



“INTRODUCTION TO MEDIA LAW AND ETHICS”

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CHAPTER 1 INTRODUCTION TO MEDIA LAW

What is Media law?

Before getting into the subjective knowledge of media law one should understand the term media what does the media mean? Media is the communication channels via which we communicate news, music, entertainment, educational, marketing communications, and other data are referred to as media, which represents the plural of the word medium. It comprises print and digital newspaper, journals, advertisements, radio, television, the Internet, fax machines, and telephony.

It highlights the numerous channels society uses for communication. Since it encompasses all forms of communication, the term "media" can be applied to describe anything from a telephonic conversation to the news channels on television.

Mass media is a term used to describe a method of communicating with a very broad audience. Local media includes things like your neighbourhood newspaper and local/regional radio/TV stations.

Media is the medium or instrument used to store or transmit information, while communications is the process through which humans communicate data using a variety of means. The term "media," which is also frequently used to refer to the "media," refers to the printable and digital resources over the internet, including newspapers, publications, radio, and broadcast, as well as the Internet nowadays. The media, sometimes referred to as the "Fourth Pillar," is the watchdog of political matters, educating the public and likewise and serving as a platform to argue for the opinions of the general public before those in charge of managing public affairs. The Latin word 'medius' is where we get the word medium (middle). The Latin word converse is the source of the word communication.

The branch of law known as media law encompasses all forms of media (Television, -number of legal areas, such as but not restricted to commercial, financial, copyrighted material, media, and confidentiality. A legal area known as "media law" includes the following: broadcasting, advertisements, Censoring, Secrecy, Digital rights, Commercial law, Tort, Web information liberation computer Communications Security.

Types of Media

Media can be broadly classified into four categories:

Print- Media **Newspapers**

For a sizable portion of readers, newspapers are an essential provider of what going around. It could be an everyday or monthly newsletter, either national or local. Newspapers provide the display of extensive content that users can access on

the go. It enables rapid dissemination of thorough media attention as well as other data with reader-interesting aspects. It is teams are more productive medium since readers must put out some time to actually read the information. It is inexpensive and widely accessible.

There are various types of newspaper available based on location like national, local, international or could be based on regions language like local language newspaper.

Magazine

A magazine is a type of specialised promotional tool that caters to the recreational, informative, as well as other specific requirements of users, companies, and sectors. A publication offers the opportunity to display a thorough promotional memo together with images, visual representations, colours, etc. Because viewers pay a higher cost for them and magazines are not thrown away within a week of reading them, it is a significant perceived medium. Native, local, international, and weekly, month by month, and quarterly articles are the few categories for magazines.

There are various types of magazines serving special purpose like magazines relating to consumer goods, fashion, food, business, film and other such magazines for general information and entertainment

Business Publications

Trade articles promoting corporations, sectors, or professions are included in commercial periodicals. It may be released every week, once per monthly, or once a quarter. Readership typically consists of company supervisors, directors, entrepreneurs, educators of company, etc. It can be divided into Trade Journals and specific Journals

Broadcast Media

TV Advertising

People who are subjected to radio and television typically get their news and content from television. It is thought as being the most reliable, compelling, and effective media for interacting with a sizable population. To elicit audiences' compassion, it consolidates visual imagery, audio, motion, and hue. It enables the progress of innovative and artistic media advertising in a special way. Because the viewer has no impact on the type and speed of ad campaigns, it is regarded as overbearing.

Radio

Users and advertising companies alike consider broadcasting to be a leading mass medium. Its reach is extensive. It reaches a big audience from across entire nation with the advertisement's content. Even now in remote regions, industrial radio is practised in urban areas.

In India, broadcast airtime is typically purchased in slot machines of 7, 10, 15, 20, or 30 seconds. It is among the least intimate forms of communication and has benefit above other types in regards to accesibiliy, economic viability, and selection. The accuracy of the script, associated audio, and degree of disruption all affect how effective a radio advertisement is.

Outdoor or Out of Home (OOH)

Cinema and Video Advertising

The cinema is a well-liked method of entertaining with patrons from all social and racial backgrounds. Daily, a sizable no. of individuals downloads movies. To transmit the advertisement message, movie theatres and tape recordings are used. Before movies and teasers, advertisements with ads are displayed. Depending on a screenplay, marketers can build a demonstration for display or 35mm commercial films. It uses vision, audio, hue, and motion to convey a creative statement, much like TV. Regional sponsors' advertisements are present in movie rentals. Network providers are also capable of showing advertisements.

Internet Media

Internet

The web is a global media that offers ways to share data via a network of linked devices. It is a type of marketing that is expanding quickly. It is the media of the coming future that provides countless options for marketing. It entails using the internet to promote a business or e-commerce site to a global audience.

Need for Regulation of the Media

Management of the media conduct, organisation, or substance of media could fall under this category. Defamatory statement and defamatory would've been prohibited by legislation, along with provisions pertaining to movies, immorality, blasphemy, insurrection propagated by the press, and matters of public safety. The protection of confidentiality laws, rules safeguarding copyrights, and laws banning threatening riots or racism and hate, obscenity, etc. all would benefit from media regulation. In order to moderate or monitor the veracity of the data that is released, it is necessary to regulate the media. Information that is shown on tv or printed in a newspaper ought to be truthful and based on real events; it ought to be a fair assessment of the events rather than a "viewpoint" of what has occurred.

Furthermore, media regulation is crucial to guaranteeing the diverse cultures of television programmes and to enabling unrestricted expression of different ideas and perspectives. The current expansion of the multimedia and broadcasting sector has been fuelled through the use of web for consuming media. Recently, customized video material has been made available on Channels, perhaps in response to user expectations and wants. The items made available throughout this network are blatantly unethical; they frequently contain profanity, immorality, offensive language toward religion, and defamatory material, yet nothing can be done about it because there is no regulation that governs OTT services. This network should be governed by particular regulations or legislation to ensure cultural diversity

CHAPTER 2

MEDIA LAW AND DEMOCRACY

Notion of Media and Governance

The media play a significant role in providing the democratic electoral structure and personal freedoms with a strong proportion that ensures honesty and accountability throughout all spheres of governmental endeavours. The public is deciding which organization would serve it best if it were to gain a majority owing to the main stream media efforts to put out even the reality and expose ideological injustices. The government tries to influence the people via all the press, which is connected to the people. The goal of the press representative democracy is to provide a clear, equitable structure by establishing guidelines that will alter the general interactions to provide media and local media exposure. The direct democracy governmental ideals included in the press cast a ballot model are the reason why it differs from private ownership. It affects ideas like socialism, female empowerment, and other things.

Democratic consensus in the media and our administration strengthens its ties with the public. It promotes measures like encouraging locals to participate actively and increasing reporting of local news. According to the mainstream press administration's approach, every member of the common population needs to have a high level of education in order to be engaged in some important subjects and participate in free discourse. It is essential to support the concept of democratic media that adheres towards the principles of openness or thoroughness.

Important Element of Media in Democratic System.

According to the Judiciary, press freedom is fundamental for a parliamentary government to function. The increment of media has revealed unpleasant tendencies of conflict, leading to sensationalist reporting that ignores the long-standing rule of post. It had been suggested that such press previews be subject to some sort of restriction to ensure that benefit both people and the equity institution. However, there are a number of advantages to press in a democracy. A vital component of a democracy is the press. Here are several examples:

- Identify the issues with the state's governmental structure as it currently operates.
- development of democratic principles and information linked to them to ensure anti-corruption laws.
- functioning as a link in the public-government communication network.
- Increase the political state's efficiency and accountability.

Constitutional Position on Media Law

Freedom of Press

Regarding whatever type of information exchange, along with text (publications, advertisements, journal articles, news stories), sound (broadcast, recordings), live stream (television stations, OTT platforms such as Video content), as well as other digital means of channels like messaging apps, newsfeeds, etc., the freedom of the press relates to the limited intervention of the nation in the procedure of the public.

According to House Of lord, "publishing even without licence subjected to the repercussions of law" constitutes media freedom. We could consequently infer that possessing the opportunity to communicate one's personal opinions without seeking advance legal approval is referred to as having the right to free speech.

Why is there Freedom of Press?

According to Indian Newspapers v. Union of India, the goal of the media is really to support the national good by publishing the data and viewpoints that the nation's citizens need in order to arrive at accurate judgements. The core of social and political interaction is open media. The supreme courts primary responsibility is to defend free expression and reject any legislation or executive acts that are in contravention of the constitution.

An open and impartial media serves as the foundation of a civilized society that is responsible of important and individual thought and types its opinions about the state and the authorities after carefully examining the published facts. The media serves as a vehicle for providing information and disseminating important data on current events, advancements, and occurrences of nationalism to the entire population.

Freedom of Press – Article 19

Indian constitution has guaranteed some basic fundamental rights to all of its citizen including Freedom of speech and expression under part 3 of constitution and freedom of press is an inherent part of right to freedom of speech and expression. Dr Bhim Rao Ambedkar have stated that freedom of press is the merely expression of people therefore there is no need for separate law on freedom of press it will be an integral part of article 19(1)(a)

Nature of Freedom of Press under Article 19

Freedom of press include several aspects on how people choose to express themselves and spread information or to say express their viewpoint to general public including freedom to spread information, right to criticize, freedom on collecting information, right on taking interview, right to publish court proceedings, freedom on publishing legislative act or amendments, right to broadcast and many such rights are covered under right to press which is a part of freedom of speech and expression.

Freedom to publish information

Freedom to press is meaningless if there is no right available to circulate it, although this is implied in the freedom of expression, despite the fact that *Romesh Thapar v. State of Madras*¹ makes this right explicit in nature The primary distinction between freedom of the press and freedom of expression for a citizen is that even the former allows for printing on some kind of variety of media, including printable, radio, digital, etc., while the latter allows for mass communication. As a result, the ability to disseminate knowledge is integral to journalistic liberty.

Right to criticize

The press has the freedom to criticise the administration, its leaders, its policy, its activities, its legislation, its pronouncements, and so on., same as people do. The media may, however, misuse this liberty by inciting the populace opposing the administration or by supporting protests, insurrections, mutinies, or other threats to the stability of the country or the administration.

Right to gather information

Lack of awareness prevents the press from instructing the general public and renders the ability of free speech meaningless, since there is insufficient accessibility to the content that can serve as the foundation for any communication.

Right to conduct interview

This right is essential for educating community as a whole and obtaining direct understanding from actual subject professionals on specific topics. There seem to be three limitations to this privilege, despite the fact that it is not unconditional:

1. The interviewee must give his or her approval before the discussion can begin;
2. The interview must end whenever the interviewee decides it should;
- and 3. The interviewer cannot make the interviewee respond to any questions beyond his or her choice.

Right to publish court proceedings

The essence of law, in the terms of Jeremy Bentham, is transparency. The Supreme Court ruled in *Sahara India Real Estate Corpn ltd v. SEBI*² that the press has a liberty to comment on legal processes. The Supreme Court ruled in *Saroj Iyer v. Maharashtra Medical (Council) of Indian Medicine*³ that the freedom to publish accurate accounts of the court procedures one has observed exists even when doing so in opposition to quasi-judicial institutions.

Right to attend and report legislative proceedings

The Indian constitution has guaranteed several rights including right to publish authentic reports on admiration activities under article 361 of the Constitution with only a restriction on it that it should not be for any malicious purpose.

Right to operate as a forum for commercial

We are aware that the vast majority of outlets — either it be a radio show, news station, smartphone platform, or magazine — rely heavily on advertising revenue. The Supreme Court included the capacity to commercial as an element of the equality to express oneself following *Tata Press v. Mahanagar Telephone Nigam*⁴.

¹ Romesh Thapar vs. state of madras 1950 AIR 124, <https://main.sci.gov.in/judgment/judis/1245.pdf>

² C.A. No. 733 of 2012

³ AIR 2002 Bom 97, 2002 (3) BomCR 416, (2002) 1 BOMLR 504, 2002 (1) MhLj 737

⁴ 1995 AIR 2438, 1995 SCC (5) 139

Right to broadcast

Capacity to broadcast is crucial in today's digital age as it represents one of the main forum for content dissemination. This freedom extends to online content like webpages, forums, and phone apps as well as transmission on both radio and television news broadcasts.

Reasonable Limitations on Press

Unregulated liberty, or freedom without any justifiable limitations, is known to undermine the exact goal of providing such liberation in the initial place—that is, to strengthen people it causes personal rights to collide with each other. The following are the justified restrictions placed on Article 19(1)(a), that are applicable on the free press because it draws its authority from such a provision.

Sovereignty and integrity of the nation

It was added through an amendment to curb the uncontrollable outbursts of the masses who may have been demanding distinct things for the various fragments of India. Any statement or kind of communication that undermines the sovereignty or independence of the nation would fall under this limitation. The liberty of speech and expression cannot be permitted to be utilized as a tool to undermine the security or legitimacy of the nation.

Nation security

The practice of the right to open speech is not permitted in whatsoever way that poses a risk to national defense. This prohibition may apply to every statement that encourages citizens to rebel, start a riot, or other forms of discontent to against government as well as its subjects.

The Supreme Court ruled in the case of Bihar State v. Shailabala Devi⁵ that anyone's speeches—citizen or noncitizen—that incite others to commit crimes like dacoity, killing, theft, etc. pose a clear danger to the safety of the nation. So, the decision to restrict or limit such connection will be seen as bias against the state's independence or integrity.

Morality

The state has the right to restrict a person's free speech in order to uphold decency or civility in the nation. Sections 292 to 294 of the IPC elaborate on this subject in more detail. The aforementioned parts include a variety of actions that are considered crimes, including selling pornographic material to children and making lewd expressions in society. In Ranjit Udeshi v. State of Maharashtra⁶, the Supreme Court ruled that S. 292 of the IPC is legitimate because it forbids obscene in public settings and promotes morals and common decency. In Chandrakant Kalyandas Kakodkar v. State of Maharashtra⁷, the Supreme Court added that when addressing the issue of morality, the court must take into account that if the act was moral or immoral to affect the minds of young generation negatively or if there was a chance that their mentality would become morally corrupt when addressing the issue of civility and morality.

Misconduct in Court

There is no question that sustaining and promoting equality and fairness are equally important to society's growth as is the right to speak and express oneself. The right to free speech and expression is acknowledged, but it cannot be used to overturn a court's decision in favour of justice.

The SC is authorised to impose sanctions for misconduct of court under indian constitution under Article 129, while the HCs are authorized by Article 215 of the constitution. Furthermore, it was decided in the case of C.K. Daphtary v. O.P. Gupta⁸ that Articles 129 of the Constitution and Section 228 of the Indian Penal Code are legitimate and fall under the ambit of justifiable restraints outlined in Article 19(2) of the Indian constitution.

Defamation

Defamation expressly forbids harming an individual's image in name of their right to free speech or opinion. A number of strong restrictions are put on freedom of speech and expression including one such as the act of defamation, which is defined as doing harm to someone's character.

Nobody has the right to use any word, sign, or action to subject another person to hatred, mockery, or disrespect. The Civil Laws of Torts forbid defamation since it is seen as a highly serious offence. Moreover, it violates S. 499 of the IPC. It is evident that everything has a justification under the legitimate constraints of Article 19(2) of the Constitution.

Cordial relations with foreign nations.

Such element, like "public security," was added to Article 19(2) of the Constitution through the Constitutional (First Amendment) Act of 1951. The fundamental reason for adding such ban would be to combat false and negative communication against another foreign entity that might have cordial relations to the Indian nation.

⁵ 1952 AIR 329, 1952 SCR 654

⁶ 1965 AIR 881, 1965 SCR (1) 65

⁷ 1970 AIR 1390, 1970 SCR (2) 80

⁸ 1971 AIR 1132, 1971 SCR 76

These actions could compromise the administration's attempt to establish and uphold good connections with other countries and produce fruitful outcomes for India. The Supreme Court ruled in *Jagan Nath v. Union of India*⁹ that all commonwealth nations are sovereign regions for the purposes of Article 19 (2). Yet, an additional point to be reminded of is that when it comes to the purposes of the Indian constitution, members of the Commonwealth, including Pakistan, are not considered to be citizens of state actors.

Incitement to commit an offense

The conduct of inciting or aiding a crime is considered a separate and distinct violation per se by criminal law. It would be deemed a danger to the civil security to use one's right to free speech or expression to encourage criminal behaviour.

The Constitution (First Amendment) Act of 1951 included this justification for justifiable limitation in the law, along with the phrase "public security" and "peaceful connections with external governments." In *State of Bihar v. Shailabala Devi*, the Supreme Court ruled that any transmission that encourages criminal activity can be banned, as well as any judgment imposing such a prohibition shall be subject to the reasonable regulations envisioned by Article 19(2) of the Constitution.

The grounds for justifiable limitations listed above serve as a dividing line for the freedom of speech and expression, that also encompasses the press's rights. So, it may be concluded that the freedom of the press persists within the limits of justifiable limitations outlined in Article 19(2) of the constitution.

CHAPTER 3

GOVERNMENT REGULATIONS ON MEDIA LAW

The Ministry of Electronics and Information Technology oversees several components of online media since they include networks for digital technologies. Majorly Publication, theatrical films, television, and social media can be used to characterised as the Media & Entertainment sector in India. The Ministry of Information and Broadcasting (MIB) supervises all of these sectors; it is aided & maintained in its efforts by subordinated entities, independent institutions, state agencies, and government-owned businesses. The India Telecom Regulatory Authority (TRAI) also has a separate entity for programming and cable providers that is in charge of establishing the entire regulatory environment for the programming and tv Service industry in respect to interconnectivity, customer service, and pricing considerations.

Publication/Print media

The publishing media in India are governed by the MIB (Information Wing). The licensing requirements and obligations of writers and editors of journal and textbooks are outlined in the Press & Registration of Books Act of 1867 and the Licensing of Newspapers (Central) Rules of 1956.

Press & Registration of Books Act of 1867

The British Government enacted the Press and Registration of Books (PRB) Act 1867 specifically to limit what something perceived to be the media's part in the "mutiny of 1857." But, since it was simply applicable to English-language publications, it was cleverly implemented. Since a more restrictive law, the Vernacular Press Act of 1878, was on the horizon, it became considered to be of a supervisory existence. Fortunately, the VPA was revoked in 1882.

It is odd that after India gained its independence, succeeding administrations have never renounced the PRB of 1867. It is obvious that the act assisted regimes in regulating academic publishing, controlling the media, and unintentionally restricting free press. On its own, the law is very liberal and obviously intended to "assist and restore information."

The statute has undergone numerous adjustments, yet despite these changes, many people still have issues with its total measure. Printing books hasn't actually happened.

Even though there had being isolated instances of opportunistic police going after authors, participation has indeed been straightforward. Just the identity of the author and the printing press in which the volume was produced have been disclosed. Another crucial clause calls for recordings to be deposited in national academic libraries. A walk to some of these places showed that despite frequently being delivered, publications are stopped putting on the shelf.

Press Council of India

A regulatory authority called the **Press Council of India** is in charge of upholding free press, sustaining and raising the bar for news media institutions, among other things. Its duties involve performing examinations following claims that journals or news outlets have not violated any media ethics and standards or that editors or reporters have engaged in unethical behaviour. The minimum standards for certification of professional reporters are outlined in the newly published Central

⁹ [(1997) 2 SCC 87]

Media Accreditation Guidelines 2022 (the CMA Guidelines), that replace the old Central News media Accreditation Guidelines 1999.

The CMA Guidance have come under fire for allowing certification to be revoked for a variety of reasons, including when a reporter behaves in a way that endangers national defence, independence, or honesty, cordial diplomatic ties, or maintenance of peace, or when they are accused of committing a serious crime.

Central Media Accreditation Committee (CMAC)

A committee known as the Central Media Accreditation Committee shall be established by the ministry. The Senior Director General of the Press Information Bureau (PIB) shall preside over all the Committee, which will include up to 25 participants who have been appointed by the executive to fulfil the responsibilities outlined in these regulations. The CMAC will indeed convene once in every three months or more often, as needed, for the 2 years that followed the dates of its initial meeting.

What are other relevant Concerns?

The standards provide discretion to public personnel to decide which acts constitute defamation or harm to India's democracy or dignity when determining to either cancel or revoke an author's registration. An author's primary duty is to reveal injustice, if it comes from powerful individuals like lawmakers, public servants, corporate leaders, or large corporations. might occasionally lead to certain authorities attempting to frighten reporters or prevent the release of data. Reporters frequently cover topics and policies which the state would find objectionable. Every research piece on a delicate subject might be found to be in breach of one or more of these rules.

Films

Cinematograph Act of 1952

The certification of film making to display worldwide is governed by **the Cinematograph Act of 1952**. The concepts governing licensing of movies and types of accreditations are laid out in the Cinematograph Act when taken together with the Cinematograph (Registration) Regulations 1983. In order to regulate movies, the Cinematograph Act also created the Censor Board for Film Certification. The national government disbanded an appeal body (the Film Certification Appellate Tribunal) created under the Cinematograph Act through the Tribunal Reforms Law 2021. Artistic works and films and associated practises are managed by MIB (the Films Wing).

Digital media

The IT Code interpreted with the Intermediaries Regulation governs electronic channels like news portals, internet selected controlled and mandated, especially OTTs, and social networks. The Intermediaries Rules, among other things, require middlemen and media platforms channel partners to take precautions, like as clearly showcasing the consumer laws, cautioning users without using unauthorised or hateful speech, and establishing an effective dispute settlement framework for grievances about or directed at the middleman. While certain of these principles have really been questioned and are currently being reviewed by the Judicial Branch, the Intermediaries Regulations also create a code of conduct for content creators and distributors of digital quality information.

The Copyright Act of 1957

The Copyright Act of 1957, which defines all innovative intellectual, theatrical, creative, musical compositions as well as cinematographic movies, audio files, and software programs as productions wherein the copyright occurs, becomes a primary legislation that is relevant to the M&E industry. It establishes rules for the preservation and legitimate transmission of these characteristics, among other things, and defines the collection of privileges that make up a copyright in the various kinds of works.

Two factors are indeed the main objectives of copyright protection. primarily, copyright legislation was developed by countries to protect the creative output of authors, musicians, inventors, architects, and many other creators as well as the capital risk involved taken by filmmaking and audio production companies. Second, copyrights enable everyone else to openly build upon on the information and recommendations included in a work. It also authorises some unfettered activities of information that is protected by copyright. The breadth of these approved applications is described in the Copyright Act of 1957. Established by the ministry to fair access are incorporated into the Act in order to create the greatest available compatibility in between interests of the copyright holder as well as the public's health in the community.

Broadcasting

Cable Television Networks (Regulation) Act of 1995 (the CTN Act)

In India, satellite tv stations are governed by the Cable Television Networks (Regulation) Act of 1995 (the CTN Act) and the Cable Television Networks Regulations of 1994 (the CTN Rules). This involves creating rules for cable providers' registration certificate, setting guidelines for such programming and advertising that may be aired on broadcast tv, and establishing rules that transmitters must adhere to regarding the type and cost of networks. The Cable Television Networks (Amendment) Regulations 2021, published by MIB in June 2021, among other things, establish a three-tiered dispute resolution system that includes: (1) conscience by the broadcaster; (2) conscience committees of television companies; and (3) supervision by the government.

The Supreme Court is currently hearing arguments challenging the constitutional legitimacy of the clauses relating to the central government's supervision.

The Policy Measures for Networking of Television Channels from India and the Regulatory Policies for Downlinking of TV Networks govern the operation of media and quasi networks in India for all Indian and international enterprises. The registration, maintenance, and broadcasting of tv stations connected up in India for Indian customers are principally governed by the unlinking guidelines. The Downlinking Rules govern the certification and regulation of international TV networks that are downlinked into Indian directly or via an Indian firm.

The MIB published the Guide Lines on Establishing Public Media Outlets in India and the Regulatory Policies on Extension of FM Radio And tv Facilities Via Private Entities in the category of radio programming. Both set forth the licensing requirements, limitations on Radio broadcast programming, restricted conduct, and so on.

CHAPTER 4

MEDIA ETHICS

The ethical study is a subfield of literature that aims to answer morality-related concerns by redefining words like positive and negative, correct and incorrect, etc. The discussion of digitalization, journalism, and morality focuses on the fundamental ethical standards in the internet world, the mainstream press, and community since innovations have a variety of effects on how we conduct our daily lives. Our everyday lives are impacted by these socioeconomic, political, and informational changes.

Technology Ethical Principles

Technology ethics is a branch of philosophy that focuses on moral issues related to technical advancements, along with its possibilities, advantages, hazards, and restrictions, as well as their direct and long-term implications for society. It aims to comprehend and address the moral questions raised by the creation and widespread use of physical and electrical technologies. The word "techno-ethics," which combines the terms "tech" and "ethics," refers to the study of the how to apply advanced technologies ethically, how to guard against any abuse, and how to grasp the basic rules that should govern future technical advancements. The moral application of new technologies is essential in western age, especially in fields where they have a profoundly transformative influence.

Media Ethics

Among the various categories of ethics, known as media ethics, is concerned with the particular rules as well as regulations that the journalism, such as theatre, movie, and television news, would abide by. Completely addressing the ethical concerns raised by technical advancements has been the aim of digital media standards. Supporting and encouraging all principles, such as regard for all life, the legal system, and validity, are part of media ethics. The main goal of media is to provide readers the complete news and data they need on topics of critical interest in a balanced, factual, and decency-conscious way.

Ethics instructs us regarding how to gather & disseminate data, ensure the veracity of that media coverage, and use terminology which is appropriate for the community, together while bearing in mind how these changes will affect people, as the technological advances or digital technology has a profound effect on community. at present technically developed multimedia coverage, ethics focuses on moral principles of humanity, including the fact that press must not distinguish or incite hatred on the basis of ethnicity, spirituality, or to make judgements the innocence of an individual even without real verdict of the court. The right to confidentiality is also stressed in ethical discourse since such actions may put individuals at risk, which is wrong.

Journalism scandals are one of these instances that, while they may be unintentional or inadvertent, violate the commonly accepted standards of media ethics. Images and videos can be changed, and news can be edited to suit the demands. Businesses and governments both have a history of trying to influence public officials' behaviour through the news and television. Since any information that is depicted on television or published in the media today is taken as fact.

Although the media is expected to uphold recognised ethical standards, this practically never happens. Basic principles of media ethics include:

- **Authenticity and impartiality:** It is the responsibility of the press never to broadcast any material that is false since doing so will have a negative impact on general public across the board since the press has a significant influence on how people think and behave.
- **Media should respect people's privacy** because it can have a significant impact on their lives. Ethics emphasizes the responsibility to put no one in danger.
- **obligation not to gather materials dishonestly.**

- Obligation to publicly release the rejection of costs against or verdict of a someone whose journal has already originally published those costs had already been lodged or that a investigation had begun. The reason is that since the media has such a powerful impact on individuals, those users often base their choices on the data they get from the press.
- Obligation not to broadcast controversial content: Ethics places emphasis on the press to not promote racial, ethnic, or other forms of prejudice. News organizations ought to address basic decency norms.

Code of Newspaper Media Ethics in India:

Rule of Newspaper Ethical Journalism in India: A number of codes have occasionally being developed to help reporters in their profession

The AINEC code

A free media could only survive in a democratic country that is unfettered of casteism, as per an ethical code created in 1968 by the All-India Newspaper Editors' Conference (AINEC).

The media has a responsibility to aid in fostering cohesiveness and harmony in the public's minds and hearts and to avoid posts and updates that could arouse racial tensions or incite racial animosity.

Principle laid out in the AINEC code are-

- The dissemination of absolutely correct info has to be a goal for reporters. No information may be intentionally misrepresented or the pertinent details removed. No acknowledged incorrect news shall be disclosed.
- It is presumed that all available research and remarks are accurate. If accountability is denied, it will be made clear in the text
- Every time, confidentiality must be maintained. Technical discretion must be upheld.
- Every statement that is proved to be erroneous, as well as any comments made about incorrect news, must be willingly corrected. Whenever a news that was previously published is revealed to be erroneous or incorrect in significant details, it will be required to offer reasonable attention to a connection of disagreement.
- Journalists are not allowed to use their position for anything other than reporting.
- Reporters must prevent individual interests from influencing their work.
- Nothing is more dishonourable than for a reporter to receive or demand payment in exchange for using his authority to grant or withhold exposure to information or comments.
- The ability to accurately gather and disseminate information, as well as the ability to voice opinions and make criticisms, are fundamental rights that each and every reporter should uphold.
- Reporters must be highly aware of their responsibility to their fellow members of the industry and must not try to use unjust measures to deny them a living.
- Press coverage of private disputes without reference to the public good shall be viewed as insulting to the integrity of the industry.
- Giving legitimacy to rumours or mindless chatter influencing the private lives of others is unethical. Even information that can be independently verified and has an impact on someone's personal life must be released only when the public benefit, as opposed to public curiosity, requires it.

Press council of India (PCI) code

The Press Council Act of 1978 established the quasi-judicial autonomous authority known as the Press Council of India (PCI). Under the suggestions of the first Press Commission, it was initially established in 1966 under the Indian Press Council Act, 1965. By upholding and raising the norms of Indian media organisations, the Press Council of India (PCI) aims to protect freedom of press.

Duties of the Press Council of India (PCI)

- assuring that publications can continue to operate independently.
- Set high expectations for news that is consumed by the public.
- Keep an eye out for any changes that could impede the free movement of knowledge or news.
- Create a journalistic code of conduct to ensure professional accountability.
- Create a behavioural standard for media organisations to uphold strict standards of professionalism.
- Give skilled reporters education.
- It promotes technical and other news-related research fields.

Powers of the Press Council of India (PCI)

- Whenever a publisher or reporter engages in unprofessional conduct or transgresses journalistic standards, the editors or reporter may raise an issue with the Press Council of India (PCI).
- It is PCI's responsibility to investigate any concerns it gets.
- It can request copies of government documents and invite witnesses.
- PCI has the authority to give cautions and condemn offenders; this includes journalists, newspapers, media agencies, and editors.
- The Press Council of India's judgments are irrevocable and can't be disputed in court.

Media and Social Responsibility

A much wider definition of social duty is provided to ethical journalism. The Press is assumed to have specific obligations built into or placed on them while reporting on events throughout the world, specifically obligations to the community it represents. Every time specific problems are published without considering the repercussions which would ensue, the issue of civic duty is brought to light. Every individual has the right to information. Media professionals might present your own viewpoints when the news gets out. The disclosure of certain information could result in an adverse effect in some circumstances. Hence, the issue of social accountability arises. The scope of social obligation and the rules governing its components need to be carefully considered. The theoretical foundation of the idea of social responsibility might be discussed. But applying these theories in the real world of professional reporting may be particularly challenging. It is difficult to achieve a more thorough comprehension of social obligation. The creation of media regulations must be efficient as well as have the capacity to enhance the function of the media.

Theory of Social Responsibility:

The social responsibility idea permits unrestricted media, and also requires that media contents be debated in open forums and that news organizations assume any obligations from democratic oversight, self-awareness and conscience, or both. Since it grants unlimited liberty on the one side but external constraints on the alternative, the concept straddles the lines among agenda-setting theory and libertarians theory. The media in this instance is privately owned. The concept of social responsibility goes above straightforward news reporting to include "interpretive research" journalism (investigative reporting). The council for press freedom said that although the information is entirely factual and accurate, "no longer delivering information simply instead of providing an essential analytical or explanatory analysis on data with better report.

The notion promoted professional competence in the journalism by establishing a professional expectation for honesty, reliability, as well as intelligence. The following activities, that are focused just on social responsibility of journalism, were additionally discussed by the commission of press council:

- Comprise the journalist's ethical standards.
- Set higher standards for journalism.
- preserving the principles of reporting as well as of journalists.
- Whenever someone violates the norms of conduct, reprimand them but also impose a penalty.

The Theory Permits

- Everybody is encouraged to comment or express themselves regarding the press.
- Customer behaviour, public opinion, and ethical standards.
- grave violation of well-known individual rights and crucial public interests.
- Until state intervention is required to guarantee good media benefit, private media holding also offer superior social sector.
- The state or the other institution will handle personal accountability if the press does not.

The Socially Responsible Concept has its Critics:

- Acknowledging public sentiment helps to prevent confrontation in periods of crisis or war.
- Media is unable to exercise monopolies since this public and media experts would challenge any inaccurate information that is released, transmitted, or manipulated by the press.
- Media Norms may advance.
- Instead of concentrating on the current societal ruling elite, press will interest audiences of all classes.
- While the press may operate independently, the state as well as other public organisations do have some responsibility over some matters.

In the media, responsibility is frequently defined as the process of providing documentation or other supporting proof to back up whatever has been stated. The media is responsible in the idea that the outcomes of the journalism are held against him or her. Either an ethical or a legal responsibility exists. The reporter is accountable for the information disclosure.

Although accountability is frequently described as expression of assertions to liability, duty is actually the recognised requirement for type of behaviour inside the bounds of duties and values. In this context, accountability refers to the duty of adequate supervision, maintenance, and protection of one's viewers. The interests of community are given primary consideration in social responsibility. The five essential principles for a fair and accountable media are concisely provided as from Committee on the Freedom of the Press, also known as the Hutchins Commission. While reasonable, these ideas lack specificity.

- an accurate, thorough, and insightful recounting the day's significant occurrences set within a framework that lends them significance;
- a platform for debate and sharing of feedback;
- the presentation of an image that accurately depicts the various social groupings that make up society;
- the outlining of the current societal objectives and core principles;
- complete accessibility to the knowledge that was relevant to the day.
- The press has a duty to society to present accurate and timely latest information and news and provide possibilities for different views to be acknowledged in the larger society.
- in enabling people to make an informed decision, it is important to ensure that almost all viewpoints are accurately reported.

CHAPTER 5

MEDIA TRIALS

A number of instances in which the press has seized matters onto its own shoulders and proclaimed a defendant to be guilty before any jury had indeed rendered its ruling. There are some famously instances that, regardless of the press's ferocity in influencing public sentiment and the court's decision-making, would've have resulted in the judge finding the defendant not guilty. These instances include the Bijal Joshi rape case from 2005¹⁰, the Priyadarshini Mattoo case from 2006¹¹, and the Jessica Lal case from 2010¹². Media trials refer to the process of proclaiming an alleged offender guilty even before court has rendered its decision. Irrespective of the judgement rendered by the legal system, it's the public reporting of the defendant's guilty as well as the imposition of a particular perspective about him. When legal cases have received a lot of attention, the media frequently plays a crucial part in stoking spectators' excitement and rendering it practically difficult for the case to proceed fairly. There are explanations for why some incidents receive a lot of extraordinary media coverage. These are the causes:

- Instances may include youngsters that are so violent or horrifying that the press feels the need to exaggerate it.
- A prominent personality might be part of the investigation as both a complainant and an alleged party.
- When famous people are engaged, the press's sway over public attitude has the potential to significantly alter how their alleged "fans" feel about them.

History of the Media trail

Media trials have a long tradition that dates back to the twentieth century. While being newly introduced, this phrase gets its origin first from 1921 trial of Roscoe "Fatty" Arbuckle, who was found not convicted by the jury yet destroyed all that he worked for and including character after being labelled "convict" by the press. O.J. Simpson's 1995¹³ trial is also another well-known incident in which the press had a significant role in publicising it and influencing public opinion much beyond its legal standing. Press coverage is frequently stated to represent the opinions of an individual taking a stroll. As a result, the press serves as a link among various people as well as the viewers. It has been thought, nonetheless, that the media must only disclose information about every individual after thorough editing and citing legitimate sources because they are falling under increasingly greater judicial scrutiny. Nonetheless, there are both positive and harmful uses for the press.

Effect of Media Trials

The rationale behind media trials lies in the fact that press has so far been effective in conveying activities that need to be concealed. Although the news serves as a gatekeeper and gives everyone a forum in which the public may learn about the events occurring in a country, it is crucial to understand that it has simply made the entire world prejudiced against by group of persons or either particular group. Simply by being offenders, although the individuals are yet to be convicted of a crime by a legal system, press trials often led to the inaccurate representation of suspected defendants and helped damage their reputations.

Criticism of Media Trial

In a democratic nation, the press is crucial. The four democratic pillars must operate freely with no interference with the operations of the different ones. In famous criminal cases such as Indrani Mukerjee case, the Jessica Lal case, etc., the journalists went too far in disrespecting the integrity of such legal system. Because of press engagement, a number of the convicted have been acquitted.

The matter was deemed to be extremely severe by a 3-panel headed by Chief Justice of India R. M. Lodha, who also said that now in the interest of balancing the liberty and contentions of the many parties, the Tribunal will take into consideration a few rules. The rules that the Court observes are as follows:

It is necessary for the Judicial Branch to investigate this matter in light of the rise in media trials, which cause the convicted to be publicly condemned based on material available from the policemen and attorneys while the legal process is yet to have begun.

The allegations of a press conference even by authorities as well as other prosecuting agency have indeed been treated seriously by the judges. Nothing ought to be undertaken to obstruct the prosecution's progress or confidentiality. Each of these require specific scrutiny since they are covered by Article 21 of the Constitution.

¹⁰ Cr. Case No. 215/2005 A12

¹¹ 2007 CriLJ 964, 133 (2006) DLT 393

¹² (2010) 6 SCC 1; (2010) 2 SCC (cri) 1385

¹³ People v. Simpson October 3, 1995

The concurrent procedure of a trial by media ought not to be tolerated whenever a trial has become underway in court. The Judicial Branch now is anticipated to examine formulating rules for the public reporting of criminal proceedings and briefings by the prosecuting authorities.

The Delhi High Court ruled in *Sushil Sharma v. The State (Delhi Administration) and Ors*¹⁴, 1996, that neither judgment would be predicated on a news story rather than the findings which have actually entered into the case. The presiding justice over the trial is intended to be impartial. The applicant would rely upon that refusal of such a fair hearing if the court bases his or her ruling on widely acknowledged news reports as this will give the impression that the judiciary is biased. Regardless of whether there is fewer either no reporting accessible, the penalty must be constructed using the information on file.

Eventually, as time passed, the intent behind media altered. In most circumstances, the press interferes with the supreme courts ability to do its job rather than merely reporting the case's specifics. In the biggest system of democracy, fraud has consumed at the very basis of such legal system. The litigant takes illegal actions to prevent the defendant of being found guilty, such as pressuring the prosecution to dismiss the complaint or trying to bribe public officials to falsify the facts. Press reporting of criminal proceedings has been proactive owing to this significant organizational inequality. By using a sensationalistic approach to reporting, the press has indeed been able to create a biased posture in the mind of the general people.

CONCLUSION

The media serves as a vehicle for providing information and disseminating important data on current events, advancements, and occurrences of nationalism to the entire population. An open and impartial media serves as the foundation of a civilized society that is responsible of important and individual thought and types its opinions about the state and the authorities after carefully examining the published facts.

A subset of law known as "media law" is devoted to policing the press, including radio, marketing, and the television sector. It is applicable to printing, broadcast, and, most lately, internet and online media. Surveillance, copyrights, or telecommunications may all fall under this broad term. However, not all medias are subject to the similar legal restrictions. For instance, when innovative systems are developed, social networking legislation continues to change & evolve. Also, the laws governing the press varies across nation.

The Ministry of Information and Broadcasting (MIB) supervises all of these sectors; it is aided & maintained in its efforts by subordinated entities, independent institutions, state agencies, and government-owned businesses. The Ministry of Electronics and Information Technology oversees several components of online media since they include networks for digital technologies. Majorly Publication, theatrical films, television, and social media can be used to characterised as the Media & Entertainment sector in India.

The Press is assumed to have specific obligations built into or placed on them while reporting on events throughout the world, specifically obligations to the community it represents. Every time specific problems are published without considering the repercussions which would ensue, the issue of civic duty is brought to light. Every individual has the right to information.

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BIBLIOGRAPHY

<https://taxguru.in/corporate-law/media-law-india-overview.html>

<https://marketbusinessnews.com/financial-glossary/media-definition-meaning/>

<https://blog.iplayers.in/importance-media-regulatory-framework/>

¹⁴ 1996 CriLJ 3944

<https://www.legalserviceindia.com/articles/media.htm>

<https://www.legalserviceindia.com/legal/article-4580-media-and-democracy.html>

<https://blog.ipleaders.in/media-democracy-indispensable-relationship/>

<https://blog.ipleaders.in/the-fourth-pillar-of-indian-democracy-freedom-of-the-press/>

[https://www.legalservicesindia.com/article/1847/Freedom-of-Press---Article-19\(1\)\(a\).html](https://www.legalservicesindia.com/article/1847/Freedom-of-Press---Article-19(1)(a).html)

[https://www.lexology.com/library/detail.aspx?g=225d5e03-f14c-492f-b2a4-c55f49a063d1#:~:text=The%20MIB%20\(Information%20Wing\)%20regulates,publishers%20of%20news%20and%20books.](https://www.lexology.com/library/detail.aspx?g=225d5e03-f14c-492f-b2a4-c55f49a063d1#:~:text=The%20MIB%20(Information%20Wing)%20regulates,publishers%20of%20news%20and%20books.)

<https://prsindia.org/theprsblog/regulation-of-media-in-india-a-brief-overview>

<https://www.legalserviceindia.com/articles/media.htm>

<https://blog.ipleaders.in/an-overview-of-the-copyright-act-1957/>

<https://www.drishtias.com/daily-updates/daily-news-analysis/central-media-accreditation-guidelines-2022>

<https://byjus.com/free-ias-prep/press-council-of-india/>

<https://prepp.in/news/e-492-press-council-of-india-pci-indian-polity-notes>

<https://accountablejournalism.org/ethics-codes/India-All-India-Newspaper>

https://abhipedia.abhimanu.com/Res_page.aspx?ID=3860

<https://www.communicationtheory.org/social-responsibility-theory/>

<https://www.thehindu.com/opinion/open-page/social-responsibility-of-media/article65879536.ece>

