UNIT 11: ISSUES RELATED TO REGULATION AND SELF-REGULATION IN MEDIA ORGANISATIONS

UNIT STRUCTURE

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11.1 LEARNING OBJECTIVES

After going through this unit, you will be able to

- understand the role media plays in society
- discuss regulation for media
- analyse the importance of self-regulation by media
- distinguish between codes, laws and ethics
- apply ethics in your day-to-day work

11.2 INTRODUCTION

The Mass Media plays a crucial role in society as it is the most accepted means through which public opinion is stimulated.

Many a times, the stability of a country is assessed by the way the media reports the news of a country. Communication is a fundamental human requirement, and media is about freedom of expression of communication, a fundamental right for all humans, envisaged under various international covenants and most of the constitutions including the Indian Constitution.

The stability of a country is assessed by the way the media report the news of that country. Media is the tool through which information is disseminated and freedom of speech and expression is attained. Restrictions on this medium by the State or any such authority causes threat to the rights and freedom of every human in the society.

The process of gathering, processing and disseminating information to the society makes it the fourth estate that lets people remain sufficiently informed, and ensures that citizens formulate proper and updated. It also provides information on the functioning of the chosen government and if its representatives are acting upon electoral promises and achieve the desires of those who elected them.

Thus, it becomes the obligation of the media to circulate only valid facts and not cause chaos and instability in a society. For this, media activities should be observed meticulously so that the information circulated would not give any negative effect.

Media organisations, now a days are more profit oriented and have their hidden agendas. There is no proper authority in most nations to regulate media power except few bodies with not enough statutory powers. This makes self-regulation by media essential.

11.3 NEED FOR REGULATION

The right to freedom in article 19 of the Constitution of India guarantees the freedom of speech and expression, as one of six freedoms.22 Although article 19 does not expressly provide for freedom of press, the fundamental right of the freedom of press is implied in the right to freedom of speech and expression.

- Media plays an essential task in intensifying awareness in all people about human affairs in a society making it accountable.

- Media is universally recognised as a pillar of democracy expected to maintain certain practice of professionalism.
- It is considered a watchdog that checks and balances the power of the other three branches of the government *i.e.,* the executive, the legislature and the judiciary.
- Universal belief is that only an autonomous press or media can endow citizens with a diversity of information.
- As the rate of literacy is rising, the press is attaining a strong foothold in the country even in the rural regions.
- There is extensive coverage of local, national and regional news which transmits the reports from nook and corner of the country on a daily basis.
- The digital media is gaining popularity among the new generation.
- Unlike the traditional print or electronic media that assures facts checked by assigned editors, new media has less scope for fact checking.

11.4 SELF-REGULATION BY MEDIA COMPANIES

Self-regulation in media is a voluntary act, both, on the part of an individual media professional as well a media organisation. Self-regulation ensures that the media can operate independently

keeping the interest of its different stakeholders and also its own organisation. As regulation on media is not supposed to be imposed by any external agency therefore it carries more credibility in the eyes of the public.

Self-regulatory mechanisms are seen for the media in many parts of the world including India, like the codes of ethics, press councils and ombudsman, Tribunals etc.

Though not all self-regulatory mechanisms have been able to live up to the constant emerging challenges as some are considered to be overly restrictive in their mandate while some are inadequately resourced.

Self-regulation is seen in the form of codes of conduct, ethics and practices.

Code is a systematic set of guidelines or framework for standard moral behaviour considered desirable. A code is a document that sets out guidelines aimed at proscribing certain types of conduct deemed unethical and identifying other types of conduct as being ethical. Abiding by the codes make work more credible for a media house.

A nation's media does well when a common code of conduct for all journalists is drafted by separately taking ideas from working journalists across print, TV and web, retired veteran journalists, and other stakeholders.

Ethics do not involve formal set of codes and rules but are about self-check or self-control by media houses and personnel. It is about personal decisions and practices. Ethics is not law, although laws are made based on ethical values of a society.

According to a UNESCO report, more than 370 Codes of Practices are said to be listed by the International Press Council in different parts of the world. Although, journalists generally resist any kind of code as these are seen to keep certain check on their freedom of expression, but codes of conduct are aimed to help the journalists and contribute in their freedom.

Certain essential ethical values traced across cultures and nations such as **truthfulness, fairness, independence, accountability, objectivity, accuracy, and privacy.** A Journalist needs to be objective and truthful and accurate in presenting the factual information to people.

Verification of facts principle of good journalism. Accuracy is needed in factual details such as names, places, date, time, and people involved. Emphasising the need for objectivity, famous journalist C.P. Scott said, 'Facts are sacred comment is free". Objectivity involves separation between news and opinion. Even when under pressure from government or political parties or business houses, yet you need to maintain ethics and remember your accountability to the larger masses. Maintaining privacy is yet another important ethical issue. A journalist should not transgress the boundaries of decency in their quest for exclusive news.

Certain Practices raise the issue of ethics. A media house or professional should practice value based action for pursuing their goals. We can take examples from areas like the digital media, that is a rich source of information which enables information sharing

and dissemination without any filters or means to restrict the content. The new media has changed the way news is collected and disseminated. Major section of country's educated youth today are dependent on the new media platforms for information gathering and also for entertainment. Authenticity of the sources of these information on social media are difficult to verify. Many information givers intend to create sensationalism and practice propaganda.

The practice for an ethical media professional here is to attribute the source of information given by them to the media consumers.

Similarly, investigative journalism involves a detailed enquiry of reports, documents and developments. Sting journalism is an offshoot of investigative journalism. Using hidden cameras for such operations raises concern over the invasion of privacy, entrapment, and accountability. Such practices should be self-restricted and self-regulated.

Moreover, in a diverse country like India, with various communities, tribes and sections following different faiths and rituals and practices, equality and social responsibility in treating people with empathy is an essential practice that a media organisation should follow.

Certain essential ethical values traced across cultures and nations such as **truthfulness, fairness, independence, accountability, objectivity, accuracy, and privacy.** A Journalist needs to be objective and truthful and accurate in presenting the factual information to people.

CHECK YOUR PROGRESS

Q.1 : What do you mean by code?

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11.5 AREAS OF LEGAL CONCERN

The Press, in India, as part of a democratic nation, does have its own freedom; yet has its set of responsibilities that need to be kept in the forefront. The media laws of the country aim at reminding the press of its duties and responsibilities by abiding by the Laws. It is commonly seen, that the media in developing nations does enjoy its freedom responsibly, as it has the big task of being actively involved in national development, yet it becomes necessary to have some set of laws thrust upon by the State, that are accepted, as defined parameters, to function for the larger well-being of the nation.

Hence, the Constitution of India has imposed some reasonable restrictions on the media, both electronic and print. Media laws in India have a long history right from the British era, while post-independence saw the enactment of more such laws benefit of the society.

It is understood that the Indian Constitution does not provide freedom for media separately, but there is an indirect provision for media freedom through Article 19(1) (a), which provides

freedom of speech and expression. At the same time, our Constitution also lays down some restrictions in the form of Article 19(2).

Law is a set of rules established in a social system, which demand or prohibit certain actions. These are governed by the courts of law and are abiding on its people and breaking of law is punishable. Some media laws such as the Contempt of Court, Libel and Defamation, Official Secrets Act 1923, explore the legalities involved in the profession of media.

1. The Official Secrets Act 1923-

   The official Secrets Act is an Act, that merges the laws relating to official secrets and deals with offences like spying, possessing documents, codes, papers etc. and wrongful communication of secret information related to the national security and armed forces of the country. This came into existence on April 2, 1923, as The Official Secrets Act, 1923 (19 of 1923).

   The Act prohibits any person to cause harm to public safety and indulge in any kind of spying or misuse of the Uniform of the forces or possess documents and codes which they are not supposed to possess, or help someone to possess such documents or codes, or unlawful communicate with foreign agencies revealing national secrets.

   This Act is India's anti-espionage. It states that actions that involve helping an enemy state, or breaching the security of a country, like inspecting and tress passing government and defense areas, or collecting confidential documents without permission and sharing it with unauthorized parties is an act against the nation and is punishable.

2. Contempt of Court Act 1971- This Act states that in India, the offence of contempt of court is committed when a person either disobeys a court order, or interferes with judicial proceedings, or her or she says or does something that scandalizes or prejudices court proceedings and administration of justice, then it is a punishable offence that can lead to imprisonment.

3. Libel and Defamation- Libel and defamation refer to slandering someone's image either through verbal means (Libel)or through published work (Defamation). It is the communication of false statement that harms the reputation of a person, an organization

or business etc. Defamation can also be done through signs, public ridicule, pictures or effigies or any communication that leads to public ridicule or hatred of a person or his or her profession.

The above need to be kept in mind by media professionals and media organization while conducting their tasks and duties.

CHECK YOUR PROGRESS

Q.2 : What does the Official Secrets Act of 1923 relate to ?

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Q.3 : What does the Contempt of Court Act of 1971 state?

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11.6 LET US SUM UP

- Media plays an essential task in intensifying awareness in all people about human affairs in a society making it accountable.
- Media is a universally recognised as a pillar of democracy expected to maintain certain practice of professionalism.
- It is considered a watchdog that checks and balances the power of the other three branches of the government *i.e.,* the executive, the legislature and the judiciary.
- Media ethics and self-regulation are interlinked. If each media professional follows certain ethical principles and norms and adheres to them despite various pressures, it will lead to his/her own ethical conduct and self-regulation in the profession as well.
- Instead of keeping self-gain and profit making in mind, media organisations need to focus on giving actual news keeping in mind the public interest.
- Ethics form the base in the processes of journalism where identifying information, gathering news, selecting and presenting information are the main activities. It allots credibility to media organisation and helps it take responsible decisions. As media

professional one needs to have a critical understanding of their role in a highly competitive and profit driven media environment and focus on positive change in society through their work.

11.7 FURTHER READING

1. Aggarwal, Vir Bala, V.S Gupta (2002), Handbook of Journalism and Mass Communication, Concept Publishing Company, New Delhi

2. Chaturvedi, B.K (2009), Media Management, Global Vision Publishing House, New Delhi

3. Kumar, Dr. Rakesh (2010), Media Management, Surendra Publications, New Delhi

4. Lesikar, Raymond, V, Marie E. Flayley (2005), Basic Business Communication, Tata McGraw-Hill Publishing Company Limited, New Delhi

4. Narula, Uma (2006), Business Communication Practices, Atlantic Publishers & Distributors, New Delhi

5. Riel, Cees B.M. van, Charles J. Fombrun (2007), Essentials of corporate Communication, Routledge, UK

6. Yadav, K.P (2006), Media Management, Adhyayan Publishers & Distributors, New Delhi

11.8 ANSWERS TO CHECK YOUR PROGRESS

Ans to Q No 1 : Code is a systematic set of guidelines or framework for standard moral behaviour considered desirable. A code is a document that sets out guidelines aimed at proscribing certain types of conduct deemed unethical and identifying other types of conduct as being ethical.

Ans to Q No 2 : The official Secrets Act is an Act, that merges the laws relating to official secrets and deals with offences like spying, possessing documents, codes, papers etc. and wrongful communication of secret information related to the national security and armed forces of the country. The Act prohibits any person to cause harm to public safety and indulge in any kind of spying or misuse of the Uniform of the forces or possess documents and codes which they are not supposed to possess, or help someone to possess such documents or codes, or unlawful communicate with foreign agencies revealing national secrets.

Ans to Q No 3 : Contempt of Court Act 1971 states that in India, the offence of contempt of court is committed when a person either disobeys a court order, or interferes with judicial

proceedings, or her or she says or does something that scandalizes or prejudices court proceedings and administration of justice, then it is a punishable offence that can lead to imprisonment.

11.9 POSSIBLE QUESTIONS

A. Short Questions (Answer each question in about 150 words)

Q.1 : What is the essential human requirement that makes media important?

Q.2 : Why is media considered the fourth pillar of democracy ?

Q.3 : Discuss regulation in media.

Q.4: What makes self-regulation a necessary gesture for media organisations?

Q.5: What do you understand by Codes and Ethics?

B. Long Questions (Answer each question in about 300-500 words)

Q.1 : What is Law and how legal concerns are of much importance in functioning of media?

Q.2: How can application of ethical practices of a journalist lead to self-regulation?

Q.3 : Describe the Official Secrets Act 1923.

Q.4: What do you understand by Libel and Defamation?