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NAVIGATING INDIA'S MEDIA LANDSCAPE: DEMOCRACY'S CHALLENGES AND PROSPECTS

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ABSTRACT:

India's media industry has grown exponentially over the past decade, becoming one of the world's largest media markets and playing an integral role in the world's largest democracy. Manifesting its crucial role, it is also known to be the "fourth pillar of democracy." While various challenges like sensationalism, bias, paid news, misinformation, privacy invasion, media trial, invasive reporting, corporate interference, etc have undermined its credibility and blotted its responsible role in our society. The criticism it faces is illustrated by real-life cases and landmark judgments. Regulatory ambiguities, political interests, ownership concentrations, and media trials further complicate the situation. To address these challenges, a comprehensive approach is required which involves multiple stakeholders (journalists, media conglomerates, government, regulatory bodies, public etc) to uphold responsible journalism. Stricter regulations, independent media, public funding of unbiased media outlets, awareness campaigns, self-regulation, media literacy, a boycott of cheap media tactics by the public, bolstering journalism ethics, protecting freedom of the press, safeguarding journalists, training, and strengthening media watchdogs are few ways to uphold the role of media in democratic fabric of the nation.

KEYWORDS:

Sensationalism, Bias, Paid news, corporate influence, Misinformation, Privacy invasion, Media ethics.

INTRODUCTION:

According to a recent study conducted by the Broadcast Audience Research Council and Nielsen, India is one of the world's largest media markets, with its total TV viewership expected to surpass one trillion impressions by 2020, according to a study from the Broadcast Audience Research Council.¹ Moreover, there were over 104,000 newspapers and periodicals in various

¹ BARC India, <https://www.barcindia.co.in/media-center>
(Last visited on July 30, 2023)

languages and across different regions published in India as of 2020.² Digital media and internet penetration have steadily increased, as the total number of internet subscribers reached over 932.23 million by the end of 2022.³ With reach like that, it's the media's responsibility to inform, educate, and entertain the public, disseminate information, shape public opinion, hold power accountable, protect freedom of speech, and expose different issues of public interest while staying true to themselves, balanced, and impartial.

Despite this, Indian media have, like any other media organization, been criticized and scrutinized for the way they handle their affairs, embroiled in controversies and challenges, and facing a growing belief in public perception that these responsibilities aren't getting met.

CRITICISMS AND CHALLENGES OF INDIAN JOURNALISM:

Some examples of the controversies and challenges faced by the Indian media include:

- 1. Sensationalism and Yellow Journalism:** Clickbait culture and the pressure to generate online as well as offline traffic have led to sensational headlines, misleading thumbnails, and shallow content to attract clicks and higher Television Rating Points (TRPs). Sensational headlines promise shocking revelations, unsolved mysteries, hidden secrets, miraculous cures, shocking twists, and awe-inspiring feats to pump up viewers' adrenaline. It is no joke when headlines like "Breaking News: Top Politician's Scandalous Love Affair Exposed!" "Miracle Cure for Hair Loss Found - See the Before and After Pictures!", "This 10-Year-Old Genius Will Leave You Speechless - Watch His Incredible Talent!", "Internet Explodes Over Viral Video - Watch It Here!", "Mystery Creature Found in Remote Village - Is It an Alien?", and "What would happen next? (In some soap opera)" becomes a common occurrence whether on the news feed or TV. These clickbait strategies, unnecessary theatrics, and most importantly not even remotely connected to any relevant issue, raise ethical concerns about the media's responsibility to deliver something substantial over pandering to sensationalism. Moreover, when these headlines succeed in attracting traffic more than showing deteriorating standards of media it highlights the mediocrity of public discourse who consumes and appreciates such content.

² [Rakesh Dubbudu](https://factly.in/indian-newspapers-more-than-one-lakh-newspapers-periodicals-registered-in-the-country/), More than a Lakh Newspapers & Periodicals are registered in the country, Factly (Last visited on July 01, 2023, 9:23 AM) <https://factly.in/indian-newspapers-more-than-one-lakh-newspapers-periodicals-registered-in-the-country/>

³ Statista, <https://www.statista.com/forecasts/1144044/internet-users-in-india> (Last Visited July 27,2023)

One notable example was the coverage of actor Sridevi's death in February 2018, milking a tragic event by being involved in speculative reporting, wild rumors, and generating unnecessary controversies and speculations on her death's cause without any evidence or verification, or even before the official investigation could be concluded. Even some channels went a step ahead by conducting prejudiced debates and trial-by-media. This is a classic case of leads yellow journalism (newspaper reports that are written exaggeratedly to shock the readers), which leads to a distortion of priorities and a lack of in-depth reporting on important issues. Supreme Court **warned way back in 1995** expressing concern about the irresponsible reporting of criminal incidents, causing unnecessary panic and fear among the public, and emphasized the importance of balanced and responsible journalism, especially when dealing with sensitive issues in Vishnu Kumar Tiwari v. State of Uttar Pradesh.⁴

- 2. Bias And Lack of Objectivity:** As an impartial source of information, the media has been accused of bias and lack of objectivity, which can undermine public trust in the media. Taking a hypothetical education reform bill as an example, a left-leaning outlet might emphasize the bill's positive effect on bridging socioeconomic gaps in education, whereas a right-leaning outlet might criticize it as a socialist agenda that threatens individual liberty. In contrast, a truly impartial outlet would instead provide a balanced overview of both the advantages and disadvantages of the bill, consciously making an effort that both sides have been covered without any ulterior motive and consequently leaving it up to the readers to choose their side or to choose none. For example, consider how some Indian media covered farmer protests misrepresenting the demonstrations, portraying farmers' movements negatively, portraying them as anti-national movements, and downplaying their grievances. On the other hand, others ignored Khalistani connections and unrequited foreign interests confusing the true nature of the protests causing a rift between the public and the farmers, thus making it difficult for the farmers to get the support they needed.

Also, it is alleged that Media outlets that align with certain political parties tend to present news in a manner that favors their preferred narrative, this "echo chamber" effect can further polarize society and hinder constructive debates on critical issues. This is evident from the fact that any

⁴ Vishnu Kumar Tiwari v. State of Uttar Pradesh (1995) 6 SCC 319

well-informed citizen can easily by simple observation of the various media outlets identify whether it is a right or left-leaning on the political spectrum.

- 3. Paid News and Corporate Influence:** The practice of bribing (monetary or other benefits) journalists and media outlets for favorable coverage or suppressing unfavorable information by corporate entities, politicians, brands, movies, and celebrities has all been reported. The Supreme Court in Common Cause Case⁵, addressed the issue of paid news and political advertisements in the media thus directing the Election Commission to frame guidelines aimed at ensuring greater transparency and fairness during elections.

With time various sting operations and reports have unveiled these open secrets like the "Radia Tapes" controversy where Niira Radia's taped conversations with several influential individuals, including journalists, broke out, in 2012, Tehelka magazine was involved in a "sting operation" exposing "paid news" practices, wherein politicians were caught accepting money to publish favorable news stories about them during elections. Another highly publicized scandal concerning prominent lobbyists in 2018, an undercover operation by Cobrapost.com implicated major media houses, alleging their willingness to publish paid content to promote political and communal gains. Despite denials and under-the-table formal contracts and "private treaties" between media companies and non-media organizations raise the issue of media transparency and journalistic integrity and the long-term repercussions of deceiving the public.⁶

- 4. Failure To Fact-Check and Spread Misinformation:** India has more than 759 million internet users in 2022, and this is increasing as social media becomes more popular.⁷ The Indian media have been complicit in spreading fake news and misinformation without adequate fact-checking leading to confusion and division as indicated by a survey by the Reuters Institute for the Study of Journalism in 2020 which held India among the top countries where false information is widely spread.⁸ Indian respondents to a Microsoft study reported encountering

⁵ Common Cause v. Union of India (2018) 5 SCC 1

⁶ Wikipedia, https://en.wikipedia.org/wiki/Radia_tapes_controversy, (Last visited on 31 July 23)

⁷ Money Control, <https://www.moneycontrol.com/news/business/internet-users-in-india-set-to-reach-900-million-by-2025-report-10522311.html> (Last visited on 31 July 23)

⁸ University in Oxford, <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2021/india> (Last visited on 31 July 23)

fake news online in more than 64% of cases.⁹ For example, the circulation of false videos and images on social media in the aftermath of communal riots is an unfortunate common instance. One such notable incident occurred during the Delhi riots in February 2020 where one particular video went viral depicting a group of people attacking a man and setting him on fire, it showed violence against a specific religious community. However, fact-checking organizations like Alt News, Boom Live, and Fact Checker quickly investigated the video and found that it was not from the Delhi riots, but from a different incident in Rajasthan that occurred years before. Even though the clarification had been made, the video continued to spread like wildfire, amplifying fear, hatred, and violence while intensifying tensions among citizens.

5. **Bad prioritization of issues and Lack of investigative journalism:** It is an open secret that media coverage amplifies divisive narratives and focuses on sensationalized debates contributing to social and political polarization. For example, During the COVID-19 pandemic, when the nation was grappling with healthcare challenges, economic downturn, and migrant labor crises, certain media outlets dedicated excessive airtime to Bollywood actor Sushant Singh Rajput's death investigation. The sensationalized coverage had no merit in the ongoing investigation just for the sake of increased viewership the issue was unfortunately milked, overshadowing more pressing issues, that required the media's attention like the migrant crisis, lack of healthcare facilities, and other COVID-related issues.

This trend continues when poor policy implementation, poor education, rural areas, farmer distress, infrastructure, and corruption receive less attention in comparison to any short-term eye-grabbing news update, that's why these crucial problems remain unresolved as there is no time given to analyze these issues. Media outlets allow citizens to learn about politics, economics, social issues, and international affairs, enabling them to make informed decisions and participate in democracy. The Supreme Court in the case of *S. Rangarajan v. P. Jagjivan Ram*¹⁰ court highlighted that the right to freedom of speech and expression encompasses the right to receive information and ideas emphasizing the significance of a diverse range of opinions and robust public debate in nurturing a vibrant democracy.

⁹ HW News English, <https://hwnews.in/news/national-news/64-percent-indians-encountered-fake-news-microsoft-survey/76152/> (Last visited on 31 July 23)

¹⁰ *S. Rangarajan v. P. Jagjivan Ram*, 1989 SCC (2) 574

But the truth is media organizations favor breaking news over long-form investigative journalism because it requires time, money, and expertise. In a utopian world, media will be like a knowledge channel but in reality, it is turning into a source of pure entertainment. Even some news channels lack specialized journalists covering specific domains like economics or foreign affairs. This generalization was evident during the coverage of the 2016 demonetization's economic implications, where journalists with limited expertise commented on intricate financial matters or COVID matters when the panel mostly consists of non-doctors, or defense issues where non-specialists are participating in debates.

6. **Invading The Privacy of Individuals and Insensitive Reporting** (especially during sensitive and tragic events such as suicides, accidents, or other tragic events): During the 2014 Nepal earthquake, some media channels were accused of broadcasting footage of grieving victims without their consent.¹¹ The media outlets 2014 allegedly encroached on the privacy of prominent Indian politician Shashi Tharoor's wife Sunanda Pushkar, sharing photos and sensitive details about her personal life with other media outlets once she was found dead in her hotel room. In the aftermath of a terrorist attack, some news channels often replay graphic footage of the incident repeatedly like during the 26/11 Mumbai attacks in 2008, causing panic and anxiety among viewers and compromising responsible reporting. Some news channels have been criticized for not respecting the boundaries when interviewing victims of crime, not blurring the faces, or sharing information about the accused on public platforms, etc. As observed by ethics watchdogs and the public it wasn't an isolated case of media apathy and privacy boundary violations.

7. **Celebrity News and Entertainment:** In the Indian media, there is a significant proportion of celebrity news and entertainment that is sadly overshadowed by substantive news reporting. The line between news and entertainment has become increasingly blurred, with infotainment content like growing media focus on stars and their personal lives leading to invasive reporting and sensationalized coverage with Headlines like "Big Bollywood Star's Shocking Confession

¹¹ [Utpal Parashar](https://www.hindustantimes.com/world/nepal-earthquake-indian-media-faces-complaints-about-insensitivity/story-uiDOyFUwKcxnwRdwFun9GL.html), Nepal earthquake: Indian media faces complaints about 'insensitivity', Hindustan Times, (31 July 23, 7:23 PM), <https://www.hindustantimes.com/world/nepal-earthquake-indian-media-faces-complaints-about-insensitivity/story-uiDOyFUwKcxnwRdwFun9GL.html>

- You Won't Believe What They Revealed!", "Celeb Couple's Divorce Announcement - Fans Heartbroken!", tantalize readers with the promise of a jaw-dropping revelation by a prominent actor or actress, these clickbait headlines abound, with Indian news outlets employing attention-grabbing tactics to entice readers. Events like the weddings of actors, cricketers, politicians, and the IPL cricket tournament dominate headlines, attracting massive public interest so the release of blockbuster movies by stars and the glitz of film awards ceremonies contribute to the entertainment frenzy.

While some argue that such coverage reflects the nation's fascination with the entertainment industry and with time scope and field of journalism have expanded like coverage of Red carpet events, airport looks, celebrity interviews, behind the scene coverage, celebrity lifestyle and homes, music and film review, box office prediction, celebrity scandals and gossips, fashion statement, etc. Instances of celebrity social media feuds and endorsements further feed into the culture of celebrity news. They argue that they cater to the demand of their audience but on the other hand some express concern over the diminishing space for serious journalism. There have been numerous cases highlighting the ethical challenges of invasive reporting on celebrities' private lives as tabloid journalism continues to thrive. In a media landscape that increasingly integrates entertainment and news, finding the right balance between entertainment news and substantive reporting remains a challenge.

- 8. Degrading Debating Standards:** Instead of facilitating thoughtful debates that shed light on various perspectives and considerations, during the coverage of important national issues, such as the implementation of controversial policies or contentious legislative proposals, some news channels resort to orchestrating confrontations between guests with opposing views. It is all too common for these debates to devolve into shouting matches, personal attacks, and a constant struggle for air time, which leaves no room for any meaningful insights or thoughtful arguments. Anchors and panelists are encouraged to engage in inflammatory rhetoric and emotional outbursts to garner attention and provoke reactions from the audience perpetuating a culture of combative journalism.

One area where degrading debating standards have been particularly evident is the coverage of political news and election campaigns. It is often the case that debates devolve into character

assassinations and baseless allegations instead of providing a platform for candidates to present their policies and visions. Moreover, a new form of debating culture has emerged where people from opposite political, social, religious, and cultural spectrums are invited upon and pitched against one another leading to no productive debate but rather mudslinging at each other. The rise of social media has exacerbated the effect of degrading debating standards, as short video clips and sound bites are spread widely, fuelling polarization and misinformation, similar to what happened recently in Nupur Sharma's case.

9. **Hyper-Nationalism or fear-mongering:** During the Doklam standoff in 2017 between India and China or in general during instances of cross-border tensions or conflicts with Pakistan the media blowing the ultra-nationalist trumpet can be witnessed ultra-nationalist discourse veering toward sensationalism or oversimplification. This standoff was portrayed by some media outlets as a battle between heroic Indians and aggressive Chinese soldiers near the tri-junction between India, China, and Bhutan. It was portrayed as a symbol of national pride and sovereignty, emphasizing Indian pride and sovereignty as well as evoking patriotism by anchors and panelists, who praised India's strength and painted it as a beacon of resistance against China's expansionist ambitions.

In the media's coverage of this issue, a nuanced and detailed understanding of the geopolitical context, historical factors, and diplomatic implications of the standoff was lacking, as are various perspectives and expert opinions. Even though patriotism is perfectly fine, and even required at such times, chest-thumping and jingoism often lack the accurate, balanced, and in-depth analysis of the issue, which is of utmost importance if we want to foster well-informed public and engage in constructive dialogue.

10. **Media Ownership and Pluralism: Media Ownership and Pluralism:** In 2012, one of the country's largest conglomerates, Reliance Industries Limited (RIL), acquired a majority stake in Network18/TV18, which includes CNN-News18, CNBC-TV18, etc. With RIL's substantial influence over Network18/TV18, questions emerged regarding the independence and credibility of their news reporting, particularly when covering stories related to the conglomerate or its business interests. When there is a handful of major media houses, it leads to potential conflicts of interest and biases in reporting as the lack of diversity in media ownership can limit perspectives and lead to skewed narratives, Moreover, corporate influence

on media content raises concerns about the independence and credibility of news reporting that are unfavorable to the business or its associates.

The findings of Reporters Without Borders' "Media Ownership Monitor India" report released in 2020, point out the alarming concentration of media ownership by a few conglomerates in India, raising concerns regarding media pluralism and independence in the country.

11. **Media Trial:** Prematurely declaring a suspect guilty before a jury verdict or during a criminal trial may undermine the right to a fair trial by creating public mistrust and biased perception of guilt or innocence. It doesn't matter whether it's the Noida double murder case involving teenager Aarushi Talwar, in which many outlets prematurely portrayed her parents as guilty, or Sanjay Dutt's guilt in the Mumbai bombings case before the court delivered its verdict, the media trial is a significant issue, as multiple courts have emphasized time and again.

A court in *State of Maharashtra v. Rajendra J. Gandhi*¹² court found certain interviews and confessions of the accused were published in a newspaper during a criminal trial. As a result of public scrutiny, sensational reports, and speculative opinions, the system can be negatively affected, leading to a detrimental effect on the integrity and fairness of our justice system. Considering this, we wonder how fairness and impartiality can be balanced with free speech.

RR Gopal v State of Tamil Nadu,¹³ otherwise known as the "Auto Shankar case," involved the accusation that an article was published by the accused accusing a senior police officer of conspiring with the criminals involved in the case, resulting in the officer filing a defamation lawsuit to stop the magazine's publication. Despite acknowledging the importance of press freedom, the Indian Supreme Court also recognized the balance that must be struck between freedom of speech and other fundamental rights, such as the right to reputation. The mere fact that a matter is of public interest does not justify publishing defamatory content without proper verification. Rather than condemning journalism in general, the Court highlighted the importance of responsible journalism in this case.

9. **Attacks on Journalists and Press Freedom:** There is alarming evidence of attacks against journalists and press freedom in India according to groups such as the Committee to Protect

¹² *State of Maharashtra v. Rajendra J. Gandhi* (1997) 8 SCC 386

¹³ *RR Gopal v State of Tamil Nadu*, 1994 SCC (6) 632

Journalists (CPJ) and Reporters Without Borders (RSF). In 2021, India jailed seven journalists, while five journalists were reported killed because of their work, an alarming situation for journalists.¹⁴ As per the latest report released by global media watchdog Reporters Without Borders (RSF), India's ranking in the 2023 World Press Freedom Index has fallen to 161 out of 180 countries in comparison to the 150 rankings it held in 2022.¹⁵

An example of the danger journalists in India face when reporting sensitive stories is Shantanu Bhowmick, a reporter for a local television station in Tripura. Adding to concerns about journalists' safety and security when reporting on politically sensitive issues. Bhowmick got killed in September 2017 while covering clashes between two political groups. As a result, it points to the risks journalists face when they report on politically sensitive issues, in hostile environments, and on extremely controversial subjects raising concerns about their physical as well as mental well-being.

In the past, journalists who covered environmental matters, land disputes, or corruption in politics have been physically attacked or threatened by vested interests seeking to stifle unfavorable reporting. Gauri Lankesh, a prominent journalist and critic of right-wing extremism, was assassinated outside her Bengaluru home in 2017. By creating a climate of fear, attacks like these undermine press freedom, as journalists are likely to self-censor, affecting their ability to hold power accountable. In a recent case of Arnab Goswami,¹⁶ the Supreme Court granted interim bail to journalist Arnab Goswami who was arrested after being accused of abetment to suicide. Observing that the petitioner's liberty was at stake, and protecting journalists' rights was essential during criminal investigations, the court observed that he was entitled to interim bail.

MEDIA REGULATIONS AND LAWS:

As far as the Indian media industry is concerned, there are a number of laws and regulations that govern the industry, including guidelines for ethics in reporting, protections granted to

¹⁴ [Roshna Arafa Ali](https://www.deccanchronicle.com/nation/current-affairs/101221/india-has-highest-number-of-journalists-murdered-for-their-work-cpj-r.html), India has highest number of journalists murdered for their work: CPJ report, Deccan Chronicle, 3 Aug 23, 6:09 AM, <https://www.deccanchronicle.com/nation/current-affairs/101221/india-has-highest-number-of-journalists-murdered-for-their-work-cpj-r.html>

¹⁵ The Hindu, <https://www.thehindu.com/news/national/india-slips-in-world-press-freedom-index-ranks-161-out-of-180-countries/article66806608.ece>. (Last visited 4 Aug 23)

¹⁶ Arnab Goswami v. Union of India (2020) SCC Online SC 953

journalists, limits and responsibilities imposed in their line of work, prohibitions on the dissemination of false information, and penalties for violations.

- 1. Freedom of the Press:** The Indian Constitution guarantees freedom of speech and expression under Article 19(1)(a) as a fundamental right. It also provides for freedom of the press, allowing journalists to report on various issues without government interference or censorship. Nevertheless, this right is not absolute and can be stifled by reasonable restrictions, such as those related to ensuring the sovereignty, integrity, and security of the state; maintaining friendly relations with foreign countries; maintaining public order; preserving decency, morality, and contempt of court; and incitement. Many notable cases have dealt with freedom of the press in India, including *Romesh Thappar*,¹⁷ *Bennett Coleman*¹⁸ *Indian Express Newspapers (P) Ltd*¹⁹, *Sakal Papers (P) Ltd* ²⁰, *Sahara India Real Estate Corporation Ltd*²¹, *Shreya Singhal*²² among others, which contributed to the interpretation of Article 19(1)(a) of the Indian Constitution.
- 2. Defamation Laws:** If journalists publish false information that damages someone's reputation, they can be punished under civil (under tort) or criminal (under IPC) law. It typically involves paying monetary damages to the affected party for the harm to their reputation, which varies based on the court's judgment and the severity of the damage, while Indian Penal Code sections 499 and 500 cover criminal penalties. As part of the lawsuit *Subramanian Swamy*,²³ a prominent public figure and politician sued certain media outlets, journalists, and publications for defamation after certain articles and news stories were published that he claims were false, defamatory, and meant to hurt him. An increasingly information-driven society requires accurate and verified reporting, as the Supreme Court upheld criminal defamation laws and interpreted Article 21 of the Indian Constitution to include reputation as a part of life.
- 3. Contempt of Courts Act, 1971:** Journalists must avoid publishing anything contemptuous or scandalous against the judiciary. Reporting on ongoing court proceedings requires adhering to certain guidelines to ensure a fair trial and avoid prejudicing the proceedings. News articles by

¹⁷ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124

¹⁸ *Bennett Coleman & Co v Union of India*, AIR 1973 SC 106

¹⁹ *Indian Express Newspapers (Bombay) Pvt Ltd v Union of India*, AIR 1986 SC 515

²⁰ *Sakal Papers (P) Ltd v Union of India*, (1962) AIR 305

²¹ *Sahara India Real Estate Corporation Ltd v SEBI*, (2012) 10 SCC 603

²² *Shreya Singhal v Union of India*, (2015) 5 SCC 1

²³ *Subramanian Swamy v Union of India* (2016) 7 SCC 221

Rajendra Sail, alleging corruption against some Madhya Pradesh High Court judges sparked a controversy.²⁴ Ultimately, the Supreme Court ruled that the articles were defamatory and that journalists were required to protect the public from inaccurate or malicious information.

4. **Press Council Act, 1978:** The Press Council of India (PCI) is a statutory body and quasi-judicial authority established to oversee and regulate print media conduct. For example, PCI issued advisories and guidelines during the COVID-19 pandemic urging the media to verify news from credible sources before publishing it. This was because there were many misinformation, rumors, and false stories. To handle complaints about newspapers and journalists who published inaccurate or misleading information about the pandemic, a grievance redress mechanism was set up, complaints were investigated promptly and warnings and advisories were given to media outlets concerned to maintain ethical standards.

As can be seen from this example, PCI performs a number of functions like; it monitors the content of newspapers and news agencies for misinformation, sensationalism, and unethical practices, as well as providing a platform for public complaints and grievances. One of its primary functions is to regulate journalism and enforce accurate, fair, and responsible reporting standards. It offers training programs, workshops, and seminars and conducts research and studies to improve media standards. There is no doubt that PCI has been a strong advocate for Freedom of the Press and independence from external pressures for years. Aside from mediating disputes between media organizations, journalists, and other stakeholders, the organization works to find amicable solutions to improve understanding and collaboration. It advises the government on media laws and regulations, monitors compliance with various press laws and acts, and identifies areas that need fixing. Unlike television, radio, or any other media, the Press Council of India only regulates print media. For each medium, there are separate regulatory bodies or self-regulatory mechanisms responsible for maintaining standards and addressing complaints specific to that form of media.

5. **News Broadcasting Standards Authority (NBSA):** A self-regulatory body established by the News Broadcasting Association (NBA) in India, NBSA, that oversees and regulates the content broadcast by the country's news channels, just like the Press Council of India acts as a watchdog for print media. In the case of Sushant Singh Rajput's death, the NBSA received multiple complaints against a prominent news channel for its sensational and biased reporting. The

²⁴ Rajendra Sail v MP High Court (2005) 4 SCC 480

NBSA took notice of the incident and conducted a thorough investigation, finding that the news channel had violated its code of conduct by spreading unverified information and conspiracy theories. As a penalty, the NBSA directed the channel to tender an apology for its irresponsible reporting and to refrain from sensationalizing news in the future. This instance showcases the NBSA's role in holding news channels accountable for maintaining ethical standards in reporting. NBSA's role in holding news channels accountable for maintaining ethical standards in reporting is evident in this example.

6. **Protecting Journalists:** Journalists are not specifically protected by the IPC but by implementing relevant sections of the IPC, it can be ensured that they can function without fear of violence or intimidation by the government. Due to this, they are able to report fearlessly on critical issues without worrying about repercussions. The IPC provides protection for journalists in the following areas: assault (sections 323 and 352), criminal intimidation (sections 503 and 506), and more serious offenses like murder and attempted murder (sections 302 and 307).
7. **Privacy laws (Information Technology Rules, 2011, and The Digital Personal Data Protection Bill, 2023):** Journalists must be mindful of individual privacy and avoid publishing private information without consent or public interest justification. Aadhar's judgment²⁵ asserted the right to privacy under Article 21 of the Indian Constitution as a fundamental right. While the case doesn't directly involve journalists or media, it has big implications for privacy rights and can influence how journalists handle sensitive stuff.
8. **Right to Information Act, 2005:** This Act gives journalists and citizens access to government information, which is essential for investigative journalism and accountability. Common Cause Case²⁶, the Supreme Court upheld the validity of the Aadhaar Act. Regarding the disclosure of public information, the Right to Information Act (RTI Act) prevails over Aadhaar Act. The case has implications for privacy laws and the right to information, which can apply to journalists when reporting on sensitive matters or obtaining government records.
9. **Information Technology Rules, 2021:** It applies to online news platforms and publishers and provides guidelines that impose certain responsibilities on digital media platforms, including content and grievance redress mechanisms, to ensure ethical and responsible online journalism. There's no denying that digital media has become one of the most prevalent news sources these

²⁵ Justice KS Puttaswamy (Retd) & Anr v Union of India & Ors (2017) 10 SCC 1

²⁶ Common Cause v. Union of India (2018) 5 SCC 1

days. Taking into account the nature of social media, the Supreme Court upheld the constitutional validity of the Information Technology (Intermediaries Guidelines) Rules, 2011, in N Ram Judgement.²⁷ It's up to social media platforms and intermediaries to do their due diligence, delete objectionable content, and stop false news from spreading.

SOLUTIONS AND A WAY FORWARD:

Recently, **fact-checking communities** such as Alt News, BOOM Fact Check, India Today Fact Check, The Quint Fact Check, Fact Crescendo, Newschecker, Check4Spam, Factly, and SM Hoax Slayer have emerged independently or in collaboration with media outlets to provide accurate information. A fact-checking team led by the Press Information Bureau (PIB) of India debunks misinformation about government policies and initiatives. For authentic information and to verify claims, the government also launched several portals and platforms specific to the department. For example, to address virus issues during COVID-19, the "MyGov Corona Helpdesk" was launched shortly afterward. A similar approach is followed when it comes to election-related misinformation spread via social media platforms during elections and the Election Commission of India works in collaboration with social media companies in order to curb it.

Misinformation, online safety, hate speech, violence in digital media, and media accountability cannot be sacrificed to ensure freedom of expression. For this reason, the government has created a **regulatory framework focused on curbing disinformation in digital media**. Various social media companies have been at odds with the Indian government over misinformation rules, including Twitter, Facebook, and Google. For example, it is alleged that the government pressured Twitter to remove or label false information flagged by the government or independent fact-checkers during the Covid and Farmers' protests. The popular messaging app WhatsApp added a feature to limit forwarding and ads urging people to spot fake news. MediaNama, The Hoot, Breakthrough India, Digital Empowerment Foundation (DEF), and Center for Social Research (CSR) have spearheaded **media literacy campaigns** that promote critical thinking skills, educate the public about misinformation, digital literacy, and promote responsible media consumption through **workshops, campaigns, and awareness campaigns**.

²⁷ N Ram v Union of India (2019) SCC Online SC 1520

Media organizations can promote responsible journalism by establishing codes of conduct and improving **self-regulation mechanisms**. It takes a collaborative and comprehensive approach from a wide range of stakeholders, including media companies, regulatory authorities, and citizens. Besides establishing an independent ombudsman or ethics committee for monitoring journalists' and media professionals' actions, programs, and workshops that build their skills and capacity, responsible journalists can help accomplish this goal. Media organizations need to engage with their audiences and welcome constructive feedback from them to foster transparency and credibility. The **newsroom staff should be diverse**, open to different viewpoints, and inclusive. Further, the organization should fix errors, address public concerns, and disclose ownership and funding so the public can make informed decisions.

As a result of **collaboration and sharing of resources** both domestically and internationally, disinformation campaigns and declining revenue will be easier to handle, with a larger pool of talent and resources available at hand. Reporters Without Borders, the International Federation of Journalists, the International Centre for Journalists (ICFJ), and Media Freedom Rapid Response (MFRR), are among the organizations that work together to promote press freedom and defend journalists' rights by providing a stronger voice and providing direct legal, psychological, and material assistance to those at risk of being detained, jailed, or threatened due to their work, as well as providing rapid assistance to journalists and media workers. Through the unified front, voices that have not been heard are amplified, and experiences and solutions can be shared. The Commonwealth Human Rights Initiative (CHRI), for instance, has played an important role in promoting media freedom and transparency in India by advocating the Right to Information Act ²⁸ Several such international organizations and foundations have supported investigative journalism by working with Indian media outlets and journalists to do cross-border investigations. By understanding global issues, both parties can identify challenges, come up with solutions, build an independent media ecosystem, and initiate meaningful dialogues.

Public funding and subsidies, media grants, and fellowships provide technical skills and financial support for independent media. A good example of how governments can help

²⁸ The Commonwealth Human Rights Initiative, <https://www.humanrightsinitiative.org/programs/ai/rti/rti.htm>, Last visited on 5 Aug, 23.

independent media is the Madhya Pradesh government's scheme to assist small and medium newspapers facing economic hardship during COVID-19. In addition, the government's community radio initiative "Radio Bundelkhand"²⁹ which broadcasts educational, agricultural, and healthcare programs and tribal cultures and languages, not only promotes rural awareness and helps states develop, but also empowers marginalized communities. Similarly, **Startups and independent media ventures** are supported by media incubators and accelerators by providing mentoring, workspace, technical support, and funding and resources. Getting **awards for excellence in journalism** is a great motivator for journalists to keep on seeking out new and untold stories, and revealing the truths that surround them. These include the Ramnath Goenka Excellence in Journalism Awards, Red Ink Awards, Statesman Rural Reporting Awards, Press Council of India National Journalism Awards, Chameli Devi Jain Awards for Outstanding Women, and many more. In the form of these awards, the ones on a pedestal are appreciated, but there are many other budding journalists that are striving to reach that level but need exposure, recognition, **scholarships, and sponsorships** in order to continue to develop their talents and sustain their careers. There are numerous agencies and organizations that reward outstanding journalism students, for example, Jamia Millia Islamia University awards the Aga Khan Fellowship for Excellence in Journalism.

Despite identifying the challenges and taking multiple steps toward implementing solutions, there is still a long way to go in order to win the battle. It's like climbing a mountain; every step requires a lot of effort, and the summit is still a long way off, but it's worth it, and the progress we've already made is encouraging to the ones who're dedicated to making it.

CONCLUSION:

In today's media landscape, Lord Northcliffe's quote, "News is what someone does not want you to know. Everything else is advertisements," holds relevance. As social media grows, polarised discourse intensifies, clickbait culture becomes more common, malicious actors emerge, commercial interest spikes, political influence increases, and backdoor deals occur, it becomes increasingly difficult to discern what's true and what's not, what's real news and what's just traffic bait. Sadly, the truth and integrity of the profession and industry are dwindling.

²⁹ Digital Knowledge Centre, <https://digitalknowledgecentre.in/listings/radio-bundelkhand/>, Last visited on 5 Aug, 23.

Edward R. Murrow, a renowned journalist once stated, "To be persuasive, we must be believable. To be believable, we must be credible. To be credible, we must be truthful." An important quality for a journalist is to be truthful, verify the facts, examine alternative perspectives, avoid sensationalism, analyze sources and circumstances, be unbiased, open-minded, and be able to accept criticism if he or she does something wrong. The success of a journalist comes from approaching the job as a craftsman, taking great pride and care in every detail of their work, and ensuring that it is accurate and honest at all times.

