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Ethical Journalism in India

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ABSTRACT

Over the world in all the democratic countries media has been recognized as the pillar of democracy. In India Media is considered as the fourth pillar of democracy. The activity or the profession writing for any newspaper or any magazine or for any broadcasting news on Televisions or radio is known as Journalism. In other words Journalism is the practise of investigating and reporting of any event, issues, and trends to maximum of the audience, broadcasting in televisions, radios, mobile media, any network, blog or social media. The things that are generated by doing all these kinds of activities are known as journalism. And the people who gather the news and information for mass audience are known as Journalists. This field includes writing, editing, design, and photography. With this idea journalists cover individuals, organizations, institutions, governments and business and cultural aspects of society. The news media are the main providers of the information and shares all the opinions about the public affairs.

In this paper I will be dealing with the Growth of media, responsibilities of media, freedom of press, principles of journalism, dark side of Indian Journalism which is also known as Yellow Journalism and at last I will recommend some of the points that government and judiciary should take, the laws relating to press under Constitution of India, Indian Penal Code, other press laws and acts and in Code of Criminal Procedure.

I. INTRODUCTION

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

Thomas Jefferson

India is a developing nation and from time to time it keeps on changing and growing in many sectors. If we talk about Journalism what is the fundamental objective of it? The Fundamental Objective of Journalism is to serve the people with the news, views, any comments and information regarding the welfare of the public in fair, accurate and in unbiased nature and manner. In 1948 The United Nation has made a universal declaration of Human Rights laying down certain freedoms for the citizens all over the world. Therefore everyone has the right to

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freedom of opinion and expression, the same is given under Article 19 of The Constitution of India. This right includes the freedom for every citizen to hold opinions without any interference and to seek and receive information and ideas from the media as well.

As mentioned under Article 19 (1) of the Constitution of India that - it guarantees to the citizens the “right of freedom of speech and expression”, the press is also considered as the fourth pillar of democracy in India, therefore it’s the responsibility of media to purvey the public opinion and shapes it. If we look back in 1990’s when the Globalization of Indian Economy has brought about many drastic changes in the nation, due to this the Indian press has also gone global, and therefore the responsibility of media towards the citizens and the nation was increased. But in today’s world the media is not satisfied with the Fourth Estate, but it has also assumed the foremost importance in society and governance. Journalism is a profession which serves the virtue and enjoys the privilege to question others. On the other hand to follow these kinds of Privileges media has certain responsibilities to follow ethics in collection of information and ensuring the authenticity of the news. Now the question is what is Ethics? So, ethics is a code of values, which helps to govern our lives and is very essential for moral and healthy life. But here we are talking about the ethics of press. Therefore in the context of press ethics means set of moral principles or values which guide the conduct of Journalism. The media all over the world has voluntarily accepted that in certain areas the code of ethics should be covered. Some of the areas where the Code of ethics should be maintained are -

- Honesty and fairness, duty to correct factual errors.
- Duty to provide opportunity for any critical reply in return.
- Respect for Privacy of others.
- Duty to differentiate between facts and opinions.
- Duty not to endanger people’s life.

These are some of the Ethics and Duties that media needs to follow in all the nations. The freedom of press should need to be preserved and protected not only from outside interference but equally from those within in.

II. GROWTH OF MEDIA AND JOURNALISM IN INDIA

Media and Journalism is having a very good history in India form the time of British rule. The role played by journalism at the time of British Colony was, regarding the Indian Struggle movement they have gathered very mass population across India to take part in Indian Struggle Movement. Ranging from many English newspapers at that time like

Bombay Chronicles, Bengal Gazette to vernacular newspapers like, Amrit Bazar Patrika, Ghadar and Harijan, each of these newspapers have played a very important role in strengthening the Indian Freedom Movement awakening the minds of young Indian to take part in the Movement and to take back the independence of their motherland. Although at that time the power of media has also threatened the British Rule in India and several attempts were made by the Britishers to censorship which included arrests and torture of the editors. But the attempts by the Britishers were failed as the influence of the growing media and the papers were in circulation secretly, which motivated the youths of the Country to take part in the Indian Freedom Struggle movement.

After Independence from the British Rule India emerged as an infant Democracy with the mutual dependence of the government and the citizens. Therefore media played a very important role in providing communication and information about the developmental activities and making of policy decisions. Because of this the faith of the citizens towards media was increased and simultaneously the power of Media was increased to influence the citizens. The growth of Media can be seen from the facts that at present Indian Press consist of approximately more than 5100 newspapers daily and 41000 periodically in as many as 101 languages. The Coverage of media is from India and across the globe in capturing political issues, disasters, wars and sports and these news items tend to influence the view of the public at large. But in today's era the impact of Media and Journalism on public is such that it can automatically lead to violence, public protests and even fall of the Government. Media is a very powerful weapon that can be used to destroy the reputation of an individual or an organization. Therefore we can say that in today's world the role played by media is very important.

III. FREEDOM OF PRESS IN INDIA

India is a developing nation and it keeps on changing day by day as in growth in economical sectors, agricultural sectors and others. So, the free press puts before the Government all the problems faced by the public in their day to day life as well as media informs the public about the policies framed by the Government for their benefit. On the other hand a press which is a puppet in the hands of the Government would and will never be able to serve the true purpose of Journalism. So, this points out that there is a necessity of free press in a democracy like India. On the other hand there are no such provisions in the Constitution of India guaranteeing the freedom of press. But the courts and Indian Judiciary have assumed that the sentence "freedom of speech and expression" also includes freedom of press. This was noted

down in **RAMESH THAPAR v. STATE OF MADRAS**². It is a material fact that we should know the question of incorporating a separate provisions for guaranteeing freedom of press was actually argued in the Constituent Assembly, but Dr. Ambedkar said that the freedom of press is included in the ambit of the freedom of speech and expression.

A survey was taken by Freedom House Branded the Indian press as being partly free of civil and political liberties. If we talk about the United States of America the first Amendment made in the Constitution was related to freedom of press and there are no exceptions relating to that. But in a Country like India which is the world's most populous democracy we can find that under Article 19(2) there are some limitations or restrictions. Now the question is what are the grounds for those limitations and restrictions mentioned under Article 19(2) of the Constitution of India. Some of them are -

- **SECURITY OF THE STATE** - This ground refers to both internal and external security. In respect of external security, the state would or can restrict the freedom of press on the grounds that it is essential for the protection of the Nation from external aggression or war. On the other hand there are some legislative provisions that restrict the freedom of press. Those were challenged in the court of law but in certain cases the court have objectively struck down or have upheld the constitutionality of those provisions. This was held in **STATE OF BIHAR v. SHAILABALA DEVI**³ by Supreme Court, and court also said that the expression "security of the state" cannot be interpreted to cover any of minor breaches of public order and peace.
- **SOVEREIGNTY AND INTEGRITY OF INDIA** - This is the second ground for imposing restrictions on Journalism. This ground was added by the 16th Amendment Act 1963 of the Constitution.⁴ According to this the government is having full control for imposing limitations and restrictions on media or Journalism. This is a very much needed ground as it gives a wide circulation and spread of media, because any media or Journalism is very much capable of threatening the sovereignty and integrity of any nation which must be checked before by any nation. Therefore any expression which is or can be prejudicial to the sovereignty and integrity of any nation can be punished validly by law without challenging its Constitutionality.

²AIR 1950 SC 124

³AIR 1952 SC 329

⁴<https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-sixteenth-amendment-act-1963#:~:text=%22I%2C%20A.B.%2C%20having%20been%20nominated%20as%20a%20candidate%20to,and%20integrity%20of%20India.%22>

- **FRIENDLY RELATIONS WITH OTHER NATIONS** - This ground imposes restrictions on the press of India. According to this the press of India is not allowed to cover any news that may impact the relations of India with other Nations, and state is having full power to make or enact any legislation for restricting such media coverage.
- **DEFAMATION** - Defamation means an injury to a man's reputation and it is of two types Civil Defamation and Criminal Defamation. This provision is given under Section 499 of the Indian Penal Code and Section 500 of the Indian Penal Code. These two sections deal with Criminal Defamation⁵. So it cannot be said that criminal defamation to be in violation of Article 19(1) (a)⁶ and media will be held liable for any such defamatory statements published.
- **PUBLIC ORDER** - In one of the case the Supreme Court of India has said that the meaning of the phrase "public order" is very much wide and it has to be understood in comparison to other grounds under Article 19(2) of the Constitution of India. The case is **RAMJI LAL v. STATE OF UTTAR PRADESH**⁷, under this case Section 295A of the Indian Penal Code⁸ was impugned as violating Article 19(1) (a) of the Constitution of India⁹. Petitioner was running a monthly magazine which hurted the feelings of religious beliefs of certain class of sections in India which may not lead to disturb the public peace. Therefore Section 295A cannot be described to be in the interest of public order. The court held that the provision in question penalized those activities which has or had the tendency to disrupt public order.
- **MORALITY** - The word Morality keeps on changing from society to society, age to age and person to person. The Indian Penal Code lays down some of the provisions regarding the offenses related to public decency and morals. In **RANJIT D. UDESHI v. STATE OF MAHARASHTRA**¹⁰, Supreme Court said that the balance between freedom of speech and expression and public decency should be maintained. Therefore the restriction imposed on this ground on decency and morality has to be determined, which completely depends upon the cases.

These were some of the restrictions imposed by the Government on Journalism. Therefore after seeing above grounds we can say that there is no straight formula that determines the

⁵UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 595 - 598)

⁶THE CONSTITUTION OF INDIA P M BAKSHI - (PAGE NO. 55)

⁷AIR 1957 SC 620

⁸UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 505)

⁹THE CONSTITUTION OF INDIA P M BAKSHI - (PAGE NO. 55)

¹⁰AIR 1965 SC 881

validity of laws upon these grounds of restrictions. On the other hand we have also seen that the Constitution of India protects the freedom of press but it has never been tried by the Parliament and Indian Courts for full implications provided under Article 19 of the Constitution of India.

IV. PRINCIPLES OF JOURNALISM

Mainly there are five main core principles of Journalism. They are¹¹ -

1. **TRUTH AND ACCURACY** - The work done by Journalists in providing communication and all the reports happening in the world are not hundred percent truth but they get the fact about the reports right and this is one of the Cardinal principle of Journalism. The journalist should always strive for accuracy and before providing us with any fact they always need to cross check it once or twice.
2. **INDEPENDENCE** - Journalist should be independent and they should not act formally or informally, on behalf of any special interest whether political, corporate or cultural. Journalists should declare any type of relations to their editors they have with any politicians, or any other personal information which may or might constitute conflict of interest.
3. **FAIRNESS AND IMPARTIALITY** - The stories that we see on televisions, listen on radio's or read in newspapers have two sides of it and its the responsibility of the Journalists to state the facts correctly and fairly. There should be no impartiality by them in any of the coverage.
4. **HUMANITY** - This is the duty of journalists to do no harm to others. They should not publish anything in their news and reports that may hurt others. They should be aware that the words and images they publish should not impact the lives of other citizens.
5. **ACCOUNTABILITY** - This is one of the most important principles that a journalist needs to follow. It is a true sign of professionalism and responsible journalism that they need to hold themselves accountable for any mistake they have done. Any mistake done by them must be corrected by them only. On the other hand they should provide remedies when they are unfair.

These were five main core principles of journalism, that all the Journalists need to follow not only in India but all over the world.

Now we will be seeing the Dark side of Journalism which is also known as Yellow

¹¹<https://ethicaljournalismnetwork.org/who-we-are/5-principles-of-journalism>

Journalism.

V. YELLOW JOURNALISM

It's the responsibility of media that they should not show any news on any medium which can affect the integrity of the country. Yellow Journalism means "presenting the illegitimate news and the poorly researched articles with catchy headlines being served with the exaggeration"¹². This type of Journalism is nowhere near to the basic objective of the Journalism or the media house. But it can be compared that it is a part of business where one's primary objective or aim is only to earn bucks of money and to fulfil its selfish means of the indulged parties.

India is a country where Journalism or media is considered as the fourth pillar of democracy and it has wide outreach, and it is the moral responsibility of the media house to be unbiased. We have seen so many examples and circumstances where media has done an excellent work from the British Era. Then what leads to yellow Journalism is the question? And the answer of this question is also very much easy. India is home of approximately 1.3 billion of citizens and all of them have their own different opinions and conclusion. But we know that many of the media channels just need TRP's, they establish links between political and business development benefits and selfish motives. Due to this the credibility of some of the journalists gives rise to yellow journalism. Therefore many of the news and facts that are correct does not reach to us and hence we can say that yellow journalism is destroying the country. As we have discussed that India is home of billions of peoples therefore we have a large number of viewership and large attention. Just because of this today's journalism is playing with the feeling of Indian peoples.

Now the question arises is that to tackle this what can we do? Controlling the media is also one of the bad ideas as we live in a democratic nation. Therefore to tackle this situation media regulation is the best answer. The Government cannot overtake Journalism but a code of conduct can be implemented by the parliament which can be used to tackle these types of situations. This code will not bind the hands of media but it will be used to bind the hands of Yellow Journalism.

To tackle these situations media also have some of the responsibilities so that Yellow Journalism can be controlled and the spread of this will be stopped.

¹²<http://www.indianyouth.net/yellow-journalism-the-dark-side-of-media/#:~:text=One%20of%20the%20dark%20faces,the%20recent%20times%20is%20alarming!>

VI. RESPONSIBILITY OF MEDIA

The main responsibility of media is to act with responsibility and accountability with regards to all the pieces of the Information. All the journalists should be aware of the harmful consequences of their actions. Journalists living in Democracy are also citizens of a country, therefore they should support the democratic process by which they operate, and to exhibit responsibility in their reporting. Entering into the world of journalism does not exempt the one from the basic rights and responsibilities towards the others. On the other hand the burden of affecting the lives of others, the journalist's needs and are expected to show some sensitivity towards them.

It is the responsibility of journalists to show respect for the dignity, privacy, and rights of others. Showing respect towards others should be the secondary consideration of profit and personal prestige. On the other hand journalism not only means increasing the sales of a newspaper or promoting the rating of the broadcast. But it should also mean seeing people as the ends and not the means.

Some of the defects in functioning of the Indian media today¹³ -

- **PAID NEWS**
- **TWISTING FACTS**
- **NON-ISSUES AS REAL ISSUES**
- **TENDENCY TO BRAND**

These are some of the defects in the Indian media in today's era and this need to be overcome by them only while keeping in mind the respect for the dignity, privacy and rights of other citizens in the country.

VII. LAWS RELATING TO PRESS

In India there are many laws which are related with press like the Constitution of India, Indian Penal Code, Code of Criminal Procedure and some of the Press Acts. I will be dealing with these provisions in brief¹⁴ -

CONSTITUTION OF INDIA

- Article 19(1)(a) - all citizens shall have the right to freedom of speech and expressions and this Article should be read with Article 19(2)¹⁵.

¹³<https://www.thehindu.com/opinion/lead/Media-and-issues-of-responsibility/article13059658.ece>

¹⁴<http://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf>

¹⁵THE CONSTITUTION OF INDIA P M BAKSHI - (PAGE NO. 55-56)

- Article 21 - Protection of life and personal liberty¹⁶.
- Article 361A - Protection of Publication of proceedings of parliament and state legislatures¹⁷.
- Article 104 - Penalty for sitting and voting before making oath or affirmation under Article 99 or when not qualified or when disqualified¹⁸.
- Article 105 - Powers, Privileges, etc., of the houses of parliament and of the members and committees thereof¹⁹.

These were some of the Constitution Provisions relating to press.

INDIAN PENAL CODE, 1860

- Section 124 - Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power²⁰.
- Section 153A - Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony²¹.
- Section 171G - False statement in connection with an election²².
- Section 292 - Sale, etc., of obscene books, etc.²³.
- Section 293 - Sale, etc., of obscene objects to young persons²⁴.
- Section 299 - Culpable Homicide²⁵.
- Section 499 - Defamation²⁶.
- Section 500 - Punishment for Defamation²⁷.

These were some of the Provisions Related to the law of press under Indian Penal Code, 1860.

CODE OF CRIMINAL PROCEDURE

- Section 93 - Summons and Warrants of Arrest²⁸.

¹⁶THE CONSTITUTION OF INDIA P M BAKSHI - (PAGE NO. 72)

¹⁷THE CONSTITUTION OF INDIA P M BAKSHI - (PAGE NO. 386)

¹⁸THE CONSTITUTION OF INDIA P M BAKSHI - (PAGE NO. 156)

¹⁹THE CONSTITUTION OF INDIA P M BAKSHI - (PAGE NO. 157)

²⁰UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 442)

²¹UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 452)

²²UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 458)

²³UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 500)

²⁴UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 503)

²⁵UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 506)

²⁶UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 595)

²⁷UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 598)

²⁸UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 70)

- Section 95 - When search warrants may be issued²⁹.
- Section 195 - Prosecution for contempt of lawful authority of servants³⁰.
- Section 320 - Compounding Offenses³¹.
- Section 325 - Procedure when magistrate cannot pass sentence sufficiently severe³².

These were some of the provisions Related to the law of press under Code of Criminal procedure, 1973.

PRESS ACTS

- Punjab Special Powers (Press) Act, 1956
- The Press and Registration of Books Act, 1867
- The Dramatic Performances Act, 1876
- The Indian Telegraph Act, 1898
- Representation of the People Act, 1851
- Defence of India Act, 1915
- Press Council of India Act, 1966
- Cable Television Regulation Act, 1955

These are some of the Laws and Acts of Press. There are many others laws and acts in India Regarding this.

VIII. RECOMMENDATIONS

What can we or Government and Indian Judiciary should do so that yellow journalism should be stooped and all the journalists should follow their responsibility towards the nation. Some of the recommendations are -

1. We should try to build a good working environment for the working of journalists so that they can understand their responsibility towards other citizens and towards themselves as well and for the people working in same industry like them or with them. They should apply their own judgment and ethical standards in their reporting.
2. The press council of India should try to publicize itself, all of its powers, and their works so as to make itself known to the public and by this they should try to gain the trust of the citizens.

²⁹UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 72)

³⁰UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 136)

³¹UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 192)

³²UNIVERSAL'S CRIMINAL MANUAL 2016 - (PAGE NO. 202)

3. There are many journalists in the nation who do their work via freelancing and they should make themselves familiar with the respective code for practise of any newspaper they are writing for.
4. There should be a system for journalists to take oath, as the Hippocratic Oath in medicine. This oath should contain the values and responsibility towards the nation and citizens which should not be changed in years.

IX. CONCLUSION

As we have seen that the media was very much good and better when we were under the British Rule, but after the independence the media has lost its way towards the progress of the nation. Media is also considered as the fourth pillar of Democracy in India therefore media should never forget its responsibilities towards other citizens and the nation. Freedom of Speech and Expression is fundamental right, it is also an important anchor of democracy, but it should never be used in an uncontrolled manner. To conclude this paper I will only say that - Media is the most important and common mode of carrying forward the public opinion and also keeping the public informed about the happenings in the nation. Therefore it is very important that media should act in a responsible way towards the nation. The media should try to keep their opinions objective and free from bias, they should also try to explore all the possibilities and points of views. One of the important roles of media is to see what government is doing for the welfare of the citizens and the nation. But on the other hand if media will be under the control of the government then it will not be able to do its work properly. At last it is important for media to take strict measures for themselves to improve their conduct.
