, and on April 3, 2013, it became law. As a result of the demonstrations around the 2012 Delhi gang rape case, President of India Pranab Mukherjee first announced it as an Ordinance on April 3, 2013.

1. Backdrop

The horrific Nirbhaya gang-rape case in Delhi, which occurred on December 16, 2012, sparked widespread indignation and prompted the Indian government to put the problem of violence against women front and centre. Thus, a three-member judicial group headed by the former Chief Justice of India, J.S. Verma, was established; its main duties included reviewing potential criminal law revisions and suggesting strategies for expedited trials and heavier punishments. The committee's recommendations were based on more than 80,000 proposals made by renowned lawyers, social activists, and legal experts using a variety of techniques.

2. The Criminal Law Amendment Act 2013 is also popularly known as the Anti-rape Act. It amends the following:

- The Indian Penal Code, 1806
- Code of Criminal Procedure, 1973
- The Indian Evidence Act, 1872
- Protection of Children from Sexual Offences Act, 2012

3. What acts have been amended?:

By this act, the following legislation has been amended:

- Indian Penal Code
- Code of Criminal Procedure, 1973
- Indian Evidence Act, 1872
- Protection of Children from Sexual Offences Act, 2012

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4. Throwing acid or attempting to throw acid

The act of throwing or administering acid or an attempt to do so is now a crime under the revised Indian Penal Code. If someone throws acid and it results in whole or partial deformity or permanent harm, they will be sentenced to a minimum of less than 10 years in prison, with the possibility of life. If someone makes an attempt to do the same, they will serve a minimum of 5 years in prison and a maximum of 7 years.

5. Sexual Harassment

A male engages in sexual harassment if he engages in any of the following: uninvited and explicit sexual advances, demands or requests for sexual favours, the showing of pornography against the will of a woman, or making statements with a sexual connotation. Such guys would be sentenced to at least three years in prison, a fine, or both.

6. Voyeurism

Any guy who observes or records a woman doing a private act in settings where she ordinarily expects to be undetected. Three years in prison is the bare minimum.

7. Stalking

Stalking is the practise of following or attempting to contact a woman for personal reasons despite the fact that she is uninterested; this includes doing so online, by email, or via any other similar medium. The maximum time behind bars is three years. If a guy can show that the stalking was carried out to discover or prevent crime, or for any other acceptable motive, he can defend his innocence in such situations.

8. Rape

The law has set out different definitions of rape as well as different sanctions.

The term rape has taken the place of sexual assault. The crime is now exclusively committed against women by men; it is no longer a gender-neutral offence. The sentence that mentioned touching intimate areas has been deleted.

B. Section 66A, 67 & 67A of The Information Technology (Amendment) Act, 2008.

(a) Information Technology Act, 2000

The Information Technology Act 2000 (ITA 2000) is commonly referred to as the IT Act. It is a law passed by the Indian Parliament on October 17, 2000 (Act No. 21 of 2000). The primary statute in India addressing electronic trade and cybercrime is this one. A team of government representatives, led by Pramod Mahajan, the previous minister of information technology, finalised the bill. President K.R. Narayana signed the legislation in May 2000 after it was approved at the 2000 budget session.

The main goals of this IT Act are to lessen cybercrimes and conduct responsible and legal online, digital, and electronic transactions. 13 Chapters and 4 Schedules make up the Act's 94 sections. The laws are applicable throughout India.

The following actions are considered offences, wrongdoings, penalties, etc. under the Information Technology Act of 2000:

1. It makes it possible for the regulator to extend facilities to a subscriber in order to decrypt data.
2. It falls if any tampering with the computer source documents.
3. Penalty provision if any breach of privacy and confidentiality.
4. Penalty if there is the publishing of a digital signature certificate false in certain particulars.
5. Applying the law to violations or offences committed outside of India.
6. Publication of offensive content in electronic form.
7. Penalties for confiscation if it is not to interfere with other punishments.
8. Confiscation (the act of taking or seizing someone's property with powers)
9. It falls when hacking for hateful purposes.
10. Penalty falls when in case of misrepresentation.
11. It gives the power to the regulator to give commands and instructions.
12. It gives the power to investigate offences.
13. It is a protected system.
14. It is stopping publication for fraud purposes.

(b) Amendment, 2008

The Amendment Act, also called as Information Technology Act, 2008 (IT Act 2008), is a significant addition to India's ITA-2000. Although the Act was enacted by the Indian Parliament in October 2008, it wasn't until 2009 that it actually took effect. Recently, the Act has been managed and directed by the Indian Computer Emergency Response Team (CERT).

Section 66A, which prohibited sending "offensive texts," is where the Amendment is proposed. Additionally, it was added to Section 69, which granted authorities the authority to "intercept, monitor, or decode any information through any computer source." It also included new regulations covering voyeurism, child porn, pornography, and cyber terrorism.

Without any debate, the amendment was adopted by the Lok Sabha on December 22, 2008. The Rajya Sabha gave it their blessing the following day. Pratibha Patil, the president of India, signed it into law in February 2009.

IT Amendment Act, 2008 notified w.e.f. 27/10/2009

Both the houses of parliament approved the Information Technology (Amendment) Bill, 2008 (Bill No. 96-F of 2008) in December, and on February 5,

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2009, the president gave his approval. The Amendment Act, however, was just being used for informational reasons and had not yet entered into force. Regarding the "Notification" date required by Section 1 (2) of the IT Amendment Act, 2008, there was a lot of uncertainty, though. The Information Technology (Amendment) Act, 2008 (ITAA, 2008) has finally become operational after a wait of approximately 8 months, having been announced with effect from October 27, 2009. The IT Amendment Act 2008 includes a number of key modifications. Let's quickly review some of the significant changes:-

Technology-neutral (Section 15): The ITAA, 2008's effort to make the Act technologically neutral by defining the notion of "Electronic Signatures," within which the current "Digital Signature" method would be one of the sorts, is a positive development. As a result, the Act has given the system of electronic document authentication by any electronic signature technique more flexibility.

Electronic Evidence Examiner (Section 79-A): An electronic evidence examiner has been established by the ITAA, 2008, to provide an expert judgement on "electronic form evidence." The investigatory agencies or adjudicating officer may receive assistance from the examiner of electronic evidence while looking into cyberviolations or crimes.

Eight New Cyber offences added: The ITAA, 2008 adds eight new cyber offences viz;

1. Sending offensive messages through a computer or mobile phone (Section 66A)
2. Receiving stolen computer resources or communication devices (Section 66B)
3. Punishment for identity theft (Section 66C)
4. Punishment for cheating by personation using computer resources (Section 66D)
5. Punishment for violating privacy or video voyeurism (Section 66E)
6. Cyber Terrorism (Section 66F)
7. Publishing or transmitting material in electronic form containing sexually explicit acts (Section 67A)
8. Child pornography (Section 67B).

As a result, cybercrime police stations are faced with an increase in cybercrimes. Earlier, they were simply addressing Sections 66 and 67.

(c) Section 66 A

What was Section 66 A?

2008 saw changes made to the Information Technology Act of 2000. Section 66 A can be found in the amending act, which was approved by the President on February 5, 2009. It says,

“Any person who sends, by means of a computer resource or a communication device

- (a) any information that is grossly offensive or has menacing character; or
- (b) any information which he knows to be false, but to cause annoyance, inconvenience, danger, obstructions, insult, injury, criminal, intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device.
- (c) Any electronic mail or electronic mail message to cause annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages shall be punishable with imprisonment for a term which may extend to three years and with a fine.”

Sending abusive messages through communication services is punishable under Section 66A.

Explanation: For the purposes of this action, "electronic mail" and "electronic mail message" refer to any message or information created, transmitted, or received using a computer, computer system, computer resource, or communication device, including any attachments that may be sent along with the message in the form of text, images, audio, video, or other electronic records.

(d) Section 67

Introduction

According to section 67 of the Information Technology Act of 2008, anyone who distributes, transmits, or causes to be distributed, any material that contains sexual expression or lead, should be rejected on the first conviction with the detention of either portrayal for a term that may extend to five years and a fine with which may extend to 10 lakhs rupees.

In the event of a subsequent conviction, the offender may be sentenced to up to seven years in prison, as well as a fine of ten lakh rupees, and the detention of either portrayal.

Section 67 of the Information Technology Amendment Act of 2008 mentions that whoever

- (a) Creates, gathers, seeks, browses, downloads, advertises, promotes, exchanges, or distributes text, digital photographs, or other content on any electronic medium that shows children engaging in any obscenity, indecency, or sexual expression, or
- (b) Transmits, publishes, or causes to be published any content in any form of electronic media that shows children engaging in a sexual act or behaviour, or
- (c) Facilitates child abuse on online platform, or
- (d) Induces, encourages, or cultivates youngsters to engage in any sexually explicit behaviour or other actions that would be offensive to a reasonable adult while using a computer resource, or

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- (e) If any recordings of one's own maltreatment or that of others in connection with sexual expression with youngsters exist.

(e) Case Studies

1. Delhi High Court directs Telegram to block channels providing 'Dainik Jagaran' Newspaper in PDF forms

The Delhi High Court issued an ex parte ad interim injunction against the Telegram mobile internet service on Friday, ordering them to stop offering PDF files of the "Dainik Jagran" daily in violation of their trademark and copyright.

By Sanya Talwar: 29, May 2020

2. Madras High Court issues Notices on PIL against conducting online classes in the absence of requisite IT laws

Due to the shutdown and lack of necessary plans and guidelines under the Information and Technology Act of 2000, the Madras High Court on Wednesday issued notices in response to a PIL filed against schools and colleges in the state of Tamil Nadu offering online courses.

By Live Law News Network: 11 June, 2020

3. Arrested for sharing Porn on WhatsApp: How young boys in Jharkhand languish in prison due to arbitrary denial of bail

On May 15, a FIR was filed against two boys, aged 19 and 20, for allegedly spreading offensive language and content in a WhatsApp study group. Badshah Khan and Rehmat Ali, the two youths in question, were granted bail by the sessions judge in West Singhbhum, Jharkhand, on May 30, 15 days later.

By Karan Tripathi: 5th July, 2020

Source: Live Law News Network & www.livelaw.in (Case studies 1, 2, & 3)

Check Your Progress

18. _____ concerns should be openly discussed in employer-employee meetings as well as in other suitable places where employees can voice their concerns.
19. Sending abusive messages through communication services is punishable under Section _____.
20. _____ is when any guy who observes or records a woman doing a private act in settings where she ordinarily expects to be undetected.
21. The impact of _____ communication is better seen as one of the many factors that can contribute to the risk of cruelty and hostility.
 - (a) Aggressive
 - (b) Lenient
 - (c) Soft
 - (d) Normal
22. _____ is a means of carrying information regularly and is reachable to the community worldwide.
 - (a) Feminism
 - (b) Stereotypes
 - (c) Media
 - (d) Communication

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23. Brahmins are at the _____ point of the ordered progression, and Shudras or Dalits comprise the _____ part of the progressive system.
- (a) Good and bad (b) Right or wrong
(c) Highest and lowest (d) Up and down
24. _____ is a theory that says that women and men should have equality which means that they have the same rights.
- (a) Socialism (b) Naxalism
(c) Capitalism (d) Feminism
25. Feminist activism in India picked up momentum during the later _____.
- (a) 1960 (b) 1970
(c) 1980 (d) 1990
26. One of the first causes at the national level to unite the women's organisations was the _____ rape case.
- (a) Pune (b) Nirbhaya
(c) Mathura (d) Sangli
27. _____ Liberal feminists push for political and legal reform in order to achieve justice and sexual equality.
- (a) Liberal feminism (b) Socialist feminism
(c) Radical feminism (d) Political feminism
28. _____ Unlike radical feminists, social feminists don't believe that patriarchy is the only reason for gender inequality, but rather they are due to social circumstances in general.
- (a) Liberal feminism (b) Socialist feminism
(c) Radical feminism (d) Political feminism
29. _____ People who are radical feminists want to dash away gender discrimination, which according to them, is the only way to achieve equality.
- (a) Liberal feminism (b) Socialist feminism
(c) Radical feminism (d) Political feminism
30. Indian Penal Code (IPC) Sections _____ are the two sections of obscenity.
- (a) 292 and 293 (b) 292 and 294
(c) 292 and 295 (d) 292 and 296

4.10 ANSWERS TO 'CHECK YOUR PROGRESS'

1. media sphere
2. individuals
3. marginality
4. caste framework
5. Liberal feminism
6. radical feminists
7. Stereotypes
8. Elderly people
9. Sexual pleasure

NOTES

10. Profanity
11. Cruel or violent
12. Strong behaviour
13. male-dominated
14. women
15. Media coverage
16. vulgarism
17. Obscenity
18. Sexual harassment
19. 66A
20. Voyeurism
21. Aggressive
22. Media
23. Highest and lowest
24. Feminism
25. 1970
26. Mathura
27. Liberal feminism
28. Socialist feminism
29. Radical feminism
30. 292 and 293

4.11 SUMMARY

- **Sexual Harassment:** A male engages in sexual harassment if he engages in any of the following: uninvited and explicit sexual advances, demands or requests for sexual favours, the showing of pornography against the will of a woman, or making statements with a sexual connotation.
- **Voyeurism:** Any guy who observes or records a woman doing a private act in settings where she ordinarily expects to be undetected.
- **Stalking:** Stalking is the practise of following or attempting to contact a woman for personal reasons despite the fact that she is uninterested; this includes doing so online, by email, or via any other similar medium.
- **Media:** Media is a means of carrying information regularly and is reachable to the community worldwide.
- **Feminism:** The term “feminism” creates different meanings for everybody. All exchanged ideas about the word “equality”—“equality for women,” “equality for all genders,” “equality in the workplace,” “equality in other areas like political, social, economic, religious and others, etc.”

- **Liberal feminism:** Liberal feminists push for political and legal reform in order to achieve justice and sexual equality.
- **Socialist feminism:** Social feminists, unlike radical feminists, don't think that patriarchy is the only cause of gender inequality, but rather they are due to social circumstances in general.
- **Stereotypes:** Only because stereotypes are recognised to produce results for the business behind the marketing are they used.
- **Aggressive communication:** aggressive communication is better seen as one of the many factors that can contribute to the risk of cruelty and hostility.

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4.12 KEY TERMS

1. **Representation of media:** Media is a means of carrying information regularly and is reachable to the community worldwide. The media is mostly accused by a wide range of philosophers, intellectuals, and critics of supporting conflict, violence, prejudice, discrimination, racism, queer pressure, aggression, attack and other unfair social incidents.
2. **Marginality:** Marginality is an event that affects many people around the world. People who are discriminated against have limited authority over their lives, as well as the goods that are available to them. These results make them less likely to commit to public liberation.
3. **LGBT Community:** The LGBT community has always been fastened as diverse and therefore exposed to stereotyping. Stereotypes about the LGBT public were extremely bad. In fact, for much of the 19th and 20th centuries, an enormous majority of people assumed that the memberships of the LGBT community hurt from mental sicknesses.
4. **Media's pervasive:** The media's pervasive influence on our way of life and habits has been one of the most important changes to our social position during the 20th and 21st century, or for centuries. In this modern environment, the daily lives of our children are significantly influenced by radio, TV, movies, recordings, computer games, phones, and PC networks.
5. **Information Technology Act, 2000:** The Information Technology Act 2000 (ITA 2000) is commonly referred to as the IT Act. It is a law passed by the Indian Parliament on October 17, 2000 (Act No. 21 of 2000).

4.13 SELF-ASSESSMENT QUESTIONS AND EXERCISES

Short Answer Questions

1. What kind of obstructions is faced by disabled people?
2. Describe sexual minorities.
3. What is a food security program?

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4. How do media add to Stereotypes?
5. Where does the Indecent Representation of Women (Prohibition) Act, 1986 stretches out?
6. What are the problems faced by aged people?
7. Write a short note on Scheduled Tribes.
8. Describe the measures to be taken for marginalized people.
9. Difference between Scheduled Caste and Scheduled Tribes.

Long Answer Questions

1. Describe the characteristics of marginalized groups.
2. Why the presence of marginalized sections is negligent in media houses?
3. Describe the seven standards for giving an account of children's issues.
4. What is the media's role in countering gender stereotyping?
5. Discuss the case study of the representation of women in media.
6. How are the marginalized section reported in media, especially children and differently-abled?
7. Describe the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, in detail.
8. Discuss Sections 66A, 67 and 67A of the Information Technology (Amendment) Act, 2008 in detail.
9. Write a short note on Obscenity and Pornography.
10. When were Sections 66A, 67 and 67A of the Information Technology (Amendment) Act passed?
11. When was the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act passed?
12. When was the Indecent Representation of Women (Prohibition) Act passed?

4.14 REFERENCES

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2. Barve G, Sood A, Nithya S, Virmani T (2015) Effects of Advertising on Youth (Age Group of 13-19 Years Age). J Mass Communication.

Newspaper

1. Economic Times
2. The Hindu
3. Business Line
4. Times of India
5. Market Business News

Unit V Media and Diversity

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Learning Objectives:

By the end of this unit the learners would be able to:

- Understand media and diversity.
- Understand the media ethical minefield.
- Know the ethnic, racial and cultural identities.
- Know the social responsibility of media.
- Understand the social responsibility of media.
- Analyse Conflict-reduction journalism and conflict-resolution journalism.
- Understand media's role during hostage-takings and suicide attempts.
- Understand the chequebook journalism.
- Analyse the roles of journalism and public opinion.

Structure:

- 5.1 Media and Diversity
- 5.2 Walking through Ethical Minefields
- 5.3 Ethnic, Racial and Cultural Identities
- 5.4 Social Responsibility of Media in Presenting a Representative Picture of All Constituent Groups in Society
- 5.5 The Role of Media in Conflict and Wars
- 5.6 Conflict-Reduction Journalism, Conflict-Resolution Journalism
- 5.7 Journalism as a Serious Source of News and Democratic Debates or Just Another Entertainment: Special and Sensitive Situations
- 5.8 How Should Journalists Cover Hostage Situations, Suicide Attempts, and Other Situations Where Their Reporting Could Make the Situation Worse or Have Fatal Repercussions?
- 5.9 Ethics and Chequebook Journalism
- 5.10 New Roles for Journalism and Public Opinion
- 5.11 Answers to 'Check Your Progress'
- 5.12 Summary
- 5.13 Key Terms
- 5.14 Self-Assessment Questions and Exercises
- 5.15 References

NOTES

5.1 MEDIA AND DIVERSITY

A. Media and Diversity

Media diversity is used in a more tangible or empirical meaning. More than only gender, sexual orientation, colour, age, or disability are included in diversity as a whole. It is the array of differences in human beings. Because it draws attention to an underrepresented group and gives voice to the voiceless, media diversity is important. Everybody is constantly exposed to various media platforms such as books, television and movies etc. It is becoming part of society.

They use a variety of media sensibly in their empirical research. It needs to be brought down from a high degree of abstraction to a level that is more tangible. The phrase "heterogeneity of media material in terms of one or more specified qualities" could be used to describe diversity of media content as one method of doing this (Van Cuilenburg, 1999).

Social media is becoming a huge platform for the diverse representation of media. It provides a platform for representations and opportunities for different voices to speak to a broader audience. Social media has opened up to outside experiences that could not be accessed in the years past.

A market's media output may be diversified because its outlets themselves are diverse, or the contents provided by the outlets combined may create a diverse supply.

According to the distinction between the diversity made by Philip Napoli:

1. The purpose of media strategy to support a variety of information sources or content providers is reflected in structural diversity. This covers the variety of sources available, issues around media ownership, and different economic models (e.g. public, private, and non-profit media). Diversity is clearly impacted by a range of organisational elements, including editorial, managerial, and recruitment policies, as well as newsroom culture.
2. Diversity of concepts, opinions, or content alternatives is referred to as content diversity. It is common practise to distinguish between external diversity and media outlet diversity. Internal diversity is the range of viewpoints present within a single media organisation.
3. Directly evaluating content diversity is difficult, but it can be done by looking at the amount of time allocated to various topics, the representation of races and genders, or any other factor. There have also been established more complex evaluation metrics. For instance, the ideological university can help to increase the "multi-perspective" nature of news.
4. The final category is concerned with journalism's place in a democratic society. It entails giving the consumer options while also encouraging exposure and debates between opposing points of view.

5. Diversity has also been discussed in terms of content richness, specifically whether or not online media frequently uses features other than words (such as images, audio, videos, and hyperlinks). As online news experiences become more multi-modal, diversity is needed to go beyond text and, for instance, to categorise the content of photographs that are posted alongside news articles.
6. The media is important because everyone bases important decisions about their lives on the information it conveys. The health of democracy depends on a robust media that presents a range of viewpoints and holds all levels of government accountable. Along with the legislature, executive branch, and judicial branch, the media is regarded as the "Fourth Pillar" of democracies since, without a free press, democracy cannot survive.

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Check Your Progress

1. _____ is used in a more tangible or empirical meaning.
2. A _____ output may be diversified because its outlets themselves are diverse, or the contents provided by the outlets combined may create a diverse supply.

5.2 WALKING THROUGH ETHICAL MINEFIELDS

Introduction

Media plays a very important role in informing people about their surroundings. Media cover various news based on the situation and happening. However, the term "media" does not refer to a body of legislation that is combined and constant, such as the law of crimes or the law of contracts. The phrase "media law" concentrates on the law itself. The term law helps to limit the journalist's operation and media organizations at various levels.

Media laws covering an area of the rule include media of all categories like advertising, television, radio, internet, film and new media. At a convincing level, media influences the current and can also influence the upcoming or future of society. Mass media have the influence to mark or unmark the government's actions. Various laws control the routine of media in India. So, here we can say that mass media are reasonably dominant, but the power of media is measured and controlled by the several laws and rules legislated time to time.

Ethical minefield issues in media

According to Concord Monitor, "There are numerous ethical problems complicated in media that should worry Medias who use the material in their work." One of them is the media industry's lack of transparency. The organization's media members are strangers to one another and some even to their assignees. They put tremendous effort into protecting the privacy of persons who leak material to the group for posting, and they are primarily unpaid.

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The reader's inability to determine the motivations for initially disclosing all of this information is one of the most troubling ethical dilemmas. The news organisations who have access to these leaks won't ever be able to explain to their readers why the stories were disclosed and, eventually, what wasn't. Such editorial decision-making outsourcing is quite troublesome. We now have to deal with the effects of more technological advancements. Nowadays, as we hold more technical advances, we must also deal with its consequences.

For instance, the news desk that acquires access to the crucial files will face major challenges in determining whether some bogus information may have been put between the "genuine" items for an unidentified cause. This type of illegal and unauthorized addition to the real story may create a serious problem for media organisations. It is still challenging to hold them accountable, and of course, we never deny that numerous articles of general interest have recently been published, and here we thank to leak of the news. But the ethical problem is still there and is still challenging to media and media people.

The media put more emphasis which related media very frequently, like defamation, confidentiality, freedom of speech, secrete of sources, contempt of governing channels, breach of trust, access of information and many other things required to limit the media organizations and their people mainly when they deliver the information to the masses or covering the news at a different level and places.

Social media and ethical minefield

The way that people share information and communicate has undergone a fundamental transformation thanks to social media platforms like Twitter, Facebook, Instagram, Linkedin, and others. Additionally, the increased usage of social media is altering how modern law is practised.

For example, Russia's attack on Ukraine is pushing new problems on social media's rule makers, not just in their struggles to limit the spread of distortion and misinformation but also as they fight to handle graphic images of violence.

Given the widespread use of social media nowadays, it is not surprising that social media evidence has become an important factor in legal proceedings. In many cases, a single social media post has the ability to make or break a case. Additionally, social media has become a vital part of the marketing and client-development strategies used by lawyers and law firms.

Notably, a variety of new ethical demands have been placed on lawyers as a result of the growing role that social media plays in the practise of law today. These particular, frequently difficult ethical considerations might get the unwary legal professional into trouble for breaking the Rules of Professional Conduct if they are not handled properly. However, with the right amount of care and attention, lawyers may effectively negotiate the ethical minefield that is social media to avoid making any ethical mistakes while also utilising social media as a powerful practise and client-development tool.

Check Your Progress

3. _____ covering an area of the rule include media of all categories like advertising, television, radio, internet, film and new media.
4. _____ have the influence to mark or unmark the government's actions.

NOTES**5.3 ETHNIC, RACIAL AND CULTURAL IDENTITIES****A. Ethnic**

According to Urban Dictionary, the term "ethnicity" refers to a region's peoples' collective cultural heritage. Language, tradition, religion, and customs are factors that contribute to ethnicity. To follow any or all of those customs is to belong to an ethnic community, etc. The difference between race and ethnicity is culture. Although they sometimes overlap, race and ethnicity are separate.

A Japanese-American, for instance, would be of the Japanese or East Asian race, but if they don't follow any of their ancestors' traditions or don't speak the language, they could not consider themselves to be Japanese but rather American.

The society in which one lives frequently determines one's ethnic status. A group of people who identify with one another based on same ancestry, social, cultural, or national experiences are said to be of the same ethnicity. But ethnic identity is complicated; it consists of how we perceive ourselves in relation to the world and how others see us.

Ethnicity in India

The Census Organization of India is now conducting the 15th National Census Survey. The Commissioner and Registrar General of the 2011 Indian Census is Mr. C. Chandramouli. House listing and population counting were the two parts of the 2011 Indian National Census. The national census survey included 640 districts, 497 cities, 5767 tehsils, and more than 6 lakh villages. It was conducted in all 28 states of the union as well as 7 union territories.

According to census reports from the 2011 Indian Census, there are 1,210,854,977 people living in India, 623,724,248 of whom are men and 586,469,174 of whom are women. The poll highlights the shifting demographics and their distinctive traits. India is a vibrantly painted canvas that shows the unique blending of ethnic groups with a variety of customs and religions. In actuality, the country's distinct ethnic makeup is what sets it apart from other countries.

Ethnicity can be distinct from others in many ways. The massiveness of India's autonomy, excess of cultural festivals, religions and other factors. India is a multiculturalist country. Due to this, country is seen more as a base for significant world religious advancement than a mere country. In India, a community may differentiate itself from others by way of a specific or individual culture, language, religion or a grouping of these. These characteristics lead ethnic communities with other communities with whom they come in contact.

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These ethnic groups in India are distinguished from one another by regional areas that have their own social and cultural identities. Hinduism, Christianity, Islam, Sikhism, Buddhism, and Jainism are the most common religions in the country; however, residents are free to practise any religion they choose.

B. Racial identity

Racial ideology would be similar to a person's fixed belief in a particular race since an ideology is a collection of fixed beliefs that someone possesses. Racism looks awful. It categorises people into "us" and "them" based on our ancestry or skin tone. What exactly is racism? Racism is a term that is frequently used nowadays by both white people and members of racial minority groups. Race is a political construction created by people to categorise people in order to give white people control and to justify their dominance over non-white people.

Racial discrimination can be direct or indirect:

- **Direct racial discrimination:** When a person purposely goes out of their way to exclude someone or verbally or physically abuse someone precisely because of their race. These actions are normally intentional, thoughtless and intended to get an instant reaction.
- **Indirect racial discrimination:** When a person or organization introduces a rule, behaviour or culture that discriminates against people based on race.

Defining Racism

Let's start by looking at the dictionary definition of racism, which is the most fundamental concept. Racism has two definitions, according to the American Heritage College Dictionary. The first definition of racism is "the idea that a particular race is superior to others and that race accounts for variations in human character or aptitude." Racism is defined as "discrimination or prejudice based on race" in the second place.

There are many instances of the first definition. Blacks were not only seen as inferior to whites throughout the time that slavery was practised in the United States; they were also seen as property rather than human beings. Blacks were typically thought to be cognitively inferior to whites throughout the time of slavery. Today's America is still influenced by this idea.

Racism may be direct or indirect, individual or institutional

When someone is treated less equitably than another person in a similar circumstance due to their race, colour, descent, or national or ethnic origin, this is referred to as direct racial discrimination. A school might not hire a staff member solely on the basis of race or ethnicity, for instance. When a law or policy respects everyone equally yet unfairly affects more persons of a specific race, colour, descent, or national or ethnic origin than others, that is indirect racial discrimination. For instance, a rule that prohibits pupils from using headgear could lead to prejudice against those students whose religions mandate it.

Racist behaviour may include

- Physical abuse and hazing
- Verbal abuse, threats, insults, slurs, and remarks that are stereotypical
- Racist signs, graffiti, and other forms of propaganda
- Encouragement of racist behaviour on the part of others
- Refusing to work together with others due to their race, ethnicity, religion, or language
- Through prejudiced policies, norms, or curricula, institutional racism frequently unintentionally harms or marginalises less dominant ethnic and cultural groups.

NOTES**C. Culture****Introduction**

The term "culture" was originally used by English anthropologist E.B. Taylor in the 18th century. A culture is a system of life of a group of individuals, like actions, philosophies, behaviour, values, and symbols, which they receive, mostly without thinking about them, and that is accepted besides messages and imitation from one group to the following leading group.

Culture is common, learned, convincing, shared and organised set of symbols whose significance provides a set of setting for members of society. It takes time to progress, spread across groups and focus on changing. It cannot be separated by individuals. Culture is essential for life. Different people from around the world have altered cultural norms. People's beliefs and lifestyles are diverse due to cultural variances.

Definitions of culture

According to **B. Malinowski**, "the handwork of man and the medium through which he achieves his ends."

E.S. Bogardus defines culture as "A way of thinking and doing of a group."

E.B. Taylor defined it as "that complex whole which includes knowledge, belief, art, morals, and laws, custom and any other capabilities and habits as acquired by man as a member of society."

According to **R. Redfield**, culture is "an organised body of conventional understandings manifests in art which persisting through traditions, characteristics a human group."

According to **V. de Robert**, "culture is the body of thought and knowledge, both theoretical and practical, which only man can possess."

B. Characteristics of culture

1. **Culture is social:** Culture is not an isolated phenomenon, and one can separate an individual from the culture. A culture progresses in society with the involvement of an individual or society. According to a proverb,

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no man can become cultured without social interaction. Only by mixing with other men can a man truly become a man.

2. **Culture is essential:** Culture offers us a character or uniqueness. Our cultural morals and our system of philosophies command our intellect and actions. It is crucial how we present ourselves in culture, and the culture we are a part of has a significant impact on who we are as people. Culture is crucial to our existence since it gives us the managing principles of life and helps us feel like members of the group.
3. **Culture is shared:** Everyone who shares a culture typically lives in the same region of the world. The area where a group of people living with a common shared culture like community, religion, language, tradition, heritage, values, etc. It belongs to a community and not to any single human being the reason culture is shared is followed by a group of people in the same area.
4. **Culture is learned:** Culture is learned, not inborn. Language, beliefs, history, literature, art, architecture, etc., transfer from one generation to the next. It is absorbed into the environment and learned, comprehended, and adopted from what is communicated by culture. So culture is something that no one has learned by birth. The elementary behaviours of an individual are shaped and influenced by the group along with whom he/she spends or he/she lives.
5. **Culture is dynamic:** It remains to change but not static. It keeps changing from time to time. For example, culture, such as religion, language, tradition, rituals, beliefs, etc., changes with time, mainly when an individual immigrates or migrates from one place to another place or different cultured people may live together. The changes may depend on the passing of culture from one generation to another leading generation.
6. **Culture is adjustable:** Despite the culture being constant, but is not fixed. It adjusts according to the physical surrounding or group where people live together. It works mainly when individuals migrate from one place to other or adjust themselves to the local culture, which helps to survive in that particular culture or tradition. For example, Indians migrate to other countries for education, job, etc.
7. **Culture is a symbol:** Culture defines the people that belong to that religion, language, region, food, etc. It is easy to guess to which a particular person belongs just by observing their language, customs, traditions, dressing styles, food habits and others.
8. **Culture is continuous or cumulative:** Culture occurs as a constant progression. The tradition, customs, values, rituals and ceremonies and others grow into part of a culture with the passage of time. In society, a group of people celebrate a particular event which connects people together with common harmony or unites people together.

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9. Culture is inseparable: In every society, culture touches all aspects of society, whether it is nature, animals or human beings. It is mainly created by a human being or influences the everyday emotional actions of an individual. So culture or societies are one and the same where individuals are encouraged by the culture where he/she belongs.

10. Culture varies from place to place: Every society is formed by its own pattern or belief. Culture varies by its own distinctive culture. In culture there are some aspects like region, community, language etc., are common, but their practices totally different from one another. For example, Asian, African, European, and others follow the same common culture, but it differs from one another.

Types of culture

Social scientists, such as anthropologists and sociologists, use the term "culture" to refer to all facets of human behaviour that extend beyond our physical reality. Learning culture to realise patterns of human actions is a big work. In culture, there are limitless behaviours that individuals can direct their culture; social scientists have established two basic categories to define things formed by society.

1. Material Culture: The term "material culture" describes the tangible items, materials, and environments that people utilise to identify their culture. It is associated with physical or tangible objects made by man. A man-made object consists of automobiles, machines, furniture, dams, buildings, roads, bridges, etc., converted by man into usable effects. All of these physical features of culture help to describe its members' actions and observations.

Material culture also talks about the connection between objects and social relations. It is a term used by historians from time to time named material history, which refers to the study of ancient objects and artefacts to recognize how a specific or individual culture was systematized and performed over time.

2. Non-material culture: The term "non-material culture" describes the abstract concepts that people have in relation to their environment and culture. It means something is invisible and untouchable, which people can feel but can't see. It includes beliefs, feelings, moral, values, religion, language, traditions and others. These philosophies then regulate how the culture responds to its religious aspects, societal issues, programme, functions and events. These values, ethics, morals and belief are deeply connected. Together they offer a way to recognize culture.

Check Your Progress

5. According to _____, the term "ethnicity" refers to a region's peoples' collective cultural heritage.
6. Social scientists, such as anthropologists and sociologists, use the term _____ to refer to all facets of human behaviour that extend beyond our physical reality.

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7. The term _____ describes the tangible items, materials, and environments that people utilise to identify their culture.
8. The term _____ describes the abstract concepts that people have in relation to their environment and culture.

5.4 SOCIAL RESPONSIBILITY OF MEDIA IN PRESENTING A REPRESENTATIVE PICTURE OF ALL CONSTITUENT GROUPS IN SOCIETY

Introduction

Social responsibility is the obligation that businesses have to do no harm to society. In other words, corporations ought to care about the wellbeing of society and be conscious of how their operations might have an impact on society as a whole. We are all aware that social responsibility only occasionally occurs, despite a company's best efforts.

For instance, British Petroleum (BP) is charged in court records with gross negligence for safety violations and knowing neglect of the oil rig, which led to the deaths of eleven workers and an 87-day Gulf of Mexico oil leak. BP trial to push gross negligence claim, retrieved February 24, 2012. In such similar cases, people question corporations' ability to fulfil their societal responsibilities. In a perfect world, businesses would take into account these four key facets of social responsibility and behave morally in each one. In fact, even as individuals, we should be conscious of these spheres of social duty.

According to Keith Davis, "social responsibility" refers to two categories of contractual duties for businesses-

1. The Social Economic obligation is to ensure that the Economic consequences of its actions do not negatively affect the public welfare.
2. Every company has a social and ethical responsibility to promote and advance qualities like cooperation, morale, drive, and self-realization at work.

Social Responsibility of Journalism and How it is Evolving With Digital Media

In journalism, the concept of Social Responsibility allows for complete press freedom while being constrained by external controls. Social responsibility in journalism combines elements of libertarianism and authoritarianism by promoting individual rights and autonomy while also recognising the ruling elite, authorities, or influential bureaucrats as the controlling factor in news reporting.

Libertarianism and authoritarianism are diametrically opposed ideologies. Nonetheless, they were combined to form a concept that pushed for a more dynamic and to some extent, more conscientious news media. How so?

Under social responsibility, press freedom is not an absolute right because it must be weighed against individual rights and societal interests. This means that the press can report the news without censorship, but the news content should be

subject to public discussion, scrutiny, and review through appropriate forums, and the press should be self-regulating and accountable in performing its public duty.

Before the introduction of social responsibility, the press published objective news reports and allowed the public to draw their own interpretation of the news, resulting in diverse and conflicting views that occasionally strayed from reality, "and it affected the social order." This ushered in a new type of journalism: investigative news reporting, which seeks to "uncover the truth behind the news."

Every member of society can formulate and express his/her point of view as a result of the investigative news provided by the press based on facts, thereby facilitating public opinion, which is regarded as an important tool for social development.

How Journalism is evolving with digital media

With the introduction of digital technologies, journalism has undoubtedly changed. Journalists at broadcast outlets no longer have to lug bulky tapes around when they go out to shoot their stories. Print journalists are simultaneously travelling with cameras in order to give back images and even films for their multimedia websites. Newspapers and broadcasters now behave and appear alike as a result of media convergence. While professional journalists have started to develop stories based on data rather than people, amateur citizen journalists and even algorithms may fulfil journalistic tasks.

In newsrooms, computer programmers are employed. To appeal to the reading habits of digital natives, news is presented in a wider variety of formats and narrated in creative ways. In order to present news stories, the short, fluid, and fragmented format of live blogs complements the established inverted pyramid narrative, especially during swift-moving events like disasters and terrorist attacks. There are too many changes in journalism every day to list them all. In addition to merely noting the modifications, understanding them, and whether they are significant enough to change the very nature of journalism.

Socially responsible advertising factors

1. **Trustworthiness:** The first and foremost criterion for being a socially responsible advertiser is trustworthiness. However, recruitment is not as simple as it appears. Factual information is frequently presented so that the viewer declares it, whereas an image can be manipulated while still producing an accurate image.
2. **Honesty and integrity:** The second set of criteria for socially responsible advertising is honesty and integrity. It has a strong tendency to tell the truth, or, at the very least, avoid deception and use nature in the creation of advertisements. Although honesty and integrity often go hand in hand, the concept of integrity arises as a virtue that includes additional and clarifying attributes.
3. **Messing:** Socially responsible advertising should not encourage or contribute to anything that harms our society. Commercials that employ

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racial or sexist stereotypes, ads that promote irresponsible alcohol consumption and sexual behaviours, or attempts to influence emotionally sensitive audiences may be considered socially irresponsible.

Marketing, according to Kotler (1985), can bring about social change. The procedure is time-consuming and difficult. He talked about four types of social changes. Cognitive change, action change, behavioural change and value changes. He proposed that social marketing could bring about these changes, but only with increasing difficulty. The most difficult social change, according to Kotler, is value change. Values are not only deeply rooted, but they also give meaning to a person's life. The goal of social cause marketing is to gain attention and support.

Check Your Progress

9. _____ is the obligation that businesses have to do no harm to society.
10. The first and foremost criterion for being a socially responsible advertiser is _____.

5.5 THE ROLE OF MEDIA IN CONFLICT AND WARS

Introduction

Conflict is the fight for power and control in society. It is a contradictory act or thoughts, over and over again, associated with the self-centred quest of desires that finish in a state of disturbance. According to Gillin & Gillin, "Conflict is the social process in which individuals groups seek their ends by directly challenging the antagonist by violence or threat of violence."

Types of conflict

1. **Inter-personal conflict:** A conflict that occurs among two individuals is called interpersonal conflict.
2. **Intra-personal conflict:** Intra-personal arises when individuals fight with their own thought, actions or beliefs.
3. **Inter-group conflict:** Inter-group conflict occurs between two or more community groups, religious groups, or ethnic groups.
4. **Intra-group conflict:** Intra-group conflict occurs when individuals create another group in the same fold of religion and community.

Other types of conflict

A. Gillin & Gillin

According to Gillin & Gillin, conflict is divided into five types.

1. **Personal conflict:** It happens among two individuals in the same group.
2. **Racial conflict:** It is the conflict of superiority versus inferiority between white people and black people.
3. **Class conflict:** It arises among the two classes, like the upper class versus the lower class and capitalism versus communism.

4. **Political conflict:** It arises between the two political parties, BJP and Congress, in India.
5. **International conflict:** It is the war between two countries, such as India and Pakistan or India and China.

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B. Simmel

Simmel illustrates four types of conflict

1. **War:** It is a very familiar term but mainly used between two nations, especially in trade wars, military wars and others.
2. **Feud or frictional strife:** It is a type of war; it may happen because of injustice by one group over another group. Probably it includes the class system, racism, and others.
3. **Litigation:** It is mainly a lawful or judicial claim by one another using biased or unbiased factors. For example, India and Pakistan claim Kashmir.
4. **Conflict of impersonal ideals:** It is based on ethics or standards, not on personal belief. For example, communism versus capitalism believes that their system can bring the world into a better position.

Media Lessons in conflict and wars

1. As entire nations, not just the armed forces, go to war, public opinion must be in favour. Media outlets can influence public opinion.
2. While they might not anticipate getting the complete story during a battle, they do hope to get as much of it as possible without endangering military operations or the lives of soldiers.
3. Media attention multiplies the impact. Media coverage give the public the impression that the military is a devoted and professional organisation; therefore, greater trust and confidence must be established. Napoleon said, "Four hostile newspapers are more to be feared than a thousand bayonets".
4. The free media, especially the patriotic media, are likely to distance themselves from the exercise if they learn that they are being exploited for such objectives.
5. The media has been greatly impacted by technology. It needs to be absorbed. Real-time reporting from the front lines should be examined for security concerns by news organisations and military authorities. Operational secrecy in modern limited wars now requires the active involvement of the media.
6. Reporters must learn more about the military, and the military must learn more about the media. Those who do not take lessons from history are condemned to repeat it. It's critical to learn from the past in order to prevent repeating errors made when using the media during conflict.

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7. The media is just as patriotic as any other member of society. We must establish confidence.
8. Since the Trojan Horse, deception has been a component of warfare, but using the media in such operations is a very risky game.

Check Your Progress

11. A conflict that occurs among two individuals is called _____.
12. _____ arises when individuals fight with their own thought, actions or beliefs.
13. _____ occurs between two or more community groups, religious groups, or ethnic groups.
14. _____ occurs when individuals create another group in the same fold of religion and community.

5.6 CONFLICT-REDUCTION JOURNALISM, CONFLICT-RESOLUTION JOURNALISM

Introduction

Succeeding developments in communicating tools have significantly altered how war, conflict, and conflict resolution are conducted. People all throughout the world are far more knowledgeable about significant developments in international relations and affairs than people of earlier ages when compared.

Worldwide news networks that broadcast from all around the world and through the internet provide quick access to current events and, in some circumstances, may have an impact on how such events develop and terminate.

Information is now power, and vision can change people's minds. Insights can be changed in this way by having access to media. Around the world, many media platforms are utilised to disseminate knowledge and information, and in theory, unrestricted media is both a tool and a symbol of democracy.

Effective democratic media

Freedom of expression is crucial for autonomous structures and powerful media, as well as being a fundamental human right. It places the freedom of speech, the right to information, and the expression of different viewpoints in a diverse society.

According to Harry Truman, "You can never get all the facts from just one newspaper, and unless you have all the facts, you cannot make proper judgements about what is going on."

Effective and democratic media play a crucial role in any culture of prevention and are crucial for societies striving to move towards peace and democracy.

Political participation of media

According to the statement by Harry Truman, it demonstrates the requirement for unrestricted free access to information. Not allowing freedom of expression and

giving the possibility of political participation to people freely is a major reason of clashes in society.

On the one hand, media can be open, mixed, and independent, providing a forum for debate, discussion, and a range of viewpoints. On the other side, the media can be twisted, mishandled, and misrepresented for commercial gain, to stir up and disseminate rumours and hatred, and to foment social unrest.

Though these days, traditional media like TV, radio, and newspapers are not the only means via which ideas and opinions are disseminated. The traditional media is given priority in this, which is debatable. However, this framework should also take into account modern technology, the internet, and fresh digital media material. Here, we can say that an individual can verify the newsworthiness of any news through various platforms of media.

Reporting on conflict

The mass media have a very strong power over how the public and societies view the world. Newspaper, TV and radio are frequently the only connections to events occurring outside of one's neighbourhood. The only evidence or information that a reporter's audience has access to regarding a conflict may be that report.

The issue of how the dispute is reported always raises the possibility of audience prejudice in favour of one side or one solution over another, as well as the possibility of exaggeration or pacification of the conflict. Mostly, when we think about it, most of the news is about conflict based, and journalists are participants in the conflicts they cover. However, they usually make every effort to be unbiased, this is difficult at best.

Sometimes reporters are trying to attempt to present both opinions in the same way. It actually supports one over the other if the story doesn't demonstrate that one view is much more predominating, or another, while ceremony believed, is incorrect. Multifaceted conflicts are full of drawbacks for journalists, but the more one recognizes what is actually going on in a conflict and the role of the conflict journalist, the better coverage one can do.

Check Your Progress

15. _____ are full of drawbacks for journalists.
16. The _____ have a very strong power over how the public and societies view the world.

5.7 JOURNALISM AS A SERIOUS SOURCE OF NEWS AND DEMOCRATIC DEBATES OR JUST ANOTHER ENTERTAINMENT: SPECIAL AND SENSITIVE SITUATIONS

A study by the **Centre of Media Studies** discovered that during the months of March and April, Modi was given more than one-third of the airtime on five popular stations, including Aaj Tak, ABP News TV, Zee News (Hindi), NDTV

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24x7, and CNN IBN (English). Arvind Kejriwal, the leader of the Aam Aadmi Party (AAP), who gained notoriety after an anti-corruption rally two years ago, garnered 10% of the airtime. The vice president of the governing Congress party, Rahul Gandhi, received a pitiful 4% of the vote.

Unsurprisingly, this has increased rumours about the media's support of Modi. Manmohan Singh, the outgoing Indian prime minister, had previously dismissed the growing popularity for Modi and described the "Modi wave" as a media invention.

However, journalist **B.R.P. Bhaskar** contends that BJP strategists were responsible for creating the Modi wave. They were correct when they predicted they might involve the electronic media. Modi and Rahul were made to represent the entire election by the media. The majority of stations presented the country's recent two months as being entirely focused on the staggered general election, with the main question being which of the two candidates should serve as prime minister, according to Bhaskar.

Anup Kumar, an associate professor at the School of Communication at Cleveland State University, opines that there must be coordination between an on-the-ground campaign and the media for there to be a significant influence. According to the Business Standard, Modi has travelled 300,000 miles to speak at 437 public gatherings in 25 states since September. Additionally, he took part in over 5,500 video conferences, public gatherings, and 3D holographic protests.

Professor Kumar further observes that since a special investigation team had previously exonerated Modi, the panel discussions on primetime television were primarily about the 2002 riots, which was "disingenuous to the audience." He berates the media for not devoting enough time to the foundations of government and development: "They did not offer the Indian population enough opportunity to critically assess and grasp the neo-liberal economic ideas underpinning the Gujarat model. The press published sophisticated stories, but the general public was excluded from the conversation.

In panel discussions, Congress and AAP representatives, he continued, spoke about Modi rather than their own agendas. "What was surprising was that the Left, which would have more authority to argue about economic models, was missing in the TV panel discussions."

Polarised media

Journalists are becoming increasingly concerned that the Indian media has polarised. Vinod Mehta, the editor-in-chief of the political magazine Outlook, penned the following: "You are either pro- or anti-Modi. No other space is available."

The "severe polarisation" in the media was noted by Rajdeep Sardesai, the editor-in-chief of the CNN-IBN network, in The Hindustan Times daily: Politicians are trying to use the nearly 400 news channels and thousands of newspapers to co-opt the media to spread their agenda.

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Not just private media have received criticism for their reporting. After editing out comments made by Modi against Congress candidate Priyanka Gandhi and his claims of closeness to Congressman Ahmed Patel, public broadcaster Doordarshan was charged with censorship. According to Doordarshan, the interview was simply modified for editorial purposes.

When Kejriwal accused TV networks of spreading Modi propaganda, the AAP became involved in a spat with media organisations. The Times of India responded by stating that the "party's own approach of late rather than in grand conspiracy ideas of large business and political rivals paying off pliant media houses" was to blame for scepticism about Kejriwal's party.

However, Kripalani claims that corporate and political ownership has had a negative impact on Indian media. "Like the rest of the world's media, it has suffered from a change in business strategy as readers prefer to get their news online. The Indian media has avoided the inescapable by luring funding from significant corporations. Naturally, this has altered the media's agenda and given it a more political perspective.

Media coverage has also been ruined by accusations of wrongdoing against a reputable survey business and the Election Commission's discovery of 854 instances of "paid news."

Check Your Progress

17. _____ are becoming increasingly concerned that the Indian media has polarised.

5.8 HOW SHOULD JOURNALISTS COVER HOSTAGE SITUATIONS, SUICIDE ATTEMPTS, AND OTHER SITUATIONS WHERE THEIR REPORTING COULD MAKE THE SITUATION WORSE OR HAVE FATAL REPERCUSSIONS?

Introduction

"Journalism has been changed forever. It'll never be the same again."

Remembering the attack of 26/11, the government of India questioned the media. While Indian television stations report attacks and counter-terrorism activities carried out by Indian forces, particularly at the Taj Hotel, some of the first reports appear to be driven by commercial considerations in which stations competed for close, updated and specialized images. However, over time as the attacks increased by more than 60 hours, they treated the deadly attacks as a reality show where each channel tried to please the situation. The clips were shown despite the fact that they would help Pakistani commanders to direct terrorists inside the confiscated buildings. This is one of the practices of yellow journalism.

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Modern terrorism is media terrorism

Today's terrorists embrace this dynamic and use their attacks to draw worldwide attention in addition to harming their victims. By understanding and using the idea of drawing media attention to the majority of their activities, terrorists have developed "media literacy." They usually are aware of the time and methods for producing photos that ensure the biggest impact on the media, in addition to having the appropriate technological tools like cameras and internet equipment. These factors may suggest that one effective way to stop terrorism is to forbid journalists and the media from covering terrorist events and actions, or at last, reduce coverage as much as possible.

Obscene journalism

With increased competition among media or individual journalists, it is increasingly likely that common codes of ethics will no longer automatically be valid. In addition, terrorist activities, are frequently followed by "obscene journalism" in particular. This means that amateur terrorist observers can use inexpensive digital cameras or webcams to record events and can also disseminate images through unofficial channels, such as the Internet. In actuality, people engaged in terrorist actions have already started utilising media and the required technological tools, such as digital cameras, camcorders, and the Internet. When there aren't any globally aired video messages addressing the general public or political organisations, hardly any kidnappings occur. It is no longer professional journalists who control, filter and interpret facts and images. The images began to take on a life of their own and frequently reached audiences outside of mainstream media organizations. In turn, professional journalists must take this development into account and therefore use images that they have not produced or acquired themselves.

Suicidal behaviour

The media impact suicidal behaviour, especially when the suicide technique is described, particularly when it is detailed, and when the narrative is specifically offered or presented dramatically and prominently, such as the deceased or a large headline. It seems most likely in the photo and when a celebrity reports suicide. 4–6 Limited evidence shows that this also affects older people, but younger people appear to be most vulnerable to media influences. Another factor is media stimulus or model-observer similarity regarding age, gender, and nationality. The way suicide is portrayed in the media is crucial in that suicide tends to oversimplify the cause and attribute crime to individual factors such as the financial crisis, disruption of relationships, and failed exams. There is mental illness, the most frequent cause of suicide, which is frequently disregarded.

Making ensuring that training programmes for media professionals pay special attention to this crucial topic may be the most effective strategy for addressing the issue of media and suicide. The media industry's established players must have access to similar efforts. Finally, it's important to underline right away inaccurate

media portrayals and claims of suicidal behaviour. This should remind filmmakers and editors of their possible influence over upcoming suicides.

Guidelines for covering a shooting/ hostage situation

The following are some recommendations from the Radio Television Digital News Association [RTDNA] for reporting on a shooting or hostage situation:

1. A hostage taker, gunman, or terrorist should always be considered to have access to the reporting.
2. Do not verbally or visually describe or demonstrate anything that would reveal the strategies or positions of the SWAT team members.
3. If there are security concerns, be honest with viewers, listeners, or readers about why specific material is being withheld.
4. Consider carefully whether disclosing some information to the public will benefit them compared to any potential harm. This is crucial while covering an ongoing event in real time.
5. Don't give in to the urge to call a hostage taker or gunman. Since most journalists lack formal training in negotiation skills, one careless question or offensive comment could endanger someone's life. Furthermore, phoning in alone can cause phone lines to become congested or otherwise impede the negotiators' ability to communicate.
6. If a terrorist or hostage-taker calls the newsroom, alert the police right away. Prepare a strategy for your response as well.
7. While a standoff is ongoing, do not divulge any information—factual or speculative—about a hostage taker's mental health, emotional state, or motivations. Such information is of limited use to the audience, and it's quite possible that such characterizations might make an already perilous situation even worse.
8. Reporting information gleaned via police scanners is not advised. The endeavours of law enforcement officers and negotiators to end a crisis are hindered if their communications are compromised.
9. When speaking with friends or family members of people who are involved in standoffs, use caution. Make sure the interview contributes to the public's understanding of the story and isn't just done to generate shock value from the emotions expressed or to act as a channel for the interviewee to deliver messages to particular people.
10. Report on the bigger issues that lie behind the story rather than just the simple account of the hostage-taking or standoff, such as the why and how of what transpired, the planning and execution of the SWAT team, or the concerns surrounding the occurrence.

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18. _____, are frequently followed by "obscene journalism".

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5.9 ETHICS AND CHEQUEBOOK JOURNALISM

Introduction

Reporters are guided by a shared set of moral principles or ethics. They provide forth the objectives and duties to which journalists, editors, and other professionals in the field should follow in order to perform their work in a professional manner.

The standards of ethics have changed over time. The majority of news organizations, as well as professional membership organisations have codified codes of ethics. Professional journalists and news organisations will lose credibility if they transgress these ethical standards.

Chequebook Journalism

Chequebook Journalism, also known as Checkbook Journalism in America, refers to journalism, where a journalist or a media outlet pays an individual or a group of individuals for the exclusive rights to publish a particular news story.

According to Collins dictionary, "Chequebook Journalism is the practice of paying people a large sum of money for information about crimes, or famous people to get material for newspaper articles".

Chequebook Journalism grants the exclusive right to publish personal information or obtain an interview by paying them. This type of Journalism helps the organization to gain TRP or increase the circulation of the newspaper. The most heinous kind of journalism is the payment to witnesses in courts, criminals, and suspects.

Chequebook Journalism is considered unethical because it compromises the accuracy of the content received and the integrity and independence of journalists.

Case studies based on Chequebook Journalism include:

Princess Diana

Piers Morgan, the editor of the Daily Mirror, described his bidding war for a report on her work for Princess Diana's butler Paul Burrell. Burrell receives \$ 1.6 million from various tabloids and \$ 500,000 from mirrors. With articles in the series, circulation increased by 300,000 per day. Ironically, the barrel was monetized by the same loss-causing tabloid that revealed Diana's most intimate secret. Later, 4,444 British newspapers and editors promised to follow new norms that set rules for privacy, harassment, and the purchase of stories after Princess Diana's death.

Dick Morris

A story concerning Dick Morris, the campaign manager for Bill Clinton, dating a prostitute was published by The Star Tabloid. Just two months before the election, this news severely damaged the 1996 Democratic National Convention's last session and put an end to campaign planning.

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After the New York Post later reported the story, Morris announced his resignation. He referred to the published accusations as "Chequebook Journalism" and "sadistic greed." Democrats have accused the Post of using political techniques, something the publication has refuted. In any case, CNN reporter Bruce Morton said, "The story exploded in a town full of reporters who hadn't written anything in three weeks."

According to a popular theory, the stars deliberately timed the distribution of this story at the right time for it to have the "maximum impact." It becomes apparent that she was attempting to sell to the star for over a month before telling the story of their on-going incident, and the star plans a trap for her to capture them in a photo from the hotel balcony and helped with. She was paid \$50,000 for the article. The editor of the star, Phil Banton, acknowledged paying the prostitute in exchange for her assistance and information.

Later, he added, "I wouldn't have gone anywhere if Dick Morris had simply had a prostitute as a bed partner. A tale would not have been possible." It was obvious that the tabloids intended to print the story prior to the conclusion of the competition. Brit Hume of ABC-TV described the incident as "a significant blow to the president." In 1992, the star also allegedly paid the author \$ 150,000 to print a narrative about Clinton's alleged incident with nightclub singer Jennifer Flowers.

Check Your Progress

19. _____ are guided by a shared set of moral principles or ethics.
20. The _____ have changed over time.
21. _____ grants the exclusive right to publish personal information or obtain an interview by paying them.

5.10 NEW ROLES FOR JOURNALISM AND PUBLIC OPINION

Introduction

The relationship between public opinion and journalism has been considered a cornerstone of a modern functioning democracy. This important relationship has been the focus of scholarship across broad disciplines such as journalism studies, communication, philosophy, sociology and political science. The field of journalism is changing fundamentally. After the development of the penny press in the middle of the nineteenth century, the most fundamental, towards the end of the 20th century and the beginning of the 21st.

The recently developed type of journalism that stands out for its constant news, immediate reporting, interaction, extreme content customisation, multimedia content, and accessibility to all forms of information. It has the potential to be the more effective type of journalism since it can win back a disenchanted and distrusting audience.

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The new role of journalism

The prospect of on-demand access to content anytime, anywhere on any digital device, as well as interactive user response, among other things, is advanced by the changing role of journalism. “Democratisation” is a gift from new media to journalism. It entails the production, dissemination, consumption, and exchange of media material.

Now that meaningful dialogues are possible between journalists and their readers. Online discussions have been established so that everyone can voice their opinions. Conversations with both parties are replacing traditional one-way communication. Twitter is an example of the new role of journalism. Twitter is a very good platform for breaking stories. It improves certain journalists' likeability and is important for audience connection. It represents the fusion of personal and professional life.

Although there have been many changes to methods and practises, the fundamentals of journalism have not altered significantly. Journalists still work to obtain information, confirm their sources, explain their findings in an understandable manner, and connect with their intended audience. The field of journalism is one that is constantly expanding, changing, and evolving.

The role of technology

Technology has always contributed to the process of gathering and producing news. It can be recording an event on videotape, tape a telephone interview or scribbling notes on a page. Journalists are accustomed to obtaining the raw data they need to convey their stories using a range of technical instruments.

A considerable fraction of a community's expressed individual ideas, attitudes, and beliefs concerning a hot topic are collectively referred to as public opinion. Public opinion has an impact outside of politics and elections. It exerts significant influence in a variety of different fields, including literature, marketing, public relations, consumer expenditure, fashion, and culture.

Public opinion condition

These four requirements must be met in order for a phenomena to be considered representative of the general public:

1. There must be a problem.
2. There must be a sizable number of people who voice their perspectives on the next topic.
3. There must be some unanimity among some of these opinions.
4. The consensus must directly or indirectly exert influence.

Public opinion has the power to hold politicians accountable. Voting out politicians that do not consider the public's viewpoint is one way the public can let lawmakers know how they feel. It conveys to the government, which is making decisions that will have an impact on society, the opinions of the general population.

When deciding on a course of action, leaders frequently check the mood of the populace, especially during an election year.

Social media and mass media can also trigger and confirm hidden attitudes. For instance, just before an election, voters who previously had only a little preference for one party or candidate may be motivated by media coverage to both vote and contribute towards a party organisation in some other way.

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Check Your Progress

22. _____ is a gift from new media to journalism. It entails the production, dissemination, consumption, and exchange of media material.
23. _____ has the power to hold politicians accountable.
24. _____ refers to the material possessions, facilities, and settings that people utilise to define their cultural identity.
 - (a) Material culture
 - (b) Non-material culture
 - (c) Social culture
 - (d) Political culture
25. _____ refers to the non-physical ideas that individuals have near their culture and surroundings.
 - (a) Material culture
 - (b) Non-material culture
 - (c) Social culture
 - (d) Political culture
26. In journalism, the concept of _____ allows for complete press freedom while being constrained by external controls.
 - (a) Material culture
 - (b) Non-material culture
 - (c) Social Responsibility
 - (d) Political responsibility
27. Libertarianism and _____ are diametrically opposed ideologies.
 - (a) Authoritarianism
 - (b) Communism
 - (c) Capitalism
 - (d) Marxism
28. Under _____, press freedom is not an absolute right because it must be weighed against individual rights and societal interests.
 - (a) Material culture
 - (b) Non-material culture
 - (c) Social Responsibility
 - (d) Political responsibility
29. The first and foremost criterion for being a socially responsible advertiser is _____.
 - (a) Trustworthiness
 - (b) honesty and integrity
 - (c) Morality
 - (d) Ethnicity
30. The second set of criteria for socially responsible advertising is _____.
 - (a) Trustworthiness
 - (b) Honesty and integrity
 - (c) Morality
 - (d) Ethnicity
31. A conflict that occurs among two individuals is called _____.
 - (a) Interpersonal conflict
 - (b) Intra-personal
 - (c) Inter-group
 - (d) Intra-group
32. _____ arises when individuals fight with their own thought, actions or beliefs.
 - (a) Interpersonal conflict
 - (b) Intra-personal
 - (c) Inter-group
 - (d) Intra-group

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33. _____ conflict occurs between two or more community groups, religious groups, or ethnic groups.
- | | |
|----------------------------|--------------------|
| (a) Interpersonal conflict | (b) Intra-personal |
| (c) Inter-group | (d) Intra-group |
34. _____ conflict occurs when individuals create another group in the same fold of religion and community.
- | | |
|----------------------------|--------------------|
| (a) Interpersonal conflict | (b) Intra-personal |
| (c) Inter-group | (d) Intra-group |

5.11 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Media diversity
2. market's media
3. Media laws
4. Mass media
5. Urban Dictionary
6. "culture"
7. "material culture"
8. "non-material culture"
9. Social responsibility
10. trustworthiness.
11. interpersonal conflict
12. Intra-personal conflict
13. Inter-group conflict
14. Intra-group conflict
15. Multifaceted conflicts
16. mass media
17. Journalists
18. Terrorist activities
19. Reporters
20. standards of ethics
21. Chequebook Journalism
22. "Democratisation"
23. Public opinion
24. Material culture
25. Non-material culture
26. Social Responsibility
27. Authoritarianism

28. Social responsibility
29. Trustworthiness
30. Honesty and integrity
31. Interpersonal conflict
32. Intra-personal
33. Inter-group
34. Intra-group

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5.12 SUMMARY

- **Experience:** This might be a bad thing or a good incident related to race. For a few young people, this practice is often negative when they experience discrimination in a positive way.
- **Conflict:** After an experience that empowers a teenager to confront a racial character, a period of investigation follows, such as Phinney's ban on developing a racial identity. A young adult may look at data about racial identity, and similarly find out about a racial character by interacting with friends of the same race.
- **Job of Media in the Public Arena:** Today, the media has become a part of everyone's life. The media plays an important role in today's society. At the moment, the media has become a food for strengthening or weakening the community.
- **Motivation behind Media:** The motive of the media is to provide data on current affairs, tattles, fashion, and most recent devices to individuals of the commercial center. The job of the media should be one-way trade, exposure and bias. It provides geological information about how people are divided. The media claimed to represent the exemplary nature and importance of the common man to the rich.
- **Accomplished:** After a period of investigation, the young man now has a real sense of reassurance in his sense of racial identity. Racial personality is now becoming an important factor in self-control.
- **Ethnicity:** The term "ethnicity" refers to a region's peoples' collective cultural heritage. Language, tradition, religion, and customs are factors that contribute to ethnicity.
- **Racial identity:** Racial ideology would be similar to a person's fixed belief in a particular race since an ideology is a collection of fixed beliefs that someone possesses.
- **Direct racial discrimination:** When a person purposely goes out of their way to exclude someone or verbally or physically abuse someone precisely because of their race. These actions are normally intentional, thoughtless and intended to get an instant reaction.

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- **Indirect racial discrimination:** When a person or organization introduces a rule, behaviour or culture that discriminates against people based on race.
- **Material culture:** The term "material culture" describes the tangible items, materials, and environments that people utilise to identify their culture.
- **Non-material culture:** The term "non-material culture" describes the abstract concepts that people have in relation to their environment and culture.

5.13 KEY TERMS

- **Media & diversity:** Media diversity is used in a more tangible or empirical meaning. More than only gender, sexual orientation, colour, age, or disabilities are included in diversity as a whole.
- **Indian census report:** According to census reports from the 2011 Indian Census, there are 1,210,854,977 people living in India, 623,724,248 of whom are men and 586,469,174 of whom are women.
- **Racial discrimination:** When someone is treated less equitably than another person in a similar circumstance due to their race, colour, descent, or national or ethnic origin, this is referred to as direct racial discrimination.
- **Culture:** A culture is a system of life of a group of individuals, like actions, philosophies, behaviour, values, and symbols, which they receive, mostly without thinking about them, and that is accepted besides messages and imitation from one group to the following leading group.
- **Social responsibility:** Social responsibility is the obligation that businesses have to do no harm to society. In other words, corporations ought to care about the wellbeing of society and be conscious of how their operations might have an impact on society as a whole.
- **Obscene Journalism:** It means that for example, amateur terrorist observers can use inexpensive digital cameras or webcams to record events and can also disseminate images through unofficial channels, such as the Internet.
- **Chequebook Journalism:** According to Collins dictionary, "Chequebook Journalism is the practice of paying people a large sum of money for information about crimes, or famous people to get material for newspaper articles".
- **Technology journalism:** Technology has always contributed to the process of gathering and producing news. It can be recording an event on videotape, tape a telephone interview or scribbling notes on a page. Journalists are accustomed to obtaining the raw data they need to convey their stories using a range of technical instruments.

5.14 SELF-ASSESSMENT QUESTIONS AND EXERCISES

Short Answer Questions

1. What precautions media has to take while covering war-like situations?
2. What type content a media should include while covering suicide situations?
3. What is the role of media in dealing with conflicts?
4. What are social duties of media?
5. What is media diversity?

Long Answer Questions

1. What is media diversity? Explain.
2. Discuss the media ethical minefields.
3. What are the common issues in media minefields?
4. What is ethnicity? Explain concerning media.
5. Describe the social obligation of the media in giving a fair representation of all the groups that make up society.
6. What is Racism? Explain concerning media.
7. How is journalism evolving with digital media?
8. What is cultural identity? Explain concerning media.
9. What are the types of conflict? Explain.
10. Analyse the role of media in times of conflict and wars.
11. Examine the differences between conflict-resolution and conflict-reduction journalism.
12. Compare and contrast journalism with other forms of pleasure or with serious sources of news and democratic discussions.
13. How should journalists cover hostage situations, suicide attempts, and other incidents where their reporting could make the situation worse or have fatal repercussions?
14. Discuss the guidelines for covering a shooting/ hostage situation.
15. Examine the ethics and chequebook journalism.
16. Describe the new roles of journalism and public opinion.

5.15 REFERENCES

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2. Pankowski, Rafal (2007) How to Understand and Confront Hate Speech.
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2. The Hindu
3. Economic Times
4. The Hindu
5. The Financial Express
6. The Print
7. Outlook India