

Block**3****NEWS MEDIA LAWS****UNIT 9****Self Regulations in Media****115****UNIT 10****Media Regulatory Provisions****113****UNIT 11****Media Law Initiatives****137****UNIT 12****Ethical Concerns in Journalism****148****UNIT 13****Digital Code of Ethics****160**

BLOCK 3 - INTRODUCTION: NEWS MEDIA LAWS

This is the third block of the Course **BNM-026 Media Ethics and Regulations** which deals with ethics and laws pertaining to journalistic practices. Since news and opinion influences the mindsets of media audiences in a significant ways, it is crucial to understand the ethical standards and regulatory mechanisms of news operations.

Unit 9: Self Regulation in Media explains that media ethics and self regulation are interlinked and if certain ethical principles and norms are followed, it will lead to self regulation. The unit describes the universal tenets of journalism and outlines some emergent areas such as diversity and sensitivity, advocacy, digital media ethics and citizen journalism among others, for a detailed understanding of the subject.

Unit 10: Media Regulatory Provisions deals with the legal and regulatory frameworks governing media practices in India. It examines key legislation like the Press and Registration of Books Act, Working Journalists Act, and the Press Council of India Act, while also discussing the role of the Ombudsman and recent legal provisions relevant to media professionals.

Unit 11: Media Law Initiatives provides an overview of critical media laws, including privacy rights, intellectual property, and contempt of court. It explores the Right to Information Act and television codes of ethics, offering insights into their application and implications through case studies.

Unit 12: Ethical Concerns in Journalism describes the major ethical concerns such as conflict of interests, business pressures, subjectivity in reporting, news source confidentiality and paid news plaguing the media world today. It outlines some steps that can be adopted for addressing these ethical concerns.

Unit 13: Digital Code of Ethics deals with our personal as well as public conduct in the online space. It explains how new media needs to be used with care without breaching any law or violating the online rights of other users.

After reading this Block, you should be able to understand the need for the objective news operations in everyday life.

UNIT 9 SELF REGULATION IN MEDIA

Structure

- 9.0 Introduction
- 9.1 Learning Outcomes
- 9.2 Concept of Self regulation
- 9.3 Codes of Ethics
- 9.4 Essential Ethical Values
- 9.5 Emerging Ethical Areas
- 9.6 Let Us Sum up
- 9.7 Further Readings
- 9.8 Check Your Progress: Possible Answers

9.0 INTRODUCTION

In the previous units we defined ethics as ‘rational systematic principles, values and norms to determine what is good and bad, correct or incorrect, right or wrong and thus make correct choices’ as far as human actions are concerned. We looked at various theories of ethics and examined some ethical concerns pertaining to the media. We also discussed that Self-regulation applies not only to media groups and organisations but also to individual journalists. In this Unit, we shall focus our attention on the ethical value systems which you can set for yourself as a media professional to face the challenges in your day-to-day work.

We shall start by defining the concept of self regulation and making a distinction between codes, laws and ethics for a better understanding of the subject. Then we shall briefly look at some important code of ethics such as the Canons of Journalism and Commission on Freedom of Press report to link them with the present times to understand how these ethical principles are still valid and pertinent. We shall examine the universal tenets of journalism or ‘essential shared values’ and proceed on to discuss some emergent areas of ethics such as diversity and sensitivity, advocacy, digital media ethics, citizen journalism and sting operations among others. Through this discussion, we shall try to explain how media ethics and self regulation are interlinked and if media professionals follow certain ethical principles and norms, it will lead to self regulation on their part and the profession as well.

9.1 LEARNING OUTCOMES

After completing this unit, you should be able to:

- Discuss the concept of self regulation;
- Distinguish between codes, laws and ethics;
- Describe universal media ethics;

- Analyse emerging ethical areas such as diversity, advocacy, digital media; and
- Apply ethics in your day-to-day work.

9.2 CONCEPT OF SELF REGULATION

At the outset, let us look at the concept of Self-regulation which is a voluntary act on the part of an individual media professional as well a media organisation. It is not imposed by any external agency therefore it carries more credibility in the eyes of the public. Self-regulation ensures that the media can operate independently which is in the interest of the media as well as its different stakeholders and the audience. To facilitate ethical conduct, a number of self regulatory mechanisms exist for the Indian media such as codes of ethics, press councils and ombudsman. Organisations like News Broadcasters Standards Authority (NBSA) and Broadcasting Content Complaints Council (BCCC) have been set up as internal self regulatory mechanisms for television (news and entertainment) respectively. However, it has been found that many existing self regulatory mechanisms have not been able to live up to the emerging challenges as some are perceived to be lacking in teeth or being unduly restrictive in their mandate. Some are inadequately resourced while questions have also been raised about the desirability of state funding for self regulating mechanisms.

Self regulation is not a new concept as it has existed for a long time in the form of codes of conduct, ethics and practices. Many times these terms are used interchangeably but each has a different meaning and scope though they are also interlinked in some ways. Let us look at them in detail for a proper understanding and application.

Code: Code is a systematic set of guidelines or framework for standard moral behaviour – it is an index of what is generally 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. According to Retief (2009), “it serves as the conscience of the worker as an individual and of the organisation as a whole”. Code is not a legal document and cannot be enforced by law. Some scholars argue that codes work against the independence of free press and lead to self-censorship. However, it cannot be denied that adherence to codes can make recurrence of the past mistakes less likely and improve the future work.

Law: 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 etc. will be discussed in detail in Block 2 of this course. However, laws have their limitations because new areas keep emerging and laws cannot be enacted for every situation. There are occasions which require a careful interpretation of the existing regulations to determine the best course of action.

Ethics: Ethics do not involve application of a formal set of codes and rules but are more in the nature of self-check or self control, thus are all about personal decisions and practices. Ethics is not law, although law quite often stems from

the ethical values of a society at a certain time. Violations of the law involve punishment whereas, ethical misconduct does not. According to American media theorist John C. Merrill (1982), “law is something that is socially determined and socially enforced. Ethics on the other hand is personally determined and personally enforced”. Ethics provide a media person certain basic principles or standards by which s/he can judge action to be right or wrong, good or bad, responsible or irresponsible. Thus ethics is primarily personal and law is primarily social. Ethical standards are individual and internal and they cannot be punished by an outside force.

Check Your Progress: 1

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this unit.

1) Why is it important for a media professional to develop a strong value system?

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2) How can application of ethics of a journalist lead to self regulation?

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9.3 CODES OF ETHICS

Various codes of conduct have been formulated by different bodies and institutions from time to time. 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 checks on their freedom of expression, but codes of conduct are aimed to help the journalists and contribute to their freedom. It is believed that a good code does not impose restrictions rather it flags the problem areas which need to be anticipated and avoided in discharge of their duties. Some media organisations prefer to use the term codes of practice or codes of ethics instead of code of conduct - whatever be the nomenclature, they all are aimed to develop a responsible attitude in the exercise of journalistic duties and create a ‘collective conscience of the profession’.

It will be useful to take a brief overview of the evolution of codes of ethics to analyse how the ethical values outlined by them continue to be pertinent and meaningful today.

Canons of Journalism

The first code of ethics for journalists was adopted in 1910 in the United States by the Kansas Editorial Association which was written by William E. Miller. The Kansas Code was largely focused on advertising and called for advertising policies that were “forthright and fair and news that was honest, just and decent”. In another initiative, a group of journalists formed the American Society of Newspaper Editors and adopted an ethical code known as “Canons of Journalism” in 1923 which highlighted the importance of responsibility, freedom, independence, honesty, accuracy, impartiality, fair play and decency. These Canons were adopted as a model and followed by other codes for newspaper and press associations.

The Radio Code was adopted in 1928 which was later expanded into Radio and Television Code covering advertising and programme content. However, adherence of these codes was voluntary and noncompliance went unpunished. According to Ferre, (2009), “concern for journalism ethics became synonymous with culling values from the facts of human experience so that reporters could produce news that was neutral, unbiased and factual”.

The advent of television was a watershed in the history of media which hit the imagination of the masses and briefly eclipsed radio and cinema. It also led to great expansion of media organisations and the growth of the advertising industry ‘which financed daily newspapers, magazines and books’. All these developments led to an increased concentration of media in a few hands and the US Government made various efforts to break the monopoly of large media companies and provide diverse perspectives.

Commission on Freedom of the Press

The scope of media ethics was expanded by the US Commission on the Freedom of Press under the chairmanship of Hutchins in 1947. It called upon the press to provide daily news that is “trustworthy, a forum of public expression, inclusive reporting free of stereotypes, stories that pursue and probe democratic life and universal access to daily news. It reaffirmed the principle of freedom and that the press plays an essential role in political and social life”.

The Hutchins Commission report identified five essential requirements against which the performance of media institutions might be measured:

- “The press must provide a truthful, comprehensive and intelligent account of the day’s events in a context that gives them meaning. In this process, facts are insufficient; the truth about the facts (relevant background surrounding the facts) is also essential. Stories should be put in perspective and the credibility of conflicting sources evaluated.
- The press must serve as a forum for the exchange of comment and criticism.
- The press should project a representative picture of the constituent groups of society. Racial social and cultural groups should be depicted without resorting to stereotypes.
- The goals and values of society should be presented and clarified.

- The press should provide full access to the day’s intelligence”.

These could be accomplished if the press was more responsible, journalists were better trained and the press effectively regulated itself. Self-regulation was considered as the key feature, and government intervention as the last resort.

The Hutchins Commission laid the foundation for Social responsibility theory and stimulated a series of attempts to describe the normative media theories. Ferre (2009) argued that although the press ignored the Hutchins Commission report; the social responsibility aspect was taken seriously by Journalism Schools. McQuail, (1998) observed that “these recommendations were followed by many different codes of ethical conduct depending upon the conventions and traditions of the country and on who formulated the code – whether it were publishers, editors, journalists or an external regulatory body”. Retief (2009) believed that the most important contribution of these codes was to safeguard media freedom and to prevent government regulation of the media.

Check Your Progress: 2

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this unit.

- 1) What do the Canons of Journalism stand for?

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- 2) What is the role and importance of code of ethics?

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9.4 ESSENTIAL ETHICAL VALUES

There are certain essential ethical values traced across cultures and nations such as truthfulness, fairness, independence, accountability, objectivity and privacy which every media professionals should strive for. These are briefly recapitulated here as these are crucial not only for quality journalism but also for empowering a common reader and maintaining democracy.

Accuracy: Journalism as we are aware is a vital public trust. Its objective is to inform people of the rights and wrongs committed and expose corruption and unearth scandals in different sectors of life. A truthful account of an incident is accurate, factual, based on evidence and aims to bring the truth out in the public sphere and lead democratic debates on a given issue. It is substantiated by cross checking of facts and figures and guards against rumours, speculations and

hearsay. Pre-publication verification is a cardinal principle of good journalism. Accuracy, apart from factual details such as names, places, date, time, and people involved, spellings etc. is also maintained in the use of appropriate headlines that are not misleading and justify the story. The recent trend of re-enactments and dramatisation in news channels tend to colour facts. Accuracy also has to be ensured during editing as well as translation. The mad rush to break stories, as discussed in the previous unit may lead to factual errors. According to famous journalist Carl Bernstein,

“The greatest felony in the news business today is to be behind, or to miss a big story. So speed and quantity substitute for thoroughness and quality, for accuracy and context. The pressure to compete, the fear somebody else will make the splash first, creates a frenzied environment in which a blizzard of information is presented and serious questions may not be raised”.

Since news stories are written/telecast under great pressure and hurry, even the most meticulous and conscientious journalist is likely to make mistakes. Senior journalist Vinod Mehta (2011) emphasised, “every effort should be made to prevent it by being extra diligent and giving attention to the details. However, in case of a bonafide bloomer, instead of a cover up, you should bring it to the notice of your seniors and a clarification may be issued as quickly as possible. Subsequently, all efforts should be made to ensure accuracy at all levels to maintain your individual credibility as well as the organisation you serve”.

Objectivity: Emphasising the need for objectivity, famous journalist C.P. Scott said, “Facts are sacred, comment is free”. Objectivity involves separation between news and opinion. It is often argued that neutrality of journalists is a myth as they tend to have strong views. However, it is important when a stand is taken on an issue, it should be made clear as discussed in the section 9.6.2 on Advocacy and Journalism.

Media houses work under various pressures including those from the Government, advertisers, corporate houses, PR agencies among others. The basic question as a media professional you need to ask as to who are you accountable for? Is it the government of the day, management of the media house, the advertisers, corporate houses or the PR agencies? If journalism is a public trust then your ultimate accountability lies with the common reader/viewer/listener specially the deprived and marginalised sections of society.

Privacy: Maintaining privacy is yet another important ethical issue. You would have noticed that television channels often transgress the boundaries of decency in their mad rush for TRPs. Intrusion in private grief is a charge made on the media very often as the media tries to capture each drop of tear whether it is a common lay person, celebrity or even a national icon. To take an example, the family of Nelson Mandela, anti apartheid hero, while on life support in a hospital accused the news crew of obstructing entry to the hospital making themselves a big nuisance. His daughter called the foreign media ‘vultures’ who failed to respect the family’s feelings while covering the deteriorating medical condition of Mandela. Some scholars argue that privacy can be breached only when there are sufficient reasons that the issue is for ‘public good’. However, at any stage, the need for maintaining sobriety and decency cannot be overemphasised.

9.5 EMERGING ETHICAL AREAS

As societies become complex, new issues keep emerging, expanding the nature and scope of media ethics. To face such emerging challenges, you will require not only different skill-sets but also strong ethical principles. Moreover, the role and canvas of a media professional is also changing as in addition to reporters, journalists and sub-editors some of you will also be working as web designers, camera persons, producers and editors and so on. The range of ethical dilemmas that you will face in discharging your respective roles will also vary and apart from general principles discussed above, you may need some specific ethical principles as well. For example, as a television producer you may have to take care of your camera angles especially while looking at women and children subjects. It has been often found that while focusing on children the camera 'looks down' at them posing serious ethical concerns - the same holds true for women subjects. Similarly, while editing the content of an interview, you will have to guard against selective editing. Let us look at some such ethical dilemmas which need to be taken into consideration.

Diversity and Sensitivity

For a country like India with a population of over 1.2 billion comprising varieties of class, caste, religion, ethnicity, sexual orientations, disability and geographical areas, diversity is a huge ethical issue. There are a number of regions and linguistic zones each having its distinct culture and identity; a variety of languages are spoken, which include 22 officially recognised languages and about 1652 dialects across the country. In a liberal and democratic set up, all members and groups enjoy equal rights. However, it has been often found that specific issues and concerns relating to disadvantaged sections of society, *dalits*, disabled, minorities and those located in far flung areas do not get adequate media space which further suffers due to stereotypical representations. Identifying people by race/caste/ religions/community is a charge media has often been faced with which can be avoided unless genuinely relevant to the story. According to Whitehouse (2009), if one segment of society is ignored, vilified or even inappropriately sanctified through mass media narratives then those marginalised and the community as a whole will be harmed.

To take the example of projection of women, various studies have revealed that issues related to women have largely been invisible in the media unless they are crime related or sensational in nature. Women rarely get covered as contributors to development and governance. Although employment opportunities in the media have increased for urban educated women, representation of women continues to suffer from stereotyping; showing them as victims and belonging to weaker sections.

Violence against women especially rape, one of the most heinous crimes against women has come center stage lately. You may recall the brutal gang rape on a Delhi bus in December 2012 which became a defining moment and highlighted the patriarchal attitudes and misogyny on the part of perpetrators of the crime. The widespread public outrage brought people across the spectrum together with the media as a strong ally. The continued media focus and coverage led to

the issue gaining a new prominence in the public discourse including political party manifestos, election campaigns and even the Union budget. According to the National Crime Report Bureau, the incident accounted for increased reporting of crimes as more women feel empowered to come out with their cases. However, a word of caution here - there is need for balanced coverage in such sensitive issues as clamour for instant and retributive justice can even turn counter-productive and harm the cause itself, as shown in 2019 Hyderabad gang rape case. Media may not be the fundamental cause of the problem as it does not exist in vacuum. However, it is in the power of the media to give a realistic and adequate portrayal to their problems and concerns.

Advocacy and Ethics

Above discussion brings us to the issue of advocacy and ethics. Advocacy stems from the word advocate – a person who pleads in favour for another; thus advocacy is support or argument for a cause. One may argue that if a media person takes position on an issue then it is at variance with the concept of objectivity. However, advocacy is based on the premise of human rights, democracy and peaceful coexistence. Baker (2009) argues, “Advocacy is for noble (or morally justifiable) causes with moral virtue and with principled motives and means. A principled advocate embodies and enacts the virtues of truth, transparency, respect and concern for disadvantaged sections of society”. S/he follows the path of equity, equality and social responsibility treating people with empathy.

Mehta (2011) observes that occasionally a journalist will have to cover an incident or event which possesses the stipulated two sides but one side is so horrific and unforgivable that you may decide to concentrate on just that side. When confronted with one of these abominable happenings, you can take sides but basic guidelines must be followed. Some examples in this regard could be acid attacks on women, environment degradation, pollution, and so on. Thus, harnessing communication for worthy purposes with moral means to achieve professional objectives is ethical. However, if advocacy is used for self interest, deceit, manipulation, disregard for others then it leads not only to the loss of face for all those involved but also for lowering the moral compass of the society.

Digital Media Ethics

Digital media 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 radically changed the way news is collected and disseminated and emerged as a challenge to traditional journalism which is seen more as a one-way transfer of information. A large section of the population, especially the youth, is increasingly dependent on the new media platforms for their information and entertainment needs.

Social media platforms are being extensively used for sharing of views and also as news sources. The authenticity of these sources may be difficult to verify, as at times, people use pseudonyms, or write anonymously. Often when a comment is made on Twitter, Facebook it is countered aggressively or ‘trolled’ in a systematic manner by the opposing group or party. The trend is especially pronounced in comments which are political in nature or in which celebrities are

involved leading to sensationalism and vilification of those involved. Some of these comments may be selective in nature and contributed for partisan interests using provocative language. Since journalists follow social media trends like a wire service, at times such trends get reflected in the mainstream media as well.

Attribution of source is yet another area of ethical concern. Publishing news not attributable to any source or under the guise of unnamed or unidentified sources is indicative of poor journalism. Some websites clearly state that the content in the site can be used freely while in certain cases there are conditions to use. For educational purposes, research etc. the material is used with appropriate citations. However, for commercial purposes, permission needs to be taken from the individual or organisation concerned.

Variety of cyber crimes such as morphing, phishing, data theft, hacking, cheating, pornography, have further compounded the digital sphere. Digital manipulation of images and pictures and selective editing can lead to misrepresentation and misinformation. It is extremely difficult to get evidence and many a time the real culprits may be operating from other countries and beyond the purview of the Indian legal system. The conviction rate in cyber crimes is abysmally low and lengthy judicial procedures further compound the process. New crimes emerge every day calling for preventive measures such as training on new software and constant update of knowledge to address some of these concerns.

Ethics related to Citizen Journalism

The access and availability of technology has led to the growth of the concept of 'citizen journalism' wherein the common person decides and presents the issues of importance and concerns. Citizen Journalism is not an entirely new concept as it existed in some form involving ordinary people in contributing news. However, the term gained currency in 2005. The ease of dissemination of information through the web has made it extremely simple to post information on the Internet. Similarly, the accessibility of smartphones with built in cameras and advanced features has empowered the ordinary citizen to write, post and publish material. It is democratic and participatory in nature and can use various media forms as empowering tools. The CJs, as they are popularly called, are not regular employees of a media organisation and may not be professionally trained journalists.

Over a period some confusion has also emerged as to who is a citizen journalist- do bloggers, stringers or those engaged in User Generated Content (UGC) also fall in this category? It is important to make a distinction as the content posted by them could be more of opinion or comment than hard news. Since they do not possess conventional training in journalism, thus may not have necessary skills in research and cross checking of facts. The processes related to gate-keeping, filtering, agenda-setting and ensuring the veracity of information are some issues involved in citizen journalism.

Use of Hidden Cameras

As you are aware there are three types of journalistic writings - Objective, Interpretative and Investigative. Objective writing is neutral, balanced, factual

and purely for information dissemination, Interpretative writing involves analysing and interpreting complex issues, claims made by the government and policy issues. Investigative writing works on the premise that something somewhere is wrong and aims to dig beneath the surface in search of ‘why’ and ‘how’. The primary objective of investigative journalism is to uncover the truth for public good, and in this pursuit, it follows an adversary role whether it is government or the corporate sector.

Investigative journalism involves a detailed enquiry of reports, documents and developments. Sting journalism is an offshoot of investigative journalism. Operation West End, Operation Duryodhan, Operation Chakravayuh, BMW Expose Case, Cash-for-Vote Scam were some cases in which sting operations using hidden cameras were conducted. However, the use of hidden cameras raises thorny issues of privacy, entrapment, and accountability. Since the filming of a person is done covertly it leads to erosion of privacy and at times even obscenity. In some sting operations, the use of illegal methods such as bribery, trespass, etc. have also been reported. Sting operations should not be used as a shield of public purpose in the garb of settling one’s own scores and can land the reporter in trouble in terms of defamation, libel etc. The journalist needs to ensure accuracy and observe general standards of decency. Care should be taken that there is no selective editing and the context of footage used is demonstrated. The identity of those not related with the event directly but caught on the footage needs to be masked. It is imperative that the content is conclusive without loose ends so that it does not leave scope for confusion and different interpretations.

In addition to the areas discussed above, ethics are linked with other aspects such as war and conflict reporting, reporting sub-judice matters and so on. A strong grounding in ethics will enable you to make correct decisions in these areas.

9.6 LET US SUM UP

The debate surrounding ethical issues in media has achieved increased prominence in the last few decades and the issue is being hotly debated at various levels and fora. In this unit we discussed that ethics imply the freedom to choose, hence, a strong grounding in ethics will help you understand various critical issues in your profession and follow the correct path. Ethics form the bedrock of the key processes of journalism - identifying information, gathering, selecting and presenting information. In this way, ethics ensure reliability of information on which the credibility of a media organisation depends. In view of the complexities in the present media scenario, the ethical dimension of each area needs to be thoroughly examined. The exposure and guidance thus gained will help you to make responsible decisions in different capacities in your work. As a new generation of media professionals you need to have a critical understanding of your role in a highly competitive and profit driven media environment and act as harbingers of change for the well being of society as well as the profession.

9.7 FURTHER READINGS

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3. Keeble, Richard (2009), *Ethics for Journalists*, Routledge, London, New York
4. Retief J. (2009), *Media Ethics: An Introduction to Responsible Journalism*, Oxford University Press, Oxford, New York
5. Thakurta, Paranjay Guha (2012), *Media Ethics, Truth Fairness and Objectivity*, Oxford University Press, New Delhi

9.8 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

Check Your Progress: 1

- 1) It is important for a media professional to develop a strong ethical sense and value system so that s/he can make correct choices to face the complexities and challenges of the real world in his/her professional life.
- 2) 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.

Check Your Progress: 2

- 1) The Canons of Journalism stand for responsibility, freedom, independence, honesty, accuracy, impartiality, fair play and decency in journalism.
- 2) Codes of ethics aim to develop a responsible attitude among media professionals toward their work and flag the problem areas which need to be anticipated and avoided in discharge of their duties.

UNIT 10 MEDIA REGULATORY PROVISIONS

Structure

- 10.0 Introduction
- 10.1 Learning Outcomes
- 10.2 Need for Media Laws and Regulatory Framework
- 10.3 Press and Registration of Books Act, 1867
- 10.4 Working Journalists Act, 1955
- 10.5 Press Council of India Act, 1978
- 10.6 Ombudsman
- 10.7 Bharatiya Nyaya Sanhita & Bharatiya Nagarik Suraksha Sanhita
- 10.8 Let Us Sum Up
- 10.9 Further Readings
- 10.10 Check Your Progress: Possible Answers

10.0 INTRODUCTION

After studying previous units, you would have understood some important media laws of the country. The media are expected to serve the society efficiently and effectively, in areas such as social awareness, educational development, cultural regeneration and political empowerment. Therefore, with a view to discharging these functions and fulfilling national aspirations, it becomes imperative for the mass media establishments to ensure that they perform their duties within the law of the land. They also need to abide by the general regulatory framework set out under various statutes of India.

In this unit, we shall discuss the legal obligations and regulatory framework prescribed by the government and professional bodies for journalists and media persons in India.

10.1 LEARNING OUTCOMES

After completing this unit, you should be able to:

- Describe the important provisions of the Press and Registration of Books Act;
- Explain the important provisions of Working Journalist Act;
- Analyse the role of Press Council of India Act;
- Appreciate the need for Ombudsman in a media organisation;

- Discuss the clauses of the Bharatiya Nyaya Sanhita & Bharatiya Nagarik Suraksha Sanhita applicable to media persons; and
- Mention some professional bodies of working journalists and media persons.

10.2 NEED FOR MEDIA LAWS AND REGULATORY FRAMEWORK

As you are aware the primary purpose of any law relating to journalists and media persons is to ensure that all journalists and media persons respect and abide by the best traditions of practicing journalism and media conventions, and that they do not indulge in any unprofessional and unethical practices. For, in the event of any legal offences or illegal activities being committed through any journalistic act, person or journalists so responsible – reporter, correspondent, writer, editor, and publisher – all will be held answerable in the court of law, for the illegality so committed.

Therefore, there is great importance and need of media laws and a well laid out regulatory framework for journalists and media persons. It is well known that the law is a set of rules by which citizens regulate their conduct in relation to each other and to the state and is primarily meant to maintain peace and tranquillity, law and order and atmosphere of goodwill and cordiality in the society. In any country, there are all kinds of laws to regulate a nation's day-to-day life. It is one of the duties of the government to set up a framework for an orderly functioning of the mass media so as to ensure that media functions in the general and greatest interest of the society. For example, when journalists report crime news, court trials, parliament and state assembly proceedings, personal or government affairs, innumerable precautions, considerations and care have to be taken so that news stories emanating from these sources do not flout legal boundaries. Some of these include: law of defamation, laws prohibiting instigation of some sections of society against others. Similarly, there are laws which prohibit promotion of seditious activities or criminal acts.

In the modern information-based economies, where communication technologies continue to grow and more and more technologies continue to converge, it may be difficult to spot and identify offenders, despite strict regulatory framework being in place. At the same time, it can be safely stated that as the world moves to increased sophistication in all walks of life, conflicts and disputes among individuals and institutions are bound to crop up due to clash of ideas, ideals and ideologies. Therefore in order to safeguard the media's interests, image and reputation and to promote social cohesion and political well being, media persons should fully familiarise themselves with legal restrictions and their implications.

In this unit, we will discuss these enactments, regulations and legal framework briefly, in a manner that you will be able to relate these with your routine journalistic responsibilities. We will also give a brief background to these laws before detailing their provisions, which will enable you to perceive and appreciate each of these legal enactments in proper perspective.

10.3 PRESS & REGISTRATION OF BOOKS ACT, 1867

The Press and Registration of Books Act, 1867 is the oldest surviving Act of the British era, which deals exclusively with newspapers, books and printing presses. The British government wanted details of ownership of all publishers, editor’s names, place of publication, name and address of the printing presses and their owners, etc., so that they could easily locate and take action against the defaulting paper/magazine, whenever necessary. Though there were not many newspapers and magazines in most Indian languages at that time, and the press was also not sufficiently developed in the country; the British government was afraid of any criticism which any newspaper might carry.

This legislation immensely constrained and suppressed the professional activities of editors, press persons and the owners of newspapers and magazines and printing presses in India at that time. The law also prescribed the registration of newspapers with the state authorities.

The Act was amended in 1958. This law is now administered by the Ministry of Information and Broadcasting (I & B), Government of India. The Press Registrar, who is a senior official of the I & B ministry, is the nodal person under this law and is charged with implementing it. The Act requires that every book or newspaper will have the name and address of the printer and the place of printing, names of publisher and editor and the place of publication. Such a declaration will have to be filed before a district magistrate by the owner of the publication, giving full particulars of his name, address and title of the newspaper, magazine, journal, language, periodicity, price, number and the sizes of pages. Printed copies are required to be sent to the Registrar free of cost.

The declaration will be deemed cancelled if the newspaper/magazine is not brought out within three months of receiving permission to bring out the publication. The Act had penal provisions in case publication is brought out not abiding by the conditions laid down in the law.

The law does not allow any two newspapers or magazines of the same title in the same language to be brought out by different owners. The Press Registrar, district magistrate or any authorised official will discharge all such functions as prescribed under this law. The press declaration of the publication could be cancelled if any statements contained in it are found to be false.

Check Your Progress: 1

Note: 1) Use the space below for your answers.

2) Compare your answers to ones given at the end of this unit.

1. Why was the Press and Registration of Books Act enacted?

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2. Why was this legislation not done away with when we have complete freedom of the press in India?

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10.4 WORKING JOURNALISTS ACT, 1955

The first Press Commission (1952-54) made glaring observations about the unsatisfactory working conditions of journalists and their exploitation in the newspaper industry. Soon after the Commission’s report, the Nehru government rose to the occasion and the Working Journalists and Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act 1955 was enacted. The Act is popularly known as the Working Journalists Act. In fact, it is a welfare measure meant to regulate conditions of service of the people employed in the newspaper industry. It applies to both journalists and non-journalists employees of newspapers.

Its provisions relate mainly to (a) hours of work, (b) leave, (c) fixation and revision of wages, (d) composition of wage boards, (e) employees provident fund, (f) recovery of money due from employer, (g) retrenchment, etc. Experience indicates that there are problems in implementation of the provisions of the Act, particularly wage board recommendations. With the decline of trade union movement in the country, long delays in court decisions, and rise of the practice of employing people on contract in the newspaper industry, a situation has been created that employees’ jobs are not as secure as they should be. Under the chairmanship of Justice G R Majithia; Majithia Wage Boards for journalists and non-journalists gave recommendations in the year 2010 for the revision of salaries of the employees of newspaper establishments.

The Working Journalists Act is not applicable in audio visual media, though it covers news agencies like Press Trust of India, Bhasha, United News of India, Univarta, etc.

10.5 PRESS COUNCIL OF INDIA ACT, 1978

One of the recommendations of the first Press Commission of India (1952-54) was to set up a press council in India. It took the government several years to act on the recommendation. The Press Council of India Act was enacted in 1965, and the Council came into existence in 1966. The first Press Council functioned until 1975 when it was suddenly abolished during the internal emergency from 1975 to 1977. The Press Council was, however, revived in 1978, when emergency was lifted, general elections were held and Janata Party government headed by Morarji Desai came to power at the Centre.

Composition

Under the Act of 1978, the Press Council of India consists of 28 members, and a chairman. The law requires that the chairman would be nominated by a three-person committee consisting of the chairman of the Rajya Sabha, speaker of the Lok Sabha and a person elected by the outgoing PCI for the purpose. Until now all the chairmen of the PCI have been sitting or retired judges of the Supreme Court of India.

Of the 28 members of the PCI, 13 members are working journalists, six being editors and remaining seven from among working journalists other than editors—three editors and four working journalists are from language newspapers. Besides, members are from management of daily newspapers – two each from big, medium and small newspapers. One member comes from the management of news agencies. Another three members are nominated by three organisations – one each by University Grants Commission, Sahitya Academy and Bar Council of India. Five more members are from Parliament — who are in no way connected with the business of newspapers: three from Lok Sabha (to be nominated by the Lok Sabha Speaker) and two from Rajya Sabha (to be nominated by chairman Rajya Sabha).

The term of office of the chairperson and all members is for three years. The PCI membership of MPs is automatically terminated if fresh elections to Lok Sabha are held, or those from Rajya Sabha complete their tenure in that house. The chairperson and members are eligible for re-nomination for another term of three years. Chairperson is a full-time officer, whereas all other members are not full time, but they are paid all admissible allowances whenever called for a meeting.

Objects and Functions

In the Press Council of India Act, a number of functions have been assigned to it. However, the two most important objectives of the Press Council of India are to protect press freedom and to maintain and improve the standards of the press. In this respect the Council adjudicates complaints of journalists for protecting press freedom. It also adjudicates public complaints against newspapers and journalists. The Chairman has the right to take up any complaint *sou motu*, i.e. on his own.

Power to censure

The Council has the power to censure an editor or a journalist of a newspaper or a news agency if it is found that the standards of journalistic ethics or of public taste have been offended by them. Such an action will be taken only after due inquiry by the Council. The Council does not take up any complaint which is already pending in a court of law. The Council is largely funded by the central government. It has the power to levy fees on newspapers and news agencies depending upon their circulation.

It is relevant to mention here some of the important adjudications and guidelines issued by the PCI on subjects of national importance. These relate to: communal writings and comments on communalism in the press; cases of libel and defamation; objectionable investigative reporting; obscenity and vulgarity

in the news stories, features, etc.; right to reply; right to privacy; denial of advertisements to news-papers and magazines; press freedom; and, improper use of press freedom by journalists of newspapers and news agencies.

It may also be pointed out that PCI has prepared a code of conduct for journalists, in collaboration with the Indian Law Institute; and conducted studies in relation to protection of journalists' confidential sources of information; norms of journalistic conduct; coverage of terrorism by the press; communal disturbances, reporting general elections; coverage of AIDS stories, and many other subjects of public interest and intimate concern. However, the Council's complaint procedure is very time consuming, and is not user friendly. It has no punitive power against the erring press. Therefore it is often called a 'paper tiger' or 'toothless tiger'.

Time to time, the Press Council of India demanded that it should be given more punitive powers against erring newspapers, but the government never accepted its demand. There is a fear that if the demand is accepted it may become an institution for some sort of unconstitutional censorship. There has also been a demand that a media council should be set up in place of PCI which could cover the newspapers, and television broadcast. At present PCI deals only with newspapers. The present Press Council of India was set up in 1978 when there were no private news channels. Today newspapers and television channels both are competing with each other in presentation of news as well as for earning advertisement revenue. Under these circumstances, a demand has arisen that there should be one single body to deal with complaints against the press as well as television channels.

It needs to be noticed that India has a statutory press council, whereas in most of the other parts of the world where democracy is firmly established the press council is of voluntary nature. Sweden, Canada, USA, Australia, New Zealand, etc are the countries with such institutions for the self-regulation of the press.

Check Your Progress: 2

Note: 1) Use the space below for your answers.

2) Compare your answers to ones given at the end of this unit.

1) Do you think the Press Council of India should be invested with more powers?

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2) Why is there a demand for setting up a media council?

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10.6 OMBUDSMAN

The modern use of the term ombudsman began in Sweden, with the appointment of the Swedish Parliamentary Ombudsman by the government in 1809 in order to safeguard the rights of citizens. It was like a supervisory agency independent of the executive branch. Generally speaking, an ombudsman is someone who handles public complaints, investigates them and attempts to find mutually satisfactory solutions in an informal manner. In India ombudsmen have been appointed in banking and insurance sectors. They can also be appointed in hospitals, universities, and other institutions. Another view is that an ombudsman is appointed by an authority to investigate complaints against a person or an organisation.

According to Stephen Pritchard, president of the American Organisation of News Ombudsmen, a news ombudsman receives and investigates complaints from newspaper readers, listeners and viewers of radio and television stations about accuracy, fairness, balance and good taste in news coverage. The ombudsman recommends appropriate remedies or responses to correct or clarify news reports. In the USA, several newspapers, television and radio stations have their ombudsmen. In India, the Times of India was the first national daily to have its own ombudsman. Former chief justice of the Supreme Court of India, P.N. Bhagwati, occupied the position for a few years but The Times of India soon gave up without giving any reasons. At present, The Hindu has an ombudsman, known as Readers' Editor. The New York Times calls its ombudsman as Public Editor. In some organisations it is known as readers' representative, readers' advocate, and so on.

Need for Ombudsman

The establishment of the institution of ombudsman is favoured by media organisations for 'enforcing journalistic ethics'. However, it has also become a 'feature of self-regulatory apparatus' in many countries. In addition, it is also strongly believed that an 'effective ombudsman should be viewed both by management and the public as representative of the community and should have access to space in the newspaper or air time on the station to disagree with decisions by institutional personnel. An ombudsman should also have seniority or some stature within the industry.'

Functions of Ombudsman

The office of the ombudsman derives its functions from the essential tenets of ethics of journalism. While the codes of journalistic ethics are laid down by professional media organisations, the particular media office also plays a significant role in prescribing certain do's and don'ts for the ombudsman. Ombudsman monitors news and feature columns and all editorial materials that appear in the pages of the newspaper for fairness, accuracy, and balance; to bring the objectionable news items to news staff's notice.

It would be pertinent to point out here that no two ombudsmen work exactly alike. However, all of them scrutinise and critically examine news stories, columns, features, pictures, cartoons, and all other graphic materials for accuracy,

fairness and balance. The materials that they deem to be below standard of the newspaper are brought to the notice of the editor who then refers these to the editorial staff responsible for preparing, writing or providing these materials.

Often, items deemed inappropriate or substandard are investigated closely and replies or comments are sent to those raising objections about them. Those responsible for such writings are called to explain for readers, viewers and listeners, as the case may be. In addition, many news ombudsmen write occasional columns explaining criticising, or admiring stories, features and other materials.

Sometimes, ombudsmen initiate public forums or readers' forums with a view to connecting more closely with the readers. The objective of such a practice is to speak to the public directly, and explain media practices or traditions. But in most cases the news ombudsmen function in an advisory capacity only, and not as disciplinarians.

In the USA, there is an Organisation of News Ombudsmen to help the profession of journalism "achieve and maintain high ethical standards in news reporting, thereby enhancing its own credibility among the people it serves; to establish and refine standards for the job of news ombudsman or readers' representative; to help in the wider establishment of the position of news ombudsman on newspapers and elsewhere in the media; to provide a forum for exchanging experiences, information and ideas among its members; and, finally to develop contacts with publishers, editors, press councils and other professional organisations for the overall well being of journalism profession."

As pointed out by a well-known American researcher, Professor Louis A. Day in his book, *Ethics in Media Communication*, "ombudsmen are considered representatives of the public; they should also be even-handed in their handling of complaints. They must be fair to both readers and their newspapers and editors. One problem has been the public's perception of ombudsmen, who are sometimes viewed as a cosmetic response to reader criticism.... Ombudsman has been established to promote the positive role of the readers' representatives. Ombudsman can provide an avenue for constructive criticism and platform for readers' grievances against newspapers."

In India as well as abroad, almost all big media houses have some internal procedure to review its contents regularly. In the early 1910's the New York World (1860-1931), whose fame rests on its legendary owner- editor Joseph Pulitzer (1847-1911), had a Bureau of Accuracy and Fair Play, but did not have any ombudsman. The Times, London or the Financial Times, London, do not have the institution of an ombudsman, but they have an elaborate procedure to deal with public complaints and make corrections whenever required. In the UK at present the Guardian is the only national newspaper having an ombudsman.

10.7 BHARATIYA NYAYA SANHITA & BHARATIYA NAGARIK SURAKSHA SANHITA

As detailed earlier in this unit, there are a large number of specific enactments and regulations that media persons have to abide by to function within four

walls of the law of a country. Besides that, the law and order authorities everywhere have to make doubly sure that there are sufficient legal devices to proceed against those who defy specific laws applicable professionally on illegal offences committed by any citizen, including journalists/media persons. Moreover, besides the professional constraints, there are numerous provisions in the general law and order framework of a nation state. For example, in India, Indian Penal Code (IPC), 1860, Criminal Procedure Code (CrPC), 1973 and many other laws exist to maintain general law and order situation in the country. In May 2023, the Government of India introduced a new Bill, the Bharatiya Nyaya Sanhita (BNS) Bill, 2023, which proposes to replace the IPC, including Section 124A. It is important for you to know some provisions of IPC which are relevant for your profession.

Section of 150 of BNS (Section 124 A of IPC)

Writing or Publishing or Selling Seditious Material: Under the relevant provisions of the Bharatiya Nyaya Sanhita (BNS), 2023, “whoever, by words spoken or written, or by signs, or visible representation, or otherwise, engages in any act that endangers or attempts to endanger the sovereignty, unity, and integrity of India shall be punished with imprisonment for a term that may extend to seven years, and shall also be liable to a fine.”

The law is specifically designed to address actions or communications that incite violence or create public disorder with the intent to subvert the government established by law in India. This includes not only the production or distribution of such material but also any attempt to incite hatred or contempt towards the government. Publishing, selling, or otherwise disseminating such material, whether through newspapers, magazines, books, or other media, is deemed an offence under this section and is punishable accordingly.

However, the press would be free to comment on such matters of public interest and general concern provided that it is done fairly and without exciting hatred. But such comments should keep clear of treason, sedition or indecency. It is, therefore, in the interest of media persons to be vigilant so as not to be caught unawares of any legal offence as per the provisions of this law.

Section 123 of BNS (Section 153 A IPC)

Section 123 of the Bharatiya Nyaya Sanhita, 2023, addresses the promotion of enmity between different groups. Under Section 123(1), any person who, through spoken or written words, signs, visible representations, or any other means, promotes or attempts to promote disharmony, enmity, hatred, or ill-will between different religious, racial, linguistic, or regional groups, castes, or communities, on the grounds of religion, race, caste, language, or any other basis, shall be subject to imprisonment of up to five years and may also be fined. Additionally, Section 123(2) stipulates that any person who commits an act that is prejudicial to the maintenance of harmony between these groups and disturbs or is likely to disturb public tranquillity shall be liable to imprisonment of up to three years, or a fine, or both.

In addition to the provisions mentioned above, some other relevant BNS sections that media persons should be wary of include: Section 171 G (publishing false

statements in connection with an election; Section 292 (publishing and sale of obscene book, magazines, etc.); Section 293 (sale of obscene books meant for young persons); Section 295A (deliberate and malicious acts intended to outrage religious beliefs of any class); and Sections 499, 500, 501, 502 and 505 (all relate to law of defamation discussed already).

Similar sections of the CrPC include: Section 91 (court summons issued to media persons to produce document); Section 93 (when search warrant may be issued against journalists about some news story or article); Section 95 (power to declare certain publication forfeited and to issue search warrants for the same); Section 96 (application to High Court to set aside declaration of the forfeiture); Section 108 (security for good behaviour from persons disseminating information on seditious matters); Section 144 (power to issue order to journalists in urgent cases of nuisance or apprehended danger); Section 345 (procedure to be followed in certain cases of contempt); and Section 349 (imprisonment or committal of a journalist refusing to answer or produce documents needed by the court).

It would be advisable for reporters and correspondents responsible for reporting such events to equip themselves adequately with knowledge of these sections.

10.8 LET US SUM UP

To sum up, it could be said that it is necessary for media persons to know about the important provisions of some laws such as the Press and Registration of Books Act, Working Journalists Act, Indian Penal Code, Criminal Procedure Code, and Press Council of India Act. The two sections of Indian Penal Code, which have been described in the unit, deal with hate speech and maintenance of communal harmony in the country. Although India has a statutory press council, the need for a media council has also been explained in the wake of new developments in the media scenario. The press council was set up when there were no private news channels and it deals with only newspapers. Now the times have changed. The concept of ombudsman in the media industry has also been explained. However, this concept has largely been ignored by major media organisations of the country. A brief mention of the national organisations of media persons has also been made. These organisations have been raising demands in the interest of media persons and media freedom, from time to time.

10.9 FURTHER READINGS

1. Basu, D.D. (2010), *Law of the Press*, LexisNexis Butterworths Wadhawa, Gurgaon (Haryana)
2. Radhakrishnamurti B. (1976), *Indian Press Laws*, India Law House, Allahabad,
3. Ravindranath, P.K. (2004), *Press Laws and Ethics of Journalism in India*, Authors' Press Delhi, New Delhi
4. Sinha, K.P. (1997), *Freedom of Press in India*, Janaki Prakashan, Patna

10.10 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

Check Your Progress: 1

- 1) The Press and Registration of Books Act, 1867 is the oldest surviving Act of the British era, which deals exclusively with newspapers, books and printing presses. The British government wanted details of ownership of all publishers, editor's names, place of publication, name and address of the printing presses and their owners, etc., so that they could easily locate and take any action against the defaulting paper/magazine whenever necessary. Though there were not many newspapers and magazines in most Indian languages at that time, and the press was also not sufficiently developed in India generally; the British government was afraid of any criticism which any newspaper might carry.
- 2) At present the Act is just a regulatory measure. It helps in one important respect. If one periodical is being published in one language, nobody else can start publication of the same title in the same language.

Check Your Progress: 2

- 1) Without having punitive powers the Press Council of India is just a 'paper tiger'. Time to time the PCI has asked for more powers, but the government has not accepted its demand. There is fear that if the demand is accepted it may become an institution for imposing unconstitutional censorship.
- 2) At present the PCI deals only with newspapers. It was set up in 1978 when there were no private news channels. Now newspapers are also competing with these news channels. Therefore a demand has arisen that there should be one single body which could deal with the complaints against the press as well as private channels.

UNIT 11 MEDIA LAWS INITIATIVES

Structure

- 11.0 Introduction
- 11.1 Learning Outcomes
- 11.2 Privacy
- 11.3 Contempt of Courts Act, 1971
- 11.4 Code for Television
- 11.5 Let Us Sum Up
- 11.6 Further Readings
- 11.7 Check Your Progress: Possible Answers

11.0 INTRODUCTION

This unit will give you an overview of the issues related to intrusion of privacy, violation of intellectual property rights, and contempt of court. It also highlights the key provisions of the Right to Information Act, the circumstances under which information can be withheld, and the protection afforded by the Act. Some code of ethics for television news, programming, advertising proposed by different bodies will also be looked at. We shall examine, through case studies, the application of some existing laws and question the implications of these laws.

11.1 LEARNING OUTCOMES

After completing this unit, you should be able to:

- Discuss issues related to privacy, violation of intellectual property rights, and contempt of court; and
- Describe the key provisions of some select codes of ethics.

11.2 PRIVACY

There is an old principle that law will protect a person's life and liberty. However, political, social and economic advancements have made it necessary to widen the scope of right to life and liberty. Right to privacy is an extension of the right to life and liberty.

In the U.S.A. right to privacy developed after the publication of the article 'The Right to Privacy' written by Samuel D. Warren and Louis D. Brandeis in the Harvard Law Review of December 1890 (Vol. IV, No. 5). In their article Warren and Brandeis (Harvard Law Review, p. 196) emphasised the need for the development of the right to privacy in the USA. They described this right as 'right to be left alone'.

"The Press is overstepping in every direction the obvious bounds of propriety and of decency. Gossip is no longer the resource of the idle and of the vicious,

but has become a trade, which is pursued with industry as well as effrontery. To satisfy purient taste the details of sexual relations are spread broadcast in the columns of the daily papers. To occupy the indolent, column upon column is filled with idle gossip, which can only be procured by intrusion upon the domestic circle.”

In the original U.S. Constitution there was no right to privacy. The first, Fourth and Fifth Amendments to the US Constitution led to the development of the right to privacy in the country.

In Article 21 of the Indian Constitution it is stated, “No person shall be deprived of his life or personal liberty except according to procedure established by law”. The Supreme Court of India expanded the meaning of the word ‘life’. Accordingly, life includes the right to live in fair and reasonable conditions, the right to livelihood by legal means and a decent environment. The expanded scope of Article 21 has been explained by the Supreme Court of India in the case of Unni Krishnan Vs. State of Andhra Pradesh 1993 AIR SC 217 (Tewari, 2014).

The Supreme Court itself provided a list of some of the rights covered under Article 21 on the basis of earlier pronouncements:

1. The right to go abroad,
2. The right to privacy,
3. The right against solitary confinement,
4. The right against handcuffing,
5. The right against delayed execution,
6. The right to shelter,
7. The right against custodial death,
8. The right against public hanging, and
9. Doctors assistance”

Thus with the interpretation of Article 21 by the Supreme Court, the right to privacy is part of the right of life and liberty.

Press Council of India and Concept of Privacy

Following are the norms of journalistic conduct given by the Press Council of India on right to privacy:

Things concerning a person’s home, family, religion, health, sexuality, personal life and private affairs, are covered by the concept of privacy, except when any of these matters becomes an issue of public interest. A newspaper should not publish such matters of a person without his consent – whether truthful or otherwise and whether laudatory or critical. Position may, however, be different, if a person voluntarily invites or raises a controversy. The press should not invade the privacy of a person, if the subject matter is not of genuine public interest. Once a matter becomes a material of public record, the right to privacy

no longer exists, and it becomes a legitimate subject for comment by the press.

While reporting crime involving rape, abduction or kidnapping females or sexual assaults on children, publication of victims particulars leading to their identity should be avoided. Similarly, minor children or infants who are the offspring of sexual abuse or forcible marriage or illicit sexual relations should not be identified or photographed.

In normal circumstances, newspapers should also avoid identifying the relatives or associates of a person convicted or accused of a crime, when they are totally innocent and a reference to them is not relevant to the matter reported.

News Broadcasters' Association and Concept of Privacy

In their code of ethics News Broadcasters Association, India, it has been stated:

As a rule channels must not intrude into the private lives, or personal affairs of individuals, unless there is a clearly established wider and identifiable public interest for such a broadcast. Intrusion into the private spaces, records, transcripts, telephone conversations and any other material will not be for salacious interest. The intrusion could be done only when it is warranted in the public interest.

The law ministry is working on a proposal to make the right to privacy a specific fundamental right in the Constitution of India. Corporate lobbyist Nira Radia's phone tapping row and new-age surveillance techniques being extensively used to crack down on economic offences were the trigger behind the move. However, modern technology, increasing use of electronic devices for eavesdropping, and the practices of industrial espionage have complicated the problem of maintaining the right to privacy.

Check Your Progress: 1

Note: 1) Use the space below for your answers.

2) Compare your answers to ones given at the end of this unit.

1) In which article of the Constitution is the right to privacy enshrined?

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2) What are the Press Council of India's suggestions to the press on the right to privacy?

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11.3 CONTEMPT OF COURTS ACT, 1971

Judiciary is the most important of the three arms of the government. It interprets laws. The judiciary settles disputes between individuals, between the individual and the State, and among the various constituents of the State. In order that it is effective all must have faith and confidence in its impartiality, fairness and concern for the rights of the individual, interest of the State and good of the society. For this, its independence must be ensured. There must be no interference in its functioning and no attempt to intimidate or influence it. Any such thing shall be done on the pain of punishment.

This is, broadly, the objective of providing for a law of contempt of courts. As discussed in Unit 6, reasonable restrictions can be placed on the freedom of expression in respect of the contempt of courts. Contempt of courts is of two kinds, Civil Contempt and Criminal Contempt. Civil contempt means wilful disobedience to any judgement, decree, direction, order, writ or other process of a court, or wilful breach of an undertaking given to a court.

Criminal contempt means publication of any matter or doing of any other act whatsoever, which (i) scandalises or tends to scandalise or lowers or trends to lower the authority of any court or (ii) prejudices or interferes or trends to interfere with the due course of any judicial proceeding; or (iii) interferes or trends to interfere or obstructs or trends to obstruct the administration of justice in any other manner. Scandalisation here means scurrilous attack on the administration of justice or vilification of the entire judiciary, a particular judge or a particular court.

Publication of any thing which tends to create in the minds of the people an apprehension about the integrity, ability or fairness of a judge or which trends to deter litigants from complete reliance upon the court's administration of justice, embarrassment in the judge's mind to the discharge of his official duty is a contempt of court. Imputation of improper motives in deciding a case is obviously a contempt of court.

However, the power to punish for scandalising the court is to be used sparingly and in reference to the administration of justice only. It cannot be used for vindicating personal insults to the judge. Bonafide criticism that is fair and reasonable, criticism of a judicial act in the interest of the public good does not amount to contempt. But, if improper motives are attributed to the judges then it ceases to be bonafide. A judgement can be criticised as erroneous, but dishonesty on the part of the judge in delivering the judgement cannot be alleged. If a statement is likely to prejudice or interfere with the due course of justice, then the truthfulness of the facts on which it is based, is no defence. Trial by newspapers has been considered by courts as interference with the proper administration of justice in pending cases. These are but a few examples of what amounts to the contempt of court.

A fair and accurate report of judicial proceedings, a fair criticism of a judicial act, and a bonafide complaint concerning the presiding officer of a subordinate court do not constitute contempt of court. The Supreme Court and High Courts being the courts of record can punish anybody for their contempt. Every High

Court has also the power to punish contempt of subordinate courts like their own contempt.

Punishments: A contemtor can be punished with simple imprisonment only for a term extending up to six months or with a fine up to two thousands rupees or with both. If s/he makes a satisfactory apology, the accused may be discharged or the punishment awarded may be remitted.

In case of civil contempt, the contemtor cannot be sentenced even to simple imprisonment. S/he can be detained in a civil prison for not more than six months; normally, a fine would be considered sufficient to meet the ends of justice. The time limit for action for contempt of court is one year.

Contempt of court includes publication of material which interferes with or undermines the process of a trial, scandalises, or debases the authority of the court. The media should be particularly careful while reporting crime. Such stories are considered hot news for the media since these stories would be of public interest as well as be in interest of the public. This can lead to a temptation by the media to provide extensive coverage to crime stories and also to speculate about who is responsible for the crime and offer editorial comment.

Amendment of 2006

The Contempt of Courts Act was amended in 2006. In his article 'Tensions between two natural allies' by V. Venkatesan published in The Hindu, New Delhi 26 June 2013, it is stated:

“The 2006 amendment to the Act providing for truth as a valid defence in contempt proceedings has not really led to any appreciable increase in reports critical of the judiciary. The reason perhaps is that this defence is available to the 8 alleged contemnor only at the sentencing stage, and the courts are free to find one guilty, irrespective of the amendment.

Besides, Section 13 (b) of the Act – inserted by the amendment – gives wide discretion to the courts to admit truth as a defence to contempt proceedings if such a defence is in “public interest”, and the request for invoking this defence is “bonafide”.”

The judgement of the Sahara India Real Estate Corpn. Ltd vs SEBI (known as the legal reporting media guidelines case) is important for reporters. The judgement was delivered by the Supreme Court in September 2012.

Problems in Reporting *Sub judice* Matter

Following are the problems in reporting *sub judice* matter:

- One reporter covers many courts hence may not be present in every court. In such a situation often s/he receives information second-hand or third-hand. That provides scope for distortion as it is passed on from one person to another.
- Legal jargon is sometimes difficult for the lay persons as well as for journalists to understand.

- The Editors’ Guild, the Press Council of India, the Legal Services Committee of the Supreme Court of India, and other organisations, raised a number of issues on media coverage of criminal cases and trials, some of which include:
- Confession of crime before the media should not be accepted as admissible evidence in a court of law.
- Judicial observations could be reported but always in the accurate context.

Check Your Progress: 2

Note: 1) Use the space below for your answers.

2) Compare your answers to ones given at the end of this unit.

1) What is scandalisation of court?

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2) What is Contempt of Court?

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11.4 CODE FOR TELEVISION

The Cable Television Networks Rules, 1994 provide two codes: Programme Code as well as Advertisement Code.

Programme Code

The salient features of the Programme Code are that no programme should be carried in the cable service which:

- a) offends against good taste or decency;
- b) contains criticism of friendly countries;
- c) contains attack on religions or communities by visuals or words contemptuous of religious groups or which promote communal disharmony
- d) contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths;
- e) is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote anti-national attitudes.

- f) contains anything amounting to contempt of court.
- g) contains aspersions against the integrity of the President and Judiciary;
- h) contains anything affecting the integrity of the Nation;
- i) criticises, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
- j) encourages superstition or blind belief;
- k) denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;

Advertising Code

The salient features of Advertising Code are that no advertisement shall be permitted which:

- i) derides any race, caste, colour, creed and nationality;
- ii) is against any provision of the Constitution of India:
- iii) tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;
- iv) presents criminality as desirable;
- v) exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;
- vi) in its depiction of women violates the Constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service is tasteful and aesthetic, and is within the well established norms of good taste and decency;
- vii) exploits social evils like dowry, child marriage.
- viii) promotes directly or indirectly production, sale or consumption of — cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants; etc.

The Aarushi murder case and a fake sting operation happened at a time when a furious debate was raging in India about devising a strict code for television channels. These episodes strengthened the hands of those who argued in favour of stringent regulation. While most private television broadcasters acknowledged the need for an independent regulatory body for television channels, there were sharp disagreements on how the independence of the proposed regulatory authority should be ensured.

Electronic Media Monitoring Centre

Electronic Media Monitoring Centre (EMMC) of the Ministry of Information and Broadcasting, Government of India, is a premier set-up with advanced technologies to monitor, record and analyse broadcast content. It is entrusted with the task of monitoring the content being aired by permitted satellite TV channels for any violation of Programme and Advertising Codes under the Cable Television Network (Regulation) Act, 1995.

EMMC has the technical facility to acquire, store and retrieve the content of 900 channels, beaming over the Indian Territory, so that any violations of codes framed under the Cable Television Network (Regulation) Act, 1995 could be checked which must be adhered to by all broadcasting entities. The revised up-linking guidelines and down-linking guidelines for channels beamed in India also require monitoring of content for possible violations and remedial measures thereto. EMMC prepares reports on apparent violations along with the recorded clips to the Scrutiny Committee, which examines the purported violations and forwards its findings to the Inter-Ministerial Committee and other bodies for further action.

EMMC also identifies topical matters of immense public importance and reports them to the Ministry for evaluation and for taking any action, if needed. EMMC also prepares and submits special reports to the Ministry on media coverage of matters desired by the government.

News Broadcasting Standards Authority: Code of Ethics

In April 2008, the government proposed to monitor television content, and the News Broadcasters Association (NBA) of India came out with a code of ethics. NBA represents a large number of private television news and current affairs broadcasters.

Following are the salient features of the NBA code of ethics:

- Television news channels should recognise that they have a special responsibility in adhering to high standards of journalism since they have the most potent influence on public opinion.
- The code highlights the importance of maintaining impartiality and objectivity in reporting to ensure neutrality.
- While reporting on crime, the code calls for safeguards to ensure that crime and violence should not be glorified and that acts of violence or intimidation against women and children are not shown.
- It says television news channels should ensure that they do not show male or female nudity. The channels should also not telecast explicit images of sexual activity, sexual perversions, acts of sexual violence like rape or molestation, pornography or use sexually suggestive language.
- As a rule, channels must not intrude on private lives or personal affairs of individuals, unless there is a clearly established larger and identifiable public interest for such a broadcast.

- On the question of national security, it states: ‘In the use of any terminology or maps that represent India, all news channels will use specific terminology and maps mandated by law and Indian government rules.’
- Further, the code adds: ‘News channels will not broadcast any material that glorifies superstition and occultism in any manner ... news channels will also issue public disclaimers to ensure that viewers are not misled into believing or emulating such beliefs and activity. Therefore, news channels will not broadcast “as fact” myths about “supernatural” acts, apparitions and ghosts, personal or social deviations or deviant behaviour, and recreations of the same.’
- The code goes on to state: ‘As a guiding principle, sting and undercover operations should be the last resort of news channels in an attempt to give the viewer comprehensive coverage of any news story. News channels will not allow sex and sleaze as a means to carry out sting operations, the use of narcotics and psychotropic substances or any act of violence, intimidation, or discrimination as a justifiable means in the recording of any sting operation. Sting operations will also abide by the principles of self-regulation and news channels will ensure that they will be guided ... by an identifiable larger public interest. News channels will, as a ground rule, ensure that sting operations are carried out only as a tool for getting conclusive evidence of wrongdoing or criminality, and that there is no deliberate alteration of visuals, or editing, or interposing done with the raw footage in a way that it alters or misrepresents the truth or presents only a portion of the truth.’

The NBA had earlier rejected the government’s Broadcast Services Regulation Bill seeking to establish a Broadcast Regulatory Authority of India for enforcing a content code. Privately owned media organisations were wary of the government assuming powers to regulate and monitor their activities. Having proposed a model of self-regulation or a system of ‘judgement by peers’, the association has set up its ‘own’ regulatory body, headed by a jurist and consisting of six nominated members. Such a self-regulatory body has the power to impose fines in favour of, or against, a complainant. In August 2008, the NBA announced the constitution and establishment of the News Broadcasting Standards (Disputes Redressal) Authority to enforce the NBA’s code of ethics and broadcasting standards.

Broadcasting Content Complaints Council

For non-news television channels, the Broadcasting Content Complaints Council (BCCC), chaired by Justice A.P. Shah was set up by the Indian Broadcasting Federation (IBF) in June 2011. It implements IBF’s self-regulatory contents guidelines and has power to impose fines on erring television channels.

11.5 LET US SUM UP

In this unit we have considered libel, privacy, copyright, contempt of court and the right to information and the code of ethics recently implemented by the NBA. We have also explained the role of the Electronic Media Monitoring Centre (EMMC) which monitors, records and analyses the broadcast contents.

We have looked at those aspects of the law that have special relevance to media professionals. We have seen how basic human rights and democratic principles form the basis for the formulation of media laws. This unit has considered issues related to ethics and laws in the international and the Indian context. It is important to realise that laws are constantly changing and revisions are often based on previous cases from around the world. Moreover, ethical propositions are a function of the prevailing socio-cultural milieu.

In the unit, several complex and probing questions have been raised to which there are no simple ‘right’ or ‘wrong’ answers. Answering these questions will provide an understanding of the nuances and subtleties of the legal and ethical standards. By considering different angles as objectively as possible, you would become familiar with law as well as with ethical principles dealt with in earlier units.

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11.7 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

Check Your Progress: 1

- 1) Right to privacy is enshrined in Article 21 of our Constitution which states, “No person shall be deprived of his life or personal liberty except according to procedure established by law”.
- 2) The Press Council of India suggested that the press should not invade the privacy of a person, if the subject matter is not of genuine public interest. Things concerning a person’s home, family, religion, health, sexuality, personal life and private affairs, are covered by the concept of privacy. A newspaper should not publish such matters of a person without his/her consent – whether truthful or otherwise. Once a matter becomes a material of public record, the right to privacy no longer exists. While reporting crime involving rape, abduction or kidnapping females or sexual assaults on children, publication of victims particulars leading to their identity should be avoided. In normal circumstances, newspapers should also avoid

identifying the relatives or associates of a person convicted or accused of a crime, when they are totally innocent and a reference to them is not relevant to the matter reported.

Check Your Progress: 2

- 1) Scandalisation means scurrilous attack on the administration of justice or vilification of the entire judiciary, a particular judge or a particular court.
- 2) Publication of any thing which trends to create in the minds of the people an apprehension about the integrity, ability or fairness of a judge or which trends to deter litigants from complete reliance upon the court's administration of justice, embarrassment in the judge's mind to the discharge of his official duty is a contempt of court. Imputation of improper motives in deciding a case is obviously a contempt of court.



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UNIT 12 ETHICAL CONCERNS IN JOURNALISM

Structure

- 12.0 Introduction
- 12.1 Learning Outcomes
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- 12.3 Causes of Ethical Concerns
- 12.4 Universal Ethical Concerns
- 12.5 Ethical Issues
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 - 12.5.7 PR Press Releases Masquerading as News
- 12.6 How to Address Ethical Concerns
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- 12.9 Check Your Progress: Possible Answers

12.0 INTRODUCTION

In our earlier unit, we discussed a broad conceptual understanding of ethical frameworks, focusing on scenarios from our routine lives. In this unit, let's extend that discussion to the media field. In journalism, many ethical issues are debated daily. Specifically, issues such as objectivity, biases, sensationalism, compromising journalistic standards for monetary benefits, and succumbing editorial standards to powerful institutions. These are some of the well-known ethical concerns that media professionals routinely face during their careers. In this unit, you will learn about the pros and cons of ethics meant to maintain high standards for the public interest. This unit will provide you with some professional inputs and guidelines about the news media's role in reflecting these values and our national aspirations.

12.1 LEARNING OUTCOMES

After completing this unit, you should be able to:

- Understanding ethical concerns in news media;

- Discuss the reasons of these ethical concerns;
- Evaluating the universal ethical concerns; and
- Develop ethics strategies to achieve these concerns.

12.2 WHAT ARE NEWS MEDIA'S ETHICAL CONCERNS?

In the previous unit, ethics were defined as “that branch of philosophy dealing with values relating to human conduct with respect to rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such action.” By dictionary definitions both ethics and morality are concerned with conduct that is right is wrong according to accepted standards or principles.

Now, let us understand the meaning of ‘ethical concerns’ in news media’s operations. According to the 1996 edition of the Webster’s New Universal Unabridged Dictionary the word ‘ethical’ means: “pertaining to, or dealing with morals or the principles of morality; pertaining to right and wrong in conduct; secondly, being in accordance with rules or standards for right conduct or practice, particularly the standards of a profession that should be: good moral, upright, honest, righteous, virtuous.”

According to Roget’s 21st Century Thesaurus in dictionary form, 1999 the word ‘ethical’ stands for being “clean, conscientious, correct, decent, elevated, equitable, fair, good, high-principled, honest, honourable, humane, just, kosher, moralistic, noble, straight, respectable, right, right-minded, square, true blue, upright, upstanding, virtuous.”

The online dictionary.com states the meaning of ‘ethical’ as: “pertaining to or dealing with morals or the principles of morality; pertaining to right and wrong in conduct; or, according to standards for right conduct or practice, especially the profession.”

Now let us look at the word ‘concern,’ according to Webster’s it means: “to relate to; be connected with; be of interest or importance to; to affect; to interest or engage; anything that relates or pertains to a person; business; affair; matter that engages a person’s attention, interest, or care or that affects a person’s welfare or happiness; important matter having bearing on.”

Therefore, if we put these two words together, ‘ethical concerns’ would mean anything that calls into question the ethics of a person or organisation. However, it also needs to be stated that the concept of right or wrong varies with time, place and situation. They evolve over a period of time and cannot be applied uniformly as they are relative concepts. Behaviour that is considered unethical by one society or a generation may be quite acceptable to another. Nonetheless, ethical conduct remains of significance to society.

Any event or story that is not completely truthful or has been obtained through wrongful means or not ‘according to standards for right conduct’ of the media is of ethical concern. If any news medium focuses negatively or adversely on a specific aspect of a news story, without any valid, verifiable, or justified reason on a person, an organisation/institution, business firm, to deliberately hurt their image; that would be deemed unethical.

Thus, as a media professional you should make correct choices in your conduct and decision- making in day-to-day practice, so that you can discharge your duties without fear or favour, and with a clear conscience.

12.3 CAUSES OF ETHICAL CONCERNS

In recent times, the delivery of news has become almost instantaneous - thanks to the worldwide web, 24x7 global internet services, smartphones, texting, etc. In order to meet the audiences' needs, expectations and demands for news, and still more news, reporters and news correspondents are constantly expected to meet the taxing standards and requirements that are set by news media organisations. To effectuate the rising scales and standards of speed, accuracy and fairness, the news media are quite frequently faced with several tough situations and requirements. Moreover, to make sure that what the news media presents to the audience is objective, truthful, verifiable, just, impartial, most important, and latest to the fraction of a second; is extremely challenging during normal circumstances for anybody. These could be even more stern and critical in emergent circumstances.

The reporters have to rise to the demands of any occasion and race against time to meet the unearthly deadlines and cope with limited feedback from news sources. For example, an untimely fire or murder mishap will invariably put the news media persons on their toes. Besides, with a view to making a report accurate and comprehensive to the last detail, collecting and packing all the facts, writing the piece as objectively as possible and, turning it in time for publication or broadcast turns out to be very often an exacting challenge and, these have to be met by media news reporters daily to meet audiences' expectations from them.

While the news media always stretch every nerve to be up-to-date, truthful and objective in reporting a news event; but extraordinary haste, jet speed-developing events, shortage of time, and lack of fuller details may make the story wanting in many ways, such as a detailed description of circumstances leading to the occurrence of the event, etc.

Given the arduous environment in which the news persons perform their task, though difficult, certain vital points can get left out due to heavy scramble for resources, late news-fall, and shortage of newspaper space or lack of radio or television time. To handle such tight rope situations, many times reporters make do with whatever information is easily available or accessible to transmit their dispatches in time. Obviously, mistakes do take place; inaccuracies are bound to creep in, most often unintentionally, and sometimes, even deliberately. Racing against the clock, or due to lack of resources at their disposal, a reporter may not visit the news spot, which can create visible (objectionable) loopholes in the story and may lead to people's distrust of the news media's adequate care for the audiences' ethical concerns or the core values of the media outlet's intentions and integrity.

Check Your Progress: 1

Note: 1) Use the space below for your answers

2) Compare your answers with those given at the end of the unit.

1. What does the term ‘ethical’ mean?

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2. How has 24 hour media affected the standards of news?

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12.4 UNIVERSAL ETHICAL CONCERNS

News media establishments have globally accepted ethical principles and standards. Stephen Ward of the University of Wisconsin, Center for Media Ethics opines, “global media ethics aims at developing a comprehensive set of principles and standards for practice of journalism in an age of global news media”. He states that since “news reports via satellite or internet reach people around the world, and influence the actions of governments, militaries, humanitarian agencies and warring ethnic groups, a responsible media ethics is needed in a world where news media bring together a plurality of different religions, traditions and ethnic groups.”

Prof. Ward further argues that global journalism ethics can be seen as an extension of journalism ethics - to regard journalism’s ‘public’ as the citizens of the world, and to interpret the ethical principles of objectivity, balance, and independence in an international manner. Journalism ethics become more ‘cosmopolitan’ in tone and perspective. According to him, the components for global media ethics should be: “1) global re-interpretation of the ethical role and aims of journalism; global re-interpretation of existing journalism principles and standards – objectivity, balance and independence; 3) construction of new norms and ‘best practice’ as guides for the practice of global journalism”.

In addition, it should be remembered that today’s news media persons will gain greater insights in the audiences’ extending ethical concerns by pursuing the following new leads of the profession: by conducting research studies in news media’s new innovation in reporting new and emerging global regions, studying the impact of globalisation of news media — ownership, technology, practice; coverage of global issues; their local and international approaches to news reporting, news analysis, photojournalism, etc. To adequately perceive such issues at length, it would be immensely profitable to access some of the internationally recognised news media organisations’ news outlets; such as The Wall Street Journal, The Times, London, Fox television network; The New York Times and its affiliates, The International Herald Tribune; to name a few.

News media persons should also try to emulate global reporting practices and standards; redefine coverage of international events; watch globally accepted journalists' code of ethics; global initiative to defend and enhance free and responsible news media. It is considered imperative that global media ethics should act as a global agent; serve the citizens of the world; and promote non-parochial understandings.

Check Your Progress: 2

Note: 1) Use the space below for your answers

2) Compare your answers with those given at the end of the unit.

1) What are global journalism ethics?

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2) How can news media professionals address the ethical concerns of global audiences?

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12.5 ETHICAL ISSUES

As discussed earlier, news media are faced with various kinds of ethical concerns which may vary in terms of time, place, person and organisation. However, some major issues afflicting news media are discussed in this section.

12.5.1 Conflict of Interests

Conflict of interest occurs when a media person's obligations or interests clash with his/her duty as a journalist. This practice can take on many forms, let us look at some of them.

Many media organisations in India have stakes in other business interests and this interferes with their ability to report objectively on topics that could be detrimental to the said businesses. In such cases, media owners try to tell the stories in a manner that is beneficial to them. They would not want to report and can forbid their editors to report on any issue which could harm their business or affect them adversely. For example, a conflict or clash of interest could crop up while reporting a political story negatively whence the news media owner may be positively inclined to the issue reported. A case in point is that of a large Kolkata business house's interest in a newspaper. The owners of a newspaper simultaneously had huge interest in rayon and jute manufacturing businesses in Kerala and West Bengal, respectively. In such situations, particular news media

outlets that are owned by these industries, support and propagate the interests of their enterprises by extensive reporting of government policies concerning these industries.

It is a reality of the day that almost all news media organisations survive on the strength of advertising revenue. There are several advertisers – multinational corporations and domestic – who dole out heavy and regular ads to the popular news media outlets to seek their editorial support and favourable comment about their business interests.

In certain cases, news media outlets have fixated bias against certain parties / leaders /ideologies due to reasons of their own. The viewpoints purveyed and supported by different channels such as NDTV network, The Times Television, Zee network, Doordarshan, or Eenadu television would obviously be poles apart. The reporters of the respective news media would give a core view, but the crux of the story may be tilted to suit the particular news media's political policy directions.

If a newspaper owner or editor happens to be a nominated legislative member of a party, it would be natural for that media outlet to favour that party, or support its ideology. In such cases, the reporting tilts in their or their party's favour, which is bound to be apparent in their newspapers' editorial policies and routine reporting. A reporter of the news media outlet may earn the wrath of his employer or editor by doing a news story that may conflict with the political, religious, economic, and business interest of the media outlet's owner.

There could also be some occasions when a reporter's personal views may conflict with the politician or the party that s/he is reporting on. Also, the views of the editor / proprietor could be in conflict with the politician or the party. It is quite common that some reporters/ correspondents are innately committed to certain political ideologies or political groups, and these are reflected in their stories.

In such circumstances, an independent-minded reporter while writing the news story 'objectively' could hurt his/her own or the political interests of the organisation, or could dilute the spirit of the event or issues s/he may be reflecting on. Thus, conflict of interest constitutes a serious issue plaguing news media today.

12.5.2 Bias and Subjectivity

News reports are often reported in a particular style, angle, and bias in a manner that has led to the suspicion of the news media's intentions and objects. Apart from the bias due to conflict of interest discussed above, reporters quite often get personally involved in doing their stories about certain noted politicians against whom cases of alleged corruption, murder, disproportionate assets, etc., are in courts. Similarly, there are several criminal-politicians, seasoned criminals, and gangsters about whom media persons get to know intimately, and gauge their interests in various national and international scandals. Such personal knowledge gathered when court hearings are in progress leads them to become biased against them. Media persons who cover and see them in court on a regular basis are able to see through their scandalous careers based on the court proceedings. Hence, their reports are likely to get coloured with

their personal knowledge of such people's dishonest deeds leading to bias and subjectivity in reporting.

12.5.3 News Source Confidentiality

With a view to writing in-depth stories, and analysis, or doing investigative reporting, journalists quite frequently report based on information from confidential sources and sensitive documents. Centred on materials so procured or offered, reporters rush through exclusive articles that create a lot of commotion, public furor and even at times political storm. There have been innumerable cases where reporters have published articles using confidential sources and quoting from secret papers and official government documents that have overthrown regimes, ousted governments, put many chief ministers and VIPs behind bars. Often, serious ethical concerns have been expressed where reporters covered special stories, based on information concerning an individual's personal conduct in private life.

12.5.4 Sting Operations

Deep and all-pervasive ethical concerns have also been involved in issues relating to sting operations, also known as undercover reporting. For example, former BJP president Bangaru Laxaman was shown accepting Rs.1 lakh for promising political favours in Tehelka's sting operation. In yet another identical case, a sting operation on a Delhi government girls' school teacher was alleged to be involved in a prostitution racket. The sting operation proved to be a fraudulent act; the sting operator was later held and criminal proceedings initiated against him. In the entire process an innocent woman was dragged in a false allegation and the reporter's fraudulent reporting was widely condemned. Due to the news media reporter's penchant for scoops and exclusive stories using sting operations, they get into innumerable traps. While some do triumph with glory, and win awards; there are several others who err and get dropped by the wayside and become victims of many unethical allures for the sake of outpacing and beating their rivals, contemporaries and competitors.

12.5.5 Paid News

According to the Press Council of India (PCI) paid news is 'any news or analysis appearing in print or electronic media for consideration in cash or kind'. The trend of paid news is on the rise in India, and several print and broadcast media organisations publish favourable news stories in exchange for money. These news stories could be sponsored by organisations, celebrities, high end businessmen, political parties and politicians. A few years ago the PCI asked the government to stop giving advertisements to the newspapers found guilty of paid news.

12.5.6 Intrusion into Privacy

One of the cardinal principles of news reporting is that news should be treated as a serious business and not considered as entertainment. However, some news media outlets, particularly television channels, often put out news events in a trivially light-hearted style creating derisive impression about the mass media as an institution. Some news media persons in their hunger for exclusive stories about the high and mighty, VIPs, or celebrities, tend to intrude into or

peep into the individuals' totally personal, private and intimate affairs, creating privacy issues for news media outlets as also for themselves. Such stories hurt audiences' sensitivities and raise questions about their ethical concerns. News media persons should avoid such ventures lest they are caught on the wrong foot. In fact, some Indian language television news channels have been warned by the Ministry of Information & Broadcasting to shun such practices.

12.5.7 PR Press Releases Masquerading as News

It is a well-known fact that several news media persons end up as public relations personnel or corporate communication specialists due to heavy remunerations offered by many noted multinational companies and corporate firms. These PR persons are often friendly with news media persons and tend to push the press notes and press releases of their companies masquerading as news stories. Such stories are very easily discernible and can hurt the ethical views of news media's overall conduct and general public's sensibilities.

Some other ethical concerns pertain to plagiarism, sensationalism, and offensive reporting. Plagiarism of news items from other sources degrades the media's prestige and lowers the reporter's position in the profession. And, when the media audiences discover such tendencies in a particular mass media's practices, they start losing faith and trust in its credibility and integrity in its overall news operations. They may occasionally present certain exclusive stories in a manner that's deemed outrageous and outright offensive. Sensational reports on rapes, kidnapping, molestation, murders, and many other crimes relating to women not only are in bad taste, but also demeaning for women.

It has been noticed of late that innumerable popular culture themes from western media, though not completely compatible to our ancient heritage and culture are being put out on television channels, and disseminated even through print media. Majority of weekend magazine sections of most mass-circulated daily newspapers in English and other Indian languages, and weekly glossies are reproducing cheap titillating stuff from foreign journals. In addition, images or graphic descriptions of wars, sex, violence, mutilation of bodies, also constitute ethical concerns. Graphic and gory images do not always carry the real story, in fact it has been proved that exposure to such images can desensitise people towards the gravity of the story. Apart from this, reporters should also be careful about the use of inappropriate language, deliberate manipulation of news or giving a slant to a story, which also constitute unethical practices.

12.6 HOW TO ADDRESS ETHICAL CONCERNS

Many mass media establishments and organisations have drawn up their own codes for their journalists. One such prominent organisation is The Society of Professional Journalists of the USA. The SPJ is "dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behaviour." In India journalists' organisations like the Indian Federation of Working Journalists and National Union of Journalists (India) have their codes for journalists. Similarly in Britain the National Union of Journalists has its code but the real challenge is how much these codes are in practice. Most of these codes include:

Ethical journalism should be objective, accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information. Ethical journalism should treat sources, subjects, colleagues and members of the public as human beings deserving of dignity and respect. The highest and primary obligation of journalism is to serve the public.

A code of ethics specifies the following guidelines to journalists:

- Take responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible. Remember that neither speed nor format excuses inaccuracy.
- Avoid undercover or other surreptitious methods of gathering information unless traditional.
- Support open and civil exchange of views, even views they find repugnant.
- Recognise a special obligation to serve as watchdogs over public affairs and government. Seek to ensure that the public's business is conducted in the open, and that public records are open to all.
- Never deliberately distort facts or context, including visual information.

If you see a news organisation that seems to regularly ignore these guidelines, question it.

News media reporters are expected to be accurate, truthful, objective, and balanced in writing their stories. However, it needs to be stressed here that 'truth is not a matter of reporting what has happened, but an accurate reproduction of what someone has told you that has happened, as s/he saw it happening with his/her own eyes.' This version of the truth fits more comfortably with the working practices of journalists.

Objectivity is an essential technique for removing bias in seeking truth. Objectivity, while not absolutely achievable, can be partially achieved by the journalist if s/he sets aside personal and social conditioning that would colour the story differently. Journalists also have the responsibility to not produce information or to see their information is not used to mislead the public. In addition, they need to provide balance in news reporting which involves providing equal space and time to all parties involved, while writing or describing a news occurrence. Be it the ruling party, or the opposition, political leaders, and their views, it would only be prudent to allocate them equal broadcast time or newspaper space.

Self-regulation is a nebulous concept which has been defined by the Merriam Webster dictionary as "the act or action of refraining from expressing something (such as a thought, point of view, or belief) that others could deem objectionable". Self-regulation is done by media organisations/journalists/reporters at their own discretion for various reasons - there may be adverse consequences if they tell the truth, deference to the sensibilities of the public or any other. For example, reporters covering the war live are expected to self censor their stories; for doing otherwise might not be in national interest and due to the commitment to a cause or simply because of personal loyalty to the soldiers, or for the fear

of endangering life by giving away vital army information that may prove detrimental for the country. You will read more about self-regulation in Unit 3 of this block.

There is also a stringent need to avoid yellow journalism and sensational stories. It is often said, 'yellow journalism thrills, but it ultimately kills' - both the author of the story and the media outlet disseminating it. Such reporting has an abhorrent sociological impact on the younger generation of our times.

It is vital to draw the attention of media owners, media professionals, media consumers and the powers that be, toward these emerging maladies which are likely to dilute our inherent values, social mores, and our rich and ancient culture. The need of the hour for reporters is to be aware of the sensitivities of their audiences - their likes and dislikes, preferences, and social milieu to address their information needs. The golden rule for any mass medium to win new audiences, retain the old ones and climb new heights in the business is to be as objective, truthful, balanced, fair and transparent as possible. These may seem rather difficult to achieve in the present media environment, but need to be adhered to for creating a healthy, informed and congenial society.

Check Your Progress: 3

Note: 1) Use the space below for your answers

2) Compare your answers with those given at the end of the unit.

1) How do business pressures affect news media's ethics?

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2) What kind of concerns does yellow journalism raise for news media?

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12.7 LET US SUM UP

In this unit, we discussed some ethical concerns and how to deal with them, with the help of examples. We identified some areas of concern in the present media environment such as conflict of interests, bias and subjectivity in reporting, paid news, news-source confidentiality, sting operations, intrusion into privacy and press releases masquerading as news; etc. which need to be checked. We also outlined some dos and don'ts for media persons who are expected to be accurate, objective, balanced, impartial, sensitive, responsible, and trustworthy in their reporting.

As news media operations are rapidly becoming technology-based, time-bound, financially-restrained and politically-constrained; the task of reporters gets highly complicated. Reporting news is a responsible job that should be undertaken with due care and caution. A news story that hurts the intrinsic values, cultural moorings and cherished ideals of a society will be abhorred by audiences. It is a bounden duty of news media persons to follow basic ethical norms and report news in a manner that does not call into question their integrity as a journalist.

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12.9 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

Check Your Progress: 1

- 1) The term 'ethical' implies making correct choices in our behaviour, conduct, and decision making so that we can discharge our duties with a clear conscience, and without fear or favour.
- 2) Twenty four hour new media have led to increased audience expectations which in turn have put undue pressures on media persons. News houses are required to bring news promptly to the audience, which affects the standards of speed, accuracy and fairness of the news stories. In the race

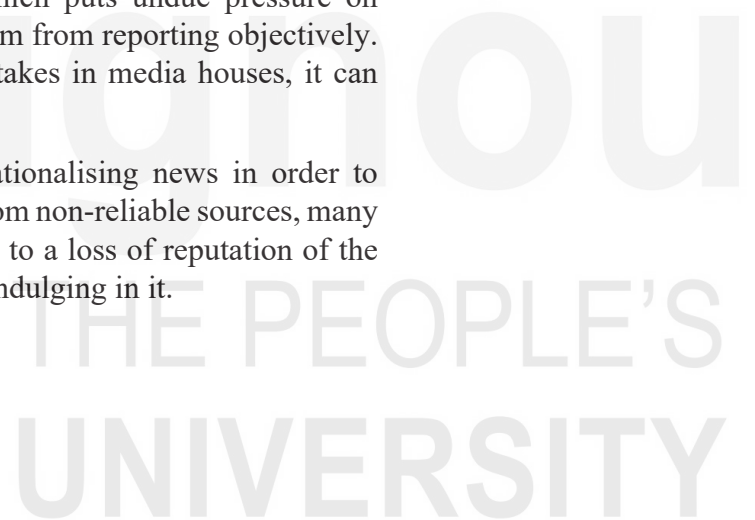
for breaking news, scoops and exclusives, reporters lose sight of their goals and use information which may not be from reliable sources and thus not verifiable.

Check Your Progress: 2

- 1) Global journalism ethics are universal in nature, following the principles of objectivity, balance, and independence. Global media ethics act as global agents; serve the citizens of the world; and promote non-parochial understandings.
- 2) News media professionals should strive to conduct research to gain insights into new innovations in reporting. They should study the changes brought about by globalisation, coverage of global issues, and follow globally accepted code of ethics and norms.

Check Your Progress: 3

- 1) The revenue generated by advertisements is the mainstay of any news organisation. In turn, the advertisers expect the news houses to print/broadcast favourable news about them, which puts undue pressure on reporters and media houses and prevents them from reporting objectively. When large organisations or people have stakes in media houses, it can lead to biased news reports.
- 2) Yellow journalism is the practice of sensationalising news in order to increase circulation and TRPs. Emanating from non-reliable sources, many times these reports are in bad taste and lead to a loss of reputation of the reporters as well as the media organisation indulging in it.



UNIT 13 DIGITAL CODE OF ETHICS

Structure

- 13.0 Introduction
- 13.1 Learning Outcomes
- 13.2 Definition of New Media Ethics
- 13.3 Rights and Ethical Responsibilities of Content Creators
- 13.4 Content Curation and Limits to Sharing
- 13.5 Rights and Ethics of Online Readers
- 13.6 Let Us Sum Up
- 13.7 Further Readings
- 13.8 Check Your Progress: Possible Answers

13.0 INTRODUCTION

The advent of new technology has opened up a world of information for us. The Internet, the World Wide Web, Smartphones, mobile applications etc. have made us familiar with terms such as New Media. Earlier, the distinction between new and old or traditional media was clear but the constantly evolving technology has forced us to rethink the definition of new media. We have come a long way from a one dimensional definition of the concept. Today, new media is a broad term and carries multiple meanings and interpretations. Using new technologies and advanced devices for communication has created a scenario where we are constantly consuming online content. Today we spend much more time being ‘logged on’ than we have ever done.

New media is not only changing the way we interact with our surroundings; it is also dictating ‘how’ we do it. It facilitates sharing in a number of ways including text, video, pictures, graphs, illustrations, audio etc. asking each user to engage with the online content in a deeper and unique way. The user has to be able to make sense of all this information but also has to understand the pitfalls of communicating online.

There is a range of activities such as emailing, video sharing, social networking, virtual gaming and even hacking that can be done online. There are unseen attacks such as hacking; phishing and trolling that make our experience of the online world uncomfortable. Law means legal rules that are used to govern the matters of a country. The Indian penal system is defined by Indian Penal Code and the Information Act 2000 is the guiding principle for new media in India.

The IT Act and its subsequent amendment in 2008 takes care of defamation, libel and slander apart from more serious online crimes such as phishing and frauds. But the huge amount of data uploaded cannot be controlled by laws alone and the need of the hour is to understand new media ethics.

13.1 LEARNING OUTCOMES

After completing this unit, you should be able to:

- Describe the different aspects of new media ethics;
- Discuss the importance and challenges related to it;
- Explore the responsibilities of users while accessing or downloading content; and
- Use new media with greater care in your personal as well as public online conduct.

13.2 DEFINITION OF NEW MEDIA ETHICS

New Media ethics define how we behave online and help us decide about our 'netiquettes'. These are required because information is being exchanged very quickly and in huge amounts. Both consumers and producers of new media need to be aware about their ethical limitations in the online world. While there are legal rights to protect creators of content, the policies for the consumers of online content are in nascent stages.

A great deal of content is being created online and it is important that the internet remains open, transparent and protects the rights of individuals who are contributing in the sharing and exchange of knowledge. This allows them to create content freely and fosters creativity while making knowledge accessible to everyone. The temptation to copy or modify content that is easily available is difficult to fight. The ownership, privacy, confidentiality and intellectual property need to be respected in virtual life just like in our real life.

Therefore new media ethics can simply be described as a set of ethical considerations that define our conduct online. New media ethics tell us how to appropriately use new media without breaching any law or infringing on the online rights of other users. They provide a model code for creators, distributors and users of online content.

Collaborative websites such as Wikis and YouTube, social media sites such as Facebook, MySpace, Weibo and Twitter are all running with the help of user generated content. Individuals who are reading the content also share, exchange, add-on and publish the data they come across and thus end up becoming the consumer as well as producers. This is unlike any other medium, for e.g. we use Facebook to share pictures but also 'like' pictures found on our friends' walls thereby creating data. Thus, new media users need to be protected from ethical violations as producers as well as creators of information. Let us first try to understand their responsibilities as creators.

13.3 RIGHTS AND ETHICAL RESPONSIBILITIES OF CONTENT CREATORS

The Copyright Law protects individuals from having their work copied in an unauthorised way while the Information Technology Amendment Act 2008 has a small section dedicated to dealing with cyber crimes such as sharing obscene

material or impersonating on the internet. Since the laws have not been able to evolve as fast as the medium itself, it becomes imperative to strictly follow the ethical guidelines.

Understanding Digital Rights and Creative Commons

Digital Rights have become very important in this information age. Rights of both the content creator and consumer or reader need to be protected. There are many challenges here as consumers on the internet are mostly prosumers (producer + consumer). They have to watch out for ethical violations both as creators and consumers of online content. Since establishing ownership is easier, the rights of the content creator are always discussed more fervently. To protect these, new techniques collectively referred to as Digital Rights Management (DRM) have been evolved. They make it difficult to duplicate access or distribute data in an unauthorised way. Some common techniques that we see in everyday life are Copy control, Access Control and digital watermarking. When we use a watermark, there is a link to the original work embedded somewhere within the text so that the reader is guided to the original work. One can see websites where only a part of the information is free while one needs to be either a member or a paid subscriber to access the text, such as, Google Books, SAGE etc. Some software controls are also designed to disable any copying and thereby prevent reproduction of data automatically. More sophisticated techniques involve data encryption so that the data is jumbled up and is pieced together only by authorised persons who have the decryption key much like a jigsaw puzzle.

The major issues with respect to new media ethics for content creators are:

- Ownership and Copyright
- Open vs Free content and Content sharing
- Privacy and other ethical issues

Ownership Issues

The web shows information readily and what we need is available at one click. This is also true for pictures, music, graphics, songs and any other information that we seek. But that also throws up a concern about protecting our rights as a creative person. Though we are legally protected by the Copyright Law, we are ethically bound by issues of ownership and copyright on the web. There are new forms of copyright available online now.

Copyright infringement

There are a lot of websites offering paid content online. This is done to ensure that artists/writers who are contributing content are compensated and motivated to contribute further. But some file sharing companies allow illegal downloading and sharing of files that lead to piracy. The rampant music piracy or the act of copying digital goods such as audio files, videos, reports, articles and such without the consent of the person who holds the copyright is a major problem. As users we tend to become careless about copy-pasting desired information and infringe upon the copyright of fellow netizens.

Open Content vs. Free Content

David Wiley has specified that content available online can be both open or free. It is important to distinguish between the two. Any content available online that can be accessed, revised, reused, redistributed, remixed and retained for later use is referred to as open content. This means that the content available online need not be 'open' even if it is free, implying that free content is not the same as 'open' content. Because free means one is able to access the content free of cost but 'open' means users are free to download, edit and share the content without any ethical or legal limitations. Free content allows individuals to use and benefit from it, make and distribute its copies, study and apply it or even distribute its derivative works.

The problem of creating ethical guidelines for the Internet has risen because it is a relatively new medium. There is a vast amount of content floating around on the internet and there are many conventions that define our ethical boundaries with respect to using the content available online. The automatic copyright of the content posted online lasts for 70 years after which it becomes available for public use. But new types of copyright licensing available online now tell us how a particular content should be used. Creative Commons is one such organisation working on the idea of providing people access to creative work and intellectual property while giving them a right to choose the conditions of making that work available to consumers. In simple terms, whenever a user puts up any fresh piece of information online, he/she can specify the way it has to be used by mentioning if the material is free for modification/download/sharing etc. or partly available/ not available. This is done via use of symbols and attributions that have now come to be used commonly on the internet.

These guidelines are helpful in understanding how one must use content available online. However, it should be noted that licences issued by Creative Commons are not a substitute for copyright. The table as an Annexure of this Unit explains the different types of copyrights from Creative Commons.

Check Your Progress: 1

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this unit.

1) Define new media ethics.

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2) What does Digital Rights Management mean?

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- 3) Distinguish between Open and Free Content.

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13.4 CONTENT CURATION AND LIMITS TO SHARING

The style of content writing online often keeps changing and these days the major emerging trend is that of content curation. It is defined as a process of sorting, arranging and publishing data related to a specific theme together so that the reader gets more information about the same topic without having to click through multiple sites.

The work of curators is to pick the most relevant content and exhibit it in a way that a quick glance reveals the most relevant links at one place itself. It is unlike a search engine because here the curator adds some inputs about the content so as to give the reader an idea about what the text carries, and why they should click it.

There is a thin line between highlighting someone’s content and presenting it as your own. While curating the content, it is important that the appropriate links and credits are provided along with the text. Though giving an embedded link to the original text is within permissible copyright limits, yet, it could be misleading for the readers causing an ethical violation. Therefore, the curators must make strong efforts to explicitly mention the original source and links.

Privacy and other ethical issues

The ethical constraints of content producers are also limited to the extent that they should not upload, distribute, share or misuse any content such as photographs, videos, music, articles, books or any intellectual property acquired physically or virtually without the consent of the individual concerned. However, we often find rampant violation of this basic new media ethic. Personal information of friends, relatives and acquaintances is often shared online without seeking explicit approval of the people in question.

News related ethical issues

All the content on news websites may not come from reliable sources and can also be inaccurate. In such cases, it is prudent that the users be informed when a news item is less reliable or has only been edited after taking from another source. This helps them to be better prepared to handle such information. In the case of images, new end technologies have facilitated easy capturing, sharing and transmission of data. Also, in many cases the news may not be verified or wrong images could appear besides stories, thus requiring the reader to be discerning.

The reports generated through anonymous sources and hoax data are also commonplace. During the second season of IPL a blog by the name of 'Fake IPL Player' was started. The anonymous writer was believed to be a member of the Kolkata Knight Riders team but could not be identified. Only after the writing caught international attention and garnered a huge amount of visitors did the identity of the blogger get revealed. Prior to that, the team management had taken measures like curbing internet access and banning laptops in order to stop the posts. This is the downside of information coming in through new media. It is impossible to correctly ascertain the source and authenticity of the information.

The problem is also faced by news employees who want to share their thoughts online. The companies are often not open to allow this since it can lead to all kinds of problems. For instance, remarks of a person about a group or community could be hurtful and incite violence ending up spoiling the reputation of the company. To avoid this, many companies have now come up with clear guidelines so that their employees can use social media fearlessly. They often spell this out as 'Social Media Policy'. The leading publication Los Angeles Times has drawn up a social media policy for this very reason. It says that:

- 1) Principles of integrity, professionalism, privacy and impartiality should be observed by journalists when posting online.
- 2) The authenticity of what employees post is important. Online journalists should verify questionable content with credible sources before posting or tweeting about it.
- 3) It is important for employees to properly define their association with the publication as they would do offline.

Some companies such as Adidas go one step ahead and give clear instructions to the employees, as outlined below:

- 1) Employees are allowed to associate themselves with the company when posting but they must clearly brand their online posts as personal and purely their own. The company should not be held liable for any repercussions the employees' content may generate.
- 2) Content pertaining to sensitive company information (particularly those found within Adidas internal networks) should not be shared to the outside online community. Divulging information like the company's design plans, internal operations and legal matters are prohibited.
- 3) Proper copyright and reference laws should be observed by employees when posting online.

Thus it is clear that both content producers and readers need to have a system of checks and balances for their online behaviour. Their etiquettes cannot be controlled but can be guided with the help of social media policies, and drawing up ethical guidelines etc.

13.5 RIGHTS AND ETHICS OF ONLINE READERS

It is not just the content creators who need to be restricted by ethical boundaries, here are unwritten protocols for readers too. Something as innocent as ‘liking’ a page or tweeting on a trending topic can sometimes lead to violation of online ethics due to the nature of content. Other issues facing readers are cyber disinhibition, inadvertent self disclosure, cyber crimes such as bullying, doxing, phishing etc. On the consumers’ end, especially social media users, the problem of invasion of privacy is not fully understood.

Readers in the online world are still unaware of the data trails they are willingly giving into the hands of internet service providers and are thus falling into a situation where they have no control over their own data. The problem of disclosure is compounded by the lack of awareness among internet and new media users, which can lead to invasion of privacy.

The terms of service and privacy policies of social networking sites are often dictated by the companies as per their requirement and readers have little or no say in changing them. They are also unaware about their virtual identities and how it is being used by data mining firms.

Similarly, social networking sites often collect information and share it with third party users but users are not able to control this, since failure to accept these policies often results in being unable to sign up or access these sites and applications.

Thus we end up revealing much more about ourselves online than we had planned to simply because we do not care to go through the privacy settings or disclosure agreements while downloading apps or accessing social media. The least a user can do is to read and understand these carefully and limit the amount and type of personal information they upload. The increasing cyber disinhibition or the phenomenon of loosening of social restrictions and inhibitions in the virtual world is a major cause of ethical and legal violations.

Instances of Ethical Violations

The new media is a powerful tool to reach out to people but it is sometimes misused for personal attacks, running malicious campaigns with intended or unintended consequences. Trolling, cyber vandalism and smear campaigns are mounted on the internet so as to garner quick support.

Sometimes these incidents go out of hand and end up creating gross ethical and legal violations. For example, the pictures of the brutal murder of a north eastern student in Munirka area of Delhi were shared online without any respect for the privacy of the individual or his family’s consent. Similarly, leaked pictures of film stars holidaying abroad caused a lot of annoyance to the persons concerned. In the above cases we can hold the person who circulated the pictures legally guilty but people who came across the pictures and shared them further also indulged in gross ethical violations. In case any content being circulated on the net is found to be objectionable, it must be reported to the particular site and the authorities so that necessary action may be taken.

Another ethical violation is the trend of shaming videos. These are videos where people are humiliated with punishments such as chopping off the hair, beating etc as punishment and are recorded to be uploaded online with a motive of promoting online embarrassment. There have been reports of kids, teenagers and event adults feeling suicidal after their shaming videos came online. This disturbing trend also includes videos of pet shaming. Though they are intended to serve as a punishment, such videos often go 'viral' and can affect the mental and social health of persons concerned.

People of all age groups use the internet and not all users are discerning enough to understand the consequences of the data they may end up sharing online. Anything once posted on the internet remains there forever and can be dug up any time later and cause embarrassment. Therefore we must be extra careful in putting up or sharing our pictures with friends and colleagues.

We often find very abusive and derogatory language being used on web page comment sections, in chat rooms and social networking sites etc. This type of trolling is a result of disinhibition or breaking down of socio-cultural norms in the virtual world. Another big threat is the addiction to these sites. The over usage of apps and social networking sites is causing an alarming situation where the addicted users are psychologically more dependent on their virtual identities than on real world scenarios. The ubiquitous 'selfie' also becomes a menace at times. Clicking a selfie at any and every minute of the day is not a crime. However, how, where and when it is clicked decides whether there has been an ethical violation or not. The former U.S. President Barack Obama faced a lot of flak for clicking a selfie at the funeral of Nelson Mandela.

As we look at the advent of 'internet of things' i.e., devices connected with the internet that can be remotely operated, the responsibility of using the technology in a better way has also increased manifold.

Do's and Don'ts of New Media Ethics

The guidelines for 'netiquette' are very simple. When we post something in relation to a text, we should point to the original text while commenting so that our post is not taken out of context. It is important that we are careful while posting any data online and before doing it, one must consider the long term consequences.

We should be sensitive to the online readers who may represent different beliefs, sensibilities and cultures. In case we have committed a mistake we must immediately apologise and remove the concerned posted text. We should be gracious in disagreements too. Expressing any negative opinion online on a public forum can be disturbing for any individual. Given below is a list of things one can do to prevent unethical practices online.

Dealing with Ethical Violations

There are many pitfalls as far as ethical violations are concerned. Users may end up causing a lot of these and may choose to remain ignorant about them. For example, piracy of movies, TV shows and songs is very commonplace. People who download files through torrent or other means are well aware that they are causing ethical violations but they do not think of it as a wrong practice.

The internet which has facilitated a multitude of activities has also heightened possibilities of falling into a ‘cut-copy-paste’ trap.

The foremost thing is that we should double check the data we post online and be critical, observant and watchful while sharing content or talking to strangers. We should also encourage our acquaintances and friends to point out any inadvertent errors or mistakes we might have committed. As users of new media we need to understand the constantly changing online world and figure out how to deal with emerging ethical challenges. We also need to draw up policies to ensure that there is no conflict of interest between content creators and consumers online. The users need to be more aware about new crimes being committed online. Above all, we need to be aware of the existence of new media ethics and be willing participants in making the internet a more productive, responsible and decent place for all users.

Check Your Progress: 2

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this unit.

1) What can readers do to safeguard their online experience?

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2) How can online ethical violations be prevented?

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13.6 LET US SUM UP

In this unit we started with the definition of New Media ethics which were described as a set of ethical considerations that define our conduct online that help us interact with people. We then moved on to the rights and responsibilities in the online world in which it was explained that there are ethical considerations both as creators and receivers of information. The legal part is taken care of by Digital Rights Management, Copyright laws and Intellectual property rights. The ethical part, however, is a lot more complex and is dealt with by a combination of different mechanisms such as Creative Commons and Social media policies. An important aspect of understanding online ethics and using content over the web is to learn to differentiate between ‘open’ and ‘free’ content. These were discussed in detail, along with some instances of ethical violations and how these can be handled effectively.

Some guidelines for new media use and roadmap for online conduct were outlined in the unit. Through the discussion a strong need for awareness among 'netizens' regarding their rights and responsibilities in the online world and the need for social media policies were emphasised.

It was stressed that new media users need to be careful about their personal as well as public conduct in the online space. This can be achieved by understanding the ethical constraints as new media users.

13.7 FURTHER READINGS

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13.8 CHECK YOUR PROGRESS: POSSIBLE ANSWERS







Check Your Progress: 1

- 1) New media ethics are a set of ethical considerations that define users' online conduct. These help the consumers to appropriately use new media technologies without infringing the rights of other users or breaking any laws.
- 2) Digital Rights Management (DRM) has evolved in order to protect the rights of online content creators. These help prevent the unauthorised duplication, access and distribution of data. Copy control, Access Control and digital watermarking are some of the ways used for this. Open content is that online content which can be accessed, revised, reused, redistributed, remixed and retained for later use. Whereas, free content is that which can be accessed without paying a fee but cannot be edited, revised or reused further.

Check Your Progress: 2

- 1) Social networking sites often collect information and share it with third party users. Although users cannot control this, it is prudent that they go through the privacy settings or disclosure agreements while downloading apps or accessing social media. The user should read and understand these carefully and limit the amount and type of personal information they upload.
- 2) We should double check the data we post online and be critical, observant and watchful while sharing content or talking to strangers. We should also encourage our acquaintances and friends to point out any inadvertent errors or mistakes we might have committed.

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