

## IS THE MEDIA STILL REPORTING BENEVOLENTLY? QUESTIONING THE UNETHICAL MEDIA PRACTICES

### Author's Details:

**Name:** Ms. Shriya Agarwal & Dr. Namita Jain

### Designation:

**Ms. Shriya Agarwal:** Ph.D. Research Scholar at JECRC University, Jaipur, Rajasthan

**Dr. Namita Jain:** Associate Professor, JECRC University, Jaipur, Rajasthan

**Email:** [Shriya.agarwal1936@gmail.com](mailto:Shriya.agarwal1936@gmail.com)

### ABSTRACT

Liberalization, Globalisation, Privatisation, and now Digitalisation have made life easy by providing access to all sorts of information at any given point in time. While making us informed it has also made us vulnerable as we are the mere consumer of information and we have somehow lost a critical understanding of the consumed information. Media houses are making us more vulnerable by providing personalized or customized news. With changing role of the media and with the growing media platforms, it has become important for each citizen of the nation to be updated with the type of news that is being provided on our doorsteps and which is authentic and which is fake. Every second we are bombarded with a good bunch of information and only a few are able to bifurcate between the actual news and fake news. The work of media has become more of a profit-earning business rather than the pure dissemination of information. It has no more remained to be a platform to freely exchange one's views. The ethics in the media industry is gradually disappearing with time, with the coming up of various activities like paid news, fake news, media trial, sting operations, yellow journalism, etc. These activities have led the readers and the common men to lose faith in the working of the news industry, which is not good for the nation's development. In this research paper, the researcher will discuss the role and responsibilities of the fourth estate of our democracy, and the ethical practices the media houses are expected to comply with, following with a brief discussion about the various growing unethical practices in India due to which though the media houses are monetarily growing but their sanctity is continuously deteriorating. The researcher will then focus on how increasing literacy and providing education to the masses can be an effective measure to check and monitor such practices. Lastly, the researcher seeks to analyse how educating the journalist and the other stakeholders involved in the process of dissemination of news be fruitful to cure these unethical activities and how the principles of self-regulation should be strictly implemented. For the purpose of research, the researcher seeks to rely on both primary and secondary data. The majority of the research will be based on secondary data like research articles and various reports

### INTRODUCTION

Media in a democratic nation like us is bestowed with the responsibility to showcase to the general public the truth in every activity happening around them, which is beyond the capacity of the people to know. It is considered to be a medium filling the gap between the legislative and administrative authorities passing legislations and taking administrative decisions respectively and those for whom these legislations and decisions are taken (i.e.) the common people. The important and crucial role played by the media houses is appreciated and recognized by various international bodies and international declarations like Universal Declaration on Human Rights under Article 19, which is also signed by the Indian Government on Jan 1, 1942. In consonance with this declaration, the constituent assembly members imbibed freedom of speech and expression in the Constitution of India, within which the freedom of the press was recognized by the Indian Courts through its various landmark judgments. Press has always played a vital role in upholding the basic fundamental rights of the citizens be it during the independence struggle or at the time of emergency when nearly all the rights were suspended. It has never failed to show courage in reporting the truth and bringing it to light, questioning the bureaucrats and those in power. But the press today has failed miserably to perform its functions as it has started practicing various unethical practices which are beyond its constitutional boundaries and is sheer misuse of its freedom. Media houses are running the race for TRPs and for which they are doing anything and everything possible. They have started interfering with the role of the judiciary and the justice delivery system in India. While reporting any civil or criminal wrong they tend to forget their ethical boundaries and interfere with the jobs of the courts by dictating who is the accused and who is the victim, who is liable, and what sort of punishment must be imposed on the person. It creates sensationalization by giving hype to particular news and focussing on it 24\*7. It decides and creates a piece of particular news to be important and another not worthy to be reported. At times media houses tend to divert the attention of their readers/ viewers from one news to another may be because it is a high-profile matter or some political pressure or because of any other reason, only

known to them.<sup>1</sup> The line differentiating between the actual news and the fake news has already disappeared as the distinction between news and advertisement is getting blurred, the journalist and the editors are into business, reporting the maximum possible, failing to realise which is real and which is fake news.<sup>2</sup> The diluting ethics in the media industry is a matter of concern and needs to be addressed in the first instance as in this fast-running world we simply rely for our upgradation on the news served to us so it becomes essential that we get important and true information and make a wise and sound decision, then only this country can progress in true sense. It also becomes essential to educate the readers/ viewers about such prevalent practices and the measures to keep a check on them as at present we are hardly acquainted with the requisite knowledge to find out which news to rely on and we simply consume the raw information.

### THE BASIC EXPECTED MEDIA ETHICS

In a developed societal structure, ethics and values are inculcated by merely sharing the space with other beings around us. As said by Albert Schweitzer it is a sense of compassion, empathy, and respect for the rights of other beings.<sup>3</sup> These ethics and values are taught to a child so he grows up to be a responsible human and have a sense of duty towards others. Ethics means having certain basic human values and respect for other beings and these values guide us in our day-to-day interactions with other beings. Similarly, Media ethics means some basic values which should be followed by journalists when they interact with other persons and publish the news; it is the way of doing certain things. These ethics are not written down anywhere as it is impossible to point down each and everything as the concept of media ethics is evolving with the growth of the media in the current scenario. Since the ambit and the definition of media are growing from the traditional media which included the press, the print media, and audio-visual media to a limited extent as compared to today and now to digital media, the values and ethics are also changing with the core and the integral remaining intact like to maintain honesty and utmost sincerity.

As there is no prescribed list of these values, the journalist and the media houses have themselves formulated them and have unanimously adopted them. It has gained the status of a prescribed norm among the fraternity. Some of such basic ethical values to be followed while reporting and disseminating news were given by the Society of Professional Journalists in the form of a code of conduct for the journalists and it included giving the information only after testing the source of the news, the accuracy of the source, giving an opportunity to all the stakeholders to share their views, don't unnecessary sensationalize the news just to gain TRPs, which do not deserve the coverage, do not intrude into the privacy of the other person, ensure that the method of collection of news is legitimate, which should not harm others' private space, the content delivered should not be such to portray biasness towards a particular religion, race, caste, and the journalist should know to differentiate between a news and a commercial advertisement, etc.<sup>4</sup> Looking at the basic ethics provided under the code of conduct we can jot down some of the ethical standards that we expect from the watchdog of the country on whom the whole nation relies. Some of them would include:

1. **Providing the Truth and Accuracy:** the news provider should know that asserting something as a fact has some serious consequences attached to it, so it becomes important that before filling the minds of the readers and viewers they must be sure of the fact and their sources have verified it a couple of times. It is very easy and convenient to publish and circulate any information as a piece of news but it takes a lot of courage to publish and bring the truth to the knowledge of the recipient of the news.
2. **Impartiality and No Bias Rule:** The country cannot afford a media house to be biased towards something or someone particular; if it happens then the entire purpose of Article 19(1a) will be reduced to zero. The content delivered by the media persons must be a true fact as it is. It should not be an assertion of opinion by them. The news providers should let the news receivers judge and analyse the information given on their own. Their duty is just to publish the content as it is without adding any spices to it.
3. **Maintaining Morality and Decency:** There are some basic moral standards in every society and every member of the society has an implied duty to comply with those standards and maintain decency. Similarly, media houses are also obligated to maintain decency. The news published by the media houses reaches every corner of society and is read, heard, or viewed by every section of the society be it an adult or a child so the news agency must not make use of inappropriate words or sentences which might hurt the feelings of

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<sup>1</sup>Shahudi Amima, *When will the Indian Media Start Asking The Government Crucial questions?*

<sup>2</sup>Prasson, *Ethics in Media: A thing of the Past.*

<sup>3</sup>Ray G.N., *Media Ethics*, Address by Chairman, Press Council of India on 18<sup>th</sup> January 2007 at IIMC, Dhenkanal, Orissa.

<sup>4</sup>Dhir S.B. & Sahoo Sanjay Kumar, *Diploma in Journalism and Mass Communication, Media Ethics*, Odisha State Open University Sambhalpur.

any particular section of the society. Moreover, the content published by them must not be obscene or vulgar so as to influence the minds of its readers in any bad manner.

4. Commercialisation of News: Earning profit is important in today's fast-inflating economy but it should never beat the cost of truth and others' right to know. In this rat race of survival and proving one's worth various media houses compete with one another to increase their reach in the market, increase their readers, make their name visible in the market, etc and it might affect the quality of information given by them. In the thirst to increase the quantity of news or give the news at the first instance, the quality should not be compromised.
5. Respect others' Right to Privacy: We have seen journalists trying to ask questions, and take pictures of the person whom they want to report and for this, they go to any extent possible. It becomes important here that everyone has the right to privacy and the right to refuse which must be respected and obeyed by the media houses. They should not keep nagging anyone who does not wish to talk unless the matter is of public importance where personal privacy can be ignored. This distinction between a matter of public importance and not of public importance must be respected and honored by the media in the case of every human being, including any public figure so as not to violate their right to privacy and personal freedom.
6. The approach of a media person should be such that minimum harm or damage should be caused to another person. Media people must be sensitive towards the persons whose story they are telecasting, especially in cases of crimes and frauds where people are already in agony, there they should show some compassion and no such questions should be asked that could hurt their feelings or sentiments. Media being the fourth organ in a democracy must not portray anything in any objectionable manner so as to promote communal violence. It has a duty to maintain harmony and not to instigate people and lead to a law and order situation.
7. Sensationalization: It is an ethical obligation of the media houses to measure the sensitivity of the topic and not to unnecessarily make any issue sensationalized so as to create more fuss out of it. If any matter of communal dispute or religious clashes arises then the media should not portray anything in such a manner that could increase the hatred and aggravate the disputes. It should not get into the puddle of creating hypes so as to have monetary or other kinds of benefits.

#### **NOT SO ETHICAL MEDIA: THE TRENDING UNETHICAL PRACTICES**

In today's world where power and money have become everything (for some at least) and various institutions, corporate bodies, governmental authorities, etc are getting mad to have all of it. It would be remiss if I do not mention media in the list. The power politics and the urge to become rich and wealthy in a short span of time have distracted the media to remain ethical and work ethically and in a dignified manner. There are several reasons attached to this shift in the behavior of media from being a mere information provider to an information creator. Some of the visible reasons are the commercialization of media where the media houses are owned by big corporate entities, having some or the other political nexus and they report only that news that is favorable to them. Journalists get trapped in these lucrative provided to them due to their unfortunate working dynamics. Most of them are contractual and are not sufficiently paid, the legislation regulating the working condition is obsolete and is not properly implemented so in order to earn more they tend to give favours and receive favours in consideration. These are a few of them and there are many to it. The reporting attitude of the media has become extremely insensible as it can be seen through various instances like in the farmer protest where the media carelessly reported one side of the picture, similarly in recent Nupur Sharma incidents, where media linked every other piece of information with the communal violence, thereby negatively affecting the harmony. It totally ignored to report about the Assam floods. This shift in the attitude of the media industry from its traditional role is a matter of concern. Some of the unethical practices prevalent around us are listed below.

#### **Favours taken & given: Paid News**

The concept of paid news has been practiced by various business groups, industrialists, politicians, and other powerful organizations to let the news which is favourable to their interests be published and sensationalized. The media agencies get remunerated or paid a hefty amount for publicizing any news which is in the interest of the concerned business groups. It is in the true form of an advertisement disguised in the form of news for these big business tycoons. As we know that the news has a huge impact on the minds of the readers and the viewers, the innocent laymen get trapped in the information provided by these media houses and are not able to take unbiased decisions in their day-to-day life. This practice of paid news has been criticised by various scholars but there is still no strict law to regulate it. The Press Council of India did release a report to check and monitor the increasing paid news trend but it is still not nearing the end. Also, the Election Commission of India has taken strict actions against it and it strictly prohibits such activities as it affects an unbiased election process. This practice is being conveniently employed by the big industrialist and the corporate houses for building and changing their images time and again as per their interest. The media reporting is also done to fill the pockets of those who are favouring the media houses in some or other way possible and then the investors will outshine

through media reporting. By such activity, the news agencies are well funded and they make it a practice that whoever pays more will publicize their news and this is how they do business and make profits.

### **Conviction before the actual Conviction: Media Trial**

Media sometimes itself plays the role of a lawyer and an adjudicator. It conducts its own trial, declaring one party as the victim and another as the accused, having its own justice delivery system. This has a negative effect on the working of the criminal justice system as the justice somehow gets defeated or delayed due to the indulgence by the media houses. There exist various instances when due to the media negligence justice has been hampered like in the famous Aarushi Talwar murder case where due to the enormous interference by the news agencies the actual investigating authorities failed to conduct a proper investigation and there was a lack of evidence. Similarly, in Sheena Bora Murder case the media houses were so involved in it that there was total chaos and pieces of evidence were erased leading to a lack of evidence again. Also, there have been instances where due to active media reporting justice was served to the victims like in Manu Sharma's case or Jessica Lal Murder case, where because of the investigative nature of the media, the cases were reopened, which were suppressed due to political pressure. But while investigating or reporting, justice in the majority of the instances has been affected negatively. Due to the media trial, the accused is traumatized by the social media and the people around him, the witnesses are traumatized by people trying to buy them for giving favourable testimonies and other shreds of evidence are tampered with, all in all, it delays justice. Media should be self-restraint from such activities or rather should know its boundaries as it cannot show each and everything on their channels, as security concerns are involved. Like in Operation Black Tornado, it was considered inappropriate that the media houses telecasted everything on their channels which warned the terrorists about the actions of the Indian forces.<sup>5</sup> Therefore this much sensible media is expected to behave.

### **Breaching the personal space: Right to Privacy**

The Constitution of India has recognized the right to privacy as the fundamental right of an individual. Privacy means being in one's own private sphere, without any interference by anyone, and dealing with one's own private affairs. Often it has been seen that the media houses have forgotten to respect other's privacy in the instance when some fresh case comes up and the police are investigating it, the media houses start recording the testimonies and private information shared by the victim or accused during the investigation, even though they have been asked not to do so. They have forgotten the basic mannerism of seeking the permission or the consent of the person whom they are recording; they simply enter into the office, workplace, and house of the person whom they want to interview. The practice of following the person everywhere he goes is unethical. Like in Shushant Singh Rajput's case, the media made the lives of Rhea Chakraborty, her family, and other persons related miserable as whenever they stepped out of their house some other media person will catch up with them. Only in exceptional circumstances, these kinds of interferences can be allowed when the matter is of public importance and there the public interest can outweigh the privacy of a person.

### **Private Contracts & Fake News**

Many news agencies enter into private contracts with various companies and corporate houses. These contracts or commercial transactions are in the form of investments done by the media agencies in these corporate houses. The news agencies buy the shares and equity in these organizations. Like in 2003 the Times of India Group entered into private contracts with various companies like Videocon, and Kinetic Motors that would provide some space to these companies for advertising itself and its products, and also the Times of India Group was allotted shares in return for these companies.<sup>6</sup> Here comes the problem of vested interest and it creates doubt on the credibility of the information given by the Times of India Group with respect to these companies as it is obvious that no news will be published which will have a detrimental effect on the reputation of these companies.

### **Direct and Indirect Control from all spheres: Cross Media Ownership**

Cross-media ownership is a talked-about subject these days where there is both horizontal and vertical ownership by the media houses. For example, a media house has its own television channel, radio station, and also holds in print media and he is owned by a business tycoon so the information that he will give, will be inclined towards the business tycoon and when a reader gets the same news through all the means it tends to leave an impression over its mind, creating a particular image. A particular media house may be inclined toward

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<sup>5</sup> Roy Sayantani, *Laws and Ethics of Indian News Media: Anomalies and Challenges*, 2016, Vol 2 Issue 2.

<sup>6</sup> Dhir S.B. & Sahoo Sanjay Kumar, *Diploma in Journalism and Mass Communication, Media Ethics*, Odisha State Open University Sambhalpur.

any business organization or any political party in some or the other way but that interest or inclination must not be reflected in the news or information that they impart to the general public (i.e.) the information should be unbiased, in its raw form to be judged by the readers itself and it should not even have any taste of the news persons' opinion. If the editor or the news writer is asserting his opinion while delivering the news then it must be specifically mentioned with the news delivered.

### **Hidden Cameras and secret investigation: Sting Operations**

Media do play the role of investigators as investigative journalism is at its peak these days. While conducting sting operations, the journalist hides a secret camera and meets the person whom they want to question after hiding their true identities. They ask them personal questions under disguise and that person answers them, totally unaware that he is being recorded. There have been numerous instances where sting operations have been carried out like in the Jessica Lal Murder case, the 2000 match-fixing scandal, etc, some of them have been proved to be successful and helped in getting justice while on the other hand some of them have failed miserably and had serious consequences. The Indian courts in various instances have criticised the method through which the evidence is collected and thus it is not admissible in the court of law. Sting operations can be considered to be ethical only when it is done in the public interest or when it is done to prevent any harm or crime.<sup>7</sup> It must be done only after the permission of the senior editors of the media houses and each and every detail should be properly maintained and published after the approval. The public interest must be kept a priority.

### **Creating Hypes: Yellow Journalism**

Page 3 Syndrome or Yellow Journalism is the current trend in the media industry these days and we all have fallen short of it. The media houses for increasing the advertisement revenue exercise yellow journalism, which means that they modify the news by adding to it or by changing the facts so as to attract the maximum number of readers and sensationalize particular news.<sup>8</sup> This practice is against the ethical norms of the media industry or journalism as it leads to providing fabricated information to the readers. The practice followed by the journalist is to print fancy and catchy headlines which immediately capture the attention of its reader. Most of the people in our country get trapped in this practise and just believe in the information as provided to them. The country to develop needs true and factual information and not useless information which diverts their attention from the actual happenings of the country. The instances of yellow journalism are “the cat fight between two khans- who will win the battle” or “which actor is dating whom”.

### **CHANGING THE NUANCES OF SELF REGULATION & THE WAY AHEAD**

Media houses should themselves take measures and keep a check on their functioning as the actions of big media houses are severely affecting the growing media agencies as they are not able to survive through this cut-throat competition. Some of the regulations would include:

1. Report the facts: the news agencies must behave in an intelligible manner and report only that news that is worth reporting, they should focus on the quality of the news. Before publicising any news, they must check the accuracy of the news, the source from it is collected, and double verify it. Publishing the truth about something or someone is always appreciated and on the other hand, publishing false news can be penalised. Therefore, the news agencies must double-check the content they are going to publicise.
2. Avoid taking favours: The media persons should not accept any sort of gifts or favours in form of free tickets or holiday packages from any member of a political party or business group or any other institution in lieu of the promise to publish their content or not to publish their content which the citizens must know. Any sort of monetary transactions like giving donations or taking donations or funds or investing in the companies or the business groups by these media houses gives a negative impression and their creditability can be questioned. It becomes obvious that when any journalist or media house has any inclination towards any business house then it tends to publish information that is in the company's favour. They should be independent and act in an independent manner.<sup>9</sup>
3. These days when everything is on the social platform accessible to each and every one, it becomes important that the journalist should pay heed to what they type and post or react to anybody's post, comment as it shows their views and opinions towards others. It is a mandate on the journalist to keep a

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<sup>7</sup> Dhir S.B. & Sahoo Sanjay Kumar, *Diploma in Journalism and Mass Communication*, Media Ethics, Odisha State Open University Sambhalpur.

<sup>8</sup> Dhir S.B. & Sahoo Sanjay Kumar, *Diploma in Journalism and Mass Communication*, Media Ethics, Odisha State Open University Sambhalpur.

<sup>9</sup> Dhir S.B. & Sahoo Sanjay Kumar, *Diploma in Journalism and Mass Communication*, Media Ethics, Odisha State Open University Sambhalpur.

watch on their actions on public platforms as each and every action is monitored and viewed by the general public and an opinion is formed on that basis.

4. Respecting the Privacy of a person must be paramount. Media houses should not behave in a manner to intrude into the private sphere of the person just for the sake of increasing their TRPs or their reach. They must act in an intelligible manner while reporting any accident or suffering and should give private space to the concerned persons. Similarly, at the time of the funeral, which is the most private matter, the persons must not be disturbed and no vague questions should be asked.<sup>10</sup>The media should not increase the pain and suffering of the persons by asking questions that might remind them of the incidents again. It should be compassionate and sensible towards others.
5. Media persons should adopt their own journalism oath that they will stick to the basic ethical norms and will follow the minimum harm principle.<sup>11</sup> The media person should check the quality of information and ignore the rumors while publicising it.
6. Educating the masses, reporters, journalists, editors and other stakeholders of media houses must be of utmost priority. Ethics is being taught as a part of the journalism course to all the students but the subject has become a mere practice that is not seriously taken by the students. Some strict measures have to be taken to make people realize the importance of media ethics and what important role they play in a democracy. Literacy about the ongoing unethical practices in the media industry must be spread among the viewers/ readers so as to make them responsible to take proper checks and account of media practices. The gravity must be sensitized.  
Only self-regulation is not the cure to these practices there must be strict control over the media houses and all the stakeholders must take responsibility.

## CONCLUSION

Today when most of our time is spent on social media, the information flows like fire and then publicizing anything and everything about something has a negative impact on that person's mind. Many people get into depression or grow a suicidal tendency or their self-esteem is reduced to zero so it becomes important that the media houses should learn to be compassionate. The media industry is still not much governed by much legislation and it works in an uncontrolled manner. There do exist some laws which govern the media industry like the Official Secrets Act, 1923, Defamation law, Copyright Act, 1957, laws on Obscenity, Contempt of Courts Act, 1971, Indian Penal Code, etc, but still, there is no proper law which regulates the new emerging unethical practices done by the news agencies.<sup>12</sup> Press Council of India has somewhat taken this duty on itself to regulate the media houses and ensure that these unethical practices are not further carried on, so to stop this, it has drafted some of the code of ethics to be followed by the Indian press. But it is considered to be a toothless tiger and there is a need that a strict code of ethics must be imposed on various media houses to regulate their work, so as to maintain its sanctity. Moreover, the condition of the journalist must be improved. Some of the struggling news persons are not paid well, they are not properly remunerated and they tend to fall into such unethical practices so as to earn extra income. Even the lives of many journalists are at stake, so proper security must be ensured for them and there should be legislation that governs their work.<sup>13</sup>

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