



MEDIA, LAW AND ETHICS

AMEYA AMBULKAR



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CHAPTER 1

STUDY AND IMPORTANCE OF MEDIA ETHICS

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ABSTRACT:

The media serves as a conduit between the public and the government. It serves as a leader, motivator, or informant for a robust democracy at all levels. Ethics are the internal moral principles, ideas, and beliefs that people use to analyze or interpret situations and then choose how to behave. It is their right to carry out their social obligations, but the media must adhere to ethical standards when gathering and presenting news to the public by assuring objectivity and fairness. What a moral media professional ought to do is what media ethics is all about. The media ethics are moral principles that media professionals must voluntarily uphold in order to maintain and foster public trust, their own credibility, and to avoid betraying the trust and confidence of the public. These principles include reliability, respect, responsibility, fairness, truth, and self-control. The nature of this study is descriptive. The study of media ethics and its significance is the paper's main topic. For this study, secondary data were gathered from books, journals, websites, and research papers. Media ethics are crucial for proper broadcasting, preventing information falsification, and avoiding conflicts of interest. It is crucial to promote equality under the law, truthfulness, accountability, and universal ideals. This chapter deals with the study of appropriate laws and regulations for media ethics should be drafted on a global scale.

KEYWORDS:

Journalism, Media Ethics, New Media, Press Freedom, Social Responsibility.

INTRODUCTION

News, entertainment, education, mail, government, legal, and other types of information are disseminated to people through media, which is a channel of communication networks, broadcasting, and narrowcasting medium. It educates society and raises awareness of the diverse legal, political, social, economic, and educational actions taking place around the globe. The foundation of society is media. The media act as communicators of social values and cultural legacy, enabling the general public to recognize well-designed appropriate systems of conduct. Media, as described by Dan Laughey are technologies that disseminate information to large populations throughout a region, a nation, or the entire planet. News, entertainment, education, mail, government, legal, and other types of information are disseminated to people through media, which is a channel of communication networks, broadcasting, and narrowcasting medium. It educates society and raises awareness of the diverse legal, political, social, economic, and educational actions taking place around the globe [1]–[3].

New Media:

The phrase "New Media" refers to media that utilizes digital technologies and the internet. Traditional media comprises all forms of communication that were in use before to the Internet and new media technology, such as written publications like books, periodicals, and newspapers as well as broadcast media like television, radio, film, and music. [4] All digital forms of communication, such as electronic video games, the Internet, and social media, are considered new media. They can reach a larger audience and are more immediate. In particular, the term "new media" refers to digital media, which encompasses social media platforms like Facebook, Twitter, etc. Internet, computers, mobile devices, and audio and video data.

Internet: The internet has given communication a completely new autonomous measurement. It is widely used for private email communication, document transmission, interactive service facilities for banking, shopping, etc., advertising, and entertainment. Despite this, it is regarded primarily within the common carrier paradigm for regulatory purposes and is not subject to a specific regulatory framework of its own. The digital platform known as social media is utilized for online social interaction. Wikis, blogs, social networking sites, and video-sharing websites are examples of social media. Anyone can contribute ideas online. The benefits of social media include the quick dissemination of news, the wide range of perspectives on a single event, and the capacity to engage with individuals around the world.

Additionally, there are online communities. The benefit of new media is that it is instantaneous, enabling users to instantly get the most recent news, weather report, or stock prices. The main traits of this new media are: Convergence: A single device can be used to interact with a wide variety of media. More interaction is made possible by new media. Free media is new media that is accessible. Various New Media Examples Websites and blogs, audio and video streaming, chat rooms, email, online communities, social media platforms, mobile apps, and web advertising are just a few examples [5]. Social media, according to Andreas Kaplan and Michael Haenlein, is a group of Internet-based assertions that draw upon Web 2.0's philosophical and technological underpinnings and enable the creation and discussion of user-generated material. A digital media technique is an electronic media in which data is disseminated and stored digitally.

Principle of Ethics:

Ethics are the internal moral principles, ideas, and beliefs that people use to analyze or interpret situations and then choose how to behave. Ethics is a system of moral ideas by which individual actions and proposals may be mediated as right or bad, according to the Macquarie Dictionary of Australian English. According to Jay-Black and Chris Robert's book "Doing Ethics in Media," the word "Ethos" from Greek, which signifies character or what it means to have excellent character, is one of several words that have roots in ethics.

The news is crucial to the media. Information ethics is the area of ethics that focuses on the relationship between the creation, organizing, broadcasting, and use of information and the moral norms and ethical principles guiding human behaviour in society. News, data, and material are also referred to as information ethics. It provides a crucial framework for debating moral issues including news privacy, moral agency, contemporary environmental concerns, and issues related to the information life-cycle.

DISCUSSION

Deontological and teleological ethics are two categories of ethics, according to Sir David Ross. This is concerned with how the action will turn out. If an action yields positive outcomes, it is deemed to be good. They are motivated by the desire to help as many individuals as possible.

The three pillars of the Consequential Ethics are utilitarianism, egoism, and pragmatism.

- i. According to utilitarianism, moral behavior should provide the most quantity of uprightness for the largest number of people. According to ethical utilitarians, individuals ought to act in everyone's best interests. Their primary concern is the welfare of the group as a whole, not just their own personal interests. On the surface, this would seem fine. But, there may be an issue with how to appropriately value the factor that determines the highest number [6].
- ii. Egoism is the act of being selfish the ethical egoists hold that each person should pursue their own interests. The universal egoists and the personal egoists are two subgroups of ethical egoists. According to the universal egoists, everyone should behave in their own best interests. The personal egoists hold that each person should be able to express his or her own preferences.

Pragmatism: Tools for doing any kind of task. Its nature is quantitative. The third subgroup of the teleological school is ethical pragmatism. It maintains that doing what actually works in daily life is the best course of action.

Deontological or unimportant:

The term "deontological ethics" was created by British moral philosopher Jeremy Bentham (1748–1832). "Deon" is thought to mean "must" in Greek. Deontological ethics sees morality as fulfilling one's obligations. The guiding concepts of non-contextual ethics are derived from the law, rules and regulations, moral law, and responsibility [1]. According to non-consequential ethics, morality is determined by a higher power, a sense of obligation, the nature of the item, love, and the benefit involved, the proper course of action, or observation. Principles are derived before an action is taken. The Divine Command, Kant's Duty Ethics, Natural Law Theory, irrationalism, and Intuitionism are all part of the Consequential Ethics.

Divine Order: According to this belief, everything that God says is correct since He is unchangeable and infinitely good. In contrast, whatever that God bans is wicked. Those who believe in God are fine with this kind of thinking. Not to the disbelieving people. The question of whether anything is right or wrong simply because it is God's mandate, or whether God only commands or forbids something because it is already right or wrong, is one that the unbelievers pose since they find this to be a very subjective way of thinking.

Immanuel Kant (1724–1804), a proponent of deontological ethics, developed the obligation ethics, which bears his name. Kant said that a good man is one who consistently does what is right, and that what is right is what is carried out of a sense of obligation. In other words, moral duty requires people to act with a feeling of accountability. And rather than being based on experience, this devotion is rational. A moral principle will therefore not be dependent on empirical evidence and will be applicable to everyone. Kant refers to this as the Categorical Imperative.

According to Kant, a moral action is desirable because it is carried out of a sense of obligation to the moral law rather than because it creates results.

Natural Law Theory: The principles of reason are the foundation of the natural law ethical theory. Its supporters are not required to believe in God, but both believers and atheists can agree on an ethical compromise based on reason. The majority of significant national and international documents from the 20th century, including the United Nations charter, are said to be based on natural law ethical theory.

Intuitionism: Intuition is an instinctive sense of right and wrong, as well as an impulse, gut feeling, and hunch. From person to person, intuition differs. It makes the supposition that every person makes decisions on their own.

Virtue refers to a person's personality or character. Achieving charismatic temperaments that show a person to be good is related to virtue ethics. The Golden Mean was advocated by Aristotle. Self-control is important in life as much as in media and ethics, he muttered. Too many or too few emotions and actions are a worry of the ethical virtue.

There are many different ethical perspectives: A part of the non-Normative approach is the descriptive approach and meta-ethics. The term "non-normalative approach" refers to the process of checking principles without the pressure of drawing conclusions. A key component of the metaethical method is having the proper perspective and conclusions. Making moral judgments about what is right or wrong is part of the normative approach. As it examines how one should behave, normative ethics is also known as prescriptive science.

Applying ethical theory to real-world situations is referred to as applied ethics. It is about producing significant results under particular circumstances. Applied ethics is made up of the fields of bioethics, human

ethics, legal ethics, and corporate ethics. The Descriptive Ethical Approach describes societal values, ideas, and culture. It also goes by the name of comparative ethics. It has to do with what people believe about society, culture, ethics, and their own values.

Absolute Ethics & Relative Ethics: The former directs personal conduct by offering a code of conduct to participate appropriately in society, copyright 2020. The deductive approach relates to the independent acquisition of information and knowledge using just rational thought. The inductive technique refers to learning via experience.

Methods of ethics:

The Descriptive Approach and Meta-ethics are two components of the Non-Normative Approach:

The Non-Normative approach examines the fundamentals without worrying about passing judgment. The concepts and vocabulary used in ethical thinking and decision-making are the main emphasis of the metaethical approach. It defines the meanings of various ethical words.

Making moral judgments about what is right or wrong is part of the normative approach. As it examines how one should behave, normative ethics is also known as prescriptive science. The topic of applied ethics is how truthful outcomes can be obtained under particular circumstances. It makes an effort to adapt the ethical theory to actual circumstances. It covers commercial ethics, legal ethics, human ethics, and bioethics.

The Descriptive Ethics: Approach related to individual and group beliefs, values, and attitudes. The media gathers data and looks for morally righteous and immoral behavior.

Absolute Ethics & Relative Ethics: An ideal rule of conduct that represents how a fully transformed human being might act in a fully developed community.

Deductive Method: The media gathers data and draws conclusions on a particular subject based on logical reasoning. Deductive reasoning starts with a universal fact and leads to the understanding of a specific object.

The process of going from detailed explanations to more generalizations and hypotheses is known as the inductive method. Using this technique, the media gather data and make inferences based on their observations. The separation of real-world activities and their moral implications for public, private, and professional life, health, law, technology, and leadership that deals with morality and media standards is known as media ethics [7].

It also goes by the name of journalism ethics. By placing a strong emphasis on the value of the other person, ethical communication encourages individuals to reach their greatest potential. In order to have a great communication exchange, both sides must be dependable, valued, and appreciated. It is impossible to envisage a life without laws, morals, and ethics [8]. Everyone, including individuals, businesses, society, journalists, and the media, is subject to the laws and ethical standards. The media's influence and deceitful inspiration are well known. Information is being provided and disseminated by media outlets and journalists

Author addressed media ethics in photography in her article, that the development of photographic techniques enabled media, through newspapers and magazines, to present images that reflected a better image of authenticity. According to Reaves, new photographic computer technology enables editors to alter the content of photographic photos, including colors and the addition or removal of objects and persons. An edited image can also be used to create the negatives as evidence that the shot is authentic. This raises the moral dilemma of how far photo editors should be allowed to manipulate an image while still presenting it to readers as real.

The foundation of journalistic codes of ethics is the idea that news organizations exist to give people the knowledge they need to live free and democratic lives. Journalists and media reporters have an ethical

obligation to enlighten the public by meeting their needs. A fair and truthful presentation of contemporary events should be made to society, with new stories being collected and presented according to their complexity. Present a variety of viewpoints and keep an eye on companies and the government. A responsible media report must: Ensure accuracy (even if it results in delays); the truth is reported, remains devoted to the public by prioritizing the common good, the proper observation and disagreement over the information gathered should be reported by the media. Information should be gathered by the media in an objective and fair manner. According to Stephen J.A. Ward, digital media ethics deals with the various moral problems and laws that apply to digital news media. Online journalism, blogging, digital photojournalism, citizen journalism, and social media are all components of it [9].

The primary tenets of media writing in India are accuracy, neutrality, objectivity, truth, correctness, and civic responsibility. The "code of ethics" is sometimes overlooked by news organizations, reporters, and broadcasters when gathering important information and subsequently disseminating it to the public. This may be due to a number of factors, including the arousal of sensationalism, rising readership and viewership, owner pressure, coercion from influential and useful news sources, and the selective dissemination and retention of news items by media themselves due to one or more of the aforementioned factors.

A journalist must conceal his or her identity if, for instance, public corruption can only be probed undercover and the journalist's first principle is to retain honesty in both inquiry and reporting. Is this behavior not against ethical standards? There are numerous more crucial circumstances in which a journalist must make a decision based on ethics [10]. The benefit of providing such a basis is that it might shed light on some of the other concerns brought up, such as where to draw the line. A code of conduct may not necessarily need a reasoned basis in ethical theory.

At some real-world instances of media ethical violations:

a. The slaying of Aarushi Talwar:

'No harm or minimize harm' is one of the tenets of the press code of ethics. This involves keeping certain pertinent information from the public, such as the name of a young kid, the location of a crime, or the identity of the victims, as revealing such information could endanger someone's reputation or life or impair government operations. Aarushi Talwar, a teenage girl, and a housekeeper were killed in 2008 in an upscale neighborhood of Delhi.

Due to the murder of two people, there has been extensive media analysis with arguments, opinions, and assessments of responsibility and virtue made without the correct coordination and approval of appropriate authorities. The Supreme Court intervened on behalf of the investigative agency (the CBI) in response to the media's relentless lobbying and issued a restraining order prohibiting any scandalous or sensational reporting on the case. Press outlets felt compelled to sensationalize the news in order to keep it in the public eye on television, the internet, and other media. The terms "in the public interest" and "interest to the public" are clearly distinguished by ethical principles and legal requirements. The news stories that fall under the second category should be carefully chosen and presented so as not to invade subjects' privacy or damage their reputation [11].

b. The 26/11 rescue mission was the subject of dramatic live broadcast arranged by the news channels:

But this might be attributed to the nature of print media, which had time to confirm and present the correct information as opposed to television, which needed to produce its broadcasts quickly and had to continually focus on breaking news by being first. According to a study, there was substantial hostility to the way the electronic media sensationalized the attacks, and it was considered that media content should be regulated in times of crisis. Although the Indian government opted to protect press freedom and refrain from taking any

regulatory action, the News Broadcasters' Association (NBA) of India created a rule that should be followed in an emergency. This illustration unequivocally demonstrates media ethics being broken. There is no doubt that the television had a more dominant presence and that the images broadcast by the TV cameras were posted by the social networking sites [12]. The television channels may argue that the live feeds were accessible in the social networking sites and the internet, but there is no doubt that the television was a more prominent presence. The popularity of the transmission and the financing of advertisements weakened ethical values. Making a quantitative analysis of the national channels' ad income during the live transmission would make for a fascinating study.

CONCLUSION

By presenting the ugliest facts and harsh realities of life, the media acts as a mirror. It is admirable how the media shape's public opinion, organizes public discourse, and holds the government accountable to the people. It serves as a conduit for communication between people and groups. The reputation of the state and the interests of its citizens are respected by all media. The media must constantly provide other authorities, groups, companies, organizations, or citizens with accurate and sufficient information. The primary usefulness of the media is in understanding fundamental social norms of right and wrong for the context of employment in the civil service. The media's job is perfectly logical given that it upholds media ethics, operates within the bounds of law, morals, and beliefs, and is tasked with producing results that strike a balance between utility, rights, justice, and self-interest. The current difficulties in the media that create ethical questions include the emphasis on large profit margins, sensationalism, a high level of inaccuracy in providing information to the public, mistakes left unaddressed, and insufficient coverage of significant subjects. The right method to fulfill obligations is more difficult, but if media professionals are serious about preserving the integrity of their industry, they must be prepared to take on this challenge. Without regard to economic or cultural distinctions, a universal code of ethics should be upheld in all media traditions.

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CHAPTER 2

MEDIA AND ETHICS: A NEVER ENDING DEBATE

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ABSTRACT:

With significant technology help and more readers, mass journalism started. However, the extraordinary battle for readers' attention gave rise to the yellow journalism period. Pictures have been blown up, screamed oversized headlines. The columns were full with false news. Campaigning became the norm. After World War I, life in America changed quickly, with quicker trains, faster cars, and airplanes bringing distant people closer together. Newspapers also grew in popularity and circulation, and sensationalism remained a mainstay of news columns. This circumstance offered a stage for tabloid to appear. The main subject matter of the tabloids, which were smaller in size, heavily illustrated with photographs and colors, and wrote more about sex and violence, was anything pertaining to the private lives of prominent celebrities or occasionally any sensational private lives. Additionally, during this time period, periodicals for a variety of readers emerged. These magazines had inexpensive prices, broad appeal, and in-depth analyses of current events for leisure reading.

KEYWORDS:

Bogus News, Fake News, Media Ethics, Media Practice, Paid News.

INTRODUCTION

The newspapers adapted to the shifting circumstances and difficulties as the independent United States of America advanced through industrialization. Newspapers influenced public opinion and the direction of the great crusade in politics and literature. Hearst attacked criminal trusts like the ice trust, the coal trust, and the gas trust in order to gain the support of and popularity among the working class. In contrast, Pulitzer attacked every political party and projected only those ideas that were in tune with liberty and democracy. As McRae and George Scripps formed a partnership in 1889 and included Scripps in 1895, the Detroit News, which Scripps had originally begun as a modest commercial enterprise, eventually became the Scripps McRae League of Newspapers [1]. They have selected industrialized areas, researched the potential of newspapers, and selected energetic business administrators and young, ambitious editors. The formula for the chain of newspapers' expansion was proven to be effective. The Scripps introduced the concept of economy without wasting space on enormous headlines and enlarged photos, and offered plenty of room for more news, information, editorial commentary, and other crucial features.

Paid News: A New Unethical Media Practice:

The fundamental rule of journalism is that "facts are sacred and comment is free." Reinterpreted to mean that "news is sacred and views are free." But now, "false news is for a price and the views are free," is the new reality. Regardless of a newspaper's well-known leniency towards a political party, regional media in Andhra Pradesh engaged in the most unethical "news selling" activity for the exchange of unaccounted money from running candidates, with no receipt. It wasn't even marketing news; it was misleading voters in order to get their support. In doing so, they were breaking the rules set down in the Indian Penal Code, Income Tax Act, and Representation of People Act, 1951, according to the Journalists organizations, which blasted this as a flagrant abuse of freedom of speech and expression to pass off advertising as journalism.

Selling news columns by newspapers and TV channels, particularly some Telugu News Dailies, violates all ethical standards such as the requirement that "an advertisement shall be distinguished from the news item, or news program, and be accompanied by the indication that it is an advertisement and the amount charged by media" [2]. The freedom of speech and expression is a fundamental right guaranteed by the constitution for the media, both print and electronic. Here, it is important to emphasize that media professionals are not the only ones who can enjoy this freedom. This means that the freedom of the press must serve the interests of the public's right of speech, which is where the political process starts.

The adult franchise granted to all Indians who have reached the age of 18 should only be realized via education and the facilitation of the exercise of such right. This right is fundamental in establishing a people's government that upholds the law. It is the duty of the state apparatus to guarantee a free environment for voting in general elections. To exert undue influence, make false statements, or obstruct someone else's free exercise of their right to vote is an electoral corruption practice and an offense with mandated criminal penalties. The media, which is regarded as the fourth estate, is required to provide fair and unbiased news that inform and enlighten the public so that they can choose their own government.

The more important and widespread regional Telugu Media sold the news space as advertising rather than carrying out that function in an impartial and objective way. The media's commitment to objectivity and impartiality has been eroding over time. When the State attempted to impose restrictions on the contents of newspapers and limit the space allowed to advertisements by stating that at least 60% should be of news, the Supreme Court of India struck down the laws and executive directives of the government [3]. It was viewed as a violation of the Constitution's provision of press freedom when the government interfered with newspapers' autonomy in deciding how to fill their pages.

In general, newspapers or news outlets are in charge of deciding the contents, which may include the following

1. **News Articles:** News articles include reports on current affairs, including campaigns.
2. **Comments:** This area includes editorials, essays, press conferences, comments, and columns by renowned authors.
3. **Advertisements:** In reality, advertisements are the sale of newspaper advertising space for the commercial promotion of various businesses' goods and services.

The narrow line that was beginning to blur between news and advertising up until yesterday has completely disappeared today. News is supposed to be considered factual reporting of events, therefore generally speaking, the newspaper would not be responsible for the veracity of the advertisement's contents unless they contained offensive or defamatory language.

Newspapers cannot function without advertisements, therefore it is quite acceptable to use a portion of their pages for commercial purposes. It is not unethical for political parties to buy advertising space and use it to promote their merits and solicit votes from the public. To market their goods, some inventive advertisers mould the copy of their advertisements like news articles. It combines with the news page's content, making it difficult for visitors to tell the difference between the news and the advertisements. It is expected that the newspapers or news networks will identify a certain article as an advertisement.

These "paid articles" come with extra topping because they scream the candidate's praises and present him or her as the only victor. While the amount collected in certain situations is the same as the advertisement tariff computed per centimeter of the column, there is also a package deal where a lump sum is collected for ongoing advertising in news columns or space for a specific period of time during a campaign. Political leaders and campaign managers believed direct advertisements were superior. Even though we don't want to

spend money right now, we must. In the event that we don't cooperate, newspapers can turn to unfavorable publicity.

In the past, only employees of district-based publications engaged in the unethical practice of accepting payment for printing favorable stories about candidates' prospects. Deal was struck between a single journalist and the candidate. This time, however, the management made the decision that they, too, wanted a piece of the action. As a result, every Telugu daily newspaper formalized this shady revenue-generating and reader-deceiving scheme. The price was set at the same level as the newspaper's per-column centimeter advertising charge. Similar strategies were used by the electronic media to promote candidates through paid publicity on their news channels, news shows, and live coverage.

Many people, including members of Parliament, have voiced their disapproval and called for action to stop this unethical practice of receiving payment for writing positive news reports. The Press Council of India has condemned this practice and, in an August 2010 report to the Indian government, recommended steps to stop it.

Fake News

Fake news is a new unethical behavior that is taking over social media. Fake news is information that has been purposefully manufactured to mislead or deceive readers. These tales are typically produced to sway public opinion, forward a political objective, or create confusion, and they can frequently bring in money for web publishers [4]. By imitating reliable websites or using names and web addresses that are similar to those of respected news organizations, fake news pieces might fool readers. Three components make up fake news, in the words of Martina Chapman (a media literacy expert): "Mistrust, misinformation, and manipulation." This is more scandalous communication than paid news, yellow journalism, or any other.

Other names for fake news include created news and neologisms. In social media or on websites designed to disseminate false information, fake news presents itself as legitimate news. Fake news is information that is portrayed as factually correct but has no basis in reality. It is fake news, trash news, or a new form of propaganda journalism [5]. It is purposeful misinformation or hoaxes that are disseminated through print, broadcast, and online social media. The journalists spread bogus information and pay sources for reports. It represents a novel approach to check-book journalism. The internet's platform, which is considered new media, is frequently exploited to disseminate false information or "yellow journalism." Although false, such news spreads widely through websites or social media platforms and enters the mainstream media as well. According to the study, "Alternative facts and fake news are entering the journalistic content production cycle," the way information is processed into journalistic content in today's news media "creates a favorable environment for the dissemination of false and misleading information."

DISCUSSION

Anyone may publish any anything on a website, blog, or social media profile and potentially reach sizable audiences in a matter of seconds thanks to the technology of the internet and the always expanding influence of social media. Social media platforms also post audio recordings and clips from newspapers and TV channels. In other words, the reader or viewer accesses all TV stations, newspapers, and radios via social media, along with his or her own opinions and comments. Numerous content producers/publishers are being appointed by the parties and businesses to use these technological platforms to advance their objectives.

Thus, fake news developed into a lucrative industry that brings in large sums of money for political parties, as well as advertising revenue for the producers of tales that go viral. More YouTube subscribers imply better ad revenue, and more readers clicking on a piece means more money for web publishers from advertising [6]. On this excellent communication platform, sharing the content is simple for others as well. Political

parties are setting up millions of Whats App groups, Facebook accounts, pages, Twitter users, and other groups to spread false information and prejudicial viewpoints in an effort to mislead voters, divert their attention from what is actually going on, and persuade them to accept false information as gospel truth.

Fake News and the Filter Bubble:

Hugh Linehan stated in a recent piece on media literacy that hundreds of millions of individuals now actively make, share, like, comment on, criticize, and defend media in a variety of ways. And the most influential internet businesses, including Google and Facebook in particular, utilize sophisticated algorithms to customize and adjust their services to the unique needs of each user.

Another phrase, "filter bubble," was coined. When a netizen logs in to a social network or goes online, they are typically shown news, articles, and content based on their own online searches. This kind of content tends to mirror the preferences, worldviews, and religious convictions of internet users, isolating them from other points of view. A filter bubble is what we are doing right now.

How can bogus news be identified?

Major social media sites like Google and Facebook started taking action against fake news by introducing tools for reporting and flagging it. A number of media organizations, including the BBC, Channel 4, India Today, and others, have launched fact-checking websites. The populace should develop into active online users with a wealth of knowledge and abilities in digital media so they can analyze the information coming in from diverse web sources critically and determine whether it is true or false [7]. Without doing their due diligence and conducting fact-checking, young viewers should not believe the material they find on their smartphones or are forwarded by others. The best method to guard against fake news is to properly investigate the source, question the information, look over the supporting documentation, check the veracity, rule out phony photos, and determine whether it makes sense.

Fake News Illustration:

Here is the most recent instance of "fake news" and how fact-checking revealed the "facts."

On June 25, 2019, Mahua Moitra, a newly elected Bengali MP, presented her first statement in the House of Representatives, outlining the "signs of early fascism" in India. She used seven of the "early warning signs of fascism" listed in a billboard at the US Holocaust Memorial to illustrate her thesis. With this ferocious outburst, she has gained instant notoriety. The news reported the birth of a new celebrity. Social media users shared her speech widely. She was harshly criticizing the ruling coalition, and some media outlets were cheering her. Then immediately a few powerful interests intervened and fabricated defamatory news pieces accusing her of plagiarizing. Then, boomlive.com looked into and discovered that Moitra had appropriately given credits for the ideas she claimed to have plagiarized for her speech from a sign at the US Holocaust Memorial and that the accusations of plagiarism were baseless. According to the website, Martin Longman, the author of the Washington Monthly article that Moitra was accused of copying, corroborated this and refuted claims that Moitra had utilized any of his writing in her speech.

Citizen Reporters & Social Media Issues:

Citizens are now becoming journalists thanks to information and communication technology. Internet users have the ability to converse and produce their own material. The concept of citizen journalism gives viewers, readers, and listeners individuals who are not affiliated with any professional media organizations but who yet consume journalism on a regular basis a platform and the ability to create and distribute their own news material. Like a professional journalist would, the Citizens gather, report, evaluate, and spread news and

information. This also goes by the name of user-generated content. Amateur journalists can be made from the populace.

They can report on assembly meetings, editorials, or any other event they find on Facebook, a blog, or a website. They can even podcast editorials. The majority of Facebook and WhatsApp videos that have gone viral were created by citizen journalists. They can function as journalists by creating news items, articles, videos, audio, texts, or pictures, and then disseminating them via social media. The citizen journalist is free to report on issues or events even if the mainstream media chooses to ignore them. Many times, dramatic news stories from social media, where citizen reporters produced incredibly helpful content, were picked up by mainstream media.

The hegemony of professional reporters, newspapers, or television networks over news reporting has ended. Anyone may produce or submit reports. Thus, the rise of citizen journalism contributed to a revolution that turned news gathering into a truly democratic process. However, it would be incorrect to assert that citizen journalism poses a danger to traditional or professional journalism. However, the written word and visual proof are more credible than a social network post [8].

Social media's technological platform made it possible to revolutionize the news. Citizens, not reporters, are the ones who broke the news or provided eyewitness tales, eyewitness recordings, or firsthand information using contemporary technology. Citizen, journalists and people who contributed to today's video report on June 30, 2019, are also amateur videographers. Even news organizations are now obligated to publish breaking news on social media before it makes national headlines. The look, feel, and velocity of news have all altered. Otherwise, citizens turned into legitimate, unpaid sources for the news media.

Authors and publishers:

Thanks to ICT, poets and writers of short stories no longer have to wait for an editor's approval before their work is published or anticipate receiving their compositions via "return post." Without the need for follow-up posts, the writer can post [9]. On social media, he can release his own book, and online payments can be used to recoup sales money. Author-publishers were developed via social media.

Citizen participation:

As a result, there was more room and opportunity for the private media to express the voice of the people. In earlier decades, there was no place for a citizen in the media other than Letters to the Editor in daily newspapers or submitting letters to Akashvani or Doordarshan requesting a song or a drama. People seized their opportunity to be the first on-scene for breaking news by using their 24/7 access to technology, which allowed them to publish these reports more swiftly than traditional media reporters. The primary disadvantage of citizen journalism is that the report is an immediate account of an occurrence without previous investigation, background information, or verification as would be anticipated of a professional journalist. If not backed up with video evidence of the incident guaranteeing complete lack of morphing or mimicking, it will compromise the report's credibility. Modern citizen journalism is a letter to the editor for the twenty-first century. Due to cost constraints, the citizen journalist or reporter might not be able to print and distribute a story, but he can quickly make a PDF, blog post, podcast, or video that will quickly become viral. An account holder's Facebook wall might represent his daily newspaper or another publication with independent posting frequency. Daily, weekly, or hourly reporting options are available. The journalists who left their jobs or retired were given the opportunity to start their own media outlet, such as a blog or a YouTube channel. In fact, with more subscriptions, some people are now earning more each month from advertising. If the media so chooses, it can work with readers to produce ethical journalism with the aid of the public [10]. While the ministers and officers occasionally reply to the issues mentioned on WhatsApp or Facebook, the media fabricates tales based on remarks made on those platforms.

CONCLUSION

To summarize, in their private areas, such as in street banter, bar remarks, or café conversations, residents are allowed to express themselves whatever they like. Nevertheless, they must exercise caution because the neighborhood may become violent. Netizens hold a different position. A major benefit of a netizen's anonymity is that it grants him more freedom, yet that freedom also brings irresponsibility. Some Facebook profiles or pages post pornographic material and slut content. Certain Facebook remarks and images are an insult to humanity, appearing to be beneath human dignity and culture. Some statements have the potential to spark violence across the country because they are so violent. Some people spew hate, incite animosity, and criticize the castes, classes, and faiths for dividing people and destroying society's social fabric. However, the technology permits the disclosure of "location," shattering the veil of non-visibility and revealing identification, which may result in detention and prosecution.

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CHAPTER 3

MEDIA AND SELF-REGULATION: AN ETHICAL DEBATE

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ABSTRACT:

Media ethics and their demand for investigative reporting always collide. A significant subject that is frequently discussed anytime an issue of ethical breach arises is how the media should go about exposing the irregularities and corruption in society or in showing the negative aspect of the state. Ethics by themselves are unenforceable. However, it is expected of media professionals to appreciate and uphold ethical standards in order to uphold professional standards and serve the goals of journalism. Morality is not the only foundation for ethics. There are also concerns about legal rights in it. Therefore, understanding the ethical and legal implications of journalism as a profession and institution is crucial. The fundamental goal of journalism has been constant over time: to reflect society, no matter how repulsive what is seen. Instead of focusing on happenings and events, investigative reporting examines problems and situations. The chapter deals with the relationship between media, ethics and self-regulation.

KEYWORDS:

Editor's Guild, Media Ethics, Press Councils, Self-Regulation, Unlawful Trapping.

INTRODUCTION

Thomas Griffith summed up the task of a journalist in one simple phrase: "Discovery is his job." Investigative reporting always needs the assistance of covert techniques and pesky operations. The scandals cannot be exposed without invading the territories of the wrongdoers and covertly obtaining the documents or crucial information. Any media outlet needs to include scam hunting as a key component of investigative reporting in order to build its reputation and viewership. The Monica Lewinsky and Bill Clinton scandal, which Matt Drudge of the Drudge dot com website exposed, has called into question the morals of the nation's first citizen. Reporters Woodward and Bernstein from the Washington Post disclosed the covert Nixon-ordered recordings of opposition political officials in the Watergate hotel, hastening the end of the President's second term [1]. Another significant turning point in the history of press freedom occurred when Daniel Ellsberg gave New York Times writer Neil Sheehan access to the Pentagon papers documents. Using the government's own top-secret documents, two newspapers questioned the Vietnam War's beginnings.

The Abrams M-1 tank debacle was first reported by two reporters for the Chicago Sun Times; this tank was unable to enter the majority of combat conditions without a supporting bulldozer to dig it in and out of protective ground cover. George Wilson revealed a \$750 billion discrepancy between the Reagan rearmament program's cost and the amount the administration has thus far asked Congress for. In yet another coup, Woodward exposed the Reagan administration's covert disinformation campaign, which was intended to topple Muammar el-Qaddafi's government but was instead misleading the American people and its allies. Another exposé by Anirudh Behar and Mathew Samuel, the Tehelka West End operation may stand with previous historic exposés from throughout the globe.

Indian historical examples also exist. Investigative reporting revealed unpleasant truths about the Bhagalpur blinding in the Indian Express, the Bofors scandal in the Hindu, the commercial exploitation of Prime Minister Indira Gandhi's name by a Chief Minister A.R. Anthuley (Indira Gandhi Pratishthan), favoritism in the distribution of government housing and gas station licenses, and other things. [2] These are all undesirable aspects of our actual civilization. Recent revelation adds another dimension. The same rumors about relatives

abusing their extra constitutional rights, the same narrative about commissions on government contracts, and the same story about power brokers in high power centers all recur. People and parties are different this time.

With establishment-supplied giveaways, such revelations cannot take place. None of these significant disclosures would have happened without insiders who were ready to risk losing their positions in order to expose such foolishness, without leakers of crucial information, or without journalists who stole government records. Theft of documents or pressuring employees to divulge information may be seen as immoral behavior, an unethical practice, or even an illegal conduct [3].

These investigative journalism revelations also brought up more moral concerns. As the editor of Indian Express in 1981, Arun Shourie secretly taped R. Gundurao, the then-chief minister of Karnataka, conversing casually over lunch. Arun Shourie said that he was asked to lunch knowing full well that he was the editor of a daily newspaper, so there was no need to keep the entire conversation "off the record" because he would be reporting on it. H. R. Bharadwaj was a former Union Minister for Law who was interviewed by Prithvi Nandi in 1993. Nandi did not inform Bharadwaj that he had continued to record the interview after the formal portion had ended. His casual and open conversation revealed the unethical relationships that alleged Stock-Scam perpetrator Harshad Mehta had with a number of Union ministers as well as his involvement in arranging additional favors for lawmakers and ministers. After a week, he was had to defend his position in front of the legislature. [4] If I have given a statement that was improperly distributed, if something behind the scenes has been used, it is blackmail, plain and simple, he questioned the journalists. If you invited me home first and then robbed me, what would you call it?

Can journalists resort to electronic deception and dishonesty in search of the big story? If permission is requested to record the conversation, it is a truth that a union minister will never admit that some of his colleagues have accepted bribes from security scammers. We frequently witness the leader of a ruling party accepting bribes on our TV screens. The givers were journalists for a website dressed as armaments dealers and producers. The appallingly low moral standards of the Indian Establishment were then demonstrated by transcripts of public workers, such as the current army generals, actually selling themselves for paltry sums of money. A proud time for Indian investigative journalism, as well. It is an illustration of sharp and serious journalism. These episodes and the Tehelka exposé of entrenched corruption in the defense sector sparked discussion on the culture of bribery in politically and strategically sensitive industries, as well as the moral and legal boundaries of investigative journalism. Privacy, individual rights, and defending government secrecy are in opposition with the public's goal in eradicating corruption, which is threatening the system's and democracy's very foundations [5].

Without knowledge of government policies, citizens cannot influence or alter them. The official account of events could not be imposed, according to multiple rulings by US courts. Citizens, not authorities, whether permanently appointed or elected, make the decisions. The press was supposed to work for the governed, not the rulers. It was shielded so that it could reveal government secrets and educate the populace. Governmental dishonesty can only be successfully exposed by a free and unrestricted press. The New York Times once argued that debates over public issues should be vigorous, unrestrained, and wide-open.

DISCUSSION

Every person has the right to privacy as part of their general right to live in dignity without interference from any other person's exercise of any basic freedom. If there are no legal repercussions for any unjustified violations of his right to privacy, then there is no point to individual rights at all. The topic of the controlling journalists' and broadcasters' invasions of privacy is currently under discussion. There are arguments that asserting privacy protections will impede media freedom of speech and that privacy is insufficiently defined. These assertions might not be valid. As the general law in Great Britain does not recognize a right to privacy,

there is a larger debate with reasons for creating a general remedy that might be used by all citizens against each other's breaches of private. [6] Except for certain key Supreme Court rulings that interpreted the right to privacy to include the right to life under Article 21, this is the situation in India.

Code of Practice for Media in the UK: The Press Complaints Commission of the UK developed a Code of Practice in 1997, which includes Sections 4 and 5 on media use of covert recording devices and Section 7 on preventing misrepresentation. Section 4 of the code deals with privacy.

Privacy: Section 4: Publication can only be justified when it serves the public interest to allow intrusions and inquiries into a person's private life without that person's consent, including the use of long lenses to take pictures of people on private property.

Listening Devices: According to Section 5 of the Code, journalists should not gather or publish information gained by employing covert listening devices or by intercepting private telephone calls unless doing so is justified by the public interest.

Section 7: (i) Journalists should generally avoid obtaining or attempting to gain information or images through misrepresentation or deception.

(ii) Documents and photos should only be removed with the express permission of the owner, unless doing so is in the public interest.

(iii) Only when it is in the public interest and when there are no other ways to collect the information, can subterfuge be justified.

As many as five different codes of practice provide guidance on safeguarding privacy interests. The Press is subject to the aforementioned Press Complaints Commission's code of conduct. Prior to that, the 1976 Press Council Declaration of Principles of Privacy served as the standard. That is, when "the circumstances relating to the private life of an individual occupying a public position may be likely to affect the performance of his duties or public confidence in him or his office," and not just when there is a "prurient or morbid curiosity," is when publication or inquiries that infringe on a claim to privacy can be justified [7]. When it was the only logical, workable technique of gathering information in the public interest, deception, covert monitoring, or inflicting suffering or humiliation could be justified. The Press Council in the UK was never able to properly enforce the Declaration since it is up to the press to determine what would impact public duties and perhaps what were fairly reasonable procedures.

Ethics in broadcasting:

Even Broadcasting Code agrees that privacy invasion is justified by the public interest. According to the law, a violation of privacy must be justified by a compelling public interest in the information's publication. For example, exposing deceptive claims made by people or organizations, safeguarding the public's health or safety, or exposing egregious ineptitude in public service would all fall under this heading. Additionally, the methods used to gather the information must be appropriate for the subject of the inquiry.

Individuals' right to privacy

The European Convention on Human Rights provided a definition of privacy and made a case for its defense. It states:

1. Everyone has the right to respect for their home, communications, and private and family lives.
2. There shall be no interference with the exercise of this right by a public authority, except as authorized by law and required in a democratic society to protect the interests of national security, public safety,

the welfare of the nation, to prevent disorder or crime, to protect health or morals, or to protect the rights and freedoms of others.

Consent: It is generally agreed that no words or photographs should be published or broadcast without the author's permission, provided the content is sufficiently in the public domain and not related to the author's private life. According to the BBC, the use of covert recording should only be taken into account when it is relevant to the credibility and authenticity of the story. This is done to assure objectivity toward the subject and the protection of his or her privacy. Even while under normal circumstances recording in a public area shouldn't be kept secret, it occasionally can be in order to further an overriding public interest.

When compared to personal interests in secrecy and privacy, news values, values of information and its flow, and public interest are preferred interests. Of course, there is a difference between public interest and interest to the public. Some leaders believe corruption to be a universal occurrence, while others believe it to be an individual matter. However, corruption continues to be a covert matter, and no corrupt officer has given permission to record conversations in which a bribe is offered and accepted.

Offer of Bribe and Unlawful Trapping:

The employment of spies, agents, provocateurs, and trap witnesses is in conformity with the highest traditions of justice, according to Justice Ramaswamy in *In re Ambujam Ammal*. Our historical literature is rife with references to the deployment of such agents, including Hindu and Muslim state craft. In *Ramakrishna v. State of Delhi*, the Supreme Court defended the use of traps by arguing that if intended criminals did not provide opportunities for the presentation of their tendencies and behaviors, it would be impossible to identify the crime, particularly in situations of corruption. However, crimes would not warrant light or insignificant punishments. The Supreme Court said, "Such traps would, however, be severely condemned if the police authorities themselves supply the money to be given as a bribe [8]."

Self-regulation against legal regulation:

Since there is no absolute right to freedom of speech or expression, the government will always have some control over how the media operates. Article 19(1) (a) of the Constitution states that only citizens are granted this privilege. There are no constitutional protections available for non-citizens who are prosecuting media activities in India. The department of external affairs and other state agencies have significantly more authority over foreign-sponsored media operations than domestically owned print media, which is owned by private persons and subject to all types of legal regulation. The situation with electronic media is unique.

Due to the lack of regulation over the airwaves, anyone from anywhere in the world can broadcast or telecast anything they like. The ability to manage electronic media is a contentious issue because of the way that technological advancements have increased their reach. Regulating such conduct, whether it involves obscenity or the transmission of undesirable content, is difficult or nearly impossible. Print and motion picture media can be controlled by the law of defamation, contempt of court, government secrets, sedition, or any other reasonable limits imposed in accordance with the Indian Constitution, however television and the internet are more difficult to regulate.

Even regulated media outlets have vast areas outside of their purview, such as ethics, internal controls, election coverage, coverage of racial unrest, pro-campaign journalism, etc. Legal oversight and responsibility for the proper operation of every aspect of media operation are impossibilities. A major factor in the operation of a media organization that is not subject to legal controls is the appointment of personnel, their day-to-day management, its impact on the organization's functioning, the policy of the proprietors, marketing strategies, advertisement requirements, and other industrial relations in addition to political connections and bias. Media Council intended to defend certain professional standards and handle complaints made by and against press

employees in a quasi-judicial capacity. Thus, the Press Council also functions as a further regulatory oversight and means of limiting independent media activity. The Press Council must be increased, nevertheless, in order to include other media in its purview. It must become the Media Council of India. While there is a solid case for giving the current Press Council greater authority, there is a strong one against doing so because it would add another extralegal restriction that would limit the press's independence.

It is true that any law or regulation intended to limit media freedom would go against the fundamental goal of free speech and place obstacles in the way of the free exchange of ideas. The necessity to uphold ethics and direct press operations toward meaningful, socially conscious activities supporting democratic objectives cannot be disregarded at the same time [9]. The self-regulating mechanism must develop in this area. There ought to be some equipment for self-control. The professional associations of the press and media have put in a lot of effort in this area, developed a number of codes, and established an ombudsman-like system to address day-to-day issues, grievances, and complaints regarding arbitrary or indiscriminate decisions regarding the selection and rejection of content. Several media firms do not have an ombudsman for their internal operations, with the exception of a small number of big corporate daily newspapers. A few newspapers established Ombudsman in several nations to oversee ethical concerns and address workplace infractions. Ombudsman is a perfect illustration of self-control. It can take in complaints or recognize some problems on its own and respond appropriately. If properly established and operating in accordance with objective and ethical standards, the ombudsman can perform some of the duties of the press council.

Around fifty Press Councils or Media Councils exist in various parts of the world, and according to P.B. Sawanth's *Mass Media in Contemporary Society*, the most of them are focused on the press while a small number are also focused on broadcasting. Some of these councils are run by owners, editors, and journalists on a volunteer basis, while others are mandated by law. Even in cases where they are mandated, their primary role is serving as internal self-policing organizations for the journalism industry. Checking media malpractice and unethical behavior is vital.

The Editor's Guild developed a code after researching the professional standards in cases involving rioting among communities. Every time a combustible situation flares up and causes major communal division in society in addition to terrible law and order conditions, the media is frequently held responsible. Each newspaper or media institution responds to the circumstance using its unique set of policies in accordance with how it views the problem and those policies. Furthermore, they follow their own personal agendas and political goals. This has been repeatedly demonstrated, and the ongoing issue serves as a reminder of the necessity to update the protocol for reporting intercommoned disturbances. To save lives and stop more annihilations, community duty must come before seeking the truth, crafting daring stories, or organizing a campaign against what the media perceives as a crisis or a rift in the community. The media's reporting and writings during the communal riot cannot be controlled by law enforcement, a politician-dominated state, or the legal system, but it is the only form of self-restraint or self-restriction that supports wholesome reporting. To help create an atmosphere that discourages communalism and inoculates the populace against any form of dividing strategy, regardless of religion, language, or location, much more needs to be done.

Similar to that, election reporting is crucial and calls for the media to operate with extreme acuity and objectivity in order to uphold its democratic duty to inform the public without prejudice or malice. Except for the self-regulatory norms, no number of rules established by the Election Commission, Press Council, or the State can accomplish the goal. More undesirable trends that law control cannot legislate upon include the glorifying of crime, the sensationalization of everyday concerns, mudslinging campaigns, and a deep involvement in some products and marketing strategies. By aligning itself with the free market of commodities and the political objectives of opportunistic forces, the free press shouldn't lose its luster.

Genuine non-alignment and impartiality are two crucial qualities of media that can offer a platform for opposition [10].

An internal ombudsman should be established within each media business to handle various issues as they arise, especially in the early stages. Then, in order to impose a consistency of style and moral behavior, they must construct a policy or code with a well-debated set of dos and don'ts. Additionally, the working journalist's unions, Editors Guild, and owner's associations must create ideal standards and ethics to direct them in crisis situations as well as in relations between management and journalists and between journalists and people. To regulate how different branches of the media should operate, the Broadcasting Code, Code for Commercial Broadcasting, Code for Commercial Advertising for TV, Code of Ethics for Advertising in India prepared by the Advertising Council of India, Code of Self-Regulating in Advertising, and numerous other codes were developed. Early in the 1920s, ethical values started to be codified. These codes were produced by almost 60 nations. They are framed and willingly adopted by experts. In certain nations, the codes were enacted into law. They include overarching guidelines for objectivity, justice, impartiality, and the accurate sharing of information. Almost all codes include provisions for preserving the state's unity and security, protecting minorities, abstaining from slander and making unjustified accusations or invading their privacy, giving them the right to respond, checking the accuracy of any allegations, and separating opinions from factual reporting. The importance of internal discipline and professional ethics must be highlighted.

CONCLUSION

Though the establishment of a self-regulatory organization by the private electronic media is a positive step, a country with 1.2 billion people and multiple states that are larger than the continent of Europe cannot be governed by a single forum. In addition to the distance, the charge to be paid along with the complaint is a deterrent that puts a stop to the complaint. This was a failure of so-called self-control. Self-regulation may be intended to fail as well if it is the alternative to PCI regulation that has failed. Due to the media's growing political and corporate business slant, there should be a second watchdog for it, just as the media is meant to be a watch dog of the government in democracies, serving as an informant for the populace. The Fifth Estate is comprised of the civil society, citizen journalists, neighborhood media, and blog journalists.

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CHAPTER 4

MEDIA LEGISLATION AND MEDIA HISTORY IN INDIA AND US

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ABSTRACT:

Modern print media is where the history of media legislation starts. The printing press's creation simplified the process of mass production. The handwritten multiplication was replaced by printing, which improved, clarified, and improved concept transmission. Thus, the printing mechanism emerged as a new platform for mechanical mass media and began to develop alongside personal media. Both of these mediums eventually came together and developed into a powerful medium for communication. Therefore, the history of mechanical media starts with the invention of the newspaper and the establishment of governmental thought and communication regulation. The broadcasting rules emerged following the introduction of radio and television. Making cyber law to cope with online media is currently popular. To comprehend the development of the press, the first mechanical medium and the start of mass media, one must turn to western media in industrialized nations. This chapter examines the history of media laws and legislation in India over the years.

KEYWORDS:

Constitutional Developments, Free Speech, Media History, Media Laws, Royal Commission.

INTRODUCTION

In Britain, there were licensing regulations in place even before the first newspaper appeared. Every printing press was once required to hold a license under the Licencing Act of 1662 in order to engage in printing. The Oxford Gazette is the first newspaper to be published in 1665, marking the beginning of the British press's history. While the Royal court was running from the London Plague, Miuddiman was the editor of the first publication to meet all newspaper standards. The journal changed its name to London Gazette after 24 issues, and its headquarters moved back to Capital City. Up to the turn of the twentieth century, it served as the Courts' official organ and was published by royal decree [1].

UK licensing expiration: The Licensing Act was still in effect, giving administrators a weapon to regulate the journals that were entering the public sphere. The revocation of the Licensing Act in 1679 marked the next significant turning point in history. The Regulation of Printing, or Licensing Act, which was the result of a protracted dispute between the Crown and Parliament, lapsed in 1694 for political reasons. The rules banning treason, seditious libel, and reporting Parliamentary proceedings all survived the regulatory era's partial collapse. Although some of them were punished, during Charles' rule, journalists tended to disregard his authority. One journalist who repeatedly disobeyed the King's laws and was found guilty for it was Benjamin Harris. He was incarcerated for two years because he was unable to pay the fine. When he was attacked once more in 1694, Harris fled with his family to Bristol before making their way to America, where he published the country's first newspaper, beginning the history of 60 journalism. Only after the Revolution of 1688, which altered the institution of the monarchy, were journalists given some degree of independence, albeit in a restricted manner. There were no trials during the reigns of William and Mary since they did not incite the press, publishers, or journalists [2]. The emergence of the two-party system under the reign of William and Mary was a major factor in the demise of the licensing system. It was seriously attacked in the Commons as well. Suspected infringers turned to bribes since the printing company was subject to license limitations.

Parliamentary Privileges and Free Speech:

The parliamentarians opposed freedom of speech and expression because they were envious of their own rights and advantages. There were some defenders of press freedom, however they argued for some curbs on the media owing to legitimate considerations of the problems. It is possible to immediately counter or rebut a false statement or dangerous sentiment. However, they were unable to stop the writings before publication, and they were unable to limit the harm. In both England and America, they routinely used the seditious libel legislation to punish journalists who offend the ruling class until the end of the eighteenth century. The demand for and use of press freedom increased at the same time. As political parties began to take shape and the press grew into a powerful force, they worked together to influence the political and social affairs of the populace and, in doing so, the government. The socioeconomic makeup of the country underwent a radical transition, the middle class became a powerful group, and living standards rose. To silence the press's critical voices, the Kings employed the weapon of public peace. The crown employed the peace card against the free press from Henry VIII to Elizabeth. There used to be arbitrary and cruel suppression under the Tudors' rule. The goal of freedom and the general well-being has been neglected, and oppression has persisted. There was relatively little opposition to such tyranny against the press, but some subjects admired it. Despite this, journalism expanded quickly during the seventeenth century because the press thrives in unfavorable and constrained environments [3].

Press in the 18th Century:

Press freedom experienced a major renaissance in the eighteenth century, and some notable figures in British journalism rose to prominence. The early years of American journalism were affected by this age of British journalism. Under the direction of great editors like Defoe, Swift, Addison, Steele, Fielding, and Samuel Johnson, the newspapers gained the hearts of the public. The journalists in the American colonies looked up to them as role models. The newspaper emerged as a new medium of communication, and regular people began participating in journalistic endeavors. On March 11, 1702, the first English-language daily newspaper was printed and distributed throughout the streets of London. Elizebeth Mallet founded the Daily Courant, but Samuel Buckley maintained and resurrected it. With the creative concept of soliciting advertising revenue for the survival of the journal, he escaped governmental restraints. A number of journals with in-depth analyses of freedom of expression, representative government, and governing appeared on the horizons of British territory. The newspapers expanded their readership and distribution as the American colonies were agog with revolt [4]. Under the alias Cato, John Trenchard and Thomas Gordon were expressing quite scathing opinions on current political and social concerns. The Cato letters gained a lot of attention and had an impact on the American press. The four volumes of the letter series that were released in 1724 garnered positive reviews from readers in both Britain and America. The Cato Letters had a lasting impact since they could be linked to the American Declaration of Independence.

Press freedom and the waning of absolute rule:

Men had to give their lives defending the freedom of the press from repressive rulers and intolerant administrators, even as the nature of rulers gradually changed as a result of the Great Revolution and the people's fighting spirit. As various organizations contested the Absolute rule and the press took on the role of public affairs watchdog, the Absolute rule began to weaken. Heavy taxation and insufficient transportation, notwithstanding the expansion of press freedom, prevented the press from reaching all areas of the nation. After the first daily was printed in 1702, it took almost 150 years for a second daily to appear from a city other than the capital. Newspapers and advertisements were once subject to taxation. Up until 1855, a number of obstacles held down the development of the press. However, following 1855, the golden age of daily journalism began in 1870 and lasted until 1914 [5]. The First World War struck them just as the press was preparing to grow into a significant institution with wider influence. The press had to fight to survive the War

after defeating the restriction and regulation regime for more than 150 years, and since 1945 it has been free to expand enormously around the world with no boundaries or restrictions. Nine of the 16 daily newspapers published in London were national publications that were distributed across the entire nation. In comparison to some of the "national" journals, The Scotsman, Glasgow Herald, The Manchester Guardian, The Yorkshire Post, and the Birmingham Post had more influence on the life and ideas of the country.

DISCUSSION

The Royal Commission and the Newspaper Chain:

The Times and the Daily Telegraph were named as top newspapers by the Royal Commission due to their high standards for content and nationwide distribution. The Evening News, Star, and Evening Standard are primarily limited to Greater London and the Home Countries. Outside of London, 24 morning papers were published in England and Wales [6]. According to The Royal Commission, which recognized five chains having enough links to be deserving of the designation, a chain is defined as an organization with a single or several units in numerous widely dispersed locations. They were the Westminster Press, Kemley Newspapers, Associated Newspapers, the Harmsworth Chain, and Provincial Newspapers Ltd. The Royal Commission argued against the expanding chains after researching their organization, financial strength, and influence.

Two new newspapers, the Daily Mail and the Daily Express, both with sizable readerships and substantial financial resources, debuted in the nineteenth century. As the competition grew increasingly fierce, a tremendous circulation war started. The Royal Commission acknowledged that its claims against the chains were exaggerated, which was all but unavoidable. It acknowledged that the affiliation of a few articles spreads the financial risks and provides more stability, which is one benefit of the system. A chain of economies is created through centralized purchasing, advertising, news gathering, and other services, allowing it to generate more effective and profitable newspapers. With increased resources, it will be able to invest in the numerous infrastructures and inputs needed for a newspaper. The Commission stated that while an expansion in relatively small chains would not concern it, larger chains should avoid expanding, especially by acquiring additional papers in markets where they already had a strong presence.

American media legislation:

New England is where the American newspaper first emerged. In order to print religious materials for use in educational institutions, Cambridge (Harvard) College in the English Colony developed the first press in 1638. These printing presses then produced cultural content. The American experiment in self-rule and eventual independence were made possible thanks to the New England "Puritan". Benjamin Harris, a former bookseller in London, founded a press and published a magazine in 1681. He picked the 7000-person city of Boston to create an underground publication that targeted Catholics. The Massachusetts Licensing Act destroyed Harris' career just as he became the first newspaper publisher in America [7].

On April 24, 1704, Green's Shop published the Boston News Letter, the first authentic American newspaper. It was printed on two sheets that were somewhat bigger than the size of Harris's paper on both sides. It was just a bit bigger than a piece of typewriter paper. The Campbell's Journal was another well-known early publication with a strong feeling of duty to his readers. The Boston Gazette was regularly published by five postmasters in succession until 1741, when it amalgamated with another competitor, the New England Weekly Journal. The 63 newspaper was reliant on government assistance while avoiding insulting the authorities. Before distributing any issue, they used to have official representative consent. However, the James Franklin-edited New England Courant, a tiny newspaper, disobeyed this custom, and the honeymoon between the press and the government came to an end. Considering that it was an insurrection, the American Press was greatly impacted, despite the fact that it only existed for five years. It brought a crisp breeze into

Boston's media scene. The Courant also featured literary content. Through its columns, it introduced Addison and Steele to hundreds of Americans. James was critical of the government and showed no fear in the face of the prison sentences issued by the outraged state officials. As soon as he was released from prison, he started criticizing the government in both politics and religion. James leaving the newspaper as it lost its authority and accepting the position of government printer for Rhode Island marked the tragic end of the free and brave press. He established the Rhode Island Gazette later on in 1732.

William Bradford installed the first printing press in 1683, two years after Philadelphia was founded. He then relocated it to New York in 1693, where he started the first newspaper. The Mercury weekly, the first newspaper outside of Boston, was launched in Philadelphia by Bradford's son Andrew in 1791. Franklin assumed control of the Pennsylvania Gazette in 1729. He was a successful journalist because of his excellent writing abilities, attitude of establishing friendships with powerful citizens, and keen business acumen. The first issue of "The Universal Instructor in All Arts and Sciences and Pennsylvania Gazette" was released by Keimer in 1728 [8]. The press gained power and influence as competition and readership grew, eventually becoming despised as haughty administrators. The baby newspaper mortality rate increased as a result of financial malnutrition; between 1690 and 1820, out of 2120 newspapers, more than a thousand died within two years of publication. Only 34 people survived the stress and financial difficulties. Every citizen developed access to one or more news journals as literacy levels rose and information needs increased. Newspaper advertising emerged as a result of the development of trade, providing newspapers with a new source of income.

The USA has long recognized privacy as a separate civil wrong or "tort" and has completely upheld the legal right of its citizens to privacy. However, state governments are responsible for enforcing the law, and media privacy jurisprudence is rarely created or developed by the Supreme Court. However, it has used the "actual malice" threshold from the New York Times as a constitutional restraint on the states' authority to compensate plaintiffs in "false light" invasion of privacy cases. According to Justice Brennan, it didn't even matter if the plaintiff was a private person while public interest problems were being discussed. He claimed that the rights to free speech and the press are not restricted by their use for political commentary and other forms of public discourse. Each member of a civilized society runs the risk of becoming famous, and he stated in no uncertain terms that this risk "is an essential incident of life in a society which places a primary value on freedom of speech and of the press. It may be argued that Justice Brennan exercised caution in any attempt to strike a balance between the First Amendment and private rights since privacy deals with the truth, factual reality, and the improper disclosure of facts that have no influence on reputation.

Sanctions against negligent or innocent misstatement would pose a serious risk of deterring the media from reporting on this issue. The primary media laws of the UK and the USA uphold constitutional rights. These assurances are more for the good of all of us than they are for the advantage of the press. Our democratic system and a free society are guaranteed by a widely construed press freedom. Publishers must unavoidably "steer wider of the unlawful zone" and thereby "create the danger that the legitimate utterance will be penalized" due to fear of high damages awards in damage lawsuits for innocent or merely negligent misstatement, even fear of the cost associated with their defense. The false light legislation, media intrusion, revelation of embarrassing private information, and commercial or political misappropriation of personality are all covered by US privacy law. In general, it is believed that private individuals have a better claim to a legitimate expectation of privacy than do public figures and officials, such as legislators and global celebrities. State courts, however, are aware that lines can be drawn in the constant encroachment into celebrities' private lives, whether through the pursuit of interviews or through the use of intrusive long-lens photography on private property. The anti-paparazzi law is in effect in the state of California to stop the intrusive pestering brought on by the concentration of international celebrity in Los Angeles. States on the

East Coast, including New York, another important hub for the US entertainment and cultural sectors, are where privacy regulations first emerged [9].

The emerging tort of deliberate inflicting of mental anguish can be accommodated by the concept of intrusion. The most well-known instance was the confrontation between religious zealot Jerry Falwell and Larry Flynt, publisher of *Hustler* magazine, which has been somewhat mythologized in Hollywood movies. In a parody Campari commercial, Mr. Falwell claimed to be in mental anguish, alluding to an inappropriate interaction with his mother in a bathroom. The Supreme Court wanted to restrict the remedy to situations of very offensive communication, asserting facts rather than fantasies, that were published with demonstrated genuine malice, hence Mr. Falwell's action was unsuccessful. The *Reynolds* case highlighted how crucial it is to understand that it is good journalism practice to withhold publishing of a story that is injurious to the subject. However, the Law Lords acknowledged and backed the idea that approaching the claimant is not always necessary in the *Jameel* case. The newspaper should have postponed publishing to give Mr. Jameel a chance to respond in person, according to Lord Hoffmann. However, I do not believe that their failure to do so is sufficient to disqualify them from using the defense that they were covering a story of public interest.

Every journalist trying to comprehend the complexity of this defense may already be aware that the media law surrounding defamation is complex, revolving around nuanced ideas and a unique set of conditions. It serves as a reminder of the extent to which critical and investigative British media is increasingly dependent on a system of authorized assessment and permission, where the stakes are high in terms of expenses and time if libel laws are invoked in court [10]. The *Jameel* case served as an illustration of so-called "libel tourism," which boosted the chances for UK media organizations and any foreign media publishing by old media or new media within UK boundaries to profit from a considerably more tolerant "libel by mistake" defense. The *Wall Street Journal* in *Jameel v. Dow Jones* put up the money and won a significant victory in restoring the *Reynolds* public interest defence, according to the strident criticism of UK libel made by the group of US media in their written submission to the House of Commons Select Committee on Culture, Media, and Sport. Only a portion of the charges were paid to Dow Jones, though.

However, the case showed how libel judges from libel chambers had been undermining the *Reynolds* public interest defense ever since the House of Lords created it in 1999. Is it not somewhat embarrassing that foreign news organizations have a large financial stake in the UK's system of free speech? That long purse is out of stock. Since several prominent US newspapers are currently in receivership and the advertising business has dried up, which has led to the loss of journalistic employment, there is less funding available to strengthen British media law. Leading US publications are seriously considering discontinuing their 200 or so copies that are currently sold in London, mostly to Americans who seek comprehensive coverage of their local news and sports. These sporadic and low-volume sales do not generate revenues for them, and they can no longer take the risk of failing.

CONCLUSION

The press stepped up its campaign against limitations and promoted liberty throughout the first part of the eighteenth century, which served as the foundation for the struggle for freedom. The press, which was the revolutionaries' most effective tool, helped them defeat the conservative forces as public support grew. The crucial stage in the quest for home rule and, ultimately, independence was the fight for free press. Rich merchant class simultaneously resisted royal control and desired a bigger say in running the colony's affairs. The Whigs, the commercial party, eventually won the Glorious Revolution in England. It had a significant effect on the American struggle for freedom. The capitalist press emerged at this time and expanded greatly. Joseph Pulitzer purchased the *New York World* in 1883 and provided readers with a wide range of intriguing content, including stories of human interest, rumors, and controversy. In opposition to the aristocracy of money and social status, Pulitzer championed the cause of the working people. The journal's format and style

developed by Pulitzer became the standard and secret to success. The foundation of Pulitzer's innovative journalism was sensation, which in 1890 helped newspapers achieve unprecedented heights in readership and circulation.

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CHAPTER 5

MEDIA'S CONSTITUTIONAL RIGHTS AND RESTRICTIONS ON FREE SPEECH OR EXPRESSION

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ABSTRACT:

The Indian people created their own constitution in an effort to establish a self-governing, democratic, and socialist nation. The mother of all liberties, freedom of speech and expression, holds a special place in our democratic society. One of the fundamental tenets of our democratic Constitution is the freedom of opinion, speech, belief, faith, and worship. The Preamble of the Indian Constitution, which is its objective portion, states that one of the guarantees made to the populace was the liberty, which includes a number of other fundamental freedoms including thought and expression. These statements reveal the Constitution's goals with regard to the fundamental freedom of speech and expression, which is significant since it contains a wide range of opportunities for creating a cohesive and civilized human community through communications. One of the most important human rights is the freedom of expression. It is the dissemination and implementation of a person's right to their own opinion. Freedom of expression, unlike freedom of thinking, is a communal freedom whose nature becomes more and more apparent as the technical techniques of its dissemination expand and advance. According to the Declaration of American Independence, the three most significant unalienable rights are life, liberty, and the pursuit of happiness.

KEYWORDS:

Constitutional Rights, Freedom of Speech, Natural Rights, Personal Liberty.

INTRODUCTION

The Constitution has designated civil liberties as independent Fundamental Rights and set specific provisions in Articles 19, 21, and 22 regarding the restrictions and situations under which they might be taken away or limited on their own.⁴¹ Personal liberty restrictions are not covered by Article 19 but rather are governed by the conditions outlined in Articles 21 and 22. Although Article 19 lists the "seven freedoms," it is not all-inclusive in terms of Fundamental Rights. According to Das, J., Gopalan's case is as follows. The phrase "personal liberty" has been used in Article 21 as a compendious term including within its meaning all the varieties of rights which go to make up the personal liberties of men. In my opinion, Article 19 protects some of the important characteristics of personal liberty as independent rights [1]. The Supreme Court rejected the argument in this instance that a statute adopted in accordance with Article 21 must not violate Article 19(1). Articles 19, 21, and 31 are not in pari materia since they have different purposes and contents, and their contexts also differ significantly from one another. There are numerous other rights, such as the right to strike, the freedom of contract, and the right to privacy, that are not protected by Article 19 of the Constitution.

State of Delhi v. Ram Singh, AIR 1951 SC 270 68

Voting rights and the ability to run for office in legislative elections. These rights may be restricted and limited by law without violating the Constitution. As has been stated, the freedom of speech and expression in the media and among individuals does not grant an unrestricted right to express oneself freely and without restraint. It does not grant complete or unrestricted immunity for the use of any language. The Supreme Court has often defended the value and reach of a free press. The Supreme Court recently expanded the reach of

this freedom. The right to free speech was expanded to encompass commercial speech, and it was strongly declared that there was no possibility of any earlier restrictions on press freedom. The courts also limited this freedom of speech and expression, stating that the press could not withhold a response and shouldn't carelessly disseminate unfounded accusations against the judges. The Apex Court also curtailed freedom of expression by emphatically rejecting Bundhs who violated the fundamental rights of all other people.

Examples of Natural Rights

According to Article 19 (1), all citizens are entitled to the freedom of speech and expression, the right to peaceful assembly without the use of force, the right to organize into associations or unions, the freedom to move around India's territory without restriction, the freedom to live and settle anywhere on the country's territory, and the freedom to engage in any profession or conduct any business. The rights listed in Article 19(1) do not list every freedom-related right [2]. The freedom to relocate, citizenship rights, the ability to vote or run for office, legal recourse against the government under contracts, the right of government employees to remain employed, and the right to strike are a few of the rights not covered by Article 19.

The freedoms listed in this article are those important and fundamental liberties that are acknowledged as being natural rights entailed in the position of a citizen, yet none of them is unrestricted or absolute. Not only citizens but also aliens or foreigners are entitled to the rights outlined in Article 19. Because subclasses (a) to (e) and (g) of Article 19 (1) postulate the freedom of the person, which is the only thing that can guarantee the capacity to exercise the rights protected by those sub clauses, the protection of Article 19 is coterminous with the legal capacity of a citizen to exercise the rights protected thereby. The structure of Article 19 is to list each freedom separately before defining the types of limits that may be placed on it and the goals that would be achieved by doing so. Each and every one of the liberties is available to citizens, and clause (1) does not favor one freedom over another. Therefore, the State is unable to make a law that directly restricts one freedom even to ensure the better enjoyment of another freedom, according to *Gopalan v. State of Madras* (AIR 1950 SC 27 para 225 69). Therefore, the State cannot indirectly restrict one freedom by imposing a restriction on another that would otherwise be legal [3].

The courts must interpret this Article 19's provisions in a way that would allow citizens to exercise their constitutionally protected rights to the utmost extent possible within the bounds of legal limitations. Everywhere and in every area of India's territory, citizens are permitted to exercise the freedom rights given to them by Article 19 (1). Only citizens are referred to in Article 19. No one may be stripped of their property without legal permission, according to Article 31. Hindu deities were declared to be legal persons with the capacity to own and possess property; as a result, the trustee of the god may invoke Article 31 rather than Article 19 because the god cannot be referred to as an Indian citizen. When read with Article 367 and Section 3(42) of the General Clauses Act, a company is deemed to be a "person" within the sense of the constitution and is therefore entitled to the rights outlined in Article 12(1).

Case Studies on Media and Free Expression and Interpretation of Media Freedom:

In his famous quote, US Supreme Court Justice Louis Brandeis J. asserts that free speech is a cornerstone of democratic government. The right to freely express one's thoughts and beliefs through speech, writing, art, and other forms of expression is known as freedom of speech and expression [4]. Courts in England, the United States of America, and India have held that this right extends beyond the individual's ability to publicly express or spread their own opinions to that of others. In accordance with Halsbury's Laws of England, the right to freedom of expression includes both the confidentiality of private conversations and the freedom to receive and impart ideas and information [5]. In *Usha Uthup v. West Bengal*, the State refused to let the singer perform in the theater that was under its supervision and control. The court determined that the State's denial of the request violated Article 19(1)(a) of the Constitution because the term "speech and

expression" includes the right to sing. In the Maneka Gandhi Case, the Supreme Court ruled that Article 19 (1)(a) protects the right to print, dance, sing, write poetry, and other artistic expression.

DISCUSSION

An individual's right to expression is protected in a democracy not just for issues of governing concern but also for self-fulfillment in all sectors of life. Public discussion takes on the character of a public obligation because it is vital for the people to be informed of all sides of a topic in order for the governed to form a sensible and knowledgeable judgment and form an informed public opinion [6]. In a democracy, the right to free expression serves to protect the community's right to information and free speech, not to define an individual's rights. A person requested permission to hold a public meeting in connection with an all-Indian student strike in *Himmatlal K. Shah v. Commissioner of Police*. The Commissioner of Police rejected the request on the grounds that there might be a disruption of law and order.

The Bombay Police Act of 1951's guidelines and notifications covering processions and open meetings were relied upon by the commissioner. With regard to his constitutional rights to freedom of speech and expression and the right to assemble peacefully and without weapons under Article 19(1)(a) and (b), the appellant contested the constitutionality of the Statutory provisions and the powers contained therein.

The appeal was granted, and Justice K K Mathew invalidated the police commissioner's refusal orders for being in violation of Article 19(1) (a) and (b). *Prima facie*, public processions are legal. If a, b, and c each have the legal right to pass and repass on the high way, doing so together is not against the law unless the procession is prohibited for another reason. Gibson J. stated that a procession is inherently valid and differs from "the collection of a stationary crowd" in *Lowdens v. Keaveney*, but that it may turn into a nuisance if the right is exercised in an unreasonable manner or with reckless disregard for the rights of others.

Union of India v. Indian Express Newspapers, (1985) 1 SCC 227 71 (1973) and 1 SCC 642 51

Consequently, freedom of speech and assembly is a fundamental component of a democratic system. The right of citizens to interact in person for the purpose of discussing their opinions and issues religious, political, or social lays at the heart of this philosophy. Thus, in the *Himmatlal Case*, the freedom of speech and the right to assemble in a public park were preserved.

Bandh and Expression Freedom:

Another key ruling on the topic of freedom of expression was rendered by the Supreme Court. The Apex Court upheld the historic ruling of the Kerala High Court, declaring that there was no justification for calling or enforcing a bandh that interferes with other citizens' ability to exercise their fundamental rights and has a negative impact on the nation in numerous other ways [7].

The High Court's distinction between a "Bandh" and a "Hartaal" is properly made out in light of how a "Bandh" affects other citizens' basic rights, the Supreme Court stated. There is no question that the claims of a single person or a small group of persons regarding their fundamental rights cannot trump those of the entire population. Despite the fact that the "Bandh" is an expression of protest by a portion of the populace, its forceful implementation is incompatible with other relevant fundamental rights because it interferes with the ability to move and conduct business. Therefore, the ability to call for and enforce a bandh is legitimately constrained by the set of fundamental rights of another citizen or group of citizens. A person's or a group of people's fundamental rights may be legitimately limited by the basic rights of society as a whole.

According to the Supreme Court's ruling in *Indian Express Newspaper v. Union of India* [8], all national courts have a constitutional obligation to safeguard press freedom and to strike down any laws or government policies that do so. Upon lease forfeiture, the government filed a notice of re-entry and threatened to demolish

Indian Express' building. In the aforementioned instance, it was determined that the Government wanted to silence the Indian Express. It must follow logically that the Government's contested notices posed a direct and immediate danger to press freedom and are therefore unlawful under Arts. Combined with Article 14 of the Constitution, read 19(1) (a). When the Indian Express exposed scandals like the Bofors incident, when top party officials were said to have accepted payments in the arrangement to buy guns from the Bofors firm, the Indian Express received such notices. In a different case involving Indian Express, Justice Venkataramiah noted that press freedom is one in all nations with liberal constitutions, there are certain issues that have sparked the most intense and vicious constitutional battles.

Entitled to respond: LIC Case:

Manubhai D. Shah v. Life Insurance Corporation of India. It was decided that Article 19(1)(a) covers the freedom to express one's opinion and respond to criticism of that opinion in print or electronic media. According to a research paper, Life Insurance Corporation charges excessively high rates. The study paper in the LIC's internal magazine "Yoga Kshema" contained a denial of the accusation. The trustee who wrote the study article requested that a rebuttal be printed in the internal journal. But the LIC was unwilling to comply. It was decided that the fact that it was an internal journal was not an acceptable defense for refusing to publish a response to the counter in its magazine.

The Supreme Court ruled that it was the responsibility of the print media to publish opposing viewpoints. If an author's essay was criticized in a magazine, the author was entitled to have a response published in the same publication. In this case, the Supreme Court heard the respondent trustee's appeal on various circumstances relating to the same legal issue, namely the reach of free speech. The trust created the documentary "Beyond Genocide" based on the Bhopal Gas Tragedy, but Doordarshan refused to air it. The trustee disputed this decision.

The documentary won the Golden Lotus for being deemed the finest non-feature film. Additionally, it was announced that all award-winning movies would air on Doordarshan. According to the ruling, "A film maker has a fundamental right under Article 19(1)(a) to exhibit his film. Accordingly, the burden of proof rests with the party asserting that it had the right to refuse enforcement of this right because a law made under Article 19(2) did not apply to the film."

The Supreme Court ruled that the Government's decision to refuse to telecast due to criticism of the Government and a comment that the legal dispute had been ongoing in courts for a while was improper. These were deemed to be absolutely no grounds by the Supreme Court. The Supreme Court dismissed LIC's appeals and stated that because LIC is a state under Article 12 of the Constitution, it must act in the community's best interests. The Community has a right to know whether or not the LIC complies with this criterion when conducting its business. Every attempt to choke, suffocate, or gag this right would be a death knell for democracy and contribute to the rise of authoritarianism or tyranny. Freedom to voice one's ideas is the lifeblood of every democratic institution.

Freedom of the Press: Unlike the American Constitution, the Indian Constitution does not mention a distinct and particular right to freedom of the Press. Although the freedom of the press is not specifically mentioned in Article 19(1) (a), it can be deduced from judicial rulings that it falls under the same umbrella as freedom of speech and expression, as well as freedom of the press and circulation. The Supreme Court ruled in a number of judgments that it was unnecessary to mention journalistic freedom specifically because it was already protected by the freedom of expression. It is deemed unnecessary to make such a specific mention because the freedom of speech and expression includes the freedom to publish and circulate materials that are either taken from another source or printed at that person's request, in addition to the freedom to spread one's own ideas [9].

State of Madras v. Romesh Thapper (Cross-Roads Case)

The Madras Government outlawed the publication and distribution of the periodical "The Cross-Roads" within the Madras state. The Madras Maintenance of Public Ruling Act, 1959 which permits the imposition of restrictions was declared invalid and unconstitutional by the Supreme Court when the ruling was contested. The Supreme Court stated that unless criticism of the government is such as to jeopardize the security of the State or tend to overthrow the State, it is not appropriate to regard it as a justification for restricting freedom of expression and of the press. A law that restricts freedom of speech and expression cannot be exempt from the restrictions under Article 19(2) unless it is only intended to prevent undermining or overthrowing the security of the State. According to the Supreme Court, there can be no dispute that the freedom of speech and expression includes the freedom to spread ideas, and that freedom is guaranteed by the freedom of circulation. The liberty of circulation is just as important to that freedom as the liberty of publication. In fact, the magazine would have little value without circulation.

The Newspapers (Price and Page) Act of 1955 gave the federal government the authority to control newspaper pricing in connection to the number of pages and sizes as well as the distribution of advertising space. The Daily Newspaper (Price and Page) Order, 1960 issued by the Central Government in accordance with this Act set the minimum number of pages that a newspaper might publish. This allegedly violated the Constitution's Article 19(1)(a) in some way. The argument was agreed, and both the Act of 1955 and the Order issued under it in 1960 were declared invalid for violating a fundamental right guaranteed by the constitution that was not protected by Article 19(2). A citizen has the right to publish his thoughts and spread them by writing, printing, or verbal communication in order to further his beliefs. The right included not only the matter and its circulation but also internal control and the choice of how much space to provide the matter.

According to the Supreme Court, The Newspaper Act was designed to have an impact on distribution, which would then directly impact freedom of speech. By using provisions that are overtly targeted at limiting the circulation of what are referred to as larger papers with stronger financial standing, the Act aims to achieve its goal of enabling what are referred to as smaller newspapers to secure larger readership. The contested regulation, far from being one, which just interferes with the right to free speech accidentally, aims to achieve the goal by ostensibly controlling the commercial operations of a newspaper. Such a line of action is prohibited, and the Court must maintain constant vigilance to protect one of the most damaging freedoms provided by our Constitution that allows for changes in the make-up of the legislature and the government, the freedom of speech and expression is of utmost importance and must be protected [10].

The Union Government attempted to justify the limitations by arguing that since newsprint was in short supply and needed to be imported, it was necessary to limit and regulate its use and distribution. The Court emphasized that allotment may end the paper deficit. No one can object to the policy if the government is satisfied with a fair and equitable distribution of the available newsprint to the consumers. Newspapers must be given the freedom to change their newsprint after the allotments have been made, to choose their pages, circulation, and new editions within the quota granted to them. However, under the guise of distributing newsprint, the government has actually manipulated newspaper growth and circulation, turning Newsprint Control into Newspaper Control. In both circulation and content, freedom exists. The contested Newsprint Policy revokes newspapers' freedom to circulate. They are not permitted to increase the number of pages, page area, or frequency, not even by reducing circulation. According to Article 19(2), the limits are not reasonable ones.

The Auto Shankar Case: Privacy of Public Officials, and Public Order

The Supreme Court issued a landmark decision in *R. Rajagopal v. State of Tamil Nadu*, 138, holding that the government has the ability to prohibit the publication of an autobiography because doing so would be libelous

or a breach of someone's right to privacy, among other things. It is impossible to predict in advance whether a newspaper will be critical of certain public figures. If anything is claimed to be defamatory after it has been published, the authorities have a legal remedy. This is a case that vehemently opposes any restriction on press freedom based on the suspicions of potential victims. The Court further ruled that if a publication was based on "public records," the press could not be prosecuted [11].

When a Tamil spectacular weekly called "Nakheeran" proposed publishing the memoirs of a convicted prisoner named Auto Shanker with a forewarning regarding sensational disclosures about a relationship between criminals and public officials like police and jail authorities. The newspaper's editor pleaded with the court to order the Tamil Nadu government not to obstruct the publication of the prisoner's memoirs, which was written after he was found guilty of six murders and given the death penalty. With the permission of the jail administration, the prisoner's counsel gave the autobiography to the news magazine for serial publication. The newspaper chose to start publication and publicized it in advance because the autobiography included a narrative about the connections between criminals and authorities, particularly between the prisoner and various IAS, IPS, and other personnel. It was claimed that the police authorities used third-degree tactics to extract several letters from the prisoner that were sent to high-ranking government officials and asked them to halt publication of the autobiography.

The prisoner denied writing any such memoirs, prompting the inspector general of prisons to request in a letter to the editor that the publication be halted. It was labeled as a fraudulent autobiography by the IG. The Editor asked the Court for guidance in order to stop interference with his freedom to decide at his discretion what should be included in his newspaper. The journal has every right to print Auto Shankar's autobiography, according to the Division Bench, which was composed of Justices B. P. Jeevan Reddy and Subhas C. Sen. According to the Supreme Court, a newspaper may publish a person's life story without their permission or agreement as long as it is consistent with public records. However, if they go beyond the public record and publish, they risk violating the privacy of the named officials and damaging their reputations. Although they had the ability to file a lawsuit for defamation after publishing, the Supreme Court ruled that even if the officials' fears about the publication's libelous contents were accurate, they could not prevent it from happening beforehand. The Supreme Court stated that even if public officials and public figures are entitled to do so, there is no law that allows them to prevent the publication of a material that is likely to be defamatory of them. Instead, the remedy of public officials and public figures, if any, will arise only after publication and will be governed by the principles indicated therein. In this instance, some general ideas regarding press freedom are developed.

1. Article 21 of this country's constitution guarantees its residents the right to life and liberty, both of which include the right to privacy. A right to be left alone exists. A citizen has a right to protect his or her own privacy, as well as the privacy of his or her family, marriage, reproduction, motherhood, childbearing, and other things. Without his permission, no one may write anything about the aforementioned topics, whether it is true or false, positive or negative. If he did, he would be infringing on the person's right to privacy and liable in a lawsuit for damages. However, if a person deliberately enters a debate, or voluntarily initiates or raises a debate, their position may alter. The Supreme Court proposed a new exemption to the list of exclusions under Article 19(2) to limit the freedom of the press.
2. The aforementioned regulation is subject to the exemption that any publication pertaining to the aforementioned features is no longer undesirable if it is based on public documents, including court records. This is due to the fact that once something is public knowledge, the right to privacy is lost and it is acceptable for press and media, among other parties, to remark on it. We are, however, of the opinion that an exception to this rule must be made in the name of decency [Article 19(2)], specifically that a female victim of a sexual assault, kidnap, abduction, or other similar offense should not be

further subjected to the humiliation of having her name and the indecent made public in press/media. [12].

3. There is even another exception to the preceding rule in (1); in fact, this is a separate rule. It goes without saying that in the case of public officials, their actions and conduct related to the performance of their official duties do not give rise to a right to privacy or, for that matter, a remedy of action for damages. Unless the official proves that the publication was made by the defendant with reckless disregard for the truth, this is valid even though the publication is based on facts and claims that are untrue. In such a situation, it would be sufficient for the defendant (press or media person) to demonstrate that he acted after a reasonable investigation of the facts; he would not be required to demonstrate that what he has written is accurate. The defendant would have no defense and would be liable for damages if it were established that the publication was false and motivated by retaliation or personal enmity. It is also evident that the public official enjoys the same protection as any other citizen in matters not related to the performance of his duties, the public duties, as indicated in (1) and (2) above. It is unnecessary to reiterate that the judiciary, which is protected by the ability to punish for contempt of court, and Parliament and legislatures, which are exceptions to this rule due to the rights afforded to them by Articles 105 and 194 of the Indian Constitution, respectively, are exceptions.

CONCLUSION

One of the most significant basic rights is the freedom of speech and expression. It involves sharing one's opinions verbally, in writing, visually, in audio-visual tools, through commercials, and through any other form of communication. It also includes the freedom of speech, the freedom of the press, and the freedom to publish and distribute. Thus, the extent of this fundamental right is rather broad. Therefore, Indian citizens have a fundamental freedom to express their ideas, thoughts, and viewpoints freely. They have the right to look for, receive, and share information and ideas for this reason. Since the exercise of freedom of expression necessitates a means of communication for ideas and information, it stands to reason that the means of communication must likewise be free. The freedom of the press is not specifically mentioned in the Indian Constitution. The Supreme Court, however, has been applying the rationale stated above and has quite specifically decided that the right to freedom of the press is a part of the protection of the right to free expression, which also includes the right to publish and distribute. Therefore, the Apex Court determined that it was unnecessary to create a distinct clause for media freedom. The freedom of the media is clearly included in the definition of free speech and free expression as stated in several court rulings and case laws that have construed these two concepts.

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CHAPTER 6

HUMAN RIGHTS AND MEDIA: A CRITICAL ANALYSIS

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ABSTRACT:

Human rights are widely understood to be the liberties that each and every person has a right to enjoy and be safeguarded. It refers to a person's right to life, liberty, equality, and dignity as guaranteed by the Indian constitution or by international accords and upheld by Indian courts. Human rights are ideals, standards, or laws that have been universally accepted that govern how states should treat both their own residents and those who are not citizens. "The common standard of achievement for all peoples and all nations" is human rights. Human rights are an inherent right. No matter their gender, caste, creed, ethnicity, or religion, everyone born has certain fundamental rights. It is a fundamental human right that has been entrenched into practically all national constitutions around the world. It doesn't matter if you refer to these rights as inherent rights, fundamental rights, or anything else. Human rights are today viewed as having universal significance in the modern world and are a topic of international diplomacy, law, and organizations.

KEYWORDS:

Human Rights, Inherent Rights, International Diplomacy, Right Information, Right Privacy.

INTRODUCTION

A person's and that person's property's right to be free from unwelcome and unwanted public inspection and exposure is described as privacy in Black's Law Dictionary. The right to privacy has undergone rapid transformation in recent years. Samuel D. Warren and Louis D. Brandeis, two American lawyers, first proposed the argument that a claim may be made for the violation of a person's right to privacy, or as it has been called, the right to be left alone. The concept of the right to privacy as a stand-alone and unique idea first appeared in the area of tort law, where a new cause of action for damages resulting from unlawful invasion of private was recognized. Two facets of this right really just two sides of the same coin—are as follows.

A comparison of media and human rights 27 (1) the general law of privacy, which provides a tort action for damages resulting from an unauthorized invasion of privacy; and (2) the constitutional recognition of the right to privacy, which shields individual privacy against unauthorized governmental intrusion. If the invasion of privacy is severe enough to constitute a recognized tort, recourse to that tort may be used to stop the invasion. No one shall be subjected to arbitrary interference with his or her privacy, family, home, or correspondence without justification, as stated in Article 12 of the Universal Declaration of Human Rights (1948). Everyone has the right to legal protection from such intrusion or assault [1]–[3].

Sting Action with regard to the Right to Privacy

Nothing in sub-clause (a) of Article 19(2) of the Indian Constitution shall have an impact on the application of any existing laws in relation to, or prevent the state from enacting laws relating to, libel, slander, defamation, contempt of court, or any matter which offends decency or morality or which determines the security of, or tends to overthrow, the state. On the other hand, it has been determined that "Freedom of the Press" is a component of the Fundamental Right to "Freedom of Expression" that Indian citizens are given by article 19(1)(a). 'Freedom of the Press' has been deemed important for the exercise of fundamental rights.

Dialectical communication and resolution are evident when one closely examines the political discussions that occur prior to the passage of media law legislation in Parliament. This also holds true for the legal battles over media law that take place before judge-made laws are established. In media law, it is a recognizable pattern of conversation.

According to Plato, it is conceivable for someone to know the whole truth about something. Plato would have been confident in his ability to define justice as truth. Cognitivism is the term used to describe this certainty in the existence of unchanging truths. It is an outmoded position. The notion that journalism or media communication is capable of presenting pure impartiality and absolute truth will face fierce opposition from many professors in the academic community. However, it would be wise to admit that there are many people in the world who really believe in concepts of absolute truth in the area of media law. It might be considered an aspiration from the heart. The goal of any journalist and writer is to accurately portray a situation or story in their work. As a goal of humanistic intellectual pursuit, it cannot be disregarded. While professional journalists employ the word "objectivity," academics can misinterpret it as a pretentious attempt to convey the unchanging truth while, in reality, their primary goal is to reveal a narrative explanation through analytical study.

We should be mindful that contractarian agreements may lead to the development of media laws. The language, regulations, and etiquette by which people communicate with one another are agreed upon. Is there a social compact like that, historically speaking? Or is it a question of logical inference based on the factual finding that social relationships of politeness have been created and upheld? According to the contractarian viewpoint, rather than conflict, media laws should develop as a result of agreement. A different method of assessing media law is to take the command or imperative authority into account. The theory thus underlines that the foundation of law is the formulation of directives, directives, and coercive actions from recognized sources of legal power in any community. Law, according to Jeremy Bentham and John Austin, is a set of general directives issued by a sovereign power and strengthened by the prospect of punitive measures. Hans Kelsen, an Austrian-American jurist, saw law as a collection of core norms or conditional instructions. Officials enforce the main rules and have clear penalties for breaching the law.

A comparison of media and human rights fundamental right of "speech and expression" guaranteed to all citizens, "freedom of the press" cannot be deemed invalid or unlawful. The Constitution explicitly specifies that this can only be used until it does not impair a person's morality or sense of decency. The Indian Constitution guarantees complete freedom of the press, but with clear limitations that are categorized and expressly indicated by the "reasonable restrictions" outlined in Article 19(2) of Part III of the Constitution.

The Supreme Court ruled in *Sakal Papers* that Article 19(2) of the Constitution only allowed the imposition of justifiable restrictions on the heads listed in that section. Therefore, unless such action can be supported by the law falling under clause 2 of Article 19, it is not permissible for the state to restrict freedom of speech and expression for the purpose of enhancing the overall welfare of a section or a group of people. Furthermore, it is a very reasonable claim that, at some point, every sting operation violates the right to privacy to some extent because, almost always in recent memory, the subject of a sting operation is unaware that a concealed camera is filming them. This indicates that he has not given his agreement to be filmed, which is required in order to video someone. However, it could be claimed that a criminal conduct done by a public employee while on the job and in violation of his official duties does not warrant protection under the Right to Privacy conduct.

Article 21 contains an implicit right to privacy. 'Liberty' in Article 21 is broad enough, in the opinion of Subba Rao, J., to cover privacy. Although it is true that he did not specifically proclaim the right to privacy as a fundamental right, His Lordship said. An crucial component of human liberty is the right. Although it is

viewed as a fundamental right, it is not unqualified. It may be limited in accordance with a strong public interest.

However, the court has specifically confined this privilege to family matters such as marriage, motherhood, procreation, and childbearing. On the other hand, only the activity of government employees in their offices is covered and analyzed in detail in the sting operations carried out by the media in India. As it is in the public interest, a public servant's official job should be open to the public and transparent. However, the court's ruling states that this official job does not fall under the concept of the Right to Privacy. Sting operations were thus started by the media with the admirable goal of exposing high-level corruption.

However, it may be inferred from the mitigating circumstances that one of the primary motivations for conducting a sting operation is to raise TRP ratings or to "interest the public" rather than to serve the "public interest." Therefore, the 17th Law Commission has recommended to the center in its 200th report that a law be passed to stop the media from violating people's rights to privacy.

DISCUSSION

The Indian Constitution only justifies this right by inference as an implicit component of the protection of other fundamental rights, not by explicitly granting it. The existing law only provides a principle that, if correctly applied, may guarantee an individual's right to privacy. The Indian judiciary has been utilizing judicial activism to expand the scope of Article 21 of the Constitution of India, 1950, which contains the potential foundation for private rights expanded the protection it provided. But recently, this right has been given constitutional protection. This path started in 1963, when *Kharak Singh v. State of Uttar Pradesh*⁴⁴ presented the Right to Privacy issue for the first time [4]–[6]. The issue was whether the Constitution of India, 1950's Articles 19(1)(d), 19(1)(e), and 21's existing Fundamental Rights might be interpreted to include the right to privacy. According to the majority view, no such privilege is expressly granted to citizens by our constitution. According to a minority view (SUBBA RAO, J.), Article 21 of the Constitution of India, 1950, should be seen to imply the right to privacy from the right to personal liberty. In *Govind v. State of Madhya Pradesh*, the Supreme Court of India once more considered this right. This time, the court adopted a more detailed stance and agreed that a limited right to privacy emanates from Articles 19 (1)(a), 19 (1)(d), and 21. The right is not unqualified, it was added. Therefore, this right may be subject to reasonable limitations. These limitations must be in accordance with Article 19, clause 2 of the 1950 Constitution of India.

"The right claim of an individual to determine to what extent he wishes to share himself with others and control over the time, place, and circumstances to communicate with others" is the definition of "privacy." It refers to the individual's right to manage how information about him is disseminated. It belongs to him personally. A comparison of media and human rights acknowledged that one person's right to information and knowledge may infringe upon another's right to privacy. In other words, a person of moderate sensitivity would feel humiliated, anguish, and mental stress if particular facts, events, actions, photos, and videotapes were disclosed in any form of media, including print, celluloid, and the internet. In other senses, the phrase "right to privacy" means "to be left alone." What might be personal and sensitive information to one person in a marriage dispute litigation may be information to others according to a journalist. The "Lakshman Rekha" is the line that separates press freedom from individual privacy, and when the media crosses this line, an invasion occurs.

Due to the latest wave of sting operations, privacy protections have recently gotten worse. The media's responsibility has been questioned in light of the bogus and fake sting operations. The current sting operation has only revealed the new aspects compromising the right to privacy since the *Tehelka* exposé in 2001, which forced the defence minister and others to quit. In contrast to news organizations in the West, those in India lack internal regulations and an established code of ethics that regulate undercover investigations. The

legitimacy of sting operations providing valuable evidence has been questioned in light of the new trend of ready-to-hire stings, which effectively renders the idea of sting operations self-defeating in some circumstances. In a recent incident, a TV news channel's undercover investigation led to the accusation of a 40-year-old Delhi schoolteacher of being a pimp. After the broadcaster aired a sting operation showing her negotiating a deal with a dummy consumer, she was assaulted and naked in front of the public. Later, it was revealed to be a fraudulent sting operation that not only harmed the reputation of the school but also of the victim. A comparison of media and human rights educator and violated her right to privacy, but also subjected her to public humiliation and severe physical abuse. In these situations, responsible media are necessary. As a result, it may be claimed that accepting the authenticity of any sting operation depends on whether the fine line between private interest and public interest is crossed.

Right to Information:

The Right to Information Act, 2005, which was passed in 2005, aims to balance the interests of the public and the commercial sectors. The public authorities' information is now no longer covered by the right to privacy. It makes it easier for citizens to have secure access to the data held by public entities, which in a sense leads to transparency and accountability. The notion that democratic principles come first is upheld. In addition to sting operations, the media often uses various planned strategies to get information on private individuals that may violate their right to privacy. There are numerous important legal precedents for this in American legal history. For instance, the plaintiff in the case of *Dietemann*⁴⁸ was a plumber who performed medical services at home without a license. Working with the local district attorney, a *Life Magazine* writer and photographer pretended to be a couple to enter the man's living room and collect evidence for a possible criminal case. They employed a covert cassette.

The First Amendment's right to informational gathering was *life's* defense. However, a federal district judge granted \$1,000 in damages. The employment of a fictitious identity, according to the Ninth Circuit, was the basis for upholding the ruling. The First Amendment is not a license to trespass, steal, or use electronic methods to enter someone else's home or office, the judge more explicitly emphasized. It does not automatically become a license just because there is a good reason to believe the person being invaded is guilty of a crime.

The High Court of Australia came to a similar decision in the case of *Stephens v. West Australian Newspapers Ltd.* According to McHugh J, "the standard of living and freedom of the average person...are heavily dependent on the execution of responsibilities and powers bestowed in public representatives and officials by a massive legal and bureaucratic infrastructure sponsored by public funds. Every member of the community has a real and legitimate interest in how, when, why, and where those functions and powers are or are not used, as well as how the public representatives and officials who hold those positions perform in those roles.

A comparison of media and human rights:

The Supreme Court has ruled in a number of cases that "punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the highest order" when a newspaper publishes factual material that it has lawfully obtained. Images and videos of private individuals are sometimes captured in their private homes or in other private areas as a result of severe media conjecture and sensationalized news coverage, particularly of celebrities and/or other individuals who may be of general interest to the public. This is clearly against the law and is punished as a violation of the right to privacy. However, it is important to keep in mind that even if a news organization does appear to have violated a subject's right to privacy, the remedy available to that subject will typically not include the authority to prevent the publishing of the image. As a result, the plaintiff can typically only obtain monetary remedy; an order prohibiting the use of the objectionable

photographic or videographic material is typically not possible. Therefore, regardless of the Court's decision, the media's acts will have violated the plaintiff's right to privacy without just compensation.

The debate over "reality-based journalism" during the past ten years is another example of how the media has violated the right to privacy in the United States. In this instance, news crews were permitted to go into private residences with law enforcement officers when they served warrants or made arrests, presumably to show the public how law enforcement operates in the real world and to raise awareness and educate the public. In fact, the raw video from such sources was used to create a number of television programmes. The High Court of Australia came to a similar decision in the case of *Stephens v. West Australian Newspapers Ltd.* According to McHugh J, "the standard of living and freedom of the average person...are heavily dependent on the execution of responsibilities and powers bestowed in public representatives and officials by a massive legal and bureaucratic infrastructure sponsored by public funds. Every member of the community has a real and legitimate interest in how, when, why, and where those functions and powers are or are not used, as well as how the public representatives and officials who hold those positions perform in those roles.

However, a number of cases were brought before the U.S. Supreme Court by private citizens who claimed that the presence of media crews in their homes, taking pictures and videos and recording their observations, violated their constitutionally guaranteed right to privacy. The Supreme Court issued a unanimous ruling in favor of the plaintiffs in both cases, holding that even though the news crews' entry into the private residences had been approved by state authorities, it nevertheless constituted a violation of their right to privacy [7]–[9]. In *Jersild v. Denmark*, the European Court of Human Rights declared as follows: "While the press must not cross the lines established, among other things, in the interest of "the protection of the reputation and rights of others," it is nonetheless required to disseminate information and viewpoints of public importance. The public has a right to hear such ideas and information, in addition to the press's responsibility to communicate them. If not, the media would be unable to fulfill its crucial function as "public watchdog."

CONCLUSION

As Chief Justice (retired) P.B. Gajendragadkar noted, "Freedom of expression does not mean tolerance of the expression of opinions with which one agrees but tolerance of the expression of opinions which one positively dislikes or even abhors." We must keep in mind that this fundamental right also includes fair commentary and criticism. As granting unrestricted freedom of speech and expression would be equivalent to offering an uncontrolled license, this freedom of the press is not absolute, limitless, and unhindered at all times and under all circumstances. If it were completely unconstrained, not even by reasonable limits, it would cause chaos and anarchy. The freedom should not be seen as a press free to ignore its responsibility to be accountable. In actuality, journalists' consciences must include a sense of responsibility. The press's rights must be recognized in an organized society together with its obligations and responsibilities to the community. Things like morals, public decency, and public order must be protected. It is important to avoid removing the safeguard of press freedom in order to engage in wrongdoing. A newspaper must be penalized by a court of law if it publishes something incorrect, maliciously false, or illegal and abuses its freedom to do so. For the simple reason that his statements have a much greater audience and impact than those of an individual, and because they are published in print, the ignorant are more likely to believe them, the editor of a newspaper or journal has a greater responsibility to guard against false news and publications. Therefore, even for the preservation of press freedom itself, some limits are necessary.

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CHAPTER 7

IMPACT OF INDIAN IT LAWS ON MEDIA LAW: AN OVERVIEW

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ABSTRACT:

This study examines the relationship between media rules and IT legislation in India, with a particular emphasis on how the latter influences the former. This study will explore the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Regulations, 2021, and their implications for media freedom, expression, and privacy. The paper may also examine the interpretation and application of IT legislation by Indian courts in light of current media law issues like defamation, hate speech, and false news. Case studies can be used in the essay to demonstrate how IT laws are actually put to use in solving issues with Indian media law. This essay could also examine the opportunities and challenges the digital age brings to Indian media law and make recommendations. The advent of the digital age has resulted in a variety of challenges for media regulation in India today. As media and technology have merged increasingly, a complex web of legal concerns involving privacy, media diversity, and freedom of expression has emerged. This research paper investigates how media law and technology legislation intersect in India, with a focus on how the latter influences the former and how Indian courts have interpreted and applied IT legislation with regard to media law issues like defamation, hate speech, and false news are both topics covered in this essay.

KEYWORDS:

Censorship, Journalism, IT Laws, IT Regulations, Media Laws.

INTRODUCTION

The increasing expansion of India's information technology sector has brought about new issues for the practice of media law. The Indian government has implemented a variety of restrictions to manage how individuals use social media and digital platforms. However, there is still a difference of opinion among advocates and legal professionals over how these regulations impact free speech and personal privacy. This study attempts to investigate how Indian IT legislation impact media law, specifically taking into account contemporary worries about privacy and free expression. Case law, academic articles, and legal texts are just a few of the sources the study will refer to. The study will look at how media laws are impacted by IT regulations, with a focus on issues like intermediary liability, content management, and data protection. The study will take a close look at several important judicial cases, such as the *Shreya Singhal v. Union of India* decision, which ruled that a provision of the Information Technology Act was unconstitutional because it infringed on the right to free speech. The study will also look at how current IT rules, such as the Personal Data Protection Bill, the Digital Media Ethics Code, and intermediary guidelines, have affected media law and free speech. By analyzing how IT laws impact media, this study hopes to contribute to the ongoing discussion about how to find a balance between freedom of expression and privacy in the digital age [1]–[3].

IT Laws' Effect on Media Law:

The Indian government has passed a number of regulations to regulate digital media there.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 20213 (IT Rules) is one such rule that has provoked lively debate among media professionals, academia, and civil society organizations. The IT Regulations' main goal is to regulate the behavior of social media intermediaries

and digital media companies operating in India. One of the key ramifications of the IT Regulations for media law is how they affect the right to free speech. The IT Regulations oblige social media intermediaries to remove or restrict access to any content that is regarded to be unlawful or disruptive of the public order. There have been worries raised about the prospect of censorship and the subsequent infringement of free expression rights. The IT Regulations are criticized for violating the constitutional right to free speech and giving the government too much power to regulate internet content. Another implication of the IT Rules for media law is how they affect privacy.

Social media intermediaries are required by the IT Regulations to disclose the identity of content creators to law enforcement. Concerns have been raised about the potential for surveillance and the subsequent breach of privacy rights. Detractors of the IT Regulations claim that they violate the constitutional right to privacy and grant the government disproportionate access to individual data. In February 2021, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Regulations, 2021 were released in order to regulate online content and establish accountability for digital media platforms. All digital media businesses, including news websites, streaming services, and social media websites, must abide by the rules. The laws include, among other things, the necessity that digital media companies name a grievance officer who is in charge of resolving client complaints. In accordance with the requirements, platforms must also provide a method for users to report objectionable content and act to remove it within 36 hours.

Professionals in the media, civic society, and law have all voiced disagreement with and discussion over the formulation of these regulations. Others have hailed the laws as being essential to halt the spread of false information and hate speech, while others have claimed that the regulations have a chilling effect on media plurality and freedom of expression. The limitations have been disputed in a number of courts, and the Indian Supreme Court is currently examining petitions challenging the legitimacy of the regulations. In order to address difficulties with the dissemination of false information, hate speech, and dangerous content on online platforms, restrictions were put in place. The regulations have a number of effects on the sector, including the requirement to appoint nodal officers, compliance officers, and grievance officers to address customer complaints.

Impact of the IT regulations on Indian media:

Several of the rules' notable effects include the following:

- i. Platforms for digital media now bear more accountability. When asked by law enforcement, they must identify the content's creator and remove any illegal content within 36 hours of receiving a complaint.
- ii. A compliance officer, a nodal officer, and a grievance officer must be appointed for every digital media platform with more than 50 lakh subscribers. personnel in charge of grievances and compliance. These authorities must be based in India and available 24/7 to address user complaints.
- iii. OTT platforms are required to classify their content into five categories based on how appropriate it is for various age groups. The platforms must display content warnings before any content is played.
- iv. Control by inter-ministerial committees: A body to oversee the oversight of the regulation of internet media outlets is also created by the legislation. The committee has the power to give instructions to digital media companies and restrict anything that it determines to be harmful to public order or national security.
- v. Civil society organizations have criticized the standards, claiming that they violate the right to free expression and could be used to muzzle dissenting views. Some digital media companies have also voiced concerns about how the restrictions would actually be implemented.

DISCUSSION

There have been numerous media law and IT law issues brought before Indian courts. One such issue that has gotten worse in the digital era is defamation due to how easy it is to propagate incorrect material on social media. In *Subramanian Swamy v. Union of India*⁷, the Supreme Court of India upheld the constitutional legitimacy of criminal defamation laws, ruling that such measures legitimately protect people's reputations. However, the court ruled in *Shreya Singhal v. Union of India*⁸ that the Information Technology Act's provision making threatening or abusive online communication illegal violated the right to freedom of expression.

Another problem that has surfaced is hate speech, which is now more prevalent in the digital age due to the anonymity that social media platforms offer. In *Pravasi Bhalai Sangathan v. Union of India*⁹, the Indian Supreme Court upheld the validity of a clause of the Indian Criminal Code that makes hate speech illegal. The court determined that hate speech is not protected by the right to free speech and that the state has a legitimate interest in restricting it.

Fake news is another topic that has recently attracted notice. In *Nipun Saxena v. Union of India*¹⁰, the Delhi High Court directed the government to constitute a panel to look into the dissemination of incorrect material on social media platforms. The court says that incorrect information has the potential to fuel social unrest and damage the democratic process. The Delhi High Court supported the validity and legitimacy of the IT Rules in another case, *Facebook v. Union of India*, while also ruling that they could not be used to infringe on citizens' fundamental rights, including as their right to privacy and freedom of expression.

India's case studies demonstrate how media law is impacted by IT rules. The dispute between Twitter and the Indian government over the deletion of particular accounts and messages pertaining to the Indian farmer protests is one such example. The Indian government requested that Twitter remove a number of accounts and tweets that it suspected were inciting violence and disseminating false information. Twitter initially refused to comply with the request due to reservations about free speech and IT guidelines. However, the fact that Twitter eventually complied with the request has sparked debate over the role of social media networks as online information censors. For instance, in April 2021, Twitter deleted posts that questioned the way the Indian government handled the COVID-19 epidemic at the request of the government. The decision sparked a backlash, with detractors charging that it violated the right to free speech and was an effort to silence the opposition.

Another example is the controversy over WhatsApp's privacy policies, which led to the filing of a petition with the Delhi High Court. According to the petition, WhatsApp's new privacy policy violated the right to privacy by giving it an excessive amount of power to collect and disseminate personal information. Due to privacy and data protection concerns, the court issued a temporary injunction to stop the implementation of the new policy. The Indian government must immediately revise the IT Regulations to meet the concerns raised by critics in order to better protect individuals' right to privacy and freedom of expression in the digital age. More transparency and accountability in the supervision of laws governing digital media. Furthermore, any restrictions on internet content should be strictly implemented by the government to ensure that they do not violate fundamental rights.

Censorship under the IT Act:

Indian law is (at least in theory) fairly sophisticated and liberal when it comes to censorship in traditional media. Independent of the communication medium, the right to free speech and expression is protected under Article 19(1)(a) of the Constitution. Although the Courts have given this right a broad interpretation, Article 19(2) allows for reasonable limitations to be imposed on the right in light of public policy considerations. The IT Act contains a number of restrictions that can be used to censor internet information, most notably in

Sections 66A, 69A, and 79. These provisions are purportedly in compliance with A 19(2). The most alarming aspect of these cases is that almost all of them involve executive action without any form of court supervision; in fact, Section 79 of the law deliberately promotes private censorship [4]–[6].

Due to the numerous arrests made under Section 66A over the past year or so (most notably the arrest of two teenage girls in Palghar, Maharashtra in November 2012), this section has likely garnered the greatest media attention. This clause makes it unlawful to use a computer resource to deliver offensive messages. The largest worry in this regard is the provision's extraordinarily broad and vague meaning, which might encompass anything deemed unpleasant, menacing, annoying or inconvenient, insulting, or causing animosity, hostility, or ill-will, among other things. Three years in prison are the penalty for such a crime.

This has been demonstrated in practice as a number of activists and others have been detained for posting comments critical of political parties or individuals (typically, as demonstrated by the aforementioned Palghar case, for posting completely innocent comments). The broad phrasing of the provision has ensured that it can be used to criminalize almost any behavior on the Internet (including that which would not constitute a crime in the physical world). The Indian Supreme Court read down the provision, ruling that the powers under the section (of arrest) were to be used only upon instructions from a senior police official in response to the widespread public outcry caused by the numerous instances of misuse of this provision. Nevertheless, the clause is still present in the law. Sections 69A and 79 of the Act, which are substantive legal provisions rather than punitive ones like S. 66A, have attracted much less public attention than the other two sections. However, these clauses establish a censorship regime that is perhaps unconstitutional.

S. 69A gives the government the right to prevent the public from accessing any content for a number of reasons. A third party that disobeys instructions to censor content could spend up to seven years in prison. With very few options for appeal or protections, this clause effectively transforms all intermediaries into watchdogs of the Internet. For example, there is no necessity to present a court order before or after ordering a takedown. The obligation to respond on private complaints for a wide range of "offenses" some of which are also not crimes in the real world; for example, blasphemy is not a criminal in India is troubling and could be used as a cover for censorship. A different set of criminal offenses and censorship rules are established under this system for internet media as compared to traditional media a physical newspaper may run an article challenging the existence of God, but its online counterpart cannot.

Numerous groups have advocated for changing this clause, and the Parliament's Subordinate Committee on Legislation actually suggested reviewing these rules in order to make them constitutionally compliant. The Government has promised the nation that it has no interest in censoring information, but more action is still to come. The Information Technology Act, which was passed in 2000 to control, regulate, and address concerns related to IT, governs social media law in India. According to the Indian Information Technology Act 2000 (IT Act 2000), social networking sites are considered "intermediaries." As a result, social networking sites operating in India are responsible for a variety of actions and inactions that are illegal there.

The IT Act's Section 66A, which governs social media law in India, is significant since it handles all legal matters pertaining to social media law in India. The transmission and publication of messages, emails, and comments that may be offensive or unjustified are expressly prohibited by this section. Any electronic record that can be communicated, including text, images, audio, and video, can include the offensive message. Given the current circumstances, the IT Act's broad powers give the government a tool to prevent any misuse of the social media Law India. The main duty of the media in a vibrant democracy like India is to serve as a forum for educated discourse. Since communication is the primary means by which people exchange information, it serves as the foundation for all aspects of human interaction. In his essay on press freedom in England, Justice Blackstone argues that "the freedom of the press, properly understood, is essential to the nature of a

free State; but that this consists in laying no prior restraints upon publications, and not in freedom from censure for criminal matters when published."

Every free man has an unquestionable right to express whatever opinions he chooses in public; to ban this is to undermine journalistic freedom. However, he must bear the consequences of his own temerity if he publishes something that is incorrect, malicious, or unlawful. Free exchange of ideas and learning take place when there is unrestricted, complete communication. It is protected by "freedom of speech and expression," which is envisioned in several international accords and the majority of constitutions, including the Indian Constitution, as the most important fundamental right. The freedom of expression encompasses a broad range of rights, including the freedom to express opinions, the freedom to share information, the freedom to receive information, and even the ability to disagree with the current democratically elected government. It also has to do with the ability to think freely, think creatively, and consult, all of which are crucial for self-awareness. It's also crucial to establish a good democratic administration in which everyone is informed about current political events. Many academics believe that speech has a self-fulfilling purpose.

According to Joseph Raz, the ability to communicate verbally, visually, or musically is a fundamental human right that enables everyone to participate in civic affairs. Speech, according to Professor Edwin C. Baker, is the manifestation of a person's sincere aspirations and skills. However, in 2015, the Supreme Court invalidated Section 66A of the Information & Technology Act, 2000 in a significant ruling affirming the right to free speech in modern times, *Shreya Singhal and Ors. Vs. Union of India*. The decision, which is being applauded by both the general public and legal experts, judged the Cyber law provision to be open-ended, imprecise, and illegal because it curtailed the right to free speech of Indian residents. Intentionally Insulting Religion or Religious Beliefs, Promoting Enmity Between Groups on the Basis of Religion, Race, Etc., Defamation, Statements Leading to Public Mischief, Insulting The Modesty Of A Woman, Criminal Intimidation (S 506), etc. are just a few examples of analogous provisions of the Indian Penal Code (IPC) that will continue to apply to social media online [7]–[9].

CONCLUSION

Indian media law and IT legislation have both played a significant role in regulating the Indian IT sector. The Information Technology Act, 2000, and its updates laid the groundwork for regulating the use of the internet and other digital technologies in India. The Act establishes the legality of electronic transactions, digital signatures, and papers produced electronically. Additionally covered are personal information protection and legal sanctions for online crime. However, there has been discussion regarding how media law may be impacted by IT regulations. The freedom of speech and expression is guaranteed by Article 19(1)(a) of the Indian Constitution, which is crucial for a democratic society. But the same clause also permits reasonable restrictions on the right to free speech when those restrictions are necessary for maintaining India's integrity, sovereignty, and public order. The growth of digital media and technology has had a significant impact on the media landscape in India. The Indian government created the IT Rules and other regulations governing digital media in reaction to these changes. These laws aim to regulate online content, but they also significantly impact people's right to privacy and freedom of speech.

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CHAPTER 8

DICHOTOMY BETWEEN THE FREEDOM OF PRESS AND FUNDAMENTAL RIGHTS AN INDIVIDUAL IN INDIA

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ABSTRACT:

Press freedom is a prized right that no nation should give up. However, if there isn't any legislative check at all, as there should be, an internal check like the one I've recommended shouldn't be impossible and shouldn't be resented. M. K. Gandhi. The media is regarded as the fourth pillar of democracy in a thriving democracy like India. Making people aware of society and the issues that are widespread in it is the media's main goal. It is crucial that media outlets conduct their operations more responsibly and refrain from offering prejudicial viewpoints as a result. The media must also refrain from using "yellow journalism" practices. In India, the idea of self-regulation is becoming more popular in order to create media as an independent entity. However, the current situation demonstrates unequivocally that self-regulation has failed to leave a lasting impression and to prevent media exploitation. With the development of technology, media has undergone a considerable transformation. The impact of technological development, which gave rise to a new media vertical called Digital Media Platforms, is not unnoticed in the age of technology and media. As these platforms may rapidly spread the content, they have a significant amount of power to affect the thoughts of millions of people. It frequently happens that bogus news incites intergroup violence.

KEYWORDS:

Freedom, Media Abuse, Media Self-Regulation, Press Council, Press Freedom.

INTRODUCTION

The term "media" comes from the plural of the word "medium," which refers to a notion, vehicle, source of information, tool for education, etc. that facilitates the dissemination of various types of information to people or groups. The word "media" is frequently linked to journalism. One of the four pillars of democracy is the media. The media have a significant impact on how society views issues and have the power to alter how people interpret particular occurrences. Currently, it might be difficult to tell the difference between journalism and the media. The two have combined to form one whole. As an illustration, all news channels currently have their own YouTube channels. As a result, it has become imperative that digital media material be regulated. By breaking into, one can better understand the concept and utility of media [1]–[3].

The free speech thesis of John Stuart Mill. This theory is based on three principles: first, it advances the truth; second, it strengthens democracy and good governance; and third, it promotes personal autonomy. Through a larger understanding of press freedom, Mill expanded the liberal lineage of ideas started by Milton and Locke. According to Mill, who was motivated by utilitarian principles, only free speech can motivate a society to question ingrained notions and beliefs in order to expose falsehoods. His thesis on free speech, which is an explanation of his concept of individual liberty, served as the foundation for the freedom of the press or media. He anticipated the creation of a trustworthy, coercion-free medium that would allow the general public to learn about the accomplishments of the state and government. This press freedom, which falls under the umbrella of free speech, promotes thorough and unrestricted discussion on all topics of public interest. Even while the general public, and citizens in particular, are given the right to freedom of speech,

news is still spread through the press and media. Therefore, it is generally acknowledged that the media serves as a vehicle for achieving freedom of speech and expression.

From the perspective of a democratic society, the media contributes by offering information that is crucial for two reasons. In the first place, it makes sure that citizens create accurate and current opinions by examining the real and true information offered by the media. Second, it serves as a "checking function"⁶ for information by ensuring that the elected government and its representatives fulfill the promises made during the election and the goals of the people who picked them. Thus, the media is crucial since it is the only vehicle for shaping public opinion. How a country's news is covered by the media can be used to judge its level of stability. As a result, the media have a duty to disseminate only true information, both locally and globally. In some societies, there is a hostile relationship between the press and the government, which could encourage the media to propagate harmful effects in society. The media's function has evolved from how it was once seen.

Every profession has its own set of rules that must be followed, and media should have its own set of rules as well. The media is a widely acknowledged tenet of democracy and is seen as acting to uphold certain standards of professionalism. Since it balances the power of the other three departments of government the executive, the legislative, and the judiciary it is also known as the watchdog. The freedom of the press enables people to participate in all important issues that affect them. It is widely acknowledged that only an independent press or media can provide citizens with a variety of information and opinions on issues of public importance. The media have the freedom to disseminate information. The individual human rights concept on freedom of expression is applied to freedom of speech and communication through outlets like various electronic media or published publications. Therefore, the freedom of the press or media is crucial because it allows the people to learn about how the government, state, financial system, social systems, and other issues of public interest are performing. The media's mission today goes beyond merely disseminating information; instead, it is their responsibility to offer accurate and reliable information. Democracy is a form of popular government that is supported by three strong pillars.

However, as the three pillars of Indian society executive, legislative, and judicial became somewhat insecure, the protection provided by Article 19 (1) (a) gave rise to a fourth pillar known as the media or press. It performs the crucial function of a conscious watchdog, a guard dog for the representatives of society, and it works to repair the flaws in our system by making them known to everyone in the hopes that they will be fixed. It is indisputable that the extraordinary media revolution has enabled society to advance significantly in a number of areas. Even the state judicial branch has benefited from moral and valiant journalism and has relied on reports of grave human rights breaches to take suo-moto cognizance in many cases. A progressive society can greatly benefit from the media's contribution, but only if the media respects that society's right to free speech and expression. The Indian Constitution stresses the importance of free speech and expression to society and to humanity.

According to Justice Patanjali Shastri in *Romesh Thapar v. State of Madras*, "Freedom of speech and of the press lay down the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular Government, is possible." The Indian Constitution's Article 19 guarantees the right to free speech and expression, as well as the freedom of the press. By stating that "freedom of speech and expression must be broadly construed to include the freedom to circulate one's views by word of mouth, in writing, or through audiovisual media," the Hon'ble Supreme Court recognized the importance of independent media. This includes the freedom to spread one's opinions via print or other media. Any attempt to choke, suffocate, or muzzle this right would sound the death knell for democracy and aid in the rise of authoritarianism or dictatorship, according to the Declaration of Human Rights and Fundamental Freedoms (UN Declaration of Human Rights and Fundamental Freedoms). The

importance of free media was emphasized by the Hon. Supreme Court in *Indian Express Newspapers (Bombay) Private Ltd. v. Union of India*. Press freedom was referred to as the "heart of social and political intercourse" by Justice Venkataramiah, E.S.

"The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate cannot make responsible judgments," Justice E.S. Venkataramiah stated while giving the verdict. Newspapers, as publishers of news and opinions that have an impact on public administration, frequently publish content that is objectionable to governments and other authorities. Press freedom makes a crucial contribution to the advancement of democratic values. The First Amendment of the US Constitution also mentions journalistic freedom. The US Supreme Court defended this first amendment in *New York Times Co. v. United States*, noting that "Only a free and unrestrained press can effectively expose deception in government."

There is no denying that media has a positive impact on Indian society. Nobody will ever forget the horrifying Nirbhaya gang rape event, in which a group of people raped a 16-year-old girl. This heinous act sparked societal sentiments to tighten rape laws and ignited a powerful wave of protest across the nation. The parliament only passed the Criminal Law (Amendment) Act 2013 and included the death penalty for serial rape offenders as a result of public attention. The Criminal Law (Amendment) Ordinance 2018 was approved by the government in response to the public's outrage following the Kathua gang rape, in which an eight-year-old girl was repeatedly violated for days. The law stipulated that a girl under the age of 12 who was raped would receive the death penalty. In a number of high-profile cases, including those involving Jessica Lal and Priyadarshini Mattoo, where the accused people wielded considerable power and sought to thwart the administration of justice, India has seen the positive impact of the media. Nevertheless, these convictions were made possible thanks to the media's support and consistent coverage of the cases for justice.

Media abuse and its effects on society:

In a democracy, the media is essential because it disseminates information to the populace and helps people create opinions based on what they learn. In the early years of India's independence, the media operated with far more responsibility and morality. Since there wasn't a competition to be the first to break the news and make it as dramatic as possible, as we see in the current situation. There may have been a number of factors contributing to the media's impartial coverage in India's early years of independence, including the fact that most newspapers, periodicals, and magazines were owned by editors who had participated in the country's freedom struggle and who were reasonably aware of the role that print media played in fostering a healthy democratic society. It also seems that at that time, the news media was seen as a way to contribute to society rather than just a means of doing business and making money.

The media has become one of today's most valuable industries and businesses. This flaw was made clear in the case of Sudarshan TV, which broadcast a few episodes of the program "Bindas Bol". Editor in Chief and Anchor of Sudarshan TV Mr. Suresh Chavhanke specifically attacked the entire Muslim population in that broadcast. He questioned the unexpected increase of Muslim applicants to the public service. Additionally, he referred to this phenomenon as "UPSC-Jihad". The show's content was so abhorrent that a petition was submitted to the Honorable Supreme Court asking that the TV station not air the program. The bench made the following statement while stopping the airing of the remaining episodes: "Any attempt to defame a religious community must be viewed with grave disfavor by this Court as the custodian of constitutional values." It must uphold constitutional principles, nothing less [4]–[6]. Since the news station is not a member of NBA, NBA explicitly indicated during the court hearings that it cannot take any action against the news channel. It amply demonstrates the shortcomings of the broadcast media's self-regulatory system.

Even if a particular news station is not a member of NBA, the Cable Television Networks (Regulation) Act, 1995 contains provisions that allow the government to impose sanctions on it for airing immoral or illegal content. In order to monitor any violations of the Program and Advertisement Codes outlined in the Cable TV Networks (Regulation) Act 1995, the Electronic Media Monitoring Cell was established in 2008. If a channel disobeys the program and advertisement rules outlined in the Cable Television Networks (Regulation) Act, 1995²⁶, the government has the authority to impose a ban on such channel. Such a scheme may also be prohibited for the reasons outlined in Article 19(2) of the Indian Constitution²⁷. However, the monitoring committee has so far failed to build its credibility because it has not made a lot of effort in this area. Almost everyone uses platforms like WhatsApp, Facebook, Twitter, YouTube, and other digital news media. The largest country in terms of WhatsApp audience size is India, which has over 487 million active users. Brazil, which came in second, has 118.5 million WhatsApp users.

DISCUSSION

One of the most popular messaging apps in the world is WhatsApp. On these sites, there have been occasions where various fake news stories have been spread, sparking racial conflict. We have observed that these digital forums are utilized to incite racial violence and hatred in society during riots. Even yet, these intermediaries and platforms are not responsible for any illegal or illicit content that is disseminated through them. The Information Technology Act of 2000 grants these intermediaries a safe harbor. According to the IT Act of 2000²⁹, any social media intermediary is exempt from legal action for any third-party information, data, or communication link he makes available or hosts. It also states that the protection is only valid if the intermediary in question does not begin the transmission of the relevant message, chooses the recipient of the transmission, or modifies any of the communication's contents in any manner. This means that any intermediary or social media will not be held accountable for any legal actions if they merely serve as a facilitator or bridge to transmit messages from one user to another without interfering. It demonstrates unequivocally that no laws are necessary to address this condition.

The idea of media self-regulation:

All legislation and constitutions mention the freedom of speech and expression or the freedom of the press, but these rights are not consistently upheld. Thus, it is critical to comprehend the value of press freedom and the types of regulations used in a given nation. Mahatma Gandhi emphasized the need for self-regulatory media, saying "the main goal of journalism should be service. The press is a powerful force, but just as an unchecked torrent of water submerges entire country sides and destroys crops, so too does an unchecked pen only serve to damage. It turns out to be more poisonous than lack of control if the control comes from without. Only when exercised from inside can it be profitable. Mahatma Gandhi emphasized throughout his speech that it would be more harmful if media self-regulation failed to achieve its goals than a lack of control.

When there is no regulatory agency overseeing the media, the self-regulation concept mandates regulation on its own. Theoretically, if regulation were left up to the media, there is a chance that it might compromise regulatory objectives in favor of its own commercial objectives. For instance, the amount of cross-media ownership by large corporations has grown alarming saw the release of the Radia tapes, which revealed a connection between journalists, huge corporate organizations and politicians.

The Press Council of India handled this problem through its chairman, although no severe actions have been taken. That illustrates the Press Council of India's incompetence. For their unjust work, the journalists cannot be suspended. The Press Council of India seems to have devolved into a senile and elderly watchdog. The Press Council currently does not have any requirements for journalists. The only authority the Press Council has is the ability to censure or warn unruly journalists. Thus, self-regulation is not actually practiced in India. In actuality, there isn't a single platform in India for media regulation and redress. As mentioned, the Press

Council of India has relatively little authority. The News Broadcasting Standards Authority (NBSA) is a self-regulatory body that the television media has partnered with. However, there are issues that are never addressed, such as cross-media ownership, inaccurate news being published, sensationalizing stories, a lack of journalistic ethics, paid news, news focused on advertisements being released for profit, privacy violation, unnecessary news about celebrities and superstardom being circulated, unethical sting operations being held for publicity, and so on.³³ It's time to consider whether journalists themselves or any competent authorities should take responsibility for the lack of a journalistic code of conduct.

The Central News Media Accreditation Guidelines, 1999, which must be followed by the electronic media, state that if a media organization is found to have provided any false, fraudulent, or forged details or documents, that organization's representative media organization will be barred from accreditation for a minimum of two years and a maximum of five years, as determined by the Central Press Accreditation Committee (CPAC). Similarly, pre-publication substantiation is carried out by editors in news publications and media before the news is assigned to the public domain. In addition, an internal mechanism for adherence to information authenticity is sought to be ensured through mechanisms like Readers Editor or Internal Ombudsman" letters to the editor," and Media Council of Peers and Media Watch Groups, all of which are intended to highlight and address the wrongs done by media persons, reporters, or management.

In general, there is great concern surrounding the ethics of the media. Since not all aspects of journalistic rights are a topic of legislation, there must be a clear understanding of the problems that will be covered in the Press Council of India's (PCI Act) legislation. The balance between editorial freedom and journalists' freedom to take editorial decisions must also be maintained. A single code of behavior for journalists reporters and editors—must be drafted at this time, with input from working print, TV, and web journalists, retired veteran journalists, and those connected to the media. Situations like the Sudarshan TV case amply demonstrate the necessity for efficient regulatory framework that can be extended to the whole media sector. In the current environment, competition has caused the media to increasingly focus entirely on gaining viewership and public attention. Self-regulation would only be effective if the press gave it the respect it deserves and continued to support it. Only with such dedication and acceptance will the Press Council be given real power. Around the world, press councils and other regulating authorities have taken a more active role in establishing industry standards, conducting ongoing research, scheduling regular public discussions, and also empowering readers.

As a result, the current PCI model is a poor point of reference or comparison in the continuing debate over broadcast content regulation. Any self-regulatory system must be fast, proactive, interactive, and, most importantly, one to which the publishing industry for newspapers and magazines is committed and accountable. It is obvious that accountability measures across all media, including print, need to be reviewed. It is alarming to learn that PCI got more than 7000 complaints from 2003 to 2016 compared to more than 9000 complaints from 1990 to 2000. The majority of complaints (on average 70%) are directed at the press. About 25% of the cases are decided upon, and 60–70% are dismissed. While many instances continue to wait for their chance since the council takes an excessive amount of time to intervene. This also occurs because Delhi serves as the council's primary location. These are a few of the variables that could explain these triumphs and failures.

Therefore, it is assumed that simply handing the rule up to the media would increase the possibility that it would subvert regulatory goals in favor of its own commercial goals. Our government must prioritize funding for media journalist training and push owners to do so. Because of the importance of media freedom, western countries currently provide workshops for journalists' training. In order to fulfill media duty through self-regulation, reporters and management must collaborate to create standards of journalistic conduct and then

ensure that these standards are upheld. As part of this, a mechanism should be developed to provide a means through which persons who have been wronged by any news or data item can seek a fair trial [7]–[9].

CONCLUSION

Without some form of control, no human activity is possible. If an institution is self-controlled, it cannot function logically. The expectation of similarity is a key component of self-regulation. The self-administrative bodies cannot function unless they are free from bureaucracy, business, and special interest interests; unless an arbitrary check is performed within the institution; and unless they have the authority to compel good grant, such as the publication of an amendment or a request for forgiveness. In light of these, the justification for media self-regulation should be looked at carefully. Therefore, a voluntary agreement between media professionals, writers, and the board or broadcasting group is required to establish outstanding journalistic standards in order to avoid any form of obligation to disclose to whom they spread news. Following the adage "Prevention is better than cure" is analogous to this. The government must create a method to strengthen and improve self-regulation, and it may also impose external regulations, provided that they do not restrict the freedom of speech and expression of different Digital News Platforms.

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CHAPTER 9

TERRORISM AND THE MEDIA: AN UNSOLVED PUZZLE

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ABSTRACT:

By emphasizing dread and an uncertain future, the media encourages terrorism. The major news outlets essentially ignored and did not debate significant shifts in US foreign and domestic policy. Despite the long-standing link between fear and crime in the US, the mass media's role in fomenting fear has grown more prominent ever since the US 'found' international terrorism on September 11, 2001. A thorough qualitative media study reveals that political decision-makers swiftly changed Project for the New American Century (PNAC) propaganda sections to highlight domestic support for the new US role as global leader. These messages were included into the earlier discourse on crime and terror, which might be characterized as the ubiquitous communication, symbolic knowledge, and expectation that risk and danger are an integral part of daily life. In order to strategically incite fear and use audience preconceptions about risk, danger, and fear to achieve specific goals, including enlarging domestic social control, politicians mobilized key symbols and icons linking terrorism with Iraq, the Muslim faith, and a large number of non-western nations.

KEYWORDS:

American Century, 9/11 Attacks, Mass Media, International terrorism, Weapons.

INTRODUCTION

The way we learn about the world and how it functions has changed as a result of the mass media and popular culture. Foreign policy and international events are making this increasingly obvious. Information from the mass media supplies viewers with a background of meanings and visuals that help them make political decisions regarding particular activities, including war. Citizens are, after all, viewers of various mass media, the majority of which are entertainment-focused in the United States in order to maximize revenues. This article demonstrates how news reports about the "war on terror" were based in a discourse of fear, which may be defined as the pervasive communication, symbolic awareness, and expectation that danger and risk are a given. This article draws on extensive qualitative document Downloaded from dcm.sagepub.com at Tehran University on December 2, 2010. Discourse & Communication analysis of news reports from newspapers, television, and magazines. This was accomplished by using rhetoric to promote the moral and social superiority of the United States.

Additionally, the 'crisis' of the 9/11 attacks was deftly framed in news reports as the 'world has changed' and that 'privacy,' which could be abandoned like a bulky coat in an Iraqi summer, would need to be sacrificed in order to survive. Citizens who were concerned about the infringement of their civil freedoms, such as the denial of habeas corpus, were in fact characterized as "privacy advocates," making them appear to be lobbyists for certain causes. These messages were incorporated into the language of dread around crime, suggesting that safety and concern are conveyed through increased control, including surveillance [1]–[3].

The way the news media and popular culture portray the American response to terrorist acts reflects a society and a set of shared identities that are deeply rooted in consumerism, marketing, and popular culture. The military media complex's elite news management and propaganda created terrorism scenarios that were reflected in national agendas and day-to-day living. The main news stories during the first four years of the Iraq War were shaped by a moral framework that encouraged dehumanizing the enemy, redefined an action

as "torture" if the results reach "the level of death, organ failure, or the permanent impairment of a significant body function" and also supported increased social control of citizens to ensure their safety.

War stories are frequently infused with overt moral rhetoric. The slow repetition of terms that imply, but do not explicitly state, that the other nation is irrational and unfair is used in trade stories. According to the news media and popular culture, the 11 September 2001 assaults on the United States were an attack on American culture, if not civilisation itself. These classifications were in line with a broad background, a pervasive discourse of dread, and symbolic representations of "Arabs" as the "other," or marginalized outsiders, who pose risks to individual and societal security.

Al Qaeda, according to President Bush, is to terrorism what the mafia is to crime, he remarked on September 21, 2001. In line with prior war propaganda, the US was seen as above reproach and having noble intentions, even though occasionally things went wrong, while the adversary was shown to be immoral. The most offensive way to refer to an opponent, aside from using moral slurs, is to reject any type of identity. These combatants are "evil" and "hateful," and they are not simply opposed to the US. As a result, President Bush criticized the Iraq War's coverage in the media in 2004 for downplaying the threat to US forces and plans.

Instead of an army, troops, or even guerillas, Iraqi fighters were referred to as "gunmen" or "insurgents"; this is primarily because these names offer a "legitimate" anchorage in institutions, but it is also because the term "guerillas" reflects the political and military failures of Vietnam. And the easiest way to do this is to identify the adversary in plain terms (rather than simply calling them "enemies"), such as "insurgents" or "terrorists," instead of employing phrases that were employed in failed conflicts, like the term "guerilla" used in the Vietnam War to describe resistance fighters. One of the few references to Iraqi fighters as "guerillas" was made by a sociologist who was cited in a piece explaining how American soldiers could kill civilians. Note, however, that even this quotation about a horrific massacre of a family, which one soldier called "the My Lai of this generation," is prefaced by the qualifier "allegedly":

According to military sociologists who have researched soldiers in combat, situations like what allegedly occurred at Haditha tend to become more frequent the longer an insurgency lasts. According to Charles Moskos, one of the top authorities on military people in the country, it is challenging for soldiers to discriminate between friends and enemies due to the nature of the Iraqi insurgency, especially as it enters its fourth year. "The local population is supporting a guerrilla group, which causes the innocent civilians to be seen as one of the bad guys." One can lose one's moral equilibrium in these highly stressful conditions, according to Moskos. Controlling information regarding wartime fatalities is a fundamental propaganda objective. The narrative around mortality in conflict is socially produced for audience acceptance, despite the fact that my focus in this article is on data regarding civilian casualties. Controlling information concerning death, including that involving one's own men, is crucial.

Note the phrase "friendly fire" used to describe soldiers killed by fellow soldiers. A negligent shot was covered up by the employment of "hero scripts," as I was able to show through my research of the news coverage of Pat Tillman's death in Afghanistan from "friendly fire". What we refer to as our "dead" is equally important. The US media swiftly started referring to dead soldiers as "heroes" and "fallen soldiers," a phrase that was soon used to refer to police officers, firefighters, and other uniformed employees as well. Such rhetoric equates troops with a large number of people wearing uniforms; they are all "fighting/serving" on our behalf. Simply put, declaring information "off limits" is another method of limiting it. In order to "respect the family privacy," news organizations were prohibited from taking pictures of the deceased when they arrived at Dover Air Force Base in caskets draped in the flag.

Any military force that rejects the label of "terrorist" and explicitly uses the slaughter of civilians as a tactic has moral, tactical, and public relations issues as a result. Legitimate and "civilized" regimes abhor the

deliberate killing of civilians, and any fatalities that do arise during "military operations" must be handled as "accidental," or more commonly, "collateral damage." The perception that there are too many accidental deaths can, however, result in a "public relations problem. The frequency of news stories about civilian casualties as well as how these reports are structured and whose "voice" is heard or implied in such reports are two components of "managing" the problem. Military news organizations deal with civilian fatalities from a 'PR' perspective by downplaying, denying, or renaming them (Editors, Columbia Journalism. At Tehran University, a file was downloaded from dcm.sagepub.com on December 2, 2010. This is made easier in many respects since people on "one side" are often less concerned about the destiny of individuals on "the other side." Authorities still work to limit journalists' access to crimes against civilians.

Controlling how news stories are presented is a more popular strategy for reducing the number of reports on civilian fatalities. Terms used to indicate how brutal soldiers are represented can be used to illustrate discursive framing. The phrase "gunmen" is frequently used in reports on Iraqi and other opposition fighters. For US audiences schooled in popular culture and years of propaganda, this term is a component of a cultural script that bears distinct meanings regarding legitimate power, cruelty, and the "innocence" of victims. As a result, real police officers and soldiers are rarely portrayed as gunmen. Discourse manipulation is demonstrated by the killing of about 24 Iraqi civilians by US soldiers on November 19, 2005, in Haditha. The distinctions drawn between "our side" and "their side" in terms of humanity are also reflected in the different vocabulary of motivations attributed to the enemy, who refer to killing as "barbaric acts," while US soldiers are allowed to use the justification of rage to exact revenge.

DISCUSSION

Terror and Anxiety:

Even though there had been anti-Arab propaganda for several decades, the mass media emphasized fear and an uncertain future in order to support the war on terrorism, especially after the 9/11 attacks. This media barrage had the unintended consequence of promoting preconceptions and excessive ethnocentrism, which are closely related to the perceptions that many Westerners held of their Vietnamese foes during a previous conflict as "Asians" who "did not value life." In 2005, I was told by a blue-collar worker that his niece had returned from Europe "when Muslims started detonating car bombs in France or Spain or somewhere." These men believe that after death they will see Allah or another person. They're nuts," I continued, emphasizing. He continued by saying that there are 24,000 terrorists in the US awaiting training. Hundreds of news stories did not refute what this individual "knows," and it is this "knowledge" that allowed leaders to influence his perception, values, votes, and tax dollars for different policies. In the months following 9/11, the government made a concerted effort to justify detaining people without due process by escalating government monitoring and citing several allegations of conceivable terrorist cells in the United States [4]–[6].

The major news outlets essentially ignored and did not criticize significant shifts in US foreign and domestic policy. Despite the long-standing link between fear and crime in the US, the mass media's role in fomenting fear has grown more prominent ever since the US 'found' international terrorism on September 11, 2001. This narrative was supported by political action that aimed to redefine and realign the role of the United States in international affairs, but it was also based on decades of the "fear of crime." This comprehensive narrative of the Iraq War used derogatory language for the adversary, but it also covered US reprisal, the hunt for Al Qaeda leaders (such as Osama bin Laden), and preparations to attack nations and 'outlaw regimes' that backed or harbored terrorists. To carry out these initiatives, the US military had to invade Afghanistan and increase its global footprint.

On December 2, 2010, at Tehran University, a download was made from dcm.sagepub.com. There were 293 changes made to military spending, domestic surveillance, foreign policy, and attacks on civil liberties

However, these were all put into context by novel metaphors that defended extraordinary actions against a very evil foe. The 'axis of evil', which included Iraq, was threatened with invasion in an effort to 'protect' the United States from further assaults. Terrorism evolved into a very inclusive emblem that included consumption, fear, and global action. The definition of terrorism has evolved from that of a strategy to include a philosophy, a way of life, and ultimately, a state of the world. This expansive understanding of terrorism as a condition was influenced by news reporting. The Project for a New American Century (PNAC) was a significant source for this news topic.

The Project for the New American Century (PNAC) and terrorism:

The Iraq War was predetermined by influential decision-makers. A strategy for the United States to establish hegemony include regime changing' in Iraq as well as withdrawing from, if not completely negating, some accords (such as the moratorium on nuclear testing), and increasing its independence from the UN. The main justifications for the US invasion of Iraq were that Saddam Hussein had "weapons of mass destruction" (WMD), was working with the terrorists who attacked the US, and was likely to give these weapons to other terrorists. The world only learned that none of these claims were true after less than a year, and there is compelling evidence that Bush administration officials were fully aware that such WMDs did not exist. Vice President Dick Cheney made it quite clear that the Iraq War did not depend primarily on the existence of WMDs on the fifth anniversary of the 9/11 attacks. Since the goal was to "prevent the re-emergence of a new rival," as stated above by Colin Powell, the US was not to be challenged by anyone nor should it follow the lead of any international regulatory organizations, including the United Nations. George W. Bush's victory opened up fresh opportunities to join the government and carry out the strategy. The group acting as the PNAC carried out the strategy.

The plan ultimately aimed to extricate the US from a number of alliances and treaties that restricted military and weapon development and testing, such as the 1972 Anti-Ballistic Missile Treaty and many nuclear non-proliferation Treaties. Other international and environmental accords, such as the UN's Kyoto Protocol, which 209 nations have accepted or signed, that are meant to safeguard the environment and reduce pollution, were either avoided or broken. The White House and the federal government were the primary sources of the majority of the Gulf War coverage. The subject, according to a seasoned producer for a significant network TV news program, was about military readiness. The "rock was rolling downhill," as he put it, and that was where the story was, according to him (interview notes). The guests on network news programmes frequently backed the war. Only one guest, Senator Kennedy, voiced doubt or opposition to the impending war with Iraq in an analysis by FAIR of network news interviewees one week before and one week after Secretary of State Colin Powell spoke to the UN about Iraq's alleged possession of weapons of mass destruction (FAIR, 2003). Two-thirds of the guests were from the United States, with 75% of them being current or former government or military officials.

Members of the PNAC who were now working for the Bush administration advanced untrue allegations to support the invasion of Iraq, such as the existence of WMD and Hussein's assistance for the 9/11 hijackers. In addition, they demanded access to the media in order to support their assertions as well as guarantees that there wouldn't be any organized and publicly publicized counterarguments. The author claims that several administration advisers, including those connected to the Project for a New American Century (PNAC), were looking for a major incident, a new "Pearl Harbor," that could serve as a catalyst for enacting a more aggressive foreign policy. The attacks of September 11, 2001, provided the "new Pearl Harbor," referred to as "the opportunity of ages." The following 18 months were used to prepare the general public for the invasion of Iraq on March 20, 2003. In this preparation, it was possible to define and apply terrorism in a fairly open-ended manner. The perspective, orientation, and vocabulary of terrorism came to represent "our time," "how things are now," and "how the world has changed." The ensuing effort to incorporate fear into daily activities

had an impact on public life, domestic politics, and international relations. The devastating loss of life and destruction of property sparked patriotic cries, tens of thousands of commercials, more than \$2 billion in public donations, significant domestic and foreign policy shifts, and the highest military budget increase in 35 years. Baseball fans chanted "God Bless America" instead of "Take Me Out to the Ball Game," stores ran out of flags, companies tied advertising to patriotic slogans (such as General Motors' "Keep America Rolling"), and schoolchildren helped raise money for the Afghan children who were "starving." An examination of news articles and commercials leads to the conclusion that popular culture and mass media representations of fear, patriotism, consumption, and victimization had a role in the formation of a "national identity" and the mobilization of a united front that was encouraged by the propaganda of the ruling class.

Terrorism rhetoric did not refer to a particular circumstance but rather to a broad worldview. Domestic life changed to become focused on remembering and honoring previous terrorist attacks, anticipating and preparing for the next terrorist attack, and taking action to stop it. Terrorism "compatible with any and every conceivable state of affairs" and "became an incorrigible proposition that could not be questioned, challenged, or falsified." Terrorism, as a discourse issue, evolved into an institutionalized disclaimer, a term or phrase that documents a general as opposed to a specific circumstance and conveys a broadly accepted meaning. The domestic characterization of a "terrorism world" and the wide assumption that evil terrorists rather than political gamesmanship dominated the "new world" were congruent with international order and behaviour. Evil and good united against terrorism. The single greatest threat to civilisation and "good" could be obscured by international borders, treaties, or even US constitutional rights. Such evil was something to be feared and relentlessly combated. Being opposed to terrorism and everything it included was a sign of legitimacy and membership that would be shown in a variety of ways. By prioritizing the welfare of the populace over the interests of any organization or person, communalism was fostered by the use of similar symbols and voicing resistance to terrorism [7]–[9].

CONCLUSION

The discourse around terrorism was a part of a larger environment that also included the discourse of fear, which was mostly linked to crime, as well as nearly three decades of unfavorable news coverage and imagery regarding the Middle East, and Iraq in particular. These incidents led to the dehumanization of both the enemy and civilians killed by US forces. The enemy was portrayed as uncivilized "gunmen," who required torture to learn about their nefarious designs, while US crimes were sometimes justified as acts of wrath, retaliation, or even "letting off steam." This rhetoric was coupled with the politics of fear. Citizens were acclimated to police officials' "safety rhetoric," which frequently required them to consent to police searches, excuse "overly aggressive" police behavior, and participate in a variety of crime-prevention initiatives, many of which involved both more human and electronic resources. The politics of dread, many surveillance techniques, and justifications for keeping us secure are all promoted by the discourse of fear. By the middle of the 1990s, many high school kids were required to "peed in a bottle" in order to compete in sports, apply for jobs, and in certain cases, apply for college loans and scholarships.

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CHAPTER 10

MEDIA'S ROLE IN REPORTING COURT ACTIONS

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ABSTRACT:

The media, which is a means of transferring information from one person to another, is a crucial component of contemporary society. Press freedom, freedom of speech, and freedom of the press are fundamental elements of a democratic form of government that operates under the premise that problems with the government can be resolved through free speech and open discussion of the many issues affecting the country. The majority of nations, including India, have acknowledged the freedom of speech and expression, which includes the freedom of the press/media, as a crucial constitutional right because they recognize the significance of information transmission and the role of the press/media in the process. The freedom is protected not only by the constitutions of different nations, but also by a number of international documents, including the International Covenant on Civil and Political Rights, the European Convention on Human Rights and Fundamental Freedoms, and the 1948 Universal Declaration of Human Rights.

KEYWORDS:

Court Proceedings, Media Ethics, Media Trial, Social Responsibility, Universal Declaration.

INTRODUCTION

In today's technology age, the media's ability to reach consumers is always growing. The public is greatly influenced by the media. In addition to providing information, newspapers, news organizations, radio, and television also have a role in determining which stories and subjects the public will discuss. There is a dilemma for defense lawyers, defendants, and prosecutors because crimes are publicly reported. Regardless of any media coverage they may have seen previous to the trial, judges are supposed to be neutral when making conclusions regarding a case. When releasing case-related information, however, investigating officers and police officers handling the case could be swayed by the media. The behavior and attitude of the jury and witnesses may be influenced by the trial media coverage, particularly the coverage of the proceedings through moot court media conversations. Live media coverage of court hearings has the potential to affect both the administration of justice and the proceedings and process of a fair trial [1]–[3].

The impact of newspaper and television coverage on a person's reputation before or after a court decision is referred to as trial by media, a phrase that has gained popularity in the twenty-first century. Supporters of free speech and those who value a person's right to a fair trial and privacy have engaged in contentious discussions. The media is regularly charged with stirring public panic in court cases that resemble lynch mobs. When creating a criminal justice system, it is essential to consider how crime and public perception are related. The way that crime, criminal behavior, and public policy regarding the criminal justice system are portrayed in the media is in conversation. Crime stories are frequently presented as dramatic entertainment, as was the case with the 2012 murder of Aarushi Talwar. The media primes viewers to think that its topics merit more attention by putting them front and center and setting the agenda. The media is the main source of political information for most Indian individuals. A democratic polity relies on the media to promote openness and accountability, increase public knowledge, and serve as a venue for public discourse.

The media is one of the communication tools that has unified the world. The word "media" comes from the Latin "medium," which meaning "in the middle." The term "media" refers to conventional mass

communication networks, content producers, and other technologies for mediated human speech. The phrases "media" and "mass media" are sometimes used interchangeably. Newspapers and magazines were the first forms of "media" to be created. A broad and diversified population may be reached with knowledge and pleasure thanks to the media. There are already several established online newspapers, journals, and publications. The acceptance of online newspapers is rising. Almost all of the major newspapers' online versions have the same level of popularity as their print counterparts. While giving individuals a practical means to live their lives, mass media has also aided in bringing social consciousness to a greater level.

In recent years, discovering crimes, allegations, and malpractice in the media has grown more and more crucial. Over time, the media has had an impact on how people think, act, and decide. Media influence is typically defined as the strengthening or weakening of particular groups' beliefs due to media messaging. The demographics and psychological health of the populace are just two of the many variables that determine how the media affects the populace. A damaging impact is regarded as such, whilst a beneficial impact is regarded as such. The judiciary may occasionally be impacted by the media. It is feasible to assert that public opinion has an impact on judicial rulings because to the relationship between human psychology and opinions. Quantity varies depending on the person; the better the court outcome, the lower the influence.

Despite the fact that Article 19(1)(a) protects freedom of expression and obliquely permits media corporations to broadcast what is being discussed in society, the Indian Constitution makes no explicit provisions for media freedom. News organizations frequently have access to a personal account of a crime that has taken place thanks to their broad networks. Sometimes cases get unreported because of social anxiety or a lack of understanding among the poor. This puts these problems in the media limelight, where they may be addressed. Due to the advent of social media platforms, many historical incidents have garnered attention, including the deaths of Sushant Singh Rajpoot, Jessica Lal, and Arushi-Hemraj.

The media plays a key role in establishing and effectively enforcing policies. As a result, it has developed into a flexible approach for gathering data as well as a general useful tool. Investigative reporting and investigation into criminal accusations, causes, corruptions, and effects have grown in significance. This protects society from poor behavior and equips parties to handle problems that may occur from their actions. People have benefited from having a complete awareness of a situation in order to make their own opinions on it. The media has drawn considerable attention to some of the most divisive subjects, and people are being urged to make their own conclusions, which cannot constitute upholding the rule of law.

DISCUSSION

Media Trial Case Analysis:

Manu Sharma (also known as Siddharth Vashisth), the son of former Congress Union Minister Vinod Sharma, shot and killed Jessica Lal, a model-turned-bartender, in 1999 after she refused to offer him and his companion's alcohol at a restaurant owned by socialite Bona Ramani in Mehrauli, South Delhi. Following the murder, the trial court found the defendant not guilty, and the story immediately gained media attention. The public outcry and media attention in this case put it at the top of the list of situations where the legal system had to change its mind. Despite the fact that Manu Sharma was initially found not guilty in 2006 due to the Delhi police's inability to prove their case in the wake of public outcry brought on by media coverage of the case, the Delhi High Court sentenced him to life in jail. The witnesses' testimony was viewed differently by the Supreme Court. Since PW-6 Malini Ramani was not an eye witness, the trial court disregarded her testimony as being of little significance [4]–[6].

She was, however, undoubtedly present when Sidhartha Vashisht @ Manu Sharma and five other people present at the tamarind court approached her and begged for alcohol before acting inappropriately with her. The testimony of Beena Ramani, according to the high court, was decisive evidence against the defendant.

The court then moved on to consider the testimony of additional witnesses in light of its own interpretation of Beena Ramani's statement. The court determined that Beena Ramani's testimony was sufficient evidence to condemn Manu Sharma. Everything is absolutely clear when we look at the countless comments published in newspapers and other media after the judgment trial. The media started naming Manu Sharma as a suspect in the murder of Jessica Lal even before the trial started. His picture was widely disseminated in the media, which made the accused's parade of identification difficult to conduct practically.

The Sushant Singh Rajput case:

On June 14, 2020, Sushant Singh Rajput, a Bollywood star, was found dead at his apartment in Mumbai. The Mumbai police first came to the conclusion that the death was the result of suicide, but the situation immediately became disputed as many allegations and conspiracy theories were put forth. Rajput's family claimed wrongdoing and asked for a more thorough investigation. In August 2020, the Central Bureau of Investigation (CBI) received the case as a result. The Narcotics Control Bureau (NCB) and the Enforcement Directorate (ED) were two more organizations that participated in the investigation of drug-related offenses and financial irregularities. Rhea Chakraborty, Rajput's girlfriend, was detained by the NCB on drug-related accusations, but she was later released on bail. The situation has triggered a larger discussion about nepotism in Bollywood and the challenges that outsiders face in the business.

The CBI's investigation into the case was unsatisfactory; the agency stated that they had not found any evidence of wrongdoing but did not rule out the potential of homicide and indicated that more research was needed. The situation is still divisive and raises questions about the importance of mental health awareness, the openness of investigations, and the function of law enforcement. Unquestionably the biggest media trial in Indian broadcast media history due to the fact that it was continuously covered for several days. International media attention and coverage of the case were attracted. It sparks a wave of bizarre conspiracy theories that are completely played out and broadcast on Indian news networks, social media platforms, newspapers, and in global politics. Following the catastrophe, the news stations carried on with "Live Streaming" nonstop for hours on end, days on end, and weeks on end without pausing or overlooking the significance of other important stories that needed to be covered. In many aspects, the SSR story illustrates the incompetence or errors of Indian journalism.

These investigations and the extensive coverage of the actor's case have led to the development of debased journalism. Fake journalism is fed to the readers. The old adage "No News is Good News" can therefore be rephrased as "New Noose is a Great News from Noise News." However, following Sushant's passing, the only news that the country's main media sources wanted to cover was "Rhea." With every accusation leveled against her, Rhea stood as a flawed and guilty woman. News outlets mercilessly ran headlines on her, such as "Sushant par Rhea ka kaala jaadu" (Rhea's black magic on Sushant), that were vexing and frustrating. The media as a whole has handled the situation in a sloppy, reckless, and rash manner. They haven't understood the difference between true reporting and simply sensationalizing the news. The media's coverage of the case also infringed Rajput's right to privacy and dignity. The media sources published insulting and intrusive stories, including pictures of Rajput's dead body, which greatly upset his family and friends.

Arushi Talwar's Murder Case:

2008 saw a number of high-profile murder cases, including the killing of Arushi Talwar, popularly known as the Noida double murder case. The body of 14-year-old Arushi Talwar was found in her bedroom at her parents' home in Noida, Uttar Pradesh. Hemraj Banjade, the family's domestic helper, was found dead on the terrace of the apartment the following day. The Central Bureau of Investigation (CBI) took over the investigation of the crime because local police handled it improperly during the initial phase. The case went through a number of arguments and turns, involving accusations of sexual misconduct, honor killings, and

police corruption. Arushi's parents, Rajesh and Nupur Talwar, were initially accused of carrying out the murders but were later exonerated by the Allahabad High Court in 2017. The CBI investigation was rife with holes and inconsistencies, making it challenging to pinpoint a specific motive or culprit in the case. Concerns regarding India's criminal justice system were raised as a result of the Arushi Talwar case, including the requirement for increased openness, accountability, and tact in inquiries. The case highlighted the media's function in shaping public opinion and influencing the investigation. The case is still open, and the controversy surrounding it keeps people talking and piquing their curiosity.

The case was first and foremost sensationalized by the media, who covered it in a way that was very speculative, sensational, and reckless. The victim's parents, Dr. Rajesh and Nupur Talwar, came under suspicion and doubt due to the numerous justifications and presumptions they made. Due to the intense outrage this caused, the Talwars were found guilty in the eyes of the general public. They sensationalized the case and publicly shared sensitive information, which contaminated the crime scene and destroyed the evidence. The media's interference was so strong that it eventually affected how the case turned out. The image of the Talwars in the media had an effect on their mental health as well because they were frequently examined. The case was inaccurately reported by the media, which damaged the couple's reputation and made it difficult to establish their innocence.

To sum up, the media played a very negative role in the Arushi Talwar case, which led to a miscarriage of justice and serious reputational harm to the Talwar family. The media needs to exercise greater restraint and stop sensationalizing stories to the point that it affects the outcome of inquiries and legal proceedings. The Supreme Court of India convened a constitution bench of five judges in *Sahara India Real Estate Corporation Ltd. v. SEBI*, also known as the media guidelines case, in 2012 to consider whether guidelines should be framed by the court in regard to the media reporting of ongoing cases or reporting of cases that are pending before the court. In this case, there was an unauthorized leak of privileged communication by a private television station.

In a ruling, the Supreme Court of India stated that it was "disappointed to note that even without prejudice proposals sent by the learned counsel for the appellants to the learned counsel for SEBI have come on one of the television channels; such reporting by television channels not only affects the business sentiments but also interferes with the administration of justice." The court then ordered both counsels to submit a written application to the court in the foregoing manner. The mystery leak to the media set off a private conversation amongst the attorneys handling the case, which snowballed into a broad discussion about media excess and the need to restrain it with rules. While recognizing the media's right to cover court proceedings and the presumption of open justice, the Supreme Court of India held that there may be some exceptional situations where media coverage could negatively affect the administration of justice. In these situations, the reporting may be delayed for a short period of time by the Supreme Court or the High Courts. Such an order of postponement must pass the tests of necessity and proportionality.

The best approach to regulate or control the media is to enforce more severe penalties and close any legal loopholes. The media cannot be allowed to impede the administration of justice. In both criminal and civil proceedings, it is essential for courts to operate freely. You cannot give the media complete freedom. The media must be held accountable, and laws must be drafted. The press needs to comprehend that with great power comes great responsibility. Responsible journalism ethics must be followed by the journalist.

Furthermore, we cannot allow the right to a fair trial to be superseded by the right to free speech and expression. Even if it is not a fundamental right, the right to a fair trial is a fundamental human right that is rooted in natural justice principles. Since a man is fighting for his life and personal freedom while some media outlets are trying to increase their viewership at the expense of another person's life, in my opinion the right of an accused person to a fair trial is far more significant than the right to free speech and expression.

Such conduct ought to be sanctioned and should serve as a warning to other media organizations. According to the 200th Law Commission Report, "Trial by Media: Free Speech versus Fair Trial Under Criminal Procedure (Amendments to the Contempt of Courts Act, 1971)," it should be illegal for the media to report anything that could be detrimental to the rights of the accused in criminal cases, from the moment of arrest through the investigation and trial. The research claims that a number of pre-trial publications are detrimental to the institution of the judiciary and the administration of justice.

The Indian Constitution restricts freedom of speech and expression. A person cannot be permitted to harm the court's reputation by using their right to freedom of speech and expression. There is a provision regarding contempt of court in Article 19(2). The freedom of speech and expression granted by Article 19(1) (a) of the Indian constitution is subject to the law of contempt, which is a recognized exemption under Article 19(2). It is incorrect to equate or conflate the right to free speech with the right to make erroneous accusations. The Supreme Court and High Courts in India have the authority to penalize a person for contempt of the Supreme Court and High Courts, respectively, under Articles 129 and 215 of the Indian Constitution. The main goals of contempt laws are to safeguard trial fairness, the lack of bias, and the right to an adequate defense. To enable the court, assure proper administration of justice, and maintain the rule of law, the court has the authority to punish for contempt.

Mass media frequently disagrees with court commentary, inability to follow court orders, contempt citations, and jury tampering. Contempt laws have recently been upheld to balance journalistic freedom with the rule of law. Judges of the High Court and Supreme Court assert the authority to penalize people who ignore orders for civil contempt as well as those who impede the administration of justice or tarnish the character of court judges for criminal contempt. The law of contempt serves to safeguard, maintain, and uphold the prestige of courts and the legal system in addition to ensuring the efficiency of the judicial process. Four practical characteristics of the activity and operation of the courts raise concerns in the Law of Contempt. They are judicial discipline, observance of court directives and decrees, Exclusiveness and fairness of the legal system, renown and repute of the judges, and courts. Trials must be conducted in public, and reporting on trials is crucial to upholding judicial accountability.

The media acts as a go-between for what happens in court and the public's right to know. A crucial component of open justice is linen ensuring just judicial process. The media must keep the people informed, but this role also carries with it accountability. Facts must be reported by the media, not commentary. Reporting must be done carefully; ignorance of a matter's status, its content, or its propensity to taint a trial is not an acceptable defense. Two major issues are at the center of the conflict between the media and the courts. While the media plays a significant role in advancing democracy, it is also the duty of the public to critically evaluate the news they read. Programs that promote media literacy can assist citizens in developing a better understanding of how the media operates, how to discriminate between trustworthy and dependable sources, and how to participate in informed public dialogue. In India, there is a need to encourage and promote independent journalism in addition to major mainstream media institutions. This can involve providing funds for investigative reporting, aiding community-based media outlets, and providing safety for independent journalists, who frequently run more risks than staff writers [7]–[9].

CONCLUSION

Exercise the power of media scorn and show that the media cannot get away with anything in the name of free press in order to ensure a healthy democracy. Similarly, the media needs to exercise greater responsibility in disseminating news and making sure neither organ's integrity is compromised. Otherwise, just as they have done with the Church, people would quickly lose faith in the media institution. By teaching journalists and reporters on the ethical reporting standards, media ethics can be promoted. Seminars, training sessions, and workshops can all be used to do this. The government has the authority to impose sanctions on media

organizations that spread incorrect information. This may entail paying fines or having media licenses suspended. In conclusion, limiting the detrimental impact of the media on India's criminal justice system necessitates a multidimensional strategy involving the public, the media, and the government. We can make sure that the media covers criminal cases truthfully and objectively by supporting ethical journalism, encouraging transparency, and encouraging fact-checking. In the end, this would promote public confidence in the criminal justice system and guarantee that justice is carried out.

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CHAPTER 11

INDIAN MEDIA FREEDOM AND AUTONOMY: A CRITICAL ANALYSIS

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ABSTRACT:

This chapter conducts a critical analysis of the independence and freedom of the Indian media. The goal of the chapter is to examine current media ownership trends in India and how they affect journalistic independence and media diversity. This study on the independence and freedom of Indian media was conducted utilizing the issue analysis technique and many points of view. In order to serve its 1.35 billion-strong population, India has a thriving and expanding media and media are a large and diversified reflection of the nation. According to *Indiantelevision.com*, there are 114,820 registered periodicals, including 14,984 newspapers, and 892 private television stations, 403 of which are devoted to news and current affairs. Additionally having an impact are digital news sources. Even though there are several privately held TV news channels, serious news cannot still be carried by privately owned radio stations. Most media regulations are self-imposed. While an organization of broadcasters oversees the electronic media, a constitutional authority controls the print media but lacks the ability to impose penalties on offenders. Cross-media ownership and the "paid news" phenomenon, in which companies or governments pay media outlets for positive coverage, continue to be issues of concern.

KEYWORDS:

Censorship Activities, Journalism, Media Freedom, Paid News, Social Responsibility.

INTRODUCTION

However, issues still exist in Kashmir, where the government frequently represses the media. Working conditions are also challenging for journalists in nations where Maoist rebels are a significant presence. Activists who have been attempting to expose corruption have come under attack. Over the past few years, there have been numerous instances of censorship, many of which attracted significant media attention. Even while it said that India was politically "free" overall, the Washington-based pro-democracy watchdog group Freedom House described the country's press and internet as "partially free." The use of "security laws, criminal defamation legislation, hate-speech laws, and contempt-of-court charges" by state and federal governments to control traditional and social media was mentioned by Freedom House. A 2015 BBC documentary depicting the gang rape of a Delhi student in 2012 was outlawed by the government. A blank screen was displayed on the cable news network NDTV for an hour as a "silent protest" against the administration. If internet service providers ignore a government request to remove content, they may be charged criminally.

India apparently requested the most content removal requests from Facebook in 2014 of any nation. Additionally, the Indian government occasionally halts phone, SMS, and internet service in unrest-plagued regions like the Kashmir Valley. In 2014, the Paris-based Reporters without Borders (RWB) ranked India 140th out of 180 nations for press freedom. With eight journalists killed, RWB cited India as the media industry's deadliest nation in 2013. Media corruption, such as "paid news," in which media organizations beg politicians for money in exchange for favorable coverage, was another issue raised by Freedom House [1]–[3]. Reporters without Borders, a Paris-based organization, placed India 136th out of 180 nations in its 2015 World Press Freedom Index. When compared to its position of 140 in 2014 and 2013, this was a minor

improvement. According to the media watchdog, increasing "impunity" for violence against journalists and escalating internet censorship are to blame for India's continually low rating since 2002.

"Almost no region is spared, yet violence and restrictions continue to be prevalent in only two places: Kashmir and Chhattisgarh. Police and security agencies, as well as criminal organizations, protesters, and members of political parties, are all to blame for threats and physical violence directed against journalists, who are frequently neglected by the legal system and driven to self-censor. India was identified by RWB as Asia's "deadliest country" for journalists, ahead of Pakistan and Afghanistan, in its annual report, which was published in late December 2015.

In the nation in 2015, nine journalists were slain, with two of them being related to unlawful mining. Since the beginning of 2015, Indian journalists who have dared to write on organized crime and its connections to politicians have been subjected to an increase in violence, particularly violence of criminal origin. According to the *Hindustan Times*, "the inadequate response by the Indian authorities is strengthening the culture of impunity for violence against journalists. A response "that matches the scale of the threats to journalists is now essential," the group stated in a plea for a national plan for the safety of journalists.

Media Regulations:

The Indian media and entertainment business is anticipated to hit Rs 2 trillion by 2020, riding the digital wave. Since media liberalization in the 1990s, the Indian media has developed into a rapidly expanding sector of the economy. The government held a monopoly on electronic media up until that point. With the exception of sporadic attempts at media control and content limitations, the Indian government mostly lets the media regulate themselves. Although there is a rudimentary regulating agency for print media, it lacks enforcement power. The electronic media are governed by a broadcasters' association.

However, media licensing does allow the government some control over the media. To obtain a ten-year broadcasting license from the Information and Broadcasting Ministry, Indian TV broadcasters must first obtain a security clearance from the Ministry of Home Affairs of the Indian government. The government's nomination of an official from the Information and Broadcasting Ministry to lead the government's ostensibly independent state TV news station has drawn criticism from several media outlets as a sign that the government is in charge of the news. Although there are no indications that there would be any immediate government supervision of the media, in 2014 the Telecom Regulatory Authority of India (TRAI), the government's telecoms regulator, made recommendations to lessen media concentration and corruption. The TRAI advocated against politicians, political parties, local governments, and religious organizations owning media. In 2015, there were a number of attacks on journalists that concerned the media and worried watchdogs. According to RWB figures from December 2015, at least nine journalists died in 2015 while many more suffered physical assaults because of their jobs.

A journalist died in June 2015 after being set on fire, allegedly by the police in Uttar Pradesh, in one of the most well-known cases, for posting critical comments about a state minister on Facebook. The minister was charged with rape and corruption by the journalist Jagendra Singh. In the same month, Sandeep Kothari was allegedly assassinated in Maharashtra state by people engaged in illegal mining before having his body set ablaze. The owner and editor of a neighborhood weekly in Mumbai passed away in July 2015 from multiple stab wounds. According to media sources, Raghavendra Dube frequently provided the neighborhood police with information on bars that were operating illegally. Mithilesh Pandey, a journalist for the Hindi publication *Dainik Jagran*, was fatally shot in his house in the eastern state of Bihar in October 2015. His relatives claimed he had been the target of threats. Hemant Yadav, a television journalist, was also slain in Uttar Pradesh that same month. Separately, a journalist who was researching a significant controversy involving medical school entrance exams in the state of Madhya Pradesh passed away from a heart attack, but many have questioned

the circumstances surrounding his passing. Numerous inexplicable deaths connected to the scandal have occurred. Newspaper offices have also been the target of attacks in the meanwhile.

Due to a caricature the paper published, certain offices of the illustrious regional daily Lokmat in Maharashtra state were stoned in November 2015. The daily had used the illustration of a piggy bank to represent how the violent organization claiming to be the Islamic State was financed. Muslim organizations argued that the cartoon was disrespectful because it combined an image of a pig with the Prophet's signature. The newspaper issued an apology for running the cartoon, which some media outlets interpreted as giving up one's right to free speech. According to the media monitoring website NewsLaundry, Limit's "so easily on their freedom of expression" would "embolden people who think it's alright to physically intimidate if they don't like something. According to a different news outlet called Scroll, "Violence is the weapon of choice of all self-styled defenders of faiths and ideas in India.

Lawyers allegedly attacked journalists in a Delhi court's grounds in February 2016. An uproar in the media resulted from the assault, which happened in the presence of police before to a hearing in the case of a student leader who had been detained on sedition charges. The attack on the journalists was described as "highly improper and condemnable" by federal minister Arun Jaitley. The Times of India (2016) reported that he stated, "Media has an unrestricted right to report; Attack on media persons is highly improper and condemnable." Reputable English-language daily laments the risks to journalists' lives. According to The Hindu, this serves as a "reminder of the dangers facing investigative journalists, particularly those who take on the rich and powerful."

DISCUSSION

Security forces frequently engage in public protests and clashes with separatists in Kashmir. They also crack down on the media. Curfews are often implemented by the authorities in response to unrest or in advance of high-profile visits, and mobile and internet networks are frequently blocked. This was observed a few times in the past few years prior to Prime Minister Narendra Modi's visits to the state. During the Id festival in 2016 in Kashmir, internet services were also momentarily interrupted. The suspension had a significant negative impact on journalists' and media's work, notably newspaper online editions. Additionally, conflicts over the sale of beef were a factor in the government's decision to halt communications. This prohibition was enacted by various states in 2015–16. India is a sensitive country because the cow is revered to Hindus, who make up 80% of the population. Meanwhile, in the Maoist-affected Chhattisgarh state, the police and influential local leaders exert pressure on media.

Additionally, they become involved in fights between the state's security forces and Maoist rebels. A female journalist's home in Chhattisgarh was stoned in February 2016. Malini Subramaniam, a contributor to the website Scroll.in, was accused of helping Maoist rebels by the organization responsible for the incident. In the state, there are 85 security forces. She was ultimately compelled to leave Jagdalpur after allegedly receiving threats from the local police and anti-Maoist organizations. Both the government and armed terrorist organizations exert pressure on journalists in the northeastern states of Assam and Manipur.

According to media sources, the National Crime Records Bureau will begin compiling statistics on attacks on RTI activists, journalists, social activists, and whistleblowers nationwide for the first time in July 2015. Additionally, fresh templates for gathering data from police stations were distributed to the states. Some media sites, meanwhile, questioned the effectiveness of this method because the new database will simply document instances of grave harm, regardless of severity, and any deaths of journalists or activists will be documented as part of overall crime statistics [4]–[6].

Regulation over online content:

India had 456 million internet users as of December 2017, and the government has been tightening regulations on online material. Social media sites routinely receive requests to delete offensive content. In the first half of 2015, Facebook received the most requests to remove content from Facebook from the Indian government. Over 15,000 pieces of information were requested to be deleted due to concerns that they would spark unrest. According to Facebook (Business Today, 2015), "We restricted access in India to content reported primarily by law enforcement agencies and the India Computer Emergency Response Team within the Ministry of Communications and Information Technology because it was anti-religious and hate speech that could cause unrest and disharmony within India." According to the social networking site's Government Requests Report, India blocked 15,155 pieces of content between January and June 2015. From 4,960 requests in January–June 2014 and 5,832 requests from Traffic Analysis (Netra), the Indian government's system for broad internet surveillance that will keep an eye out for phrases like "attack," "bomb," "blast," or "kill" in tweets, status updates, emails, or blogs. According to media sources from 2014, the system is probably going to launch shortly.

Important Censorship Activities:

Particular instances of official censorship drew a lot of attention in 2015. A Leslee Udwin-produced BBC documentary titled "India's Daughter" about the gang-rape and death of a student in 2012 was not permitted to be screened in India in March. Leading English-language TV network NDTV, which was scheduled to air the program, made an unusual protest against the gag order. On the day and time the documentary was to run, it ran a blank dark screen with the title of the movie and a lamp for an hour. One of the rapists who was questioned in jail for the documentary defends his actions and is portrayed to have no remorse for his crime. The government and a portion of the media attacked the movie, alleging that it was offensive to women and included unpleasant content. It was feared by the police that it would disturb the peace.

For five days in April 2015, the Indian government outlawed the Al-Jazeera TV channel for allegedly airing an incorrect map of Kashmir, which is the subject of a protracted conflict with Pakistan, according to the Indian government. The government also took issue with information broadcast by three well-known news networks regarding Yakub Memon's execution for the 1993 Mumbai bombings. It said that by airing interviews with those who pleaded for the convict's mercy, ABP News, NDTV 24-7, and AajTak had displayed "disrespect" for the president and the judiciary.

Also in June 2017, the government outlawed access to 857 pornographic websites. This prohibition, which received harsh criticism, was ultimately partially reversed. The Financial Express, 2017. Telecom Minister Ravi Shankar Prasad denied accusations that his administration was run in the manner of the Taliban and declared that all websites that oppose child pornography would be permitted to operate. The assessment did, however, hold internet service providers accountable for only unlocking websites free of child pornography.

Three English-language dailies in the northeastern state of Nagaland published blank editorials on November 16, which is recognized as National Press Day, in protest of what they claimed was an attempt by the authorities to limit their freedom of expression. In response to a letter from the Assam Rifles paramilitary force urging the media not to publish statements made by militant groups like the outlawed National Socialist Council of Nagaland (Khaplang), Eastern Mirror, Nagaland Page, and The Morung Express objected. According to the letter, by publishing the claims, media outlets were "intentionally or unintentionally supporting the unlawful association." P. B. Acharya, the governor of the state, added that prohibited organizations shouldn't have "publicity" in the media. Reputable local journalist Bano Haralu described the Assam Rifles' letter as a "diktat by a paramilitary force to a democratically elected government" and said it "cannot be dismissed." She further questioned whether the Assam Rifles would "dare" to "extend the same order to 'national' media houses?"

Journalists have not been left unscathed as large segments of the public and the media discuss what they see as an increase in intolerance in the nation. For publishing an article about the advantages of beef, the editor of a government magazine in the Education Department of Haryana state was fired in October 2015. Iron is said to be abundant in meat. The state forbids the selling of beef, cow slaughter is punishable by a prison sentence, and the state government justified its course of action. Right-wing organizations have also threatened journalists for penning purportedly "anti-Hindu" publications.

Self-censorship

Since the general election in 2014 and a change in the ownership of several media businesses, there has been evidence of self-imposed censorship in the media. Media watchdog Freedom House stated that "politicized interference in editorial content and staffing decisions remained a concern in 2014, and it appeared to increase in the www.ijcrt.org" in its "Freedom of the Press 2015" report. In the 86 months leading up to the May elections, the International Journal of Creative Research Thoughts (IJCRT) Analysts have also noted that the mainstream media has generally moved to the right, and has done so even after the election, as there was a significant likelihood that the Bharatiya Janata Party (BJP) would win the popular vote. Additionally, they said that senior officials and ministers were instructed to avoid speaking with the media and to only use authorized routes.

After the largest firm in the nation, Reliance Industries Limited, acquired the Network 18 media group in May 2014, media watchdogs reported "interference" in editorial choices. Additionally, they said there was pressure for "favorable coverage" during the polling campaign. Mukesh Ambani, the owner of RIL, is accused by opposition candidates of supporting the BJP's Narendra Modi for prime minister campaign. After the change in ownership, well-known journalists Rajdeep Sardesai and his wife Sagarika Ghose left CNN-IBN, which was a part of the Network 18 Group.

An event hosted by the BJP to celebrate Diwali in November 2015 drew harsh criticism from several media outlets for photographers squeezing into his personal space to get photos. The episode was termed a case of "selfie journalism," and media sources said that journalists had "disserved" themselves by neglecting the objectivity standard. Journalists are expected to probe for details, get clarifications, and keep a safe distance from those they are interviewing. The selfie brigade has done tremendous damage to the cause of independent journalism by breaking even the most fundamental rules. They will talk, and we will listen, thanks to selfie journalism, the Business Standard daily reported.

According to Hindustan Times, "journalists did themselves a damage from the Twitter outburst by members of the fraternity and general public alike. They neglected to learn crucial lessons about objectivity and neutrality toward the subject that every cub reporter learns at the feet of their editor. They transformed into fanboys and fangirls who were solely interested in the likes and shares a photo may receive on Facebook, Twitter, and Instagram. In other places, self-censorship is also evident in response to the government's actions against the media. In December 2015, certain national media sites stated that local journalists in Chennai, a flood-stricken southern metropolis, were wary of writing about alleged poor government relief efforts because they feared being accused of defamation. According to prominent daily Hindustan Times, the state administration in Chennai has launched 200 criminal defamation lawsuits against journalists and media outlets for publishing articles on various topics that it considers to be critical of the authorities. Local editors claimed that if they analyze or dispute the government's policies, they do not receive advertisements.

Local reporters were quoted as saying in the newspaper: "We cannot write against the government. Because you are an outsider, you should perform this duty. According to the Hindustan Times, representatives for Tamil Nadu denied placing limitations on the media. Additionally, images of the former chief minister of

Tamil Nadu, J. Jayalalithaa, that were purportedly pasted on relief supplies by AIADMK employees received criticism in the national media and online.

These measures were described as "intimidation" by the news website NewsLaundry. "A Modi would have been put over the coals and grilled for the kind of intolerance toward dissent that Jayalalithaa has gotten away with". It stated that "the AIADMK's campaign of defamation is nothing but intimidation and an effort to restrict free speech and press freedom. Many current laws, in the opinion of media watchdogs, can be utilized to limit media freedom. These include the sedition law (Article 124A of the Indian Penal Code, which forbids any expression that could "cause hatred or contempt, or excites or attempts to excites disaffection" towards the government) and the Official Secrets Act of 1923, which gives the government the authority to censor articles about security issues and take action against press personnel [7]–[9].

CONCLUSION

In India, the so-called "Free Media" is under major threat due to the influence of media owners, the agendas of various parties, government sponsors, market size, media audiences, etc. In Asian nations, media autonomy is a contentious topic. On the one hand, the right to information and the freedom of expression are guaranteed, while on the other, press laws and media regulations are prepared to limit the media's independence. In a media landscape that is rapidly evolving, the party and government in China are seeking to play the role of media watchdog. The Pakistani military restricts press freedom by using a variety of legal and constitutional authorities. Political leaders' spiritualized personas are frequently portrayed in Indian media. International media watchdogs rate India's media as partially free. While there is a high degree of freedom in major cities, worries about the situation in Kashmir and states with sizable Maoist rebel populations, such Chhattisgarh, continue to exist. However, by enacting an ordinance to make some adjustments to the Prasar Bharati Act, the government has also moved one step closer to giving autonomy to All India Radio and Doordarshan. The ordinance's elimination of the requirement for a 22-member legislative committee to supervise the Prasar Bharati Board was the most significant change. This notion had received a lot of criticism because it would contradict the idea of an independent media setup.

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CHAPTER 12

INDIAN MEDIA AND NATIONAL SECURITY: A CONTEXTUAL ANALYSIS

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ABSTRACT:

In the modern structure of a nation state, the concept of national security is closely related to the facilitation of governance, which is the efficient management of a country's domestic affairs at all levels of its functioning and execution with a view to preserving the integrity of the state and the security of its citizens. It becomes crucial for the authorities to execute political, economic, and judicial processes in a way that assures the people have the freedom to carry out their responsibilities and resolve their conflicts in accordance with the written constitution in order to achieve good governance. The preamble of the Indian Constitution, which enshrines the sovereignty of the people in a socialist, secular, democratic republic built on the pillars of Justice, Liberty, Equality, and Fraternity, serves as the core to that country's national security strategy. As indicated by the Rule of Law, maintaining national security requires commitment and prompt awareness to successfully combat any threat or outside force that jeopardizes the wellbeing of the Indian State. The chapter presents a contextual framework to aid in comprehending the nuanced nature of the media's interplay with the field of national security. As a result, the study attempts to analyze the significance of the media's grasp of India's demands for national security and the role that understanding can play in preserving a stable and effective government.

KEYWORDS:

Effective Government, Indian Media, Media Ethics, National Security.

INTRODUCTION

National security, however, has diverged from national defense in the modern era and expanded to include several facets of a globalized world, including human, economic, energy, cultural, and political security. National security has now entered the public discourse, though it is still heavily influenced and defined by the government. According to the majority of scholars, it is defined as "the creation of conditions that contribute to the nation's political, social, and economic consolidation and ensure territorial integrity of the country, acquisition of capabilities to sustain these conditions, safeguard freedom of options, and capabilities to survive in a volatile security environment." The process of defining national security remains incredibly difficult since a variety of elements contribute to how it is seen at all levels and because it varies from State to State, making it impossible to confine to a single definition. While some definitions link the idea of national security to the State and center all associated policies on the Nation State, others include both the State and individuals as national security's constituents. The strategy school of thinking has evolved, and the term of security now only refers to the security of the citizens rather than the security of the State. The whole national security architecture now places a premium on the need to protect ideologies, political systems, societies, and their citizens. Currently, the sacrosanct idea of national security is divided into two categories: (1) the recognition and protection of State security based on territory, and (2) national security and the Indian media [1]–[3]. Identity-based social security and national security. Both of these continue to be mutually beneficial and are primarily necessary to defend the state's borders, foreign policy, citizens and diaspora rights against challenges posed by other states, extreme forces, and non-state actors.

Providing citizens with the right to life and liberty, equality in all spheres of activity, collaboration between the public and private sectors operating in the State, preservation of territorial sovereignty and integrity, maintaining a flexible civil and military relationship, robust economic development, and an active and independent media are all part of what is meant by national security. This is especially true of India. The survival of the Nation-State is regarded as dependent on national security, which is still dynamic, fluid, and multidirectional. It embodies both internal security (inside the State) and external security (defending the country against threats from abroad). It also emphasizes the country's continued exercise of political, diplomatic, and military dominance over its neighbors and regional rivals. As a result, we may conclude that in the contemporary security environment, national security cannot be solely equated with national defense since it encompasses a wide range of issues that call for the collaboration and understanding of the State, its institutions, and its institutions' forces as well as the general public.

Issues with National Security:

In the era of globalization and interdependence, security risks to national interests include non-state entities like terrorist organizations, drug and arms dealers, and multinational companies in addition to conventional dangers like other Nation States. Traditional threats to national security have been bypassed into a time where security challenges cannot be resolved by military forces alone. Instead, security forces must cooperate and collaborate with both State and Non-State organizations for support and expertise in order to lessen and eradicate the threat either completely or to a minimum level. The steps taken to protect national security in the face of these dangers have also sparked an ongoing discussion about governance, which can be improved via science and technology as well as through commercial organizations, among nations around the world. The current concern over national security and governance also centers on how national security laws and strategies are implemented, which, if not subject to good governance, may only serve as a reason for tensions between the preservation and sovereignty of the State and the rights and freedoms of its citizens in order to maintain peace and stability.

While widespread domestic issues like corruption, poverty, crime, insurgency, and homegrown terrorism continue to raise questions about the national security of any country, including India, external threats like international terrorism, the use of nuclear weapons by State or Non-State actors, border disputes, and environmental disasters have emerged as eroding the country's security and strength. The threat of terrorism, which has spread beyond national borders into other countries and is now a component of a worldwide threat to the security of the global system, continues to be one common threat to the national security of any State, regardless of location. The perception of national security is still plagued by the threat of terrorism, especially for a nation like India, which is located in the center of the Southern Asian subcontinent. Thus, while maintaining the threat's relevance, the article attempts to identify terrorism as India's urgent national security concern and discusses countermeasures that the State and its organizations must take into consideration in order to stop the violence from spreading quickly and efficiently.

DISCUSSION

Threats to India's National Security:

India's economy continues to expand at one of the quickest rates in the 21st century and is still the largest democracy in the world. The nation is praised for its professionals with middle-class educations, cultural influence, Diaspora, economic expansion, and international knowledge. India was ranked third in the world in terms of impact and growth in a 2010 joint study by the EU and the US National Intelligence Council.¹⁹ India also exhibits racial, religious, and linguistic diversity, as well as cultural and geographic diversity. Its socio-religious traditions date back more than 4,000 years.²⁰ In India, every major religion is practiced, and the secular and cultural traditions there have their origins in the glorious past of this country. Thus, a number

of already-existing elements, including India's history, geography, colonial legacy, sociocultural and ethno-religious traditions, population, and social and economic inequities, have an impact on the country's national security issues.

India's development is accelerating as a result of regional and global trends in politics, technology, and the economy. The country is struggling with the effects of a potential strategic shift in the global security order given the rise of China in the East and the US's steady decline. National security developments and ongoing news in the Indian media. Events on a global, regional, and domestic scale are influencing India's national security environment. In this regard, the Indian Prime Minister summarized India's national security policy objectives that were framed to meet the emerging challenges in 1995, highlighting a broad concept that enshrined the defense of national territory over land, sea, and air and included the inviolability of land borders, land territories, offshore assets, and maritime trade routes; internal security against threats to unity or progress from religious, language, ethnic, and political extremists; and external security against threats to national security from foreign powers [4]–[6].

India's security needs and difficulties have generally been viewed in terms of national, local, regional, continental, and systemic security. Insurgencies, naxal movements, terrorism, state-level separatist aspirations, and bureaucratic corruption are the main domestic threats to India's security. Terrorism is the biggest threat to India on a regional scale. India's relations with its neighbors China and Pakistan have been greatly impacted by their possession of nuclear weapons as well as the frequent border disputes, which are a result of the region's ongoing political unrest and changes. The rise of China on the continent worries both India and the other countries of the Southern Asian subcontinent since it could limit India's influence in the area.

India's terrorism and insurgency:

Since 1947, the nation has struggled with a variety of internal security issues, with Pakistan posing the majority of the dangers due to its attempts to annex Jammu and Kashmir and destabilize India by causing chaos and instability. Four wars have been fought between the two countries: in 1947, 1965, 1971, and 1999. Territorial disputes, refugee issues, and natural resource sharing, notably the share of River Indus water, have been the main areas of contention between the two countries, although they have been mostly resolved as a result of the treaty that both countries signed in 1960. India has experienced an increase in internal security threats in recent years, and at this time, insurgencies, terrorism, or political extremism are seriously affecting nearly 50% of the districts. Terrorist activity in Punjab at the beginning of the 1980s resulted in significant financial and human losses, and these destructive actions continued for a decade. Several States in the North-Eastern area have faced ongoing insurgencies and conflict. In the North-Eastern region of India, the illegal immigration from Bangladesh has also caused a demographic imbalance, political unrest, social unrest, and economic instability. Islamic terrorist groups have also been expanding steadily, preaching extremism and inciting violence and fear among the populace. The hard-line Wahhabi foundational networks have expanded their influence throughout time, reaching parts of Central and South India.

With the covert support of the Maoists in China, the Left-wing extremist groups, particularly the Naxalite movement, have also continued to engage in violent acts and have spread to extensive tribal territories in numerous States of Eastern India. The Government of India has frequently identified this rebellion as the nation's greatest internal security threat in the twenty-first century, second only to domestic terrorism, because it publicly calls for the overthrow of the State and its security forces. In 2009, it took hundreds of deaths, many of them security personnel and law enforcement officers. These include the violent assaults carried out in 2011 against passenger trains and paramilitary forces. Initially a pro-peasant movement, the insurgency has concentrated in India's resource-rich Central and Eastern regions, covering more than a third of the country's 600 districts. Numerous organizations and people have also been campaigning for the

secession of several States, including West Bengal's Gorkhaland and Andhra Pradesh's Telangana. The main security threats to India are mostly local; some organized crime and mafia organizations have also linkages to the terrorist networks supported by Pakistan and have expanded their criminal and sectarian activities into India. The massive sums of money raised from the illegal drug and arms trade have been used to finance terrorism, the growth of Islamic extremism, and other negative social and political effects. Islamic radicals have also been produced domestically with Pakistani backing, such as the Indian Mujahedeen, who have launched attacks around the country in Indian cities. About 140 people were killed by bombings in 2008 that were started by the Indian Mujahedeen in Jaipur, Ahmedabad, Bengaluru, and New Delhi. The same year, a high-profile terrorist attack that was allegedly carried out by terrorists with support from Pakistan and is currently under investigation occurred in Mumbai.

India has participated in a variety of overseas projects over the years, both humanitarian and commercial. It has continued to conduct successful diplomatic and peacekeeping operations to combat any threat to its territories or its wider neighborhood. Such initiatives have helped India's national security policy appear to be not limited to a conceptual framework as that of the US but one that seeks to incorporate a number of emerging factors over the years, as they have been seen by the region and major powers as an extension of its overall national security strategy. India does not have a well-defined national security policy, but it has included a variety of larger definitions to clarify its goals for both itself and the rest of the world. The National Security Council, which was established in 1998 to address India's security concerns and is effectively run by the National Security Advisor, aims to construct an institutional framework that is more strategically oriented and open in the upcoming years. A discussion on developing a strong and successful national security plan for India that should be re-evaluated and amended annually is now ongoing among officials, academics, and media.

National Security and the Media: A Correlation

National security continues to be the cornerstone of effective leadership, social welfare, and economic growth of a nation and its people, as was emphasized throughout the chapter. In the modern setting of a Nation State, national security has adopted to include human and social security as a priority in addition to national defense, focusing the core principles of security on the preservation of peace and the abolition of conflict. Since the conclusion of the Cold War and the rise of globalization and technology, a number of conceptual frameworks have been developed to show how conflict resolution techniques are used in many contexts around the world. Preventive diplomacy, development and governance measures, and military and non-military approaches are being discussed as potential policy choices for peacekeeping and post-conflict peacebuilding.

Along with the State, these new subfields are establishing the development of non-government and private organizations as major players in conflict resolution. They have been able to cut across the security and peace studies sectors. In a similar vein, during the Cold War, experts in the field of peace and security studies looked at how socialization techniques and mass media had a role in resolving conflicts and successfully preserving a sense of security. This study explores the relationship between the media and national security and stability in conflict-affected regions, sparking an international conversation and a change in global policy to include the media as a key player in conflict resolution in the State.

Indian media's role in national security planning:

India's media continues to be distinctive due to the nation's rich cultural diversity, in addition to its importance and recognition as an institution in the maintenance of governance in the nation under the current security climate. India maintains its strength in the economy, democracy, and culture while also being politically and technologically advanced. On the other hand, the majority of India continues to be a developing nation with strong religious and conservative patriarchal systems that are cut off from the ideologies and advancements

of modern and technological life. The mainstream Indian media upholds the diversity of expression and perspectives of its multi-cultural population while showcasing the true spirit of India by supporting and catering to two types of media outlets and audiences: the English language media and the non-English language media, including various newspapers, magazines, and television channels.

Because it aids in the achievement of state aims and objectives, the media continues to play a crucial role in statecraft, not just for India but also for the rest of the world. This is mostly because of how the media shape's public opinion. However, despite the fact that media dynamics vary and are distinct between nations, national security issues are treated in a patriotic manner by every media, including that of India. The United States occasionally uses the media to sow fear or hostility among nations and occasionally strengthen diplomatic connections. The relationship between the government and the media is highly strong and symbiotic in the current strategic climate, and it is said to be evolving as even political players have begun to work in the environment provided or prescribed by the media for carrying out their jobs. In the modern world, the media not only shapes public perceptions but also those of the government and other leaders, enabling them to create policies that respond to public demands.

Indian media's role in security issues:

There are several instances where Indian media has portrayed an effective role in informing the public and confirming the actions of the government on matters of national security, which further explain the relationship between media and its role in preserving national security. The Indian Air Force shot down a Pakistan Navy Breguet Atlantique patrol plane in August 1999 as it flew dangerously close to the Indian border off the Rann of Kutch in Gujarat for violating Indian airspace. As the Kargil War had just finished, the issue heightened tensions between the two nations and disrupted ongoing peace talks between India and Pakistan.

Questions were raised about why the plane was flying so near the international boundary between the two countries, even though allegations that it was on a training mission were refuted by Pakistani authorities. Pakistan even requested a ruling from the International Court of Justice (ICJ) after the Indian Air Force shot down one of its planes. However, the support that the Indian media showed for its nation and the timely information that it disseminated to local and foreign audiences helped not only the Indian population but also the foreign media understand the reality on the ground, which in turn affected the ICJ's ruling. The decision thus rendered served to cast doubt on Pakistan's objectivity in the matter and advised both nations to settle their differences directly.

Similar to how it was utilized in other situations, the Indian government also used the media as a tool to correct falsehoods that would have damaged India's relations with its neighbors, particularly Pakistan. The radar of the Indian Air Force at Nalia base in the Rann of Kutch detected a signal of a "flying object" on January 24, 2010. Initially claimed to be an intrusion, the government later recognized it as one of the Indian Air Force's aircraft and declared a "no threat" situation. In this case, the Indian government made use of the media to explain the situation to both the domestic and international publics. Military and government officials summoned editors and journalists from media outlets in India, where they were given the plane's specifications and asked to persuade the public that an Indian plane was the one that the radar detected, dispelling any claims of foreign intervention. As there had been prior reports of a potential terrorist threat and disturbance during India's Republic Day celebration, which was to be held two days later, the media's role during this period helped reduce the tension that existed between India and Pakistan. Examples of the enormous and drastic technological development in Indian media and its effects are thus still common, and the impact of the media on national security undoubtedly has clear strategic ramifications.

The states must negotiate with various supranational and non-state actors as well as other states in the twenty-first century. As a result of the need to use information tools, diplomacy in a linked globe becomes much more varied and sophisticated in its conduct than in prior times of a Nation State. According to strategist Gregory R. Copley, information used for soft power purposes transforms into a strategic tool when used in the context of grand strategy due to the interdependence of the media and the security sphere and the reliance of security institutions like governments on the public for support and opinion formation. In a democracy like India, the media has a duty to hold government officials and security officials under public scrutiny in order to cast doubt on their policies. In order to inform the public, help them comprehend national security policy, and keep policymakers accountable, it is crucial that the media and institutions of security collaborate. In order to enable the government and officials uphold responsibility and accuracy in judgment and to offer the public with excellent governance, an independent and transparent media supports democratic ideals and operates to the fullest extent possible. Without motivation, a nation cannot maintain its freedom and ideology for very long because any danger to a national power source raises security worries. Thus, the distinctive media coverage and impact can be accelerated to increase public security awareness and be employed for moral uplift. The media can serve more than just psychological operations in the framework of national security during a crisis; it can also serve as a link between the populace and the government. Strategists are so required to comprehend media behavior patterns and participate in the media's entire operation [7]–[9].

CONCLUSION

The ability of the global media to transmit data and images around the globe at a consistent rate and the nature of communication today have transcended all national and international boundaries, enabling the State to reach its public both at home and abroad and transforming it into a deadly weapon against the enemy. The expansion of information and communication technology, its practical use, and India's growing economic and social development are motivating the Indian media to pursue the position of an independent overseer as the largest democratic country in the world. Due to the 24x7 idea, the Indian media's ability to shape national and international public opinion through analysis and coverage of international events has greatly increased. It has made it easier for the media and journalists to have a bigger impact on important national and international decision-making. The media's role in times of conflict or crisis is now understood to include more than just safeguarding localized activities; it also entails providing a comprehensive picture of all state policies, assisting the entire population in cooperating with the government and military on issues of economic, scientific, political, and social policy.

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CHAPTER 13

IMPACT OF MEDIA ON CHILD DEVELOPMENT

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ABSTRACT:

One of the biggest influences on modern children and teenagers' life is the media. However, the effects of using media might be extremely positive or have a significant potential for harmful effects on growth, depending considerably on the media's content. The important study findings about both the beneficial and negative effects of various types of media on children and adolescents are detailed in this page, which also provides guidance for parents, professionals, and policy makers. It ends with helpful advice on how to encourage a healthy media diet in kids and teenagers. It is significant to note that the term "digital natives" has recently been used to refer to contemporary kids. This term implies that kids who have grown up using digital technology and the media are highly skilled and sophisticated users of these tools. Research does not support this. While many modern kids may be more adept and at ease with digital media than kids from older cohorts, there is still a lack of media literacy, unsafe online behavior is still prevalent, and many kids haven't figured out how to incorporate media into their lives in a balanced and healthy way. This entry's main goal is to provide information about the advantages and drawbacks of children's exposure to mass media so that parents and other adults may better understand the effects and help the child develop a balanced and healthy "media diet."

KEYWORDS:

Child Development, Digital Natives, Learning Concepts, Media, Social Responsibility.

INTRODUCTION

In the 20th century, technologically advanced channels such as radio and television began to supplement traditional mass media including newspapers, periodicals, and comics. Television first entered the picture in the 1940s. The effects of these new technologies on users have sparked renewed curiosity. The middle of the 1940s saw a surge in the decades-long study of how to make advertising more effective. Research on the effects of violent television programming started in the middle of the 1950s and is still ongoing today. Research on the advantages of educational media, like Sesame Street, began in the late 1960s. As the use of computers and the internet increased in the 1980s and 1990s, new worries about the accessibility of violent and sexual content emerged. This led to more research into the effects of these developments, some of which influenced the creation of ratings systems, on the failure of ratings systems to adequately incorporate research findings [1]–[3].

Research on a wide range of media-related topics has exploded since the introduction of video games and later internet-connected portable devices, including screen addiction, the effects of violent and sexualized media and pornography, the advantages and disadvantages of playing video games, the psychology of popular music, the effects of media that condones antisocial/undesirable attitudes and behavior, and the elements of media content and design most likely to have an impact on use. The effects of media on children can currently be inferred from a wide range of scientific results. However, it is crucial to consider how and why media can affect children before focusing on any particular issues. There are numerous credible theories that are pertinent.

Learning concepts:

Learning theories discuss how people pick up knowledge and behaviors. Importantly, research demonstrates that people learn just as effectively from virtual encounters as they do from those in the "real world". A close examination of all the ideas pertaining to human learning reveals that they are all highly intricate. The fundamental ideas of three learning theories are particularly significant for the purposes of this entry. The term "associative learning" The primary purpose of a large portion of the human brain is to represent things (things we experience, know, feel, and remember) and to connect those representations. These relationships are established based on the experiences of individuals. The representations of two items that are encountered simultaneously are 'wired together' in the neural network of the brain. The link between those two things gets considerably stronger if you encounter them together frequently.

This results in the activation of one representation automatically activating the other. For instance, because the notions of blood and its color are frequently closely related, people may also think of blood on their own will when they see something that is the color of blood. Associative learning, also known as "classical conditioning," is analogous to this process. Pavlov's dogs, who were trained to associate food with the sound of a metronome, eventually began to salivate whenever they heard a metronome, even in the absence of food. When certain elements are often presented together and the user starts to link them, media can have an impact on users through associative learning. This is a fundamental tenet of advertising, for instance, as advertisers frequently want to improve the attraction of a product by having consumers identify it with a person they respect, a pleasant feeling, or a desired result.

'Instrumental learning,' also known as 'operant conditioning' or 'instrumental conditioning,' is the process of a person discovering if a certain action would result in positive or negative effects. Simply put, actions that result in incentives and favorable results are more likely to be repeated than those that have negative or punitive effects. The degree to which something represented in media, or the media itself, is conceived of or experienced as gratifying, then, centers around a major impact of media. Last but not least, "observational learning" (sometimes referred to as "social learning") postulates that even in the absence of associative learning or instrumental learning, people seek to mimic models.

The process of replicating another's conduct is more likely to occur when the model is admired, rewarded for their action, heroic, high status, relatable, or similar to the person observing, according to research that clearly demonstrates that this process occurs for both virtual and "real world" models. Because many mass media figures and characters are heroic or well-liked and appear to be rewarded for their actions with success, others' adoration, and a variety of other favorable consequences, this type of learning is particularly relevant for many forms of media. These mechanisms of learning apply not only to the acquisition of behaviors but also to the acquisition of attitudes, beliefs, and behavioral scripts.

Script analysis:

The brain frequently links together many different aspects of an event, including information about it, how it feels, memories, what to expect, usual behaviors, and so on. For instance, after frequenting a supermarket, a person will begin to know instantly where products are located, about how much they cost, how the experience typically feels, and how a normal visit unfolds. These informational groups, also known as "knowledge structures" or "schemas," play a part in directing expectations and behavior, sometimes unconsciously. Media offers a variety of scripts for how to act in different circumstances. If a particular script is played out repeatedly in the media that a person views, it may enter their personal library of scripts for how to act in related circumstances.

Model of General Education:

The General Learning Model (GLM) is a newly developed model of behavioral learning (Gentile & Gentile, in press). The GLM, which is based on Anderson and Bushman's General Aggression Model, examines behavior on two levels: the gradual development of personal traits that affect behavior and how those traits manifest "in the moment" when a person is put in a given situation. According to this theory, repeated exposure to something including media exposure causes us to internalize the feelings it elicits, adopt, change, or strengthen related attitudes and stereotypes, adopt, change, or strengthen related beliefs, and adopt, change, or strengthen related schemas and behavioral scripts. These processes only take place in personality traits that can be changed.

Once internalized, these acquired traits influence how a person reacts in a situation, including the thoughts and sensations that are activated as well as the level of physiological arousal. An rapid response tendency is the result of the interaction of these three elements. If the person is highly physiologically aroused or under time pressure, they may act on this inclination right away. However, if the initial answer would result in an undesirable outcome and the person has the time and resources to analyze their response, they will engage in 'reappraisal' procedures whereby alternate responses are explored and a more carefully decided course of action is ultimately adopted. Of course, the individual also gains knowledge from what transpires after engaging in the selected behavior, and this knowledge then informs both their immediate learning and their long-term learning. According to this theory, media can have a longer-term impact on a person's characteristics (for instance, repeated exposure to violent media that uses aggression and violence to 'win' disputes tends to lead to beliefs that aggression is a 'normal' way to resolve conflict) and a short-term impact on behavior in the moment.

The brain can be altered by media. For instance, repeated exposure to something like violent content may desensitize the emotional centers of the brain (i.e., there is a smaller emotional response over time or there may be a reduced emotional response compared to early exposures). Reduced activity in brain regions like the prefrontal cortex, which affects one's ability to concentrate and focus, solve issues, or regulate impulses, may be another effect of recreational media use. The brain's structural and functional changes, including dopamine release, altered reward system patterns that resemble those seen in substance addiction, and atrophy of grey matter in areas of the cortex, are linked to phenomena like heavy screen overuse and screen addiction. Even if media like educational programs don't seem to benefit babies, there can be significant long-term advantages for kids 3 years and older. For instance, instructional television has proven to have both short- and long-term advantages for learning specific information, fostering pro-social behavior, and enhancing abilities in a variety of disciplines, including literacy, mathematics, science, technology, problem-solving, and social studies. Similar to this make a strong case for the idea that video games have the potential to be 'exemplary teachers' due to features like setting clear goals, allowing active participation, providing quick feedback, adjusting difficulty to player skill levels, and promoting distributed learning. Therefore, it is not unexpected that video games have been successfully utilized to educate a variety of subjects and skills as well as to promote healthy behaviors. Public education campaigns about a range of topics, including safe sex, substance use, and respect for women, have successfully employed other media, such as music, radio, and web films.

Prosocial conduct and outlooks:

Numerous studies have demonstrated that media may be effectively used to help youngsters develop positive social skills. For instance, the media may promote and model a variety of prosocial attitudes and actions, such as assisting others, being nice, and being politely. A beneficial influence on prosocial conduct is then seen both at the time of exposure and cumulatively over time, which in turn fosters comparable behaviors and congruent attitudes. Additionally, prosocial attitudes have been demonstrated to provide long-term advantages. Interestingly even when there are no overt prosocial messages, some media, such as music or

video games, have been proven to boost helpful behavior when they produce a favorable mood (such as tranquility, calm, relaxation, or happiness). Additionally, prosocial music and video games have been demonstrated to increase empathy in both the short- and long-term, and media with prosocial messages have been shown to reduce antisocial behavior like aggression.

Identity formation:

One of the most important developmental tasks, especially for adolescents, is creating an own identity that sets oneself apart from others. Research on the relationship between media and identity formation has focused in particular on the ways in which young people's musical preferences are being more incorporated into their individual and collective identities. But research on this aspect of mass media is lacking. However, it doesn't take long to realize that talking about mass media is a regular topic of conversation among children and teenagers if one listens to their chats. Children and teenagers talk about the characters, musicians, actors, stories, game mechanics, and other elements of media like video games, music, movies, television, and online videos (like YouTube). These interactions can facilitate social interaction, understanding, and intellectual dialogue. Over time, mass media interests may even become part of an individual's personality. The aspect of the media that the youngster or teen is interested to determines how much of a positive influence this has on identity.

The internet world offers significant opportunities for social connection, even for kids and teenagers who might have had difficulty connecting in the past, such as those who are disabled or who come from rural or isolated locations. It is undeniable that for many users, the online social environment offers opportunities to engage with the larger community, share ideas and experiences, learn about and learn to accept diverse others, and develop social skills, even though it can be problematic for some users. Due to the asynchronous nature of modern internet-connected portable devices, communications with people from any country with widespread internet access can take place at any time and place as long as there is internet access, all of which can strengthen a person's connection to their social networks. Additionally, the introduction of real-time video conferencing through apps like FaceTime and Zoom allows people who are separated by distance to see and speak to each other, resulting in higher-quality communication than speech or text alone. The massively multiplayer online game (MMO) is another form of media that encourages social interaction. Through MMOs, many kids and teenagers establish or maintain social relationships. Participants who are geographically far can frequently communicate in real time using headsets and microphones. Additionally, the online environment gives users access to a wealth of beneficial resources, such as health data, support services, and a variety of educational resources [4]–[6].

DISCUSSION

Adverse Effects:

It is obvious that media have a lot of potential to influence kid and adolescent consumers for the better in a variety of ways. In this piece, there isn't enough room for an entire list, but there are many additional advantages that haven't been covered. It is also impossible to list all of the negative effects of media consumption, although some of the most pressing ones are covered in the section that follows. There are risks associated with media consumption in addition to the advantages, just like there are with many other elements of human life (such as eating, relationships, outdoor activities, and the use of prescription drugs, to mention a few).

In our opinion, it's critical to consider the context of such hazards. Media content problems, for instance, are less likely to be an issue if a parent is able to contextualize and discuss the material with their child, or if improved actions and/or attitudes are frequently modeled and praised in the home. To help children and adolescents get the most out of media while avoiding the pitfalls, it is crucial for parents, policymakers, and

professionals who work with children and adolescents to be aware of the various negative effects that media may have on them. It should be noted that some of these effects are debatable, particularly those related to video game violence and addiction. The entries here, as previously said, reflect the authors' opinions and understandings, which are also consistent with several assessments by leading scientific bodies, but it is crucial to highlight that there are some academics who vehemently disagree with them. Once more, we advise readers who are interested in these topics to evaluate the data on their own and come to their own conclusions.

Utilization and addiction:

Kimberley Young first systematically addressed concerns about excessive screen time (more particularly, problematic internet usage, or PIU), which grew progressively over the years. However, this issue only really took off in terms of clinical concerns and study after the introduction of widely accessible portable internet connected devices about 2010, which was followed by a significant increase in the average recreational screen time for children and adolescents. Internet Gaming ailment (IGD), a novel screen-based ailment, was added to the Diagnostic and Statistical Manual on Mental Disorders (DSM) in 2013 in a section devoted to conditions that need more study. It was the first behavioral addiction other than gambling to be included, and its diagnostic criteria were based on symptoms typically seen in other addictions, like obsession with video games, tolerance to them, withdrawal symptoms, an inability to stop playing, and persistence despite grave negative consequences. A related screen disease called Gaming disease (GD) and a subclinical screen condition called Hazardous Gaming (HG) were both added by the World Health Organization in 2017 to the draft of the long-awaited 11th edition of the International Classification of Disease (ICD). The WHO certified these illnesses in 2019 based on an analysis of the available data and clinical reports, despite the fact that this caused a great deal of controversy (see Warburton & Tam, 2019 for a more thorough explanation). The official recognition of these illnesses has sparked a plethora of study initiatives, and a sizable research base has swiftly emerged.

Several senior executives from major internet companies have recently spoken out to describe the methods employed by social media, video games, and other online platforms to 'hook' or 'addict' the user. Others utilize the sophisticated application of neuroscience and artificial intelligence to engage the brain reward circuits linked to addiction and keep individuals glued to the screen. Some of these methods are well-known from the gambling business. Although the main incentive is financial gain (the longer people spend in front of a screen, the more money companies can make from advertising and/or in-app purchases), a rising number of users are finding it difficult to put down their screens and are experiencing problems as a result. It should be noted that there is a sizable body of literature on "internet addiction" and a growing body of literature on "social media addiction," "phone addiction," and "pornography addiction" even though the only screen-based disorders currently recognized in diagnostic manuals relate to addiction-like video games. The evidence points to a continuum of video game addiction issues, with 1-3% of teenagers in the majority of the studied populations matching the criteria for a clinical IGD or GD diagnosis and 5–10% of adolescents engaging in risky or problematic levels of gaming.

While people with sub-clinical issues often experience negative effects in at least one significant aspect of their lives, such as relationships, sleep, academics, or mental health, people with clinical diagnoses may experience major numerous issues. When parents try to limit screen time, these behaviors can include long-term school refusal and poor grades, persistent sleep issues, relationship loss, the cessation of important activities, anxiety and depression, aggression and violence (to the point of court orders), a constant preoccupation with video games, obesity, and a growing sense of having no personal worth or prospects offline. Screen disorders are quite significant and call for extensive therapeutic intervention at the extreme end of the spectrum. The effects of internet addiction and video game addiction on the brain have been

examined in numerous recent brain imaging studies. The 'plastic' nature of the human brain allows for both structural and functional changes as a result of experience.

Importantly, mental challenges improve neural connectivity while inactivity in certain brain regions can lead to atrophy (loss of gray matter and neural connections) and atrophy (loss of connections between neurons). Numerous studies have discovered differences in the brains of participants with and without screen addiction, including atrophy in different areas of the cortex (including the prefrontal cortex, which supports a number of higher cognitive functions), reduced cortical thickness, altered white matter integrity, impairment on cognitive tasks, and changes in the reward system consistent with addiction. While it's important to keep in mind that the majority of kids and teens don't experience as many negative effects from their levels of screen use, it's also crucial to be aware that (a) in many countries, the average adolescent consumes screen media for leisure at a level that is far above what would be considered moderate, and (b) that some kids and teens experience serious issues.

Obscene Media:

The consequences of watching violent media on a number of important negative outcomes, including aggressive/violent behavior, aggression-related thoughts, and furious feelings, is one of the most intensively researched issues in all of psychology. This study spans six decades and examines both screen media and non-screen media, such as comic books, music, and other printed materials. Screen media are the subject of the vast majority of studies, hence only screen media will be covered in this summary. Also take note that it will concentrate on how violent media cause rises in uncalled-for aggressive behavior, which includes violent behavior.

It's also critical to recognize that there has been strong opposition from the screen media industries and a few outspoken academics who support their views. However, numerous reviews by major scientific societies. There are four scientifically proven ways that viewing violent screen media might make people more hostile. "Aggressive cognition" refers to attitudes and ideas regarding the propriety and effectiveness of utilizing aggressiveness to settle disputes. It also covers the recallability of offensive words, knowledge bases, and scripts. Hostile attribution bias, or the propensity to assume that detrimental activities by others (such being bumped in the lunch line) were done on purpose, is a third type of aggressive cognition.

For instance, numerous longitudinal studies from various nations have discovered that early in a school year, high levels of exposure to violent video games were associated with a higher frequency of aggressive behaviors (including physical fights at school) at a later time (from six months to several years). These investigations indicated that the hostile attribution bias increased as a result. Both sensations of rage in the present moment and as a relatively stable shift in trait rage are included in the concept of "aggressive affect." The propensity to become angry in various contexts is known as trait anger.

The terms "desensitization" and "empathy deficit" allude to related but distinct ideas. Technically speaking, desensitization refers to a decrease in the unpleasant emotional physiological responses to violent pictures or scenarios (actual or media-based), which is typically measured by heart rate or by brain imaging techniques. Such unfavorable emotional responses frequently work as a check on aggressive inclinations. Aggression therefore rises as a result of greater sensitivity to thoughts of or desires to attack another person. The capacity to understand how another person feels or would feel if you behave in a particular way is referred to as empathy. Typically, self-report questionnaires are used to measure it. Good empathy abilities can lessen the likelihood that a youngster who is considering injuring another child will actually act on the aggressive inclination. So, empathy also acts as a check on aggressive tendencies.

Peer group shifts and executive function/impulsivity deficiencies, the last two ways that violent media can promote aggression, have gotten some empirical attention and support, but still need further research. Peer

group shifts happen gradually. A child's interactions with other kids shift as they get more aggressive. Most generally non-aggressive kids are more likely to socially exclude that youngster, which raises the possibility that she or he will start making friends with other socially excluded kids (like gangs). As was alluded to earlier, a growing body of research (including short-term experiments and long-term correlational studies) contends that playing violent, fast-paced video games frequently reduces proactive executive function, boosts impulsivity, and may even be linked to attention deficit disorders.

Finally, there is some evidence connecting exposure to violent media to other negative consequences, like depression and poor wellbeing. In contrast to nonviolent gaming, which was positively related with adolescent civic views and conduct, violent gaming was found to be negatively connected with youth civic attitudes and behavior in a large-scale study of US teenagers. Research on these consequences is needed, as was already mentioned.

Both sexualized and pornographic media:

In recent decades, the prevalence of sexual and sexualized content in music, advertising, and most screen media has increased. Such material appeals to many kids and teenagers, and for some of them, it serves as an important resource for learning about sex. Teenagers have stated that school-based sex education programs are the primary source of sex education, with mass media coming in second. Unfortunately, much of the media that is available is not a suitable "teacher," with unrealistic images of sex and a lack of discussion of the risks and obligations associated with sex in most cases.

Teenagers have been found to have a number of negative effects from increased exposure to sexual and sexualized media, including an overestimation of their peers' sexual activity, an earlier initiation of sexual activity, and modifications to sex-related expectations, beliefs, attitudes, values, and actions. For instance, men who watch more sexual content on television tend to anticipate a wider variety of sexual behaviors in partnerships, whereas women who watch more sexual content on television tend to anticipate initiating sex earlier in a relationship. An American Psychological Association taskforce report on the sexualization of modern music examined a large body of literature and discovered associations between sexualized music and risky sexual behaviors, self-objectification in adolescent girls, and permissive sexual attitudes in adolescent girls. Reduced respect for women, attitudes endorsing sexual violence, aggressiveness, or gendered violence, and in one group of research, actual aggressive conduct have all been linked to music that condones sexual or gendered violence [7]–[9].

CONCLUSION

Nothing in media is fundamentally good or evil. It is only a tool that has great potential to help kids and teenagers but also has the ability to have a number of negative effects. Working with kids and teenagers to develop a healthy media diet is a crucial step in increasing the possibility of benefits while minimizing hazards. In our opinion, early and extensive instruction on responsible media use ideally integrated into school curricula is also essential to assisting the upcoming generations of so-called "digital natives" in developing into true educated and competent users of the digital world. Many online media outlets and apps collect user data. This includes, among other things, a person's contact information, their online activities, their location, their images and videos, and their gameplay history. Additionally, you may watch what individuals are doing and listen to what they are saying by using the camera and microphone on your device. For kids and teenagers, this raises a variety of privacy and safety concerns. It makes it easier for dishonest businesses to advertise to children and adolescents knowing their personal vulnerabilities, increases vulnerability to identity theft and fraud for older children, provides information that increases the likelihood of being targeted by predators, and creates a digital footprint that could have an effect on their future lives and prospects. Additionally, it permits online games and platforms to customise a child's online experience

based on that child's online behavior, keeping the youngster glued to the screen and raising their levels of screen use.

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