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Unethical Practices by News channels: A Light on Criminal Jurisprudence

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Media is the fourth pillar of democracy. It plays an important role in keeping the citizen informed about the events that take place around the world and decisions are taken by the ruling government. It helps the citizens form opinions and keeps them informed.

Unbiased journalism is integral to media. Unbiased journalism refers to the practice of reporting the matter on hand as it is and without manipulating the facts of the matter. Unbiased journalism involves exposing the bitter truth and often, the critical side of those in power. Hence, those who practice unbiased journalism are not always found in the good books of every member of society. However, it is important to remember that unbiased journalism is sacred to democracy.

Without knowing the true facts, it is not possible for an individual to form an impartial opinion. Only if an individual can form an impartial opinion about the state of affairs of a country can he vote for the deserving representatives to form the government. This is primarily the reason why media is referred to as the fourth pillar of democracy.

In today's era, the media is a gargantuan market. With the advancement of technology, the means for media have diversified. Today, there are news channels, radio channels, mobile applications, etc, that provide us with regular updates from across the globe.

Unfortunately, due to fierce competition among the media bodies, there is a race for survival. Every news body wants to attract the maximum viewership of its content. This is a dangerous trend for it leads to the media houses adopting unscrupulous practices so that they can harbor the maximum amount of profit. Sadly, sensational news is not always true news although such news may attract more views.

The Right to freedom of expression is granted to all citizens of India under Article 19(1)a[1] of the Indian Constitution. This is the article from which media derives its power. As a fundamental right granted to an Indian citizen, one can express his/her thoughts and belief. However, this right is not absolute. This right cannot be exploited to defame, scandalize or disturb any member or section of society. Unfortunately, in today's era it is often observed that the news media houses overstep this fundamental right and causes a breach of the fundamental right of the other member in the society.

In this article, we will be discussing the unethical practices that media houses divulge into, through the lens of criminal jurisprudence:

Paid news:

Paid news is the antithesis to unbiased journalism. Paid news refers to the activities of news reporting that are undertaken for a fee. Although profits are essential for the survival of any media body, journalism solely for the sake of money mining is not in line with true journalist ethics.

Although from a legal perspective, every individual has the right to practice any trade and profession, the practice of selling and displaying news spaces to those inclined to a certain ideology is contrary to the ethics of journalism.

The problem arises because an average individual is unable to distinguish between genuine news and the one

made to fill the pockets of the owners of the media company. An average citizen expects to receive genuine and unbiased news from his/her preferred news media. News media companies must appreciate the gravity of the responsibility that has been put on them.

Yet here it must be considered that news media houses need to earn profit to survive and thrive. In the recent past, we have witnessed the demise of several newspapers that played a pivotal role in the freedom struggle. Due to the diversification of news media, these platforms witnessed drying up of their revenue sources. The financial downturn caused by covid-19 was the final nail in the coffin. This incident showed the need for media houses to find a stable source of revenue, at least they follow the same fate.

Suggestions that can help the news houses to generate revenue through ethical journalism includes:

- **Diversification of news platforms:**

In the era of digital evolution, many find it difficult to grab hardcopy newspapers on the run. Although newspaper still remains one of the most lucrative business for media houses, it is important for media houses to invest in new sources. Website, social media platforms, podcasts can be utilized by the news platform to generate additional revenue. Also, the advertisement spaces in these portals can be utilized to attract investment from corporate houses that want to expand their business.

- **Separate column for paid news:**

News houses can ask their journalist to cover events for a fee. However, this should be done in a separate column, and it should be specifically indicated that such events were a part of paid journalism. This is essential as it helps an average reader to distinguish between genuine news and fake news. This helps the reader save intelligent choices.

- **Creation of awareness among readers:**

An layman might not be able to distinguish and verify the facts that he reads in his preferred news platform every day. To prevent the mass being misled through news from certain unscrupulous news intermediaries an awareness drive must be created. Fact-checking from multiple sources is an integral part of this activity.

Media trials:

Media trials refer to the impact of coverage of events that creates strong bias among the public and results in the conviction of the person in question by the society, before conviction of the person by the court of law. Media law is undesirable as it disrupts the due process of law by creating excessive sensationalism amidst the mass and discloses relevant facts among the particular case while the matter is still sub-judice. Few prominent cases of media trial in the country include the Jessica Lal Murder case, **Arushi Talwar Murder case**, and in the more recent, **Sushant Singh Rajput case**.

Judiciary is regarded as the guardian of the fundamental rights of the people. The decision of the judges should be independent and passed without fear of being prosecuted. This is also the primary reason why the judiciary functions as a separate organ of the government. However, media trials and excessive activism amidst the mass taints this sacred process. Media trial is a serious breach of the principle of separation of powers of the three principal organs of the government.

As stated earlier, freedom of expression is protected under Article 19(1)a of the Indian Constitution. However, any statement made that obstructs or interferes with the course of justice is curbed under the Contempt of Court Act, 1971.

The Bombay High Court held a strict view of the sensationalism that was being created around the death of a Bollywood film star. The excessive coverage and the disclosure of the relevant information to the public created hurdles in the process of a fair and free trial. The reputation of the late actor's partner was severely damaging as she was held guilty by the media houses even before the court declared her to be so.

The judgment pronounced by Chief Justice Dipankar Datta and Justice G.S. Kulkarni touched upon many key factors in view of media trials. The key points were - directions to prominent television networks to restrict reportage that could hamper the investigation, re-interpretation of contempt law, and guidelines for the regulation of the print or broadcast media without curtailing the freedom of the press.

A similar view was held by the court in **Aarushi Talwar's Murder case** and **Priyadarshini Maloo's case**. In the case,

Suresh Chandra Jana v. State of West Bengal (2017), the Supreme Court of India acknowledged the need to highlight the principle of criminal justice administration

The court through the direction passed by various judgments explicitly stated the need for media to not overstep the boundary between free speech and activism which proves to be detrimental to the health of the judiciary

Manipulation of TRP:

The news channel, newspaper, and other electronic and non-electronic forms of news media have been caught giving false reports of their total viewership and popularity of their source. The creation of a false image is another unethical practice indulged in by the media. It is a cheap way of gaining goodwill and attracting advertisement.

In the recent past, big media houses were caught targeting the lower-income level individually and bribing them to turn on their channel, regardless of whether those individuals understood the said content.

Besides being unethical, manipulation of TRP is also illegal. They are violative of BARC norms. In fact, in the last quarter of 2020, reputed media houses that were caught to be a part of this scam were fined over 5 lakh rupees, although the owners of these media houses stated that they were innocent. This case was later taken up by the CBI for investigation as it fell into the domain of Telecom and Regulations Authority of India.

Not only media channels, but the print media also divulges into such practices. According to reports, newspapers make false claims about their readership in much greater numbers than it is.

Manipulation of viewership is an illegal offense. It amounts to a deliberate misrepresentation of facts and thus fraud. Journalism is a noble profession and such desperate attempts to gain popularity render this noble profession puny. True journalism does not need manipulated facts to gain recognition. The rawness of honest journalism attracts viewership automatically.

Conclusion

Ethical journalism is important to society. The core principles of ethical journalism- Honesty, accountability, diligence, fairness, independence, and objectivity. Journalists have a responsibility to report the facts with honesty and without bias. A balanced, true, factual account taking into consideration society's interest is a core principle of journalism.

The opinions of an individual can be reported through the journalist that a common layman forms a picturesque the social, political, economical scenario of the world around him.

Unethical journalism is harmful to society at large and should be avoided at all costs. In a world smitten by fake news, it is important for the citizen to exercise diligence before believing the validity of the facts presented to them. Diligence is required by both the parties in, i.e, the media and the public.

Double-checking of facts and knowledge of the matter inside out is quintessential. Rumour mongers should not be allowed to cover themselves in the veil of Chinese whisper.

Unethical journalism is a lot easier to practice than ethical journalism. It is more fame, more money, and quick money whereas ethical journalism requires hard work, honesty, and the willpower to stick to one's values.

However, it should be remembered that journalism that has been divorced from ethics and morality cannot stand the test of time for long and will one day succumb to ethical values.

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