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## The Self-Regulatory Frame Work of Indian Media: A Critical Appraisal

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*“Self-regulation is combination of standards setting out the appropriate codes of behaviour for the media that are necessary to support freedom of expression, and process how those behaviors’ will be monitored or held to account.” - Andrew Puddephatt, UNESCO International Consultant*

### Abstract:

*The author, through the medium of this article, investigates the significant part that the media plays in the process of self-regulating the dissemination of news. The purpose of this article is to investigate the powers that are currently held by the Press Council of India, which has been referred to as a toothless body because it has been criticized for not fulfilling the purpose for which it was constituted. In addition, it assesses the dependability of the unrestricted flow of information as well as the authenticity of a news item within the context of the existing proliferation of news media. The purpose of this report is to evaluate the necessity of standards in order to solve all problems that are associated with the regulation of the media, particularly self-regulation, and to offer some suggestions for the development of these standards. In addition to this, it examines why it is essential to have a functioning mechanism for addressing concerns raised by the general public. In a nutshell, the purpose of this paper is to investigate whether or not the current system of media self-regulation is effective. According to the author, self-regulation, also known as media liability, is the process by which reporters and editors work together to outline rules of behavior for journalism, thereby ensuring that the system is being followed effectively. Because of competition, the media has become increasingly preoccupied with increasing their popularity rather than providing actual news while keeping in mind the interests of the general public. The author is also of the opinion that the current method of leaving the regulation to the media itself would create the possibility of the media misusing regulatory goals to its own advantage in order to further its own business goals. It is also said that for self-regulation to work, media outlets must take the right steps and stay committed to the rules that have been set up.*

**Keywords:** Self-regulation, Media, Communication, Freedom of Speech

## Introduction

Communication is an essential component of human life and serves as the basis for all aspects of human interaction since it is the primary means through which people share information with one another. When there is open and complete contact between people, there is the opportunity for the free flow of ideas and information. It is ensured by the "freedom of speech and expression," the most prized basic right, which is enshrined in a variety of international accords and the majority of national constitutions, including the one that governs India. This ensures that it will always be protected. Freedom of speech covers the right to have views, convey information, receive information, and protest against democratically elected governments. It is also connected to freedom of thought, creativity, and deliberation, all of which are necessary components for the self-realization of a human person second, people have the right to a well-informed, democratic government.

Many academics believe that speech serves a role of self-fulfilment in its audience. According to this hypothesis, the capacity of a person to think, visualize, and come up with new ideas is directly tied to the level of enjoyment that results from the act of speaking. The right to free speech and expression has been elevated to a more prominent position in many people's minds. Joseph Raz believes that the ability to communicate in whatever form, whether it be verbally, pictorially, or musically, is a fundamental human right that enables individuals to participate in civic activities. Professor Edwin C. Baker taught that communication actualizes a person's honest objectives and competent talents. Each person's potential is unique and varies widely. According to the jurist Wellington, "freedom of expression" is not a concept that can define itself; rather, what is protected is that which cannot be restricted in any way. According to him, the provision of the United States Constitution governing free speech and expression, known as the First Amendment is interpreted by what is protected and how much. Free speech serves two purposes: first, it allows individuals the opportunity to communicate their thoughts and ideas to the general public; second, it allows individuals the opportunity to cultivate their own distinctive voices. Using speech and expression and showing it to the outside world are both important steps in the process of developing a person's ability to make decisions on their own.

John Stuart Mill's free speech idea supports truth, good government, and individual liberty. Mill expanded Milton and Locke's liberal beliefs on press freedom. Mill said that only free speech can encourage a community to confront established ideas and assumptions to uncover the truth. His free speech doctrine drew press freedom from individual liberty. He envisioned a dependable, coercion-free media to inform the people about government and state performance. Press freedom under free speech allows open discussion on all public problems. This promised freedom of speech and expression is transmitted via the press and media as news. Media is the widely recognised instrument for free speech and expression. Press and media are used interchangeably, although one is printed and the other is electronic. Both acquire, process, and distribute public information. Media is the fourth estate because it operates between the state and the people and informs them.

In a democratic society, the media play an important role by disseminating essential information. It ensures that individuals develop accurate and up-to-date opinions by analysing media information. Second, it serves as a "checking role" by ensuring that the elected government and its members keep election pledges and fulfill voter wishes. The media is crucial because it shapes public opinion.

The media's coverage of a country's news indicates its stability. Thus, the media must only report real local and worldwide news. In certain civilizations, the press and government have a hostile relationship, which may encourage the media to report bad effects. Media stories often cause revolutions, rebellions, and bloodshed, such as the 2011 Libyan Civil War. Jurists slammed this unfavourable media coverage. So, media operations must be carefully monitored so that information doesn't do harm. There's no power to supervise the watchdog.

The media's role has changed. Today's mainstream media lacks objectivity in reporting due to hidden agendas. In India, people regularly read or watch the news. As literacy rises, the press gains ground, even in rural areas. Local, national, and regional news are broadcast daily from all around the country. They produce publications or weeklies with economic news. Web media is popular among educated young people, many believe print media is more dependable because writers and editors examine the facts.

Every profession has standards; the media should too. The media is a foundation of democracy that acts professionally. It's called a watchdog because it balances the authority of the executive, legislature, and judiciary. A free press allows people to participate in important affairs. Only an independent press or media can provide people with diverse information and viewpoints on public issues. The media may spread information. The individual human rights principle of freedom of speech applies to electronic media and published works. Press freedom permits individuals to understand about the government, state, financial system, social system, and other public concerns.

### **The responsibility of the media**

Media may increase society awareness. One of India's six rights is free speech. The right to free speech and expression includes press freedom. Which is not explicitly stated. The media's job is to acquire and distribute information, making it responsible and accountable to the public. This suggests that journalistic and media ethics are important. The media gathers information for people and the public and must be vigilant against misleading and twisted information. Newscasters should be principled and accountable. So, the media must be responsible.

Media accountability includes approaches unrelated to audience concerns. In Canada, news institutions in Quebec have ethical standards to regulate journalistic behaviour. Simultaneously, the media industry has grown more professional and the impact evaluation methods more complex and effective. In certain nations, non-state entities provide judgments, and media authorities consider or monitor them. Some nations have implemented systems that resemble co-regulation, while others are shifting from command-and-control to innovative kinds of power. Consider Britain, New Zealand, or Canada's broadcast regulators. The regulating body contains standards against aggressiveness, vulgarity, advertising, and misleading claims. If any of the foregoing causes public disorder, the media will be punished. Experts and public opinion were considered while writing the codes.

The idea was that press freedom might lead to mischief. A corrective mechanism was needed. This thinking inspired regulation. Four forms of regulation exist. The first is comprehensive regulation, in which the government checks media material and may request adjustments. Turkey, the UAE, and China have this. The second is co-regulation, which is used in Australia. The state administers and enforces statute-based rules. India professes to obey the Press Council Act. The Press Council of India has a limited function, hence India is classed as self-regulating. Self-regulation includes entities administering and enforcing rules via internal policies. In the first two circumstances, reporting requirements are established to suit the serving governments. Officials aren't required to explain why some news is controlled. Journalists wouldn't know what's allowed. Self-regulation entails monitoring one's own work and creating one's own norms. Press councils in major EU nations are well-known examples of self-regulation in Europe. This may be done via co-operative, delegated, devolved, or assisted regulation. It has rules that were made by the right people and groups and ways to make sure they are followed.

If the government controlled the press, it would interfere with media freedom and autonomy. To prevent this, India favored self-regulation. Starting with Sweden in 1916, Britain in 1953, and India in 1966, almost all democracies formed a Press Council. The Press Council of India (PCI) regulates the print media in India. PCI's chairman is a former Supreme Court judge. It's a quasi-judicial entity under the Press Council Act of 1978. The analysis suggests that press complaints against authorities are rising. Complaints are rejected or adjudicated. Serious complaints are judged. The investigation committee may withdraw the allegation after additional review for several reasons. Sometimes complaints lack substance. A complaint may not be pursued. The respondent and the complaint may be resolved outside of the council. Noncompliance with formal legislative requirements may cause the council to discontinue the matter.

It lacks legal authority, hence it failed to adopt journalistic norms. The government needn't follow its advice. It neither represents the media nor has the legal capacity to penalize or remediate wrong-doing publications. It's a body that analyses media behaviour and workflow. These government reports aren't adopted. It's now a superficial body. The media must follow "The Central News Media Accreditation Guidelines, 1999." If a media outlet provides misleading, fraudulent, or fabricated facts or papers, it may

lose accreditation for up to five years, but not less than two (CPAC). Editors check news before it's released. Media Council of Peers and Media Watch Groups, Readers Editor or Internal Ombudsman, and letters to the editor are other avenues to check facts. These are aimed to call out and remedy faults by media, reporters, or management.

### **India's self-regulation practices:**

All legislation and constitutions provide freedom of speech and the press, yet it's seldom exercised. It's important to comprehend a country's press freedom and regulations. Self-regulation applies when the media has no regulating agency. Reporters' and editors' free speech rights must be respected, but their work must not harm the state. Who oversees authored and published content? If the media regulates itself, regulatory purposes may be subordinated to corporate interests. Big corporations' cross-media ownership is troubling. The Radia recordings revealed disturbing ties between journalists, politicians, lobbyists, and business organizations in early 2013. The Press Council of India Chairman addressed the problem, but no strict sanctions were implemented. The Press Council of India is incompetent. It can't suspend biased journalists.

In contrast to the Bar Council Act and the Medical Council Act, the Press Council does not require any credentials to be met by journalists. If a member is found to have violated professional standards or behaved inappropriately in their legal practice, the Bar Council of India and state bar councils have the authority to expel them. In a similar manner, the authority lies with the Medical Council. The Press Council has no power to punish delinquent reporters beyond issuing warnings or censures. Self-regulation is not present in India. Information flow, examination charters, in-house complaints management division and procedures, accreditation, licensing, and association certification, quality guarantee arrangement, standards, and norms, and a dispute resolution format are all necessary components of effective self-regulation. There is not a central body in India that is responsible for media regulation or remedy. Weakness characterizes India's Press Council. The News Broadcasting Standards Authority is the television industry's own independent self-regulatory agency (NBSA). There is never any discussion of issues such as cross-media ownership, fake news, sensationalism, a lack of journalistic ethics, sponsored news, advertisement-oriented news issued for profit, privacy invasion, unneeded news about celebrities and superstardom, unethical sting operations for exposure, etc. It is time to evaluate if a responsible authority or journalists are to blame for the absence of a code of conduct in the journalism industry.

### **Remedial Measures:**

Media etiquette generates considerable worry. Because not all journalistic rights are protected by the Press Council of India Act (PCI Act), it is essential to have a comprehensive awareness of what issues will be addressed by the legislation. Editorial freedom and journalistic independence must be balanced. Management and authorities must ensure reporters' independence so they may cover the news without political or governmental pressure. The Press Council should work with journalism training institutions and groups to develop course formats that emphasize ethics. The time has come to adopt a common code of conduct for reporters and editors, and in order to do so, we should gather suggestions from current print, TV, and internet journalists, as well as recommendations from retired veteran journalists and media affiliates. If the government is serious about the concept of self-regulation, it should have legislated or at least made it easier for the broadcasting community to band together under a single umbrella. The self-regulatory code and sanctions need to have been established via an agreement, providing legal validity to self-regulatory body decisions, restricting the application of current laws and establishing minimum standards to be fulfilled for the benefit of viewers.

The media are always vying for the attention of the public and for ratings points. The only way for self-regulation to be successful is if the press is willing to embrace and commit to it. The Press Council only has teeth because of the passion and acceptance of its members. Readers have been given more agency thanks to the work of press councils and regulatory bodies all around the world, which have established industry standards, carried out regular research, hosted public dialogues, and more. The current PCI paradigm is an inadequate baseline for controlling broadcast programming. Any newspaper and magazine self-regulatory system must be timely, proactive, interactive, and responsible. Accountability mechanisms throughout the media, including print, must be reevaluated. PCI received around 7000 complaints from



2003 to 2016, and over 9000 from 1990 to 2000. The majority of (70%) complaints against the press are adjudicated and 60-70% are dismissed. As the council delays its intervention, numerous cases wait. Also, the council is mostly in Delhi. These variables may explain successes and failures. In 70 years, India's media has changed dramatically. The transition may be divided into two categories: the media's good and negative effects.

Our system should reflect the German Press Council's policies. Nearly half of the disputes were resolved via conciliation without a formal complaint commission ruling. The Press Council of Germany only intervened afterwards. The German Press Council has its own complaints panel that investigates editorial pages to determine whether they violate any regulations. If so, they take suo moto steps. Germany's commission has a special section that evaluates anonymous public complaints. This method forced most German media outlets to recognize the press code as an ethical guideline, requiring them to disclose reader complaints. The German Press Council also worked on data protection. It allows readers to protest to the Press Council if they think their data has been mishandled. The extended Press Code applies thereafter, and complaints about rights violations are handled appropriately. Editorial offices must also disclose a data protection index.

### **Recommendations:**

1. Media outlets should include media training in journalism courses. Students need to learn more about current events, the press, and the media, and they need to be interested in these things.
2. An independent ombudsman should settle newspaper and TV concerns. This is done by evaluating circulation, audience, and revenue thresholds. The ombudsman should help reporters who are told to stay away from certain topics and readers who have problems.
3. Data protection should be a part of every contract with a journalist, editor, or freelancer who writes a guest column.
4. It is imperative that a uniform code of ethics be drafted and made available to all staff journalists without restriction. The assets as well as the revenue of the newspaper firm, the editor, and the journalist must be made public. Monitoring cash transactions thoroughly is necessary.
5. The code of practice should be emphasized in contracts that the media, journalists, and guest writers sign. It is important for any media organization to have a concerned branch.

### **Conclusion**

No human effort can flourish without management or control. If an institution is allowed to self-regulate, it cannot function in a progressive manner. The principle of intentional compliance is essential to the practice of self-regulation. Self-regulatory organizations cannot accomplish their tasks unless they are free from bureaucratic, industry, and special interests; unless a random check is undertaken inside the institution; and unless they have the capacity to require moral permission, such as a correction or apology. In light of this, media self-regulation must be investigated. Leaving regulation to the media raises the possibility that it may undercut regulatory aims to satisfy its own business interests. So goes the assumption.

Our government must encourage owners to train journalists. Western nations sponsor seminars to teach journalists because of media independence. Several government and non-government organizations have published press freedom guidelines. This must be examined neutrally to assess their media reform contributions. In nations where the government stifles the media, people are less politically informed and engaged. Politically uneducated and indifferent people don't participate enough in politics to watch self-centred politicians effectively. Reporters and management may accomplish media accountability via self-regulation by setting journalistic principles and enforcing them. As part of this, a framework should be devised so that aggrieved parties may seek a fair tribunal. Experts in the media, journalists, and management or broadcasting groups should come up with high standards for journalism so they don't bother the public.

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