



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

THE ROLE OF MEDIA

Garugu Sri Ashish Reddy

4th year BBA., LL.B, KL (DEEMED TO BE) University, Vaddeswaram, Andhra Pradesh, India

Abstract:

The media being the fourth pillar of the society can be deemed as the basic sense organs of the society. The media can even turn to be the most powerful weapon for the powerless downtrodden. The media can become omnipotent and save millions by its direct interference into the facts without any undue pressure from any government or political bodies. It can throw light by directing the society to move towards the truth. The media can be deemed as a double-edged weapon if it can be properly used for judicious purposes by the society to remind that the governments are meant to protect the laws at any cost. The same media if not properly used or misused for personal reasons can lead to ambiguity in the minds of the whole society by distorting the facts. The study focuses on the role, impact and need of regulation of Media.

Key words:

Media, Freedom, TRP, Investigative Journalism, Censor.

Introduction:

Media generally refers to modes of communication, such as speech or writing. Media is important in a democracy and it also entertains the public by way of films, music, dance, and drama. Media can be divided into three categories:

1. Print media includes newspapers, books, press releases, booklets, magazines, etc.
2. Electronic media includes films, radio, and television.
3. New age media which can be accessed through the internet or by other means plays a major role in the films, web series or music to be released on Over the Top (OTT) platforms.

Media which includes investigative journalism is a curious fascinating activity involving high levels of concentration which leads to considerable achievement. Investigative journalism indirectly pressurizes the police and the prosecution to realize the hidden realities of the case, therefore driving them to take timely action. There are instances where the public developed more faith on investigative journalism rather than on the police which is a very positive sign in the society

After independence, the advent of technology felt the need to regulate media, especially new distribution methods such as radio, television, news media, cables, films, satellites, etc., to ensure that there was no misuse of media activities. In India, the government has enacted special laws not only to regulate media activities but also to protect liberty, and about regulating the media industry, the relevant authorities have enacted various laws from time to time, such as the Central Board of Film Certification, Telecom Regulatory Authority of India, etc. Before independence, Government has control over the media and allowed it to project/telecast only a particular set of news which is in favour of the Government and what it wished public to see and hear. But with the privatisation, globalisation the said control has been decreased. Many laws were enacted to regulate it.

The Role of Media:

Without the farmer any society or country can never be imagined, in the same way the media plays a vital role in forming or framing opinions on anything in the present democracy.

But the intervention of media in every walk of life has become expensive in the new generation.

The basic aim behind Government policies made by the political parties and politicians during election campaign helps to form an opinion whether good or bad but instead of focussing the reality distortion of the facts which are tailored to one's prejudiced views and perception has taken over the toll in today's media.

The above-mentioned undue influence causes entirely a dubious means of forming opinions on people, parties and the nation as a whole. The media is considered as the fourth estate but the fourth estate should not be allowed to project anything according to its whims and fancies. The media shall maintain the truth forever but if the role of media taken in the present society, each newspaper or channel has become a puppet in the hands of those who run or own the media, be it a newspaper or television channel or a website or a social media platform like twitter etc.

The actual role of the media is to bring about the truth and unearth the facts so that the media concentrates on the existence of the truth or facts eventually leading the public or the readers to focus on the brightest or the very right side of any issue. In this aspect, media shouldn't be suppressed. A free hand should be given in enjoying its freedom. There are many ways in which media is being suppressed from disclosing the truth. It can be by using various Investigative agencies on it, levying fines, arresting journalists illegally in a legal manner etc. If the media is working without any internal or external pressures or influence, it can project the news in the prescribed manner accordingly and can bring impact and change the society. It is very much important in a democratic government.

Basically, the media should have the power to express, project whatever it believes as true. But whatever the media believes true need not necessarily become true, now a days what is written in the news is just a tailor-made distortion of facts carefully represented in the form of news according to the careful filtered discretion of the particular media.

In India specifically no media exposes the truth, if the media exposes the truth it may lose one portion of the society as its subscribers or readers. The TRP ratings are the main reason for such distortion or magnification of facts put in the view of the media. For a clear example supposing any in part of the country/state there is a cyclone, then immediately the media's projected view would be entirely different as it wants to magnify the concept of cyclone news in the form of pictorial graphical representation causing too much influence on the minds of the viewers. In some cases, though cyclone is predicted in the predicted part of the geographical area it might not be even raining, but the media take it as a chance to increase TRP ratings by magnifying the small facts. This dangerous competition leads to assassination of the actual facts only to influence the viewers to watch that particular channel so that that specific media can grab more attention in the form of TRP ratings.

For a visible example if the actual news is taken into constant each media projects it in different distorted ways only to satisfy its hunger to influence the viewers or readers in the way the media wants to influence.

It is a fact that the same news being projected in different media has different perceptions leading to the assassination of the actual news and the media's personal view being magnified in the way it wants to cast an indelible impact in the minds of that specific media's regular readers or followers.

The impact of media may not be measured but it can spread like a wild fire for and against any topic or issue for both good and bad. The time has come to take the necessary steps to improve the healthy facts being focussed and the ugly race for the TRP ratings to be stopped. The freedom granted to the media can never mean to misrepresent the facts in its own way leading to achieving the goal of each media to communicate what the media wants to communicate to its audience in what chosen way it wants to influence.

The time has come stop this discretionary freedom leading to personalised news service achieving personal influence on the minds of the youngsters in the disguise of the fourth estate. India needs facts not prejudiced influences in the form of misrepresentation, coercion, and undue influence taking over the toll to grab the attention of the society for prejudiced reasons. The laws should be established strictly against the media for any tailored misrepresentation of facts against any person, issue etc. The freedom of discretion should not lead to the unhealthy race to establish each media's own identity running almost parallel governments in some states influencing the young and the old minds and making them slaves to their personalized cooked stories. Indian media's freedom should be under the law. Freedom doesn't mean misuse of freedom so any such misuse shall be equally addressed and resolved by the law. The freedom of speech should be restricted to focus only the facts not personalized colourful opinions influencing millions of people to form an opinion for or against any person or issue. The exaggeration of facts aired by the news channels should be addressed by the law. The curves of distortion shall set right by the law as the very purpose of law to establish and protect the law as the media is not above the law.

Media Laws:

Various laws have been passed by the Indian Parliament to regulate media activities and protect the freedom of the media. Some of the important media laws are :

First Press Regulation, 1799, Gagging Act, 1857, Indian Press Act, 1910, Vernacular Press Act ,1878, Constitutional Provisions regarding Press Freedom, Official Secrets Act, 1923, Press and Registration of Books Act, 1867, Cinematography Act, 1952, Copyright Act, 1957, Press Council of India Act, 1965, etc.

However, the existing enactments are not sufficient in this modern world to regulate the freedom and prevent unfair practices by the media in the curtain of freedom. It is the time for legislators to focus upon this area and address it.

Judicial Interpretations:

In the case of **Sakal Paper (P) Ltd., And Others v. Union of India**¹, facts are according to the Newspaper (Price and Page) Act, 1956, the Central Government can set maximum prices for newspapers and regulate the amount of space given for advertising. The petitioner must increase the price of the newspaper if he wants to increase the page, and vice versa. The petitioner challenged the order as it directly violated freedom of the press and freedom, as its endorsement indicated a mandatory reduction in the number of existing newspapers. page or increase the price. The Court found that the Act was unconstitutional, as it violated Article 19(1) (a) of the Constitution and was not eligible for the restrictions provided under the Article 19(2).

In the case of **R. Rajagopal v. State of T.N**², the court confirmed that there is no express law or provision authorizing the government to use "prior restraint" against officials in making defamatory publications, but later, if such publication is found to be based on false facts, the agency may demand compensation.

In the case of **Brij Bhusan v. State of Delhi**³, The Chief Commissioner of Delhi issued an order under section 7 of the East Punjab Security Act 1949 against the "printer", "publisher" and "editor" of a magazine called "Organizer", requiring them to submit all articles related to the problem of Indian-Pakistani communalism. But the court overturned the order, saying the order violated "freedom of speech and expression" and upheld that magazine correspondents were allowed to give their views on any sensational news in the country.

In the case of **Romesh Thappar v. State of Madras**⁴, the Madras government banned the circulation of a special magazine called "Cross Road" in Madras in accordance with the "Public Order Act 1949". The Court struck down the order that stopped the circulation of a journal because it interfered with the freedom of expression, finding that the restriction was not authorized under Article 19 (2) of the Indian Constitution.

In the case of **Rajendra Sail v. M. P. High Court Bar Association and Others**⁵, it was agreed that the media is allowed to criticize and analyse judicial acts and judgments in a sober way, but it should avoid any personal bias or salacious remarks.

The Supreme court ruled that no one can impose any blanket injunction on press publishing rights (against multiple activities, or multiple parties to the same activity, or both), emphasizing that the media "cannot take the public interest as an excuse to publish them Anything that seems interesting in front of you." Judge Subramaniam commented in this regard that "all matters of public interest may not be in the public interest."

In the case of **Hamdard Dawakhana (Waqf) Lal v. Union of India and Others**⁷ the Court ruled that the original purpose of an advertisement can be determined by the product it is promoting. Drug and commodity advertisements cannot claim the protection of Article 19(1) if the sale is not in the public interest. And the remarkable point here is that advertising exists to promote business, so it falls under the category of trade and commerce and cannot be considered part of free speech. The Supreme Court ruled that in some cases, commercial advertisements can be protected under Article 19 of the Constitution. The right to free speech will not be denied simply because a businessman chooses to exercise it.

But in the case of **Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India**⁸, the Supreme Court laid the importance of freedom of the press in these words: "The expression freedom of the press has not been used in Article 19 but it is comprehended within Article 19(1)(a). The expression means freedom from interference from an authority, which would have the effect of interference with the content and circulation of newspapers. There cannot be any interference with that freedom in the name of public interest."

In the case of **Re Daily Zemedar**⁹, the judiciary stated that the right to print and publish news is an essential part of the press and it also has right to report on the current events of history.

In the case of **Virendra v State of Punjab**¹⁰, apex court held that when there is a clear and imminent danger to justice then pre-publication bans as a way to protect the administration of justice is valid.

In the case of **Bennett Coleman & Co. v Union of India**¹¹, it was reaffirmed that Freedom of speech and expression is about volume of news and views besides amount of material that is circulated

In the case of **Bennett Coleman v. State of Jammu and Kashmir**¹², Supreme court ruled that the press has the right to comment on public affairs which includes criticizing public policies and people holding public office

In the case of **S Rangarajan v P Jagjivanram**¹³, court ruled that drama is a type of communication that uses speech and expression to create a powerful effect. The legality of films as a form of expression has been upheld in various cases. In this particular instance, the apex court ruled that a ban on a film's release would be unjustified, as there would likely be protests by the public in response to its release.

In the case of **Prakash Jha Productions v Union of India**¹⁴, the Supreme Court observed that state is under the obligation to protect the freedom of speech and expression, because it is a liberty guaranteed against the state.

Conclusion:

The media being a powerful tool for promoting transparency and democracy should enjoy more freedom and the least government restrictions. With the updation of time the media has to play a role as a regulator to the government to safeguard democracy. It might be true to some extent; in some cases, the media might be biased for various reasons and mislead with inaccurate facts or news. The laws need to be updated from time to time with the ever-changing dynamic scenario. The persistent conflicts of interest that arise from the ownership of uncensored media leads to sponsored media articles, biased assessments and predictions in the political and corporate arena and reckless and sensationalist coverage. When control rests with individuals with commercial and political agendas, electronic media becomes more harmful and a tool to create disharmony in the country. The evolution of a strong regulatory system is not far away.

End Notes:

1. AIR 1962 SC 305
2. (1994) 6 SCC 632
3. AIR 1950 SC 129
4. AIR 1950 SC 124
5. (2005) 6 SCC 109
6. ([Defamation case: DMK chief M Karunanidhi appears before Madras High Court - The Economic Times \(indiatimes.com\)](https://www.indiatimes.com/Defamation-case-DMK-chief-M-Karunanidhi-appears-before-Madras-High-Court-The-Economic-Times-indiatimes.com))
7. 1960 AIR 554 SCR(2)671,
8. (1985) 1 SCC 641
9. AIR 1947 Lah 340
10. AIR 1957 SC 896
11. (1972) 2 SCC 788
12. (1975) Cr LJ 211
13. (1989) 2 SCC 574
14. (2011) 8 SCC 372

