

## MEDIA SELF- REGULATION IN INDIA: A CRITICAL ANALYSIS

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### Abstract

Through this article, the author examines the critical role of the media in disseminating news in the context of self-regulation. The paper seeks to scrutinise the powers vested with the Press Council of India that has been criticised as a toothless body for not serving the purpose for which it was constituted. Further, it evaluates the reliability of free flow of information and authenticity of a news item in the existing proliferation of news media. It aims to assess the need for standards to resolve all issues pertaining to the regulation of the media, particularly self regulation, and provide some suggestions towards developing these standards. Moreover, it analyses the need to have an effective system for redressing complaints from the public. In a nutshell, this paper seeks to verify the effectiveness of the present self-regulation by the media. The author states that self-regulation or media liability is where reporters and editors move jointly towards outlining rules of behaviour for journalism and thereby confirming that the system is being followed effectively. Competition has led the media to be more and more focused on gaining popularity than giving actual news keeping in mind the public interest. The author also opines that the present way of leaving the regulation to the media itself would create the possibility that it may misuse regulatory goals to its own business goals. Further it is stated that self-regulation would be workable only if due measures are taken by media outlets and they remain committed to the processes that are evolved.

### I Introduction

COMMUNICATION IS a fundamental human requirement and is the underpinning of all human dealings since it is the mode through which humans exchange information.<sup>1</sup> The free exchange of ideas and knowledge take place when there is unrestricted full-fledged communication. It is guaranteed through the “freedom of speech and expression”, the most cherished fundamental right, as envisaged under various international covenants and most of the constitutions including the Indian Constitution. The right to freedom of expression has a wide ambit which includes the freedom to hold opinions, freedom to impart information, the freedom to receive information and even the freedom to dissent against the democratically

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<sup>1</sup> G. Adams, John Foster *et.al.*, *Policymaking, Communication, and Social Learning: Essays of Sir Geoffrey Vicker* 56 (New Brunswick Publishing, New Jersey, 1987).

elected governments of the day. It is also related to free thinking, imagination and deliberation which are prerequisites for a human being's self-realisation. Moreover, it is a vital right to form a good democratic government where citizens are well informed about political happenings.

Speech, according to many scholars, serves a self-fulfilment function.<sup>2</sup> This theory explains that satisfaction that arises out of speech is related to the individual's ability to think, visualise, and generate ideas. Many thinkers placed the right to free speech and expression at a higher pedestal. To Joseph Raz, communication – oral, pictorial, or musical communication of speech - is an essential right involving people to contribute in civic activities.<sup>3</sup> Professor Edwin C Baker stated that speech is the realisation of an individual's earnest desires and competence. The potentiality of each human being is very exclusive and differs from person to person.<sup>4</sup> The jurist Wellington states that the freedom of speech is not a self-defining phrase - what cannot be abridged is what is protected.<sup>5</sup> To him, the American first amendment that deals with free speech and expression is to be interpreted on what is protected and how extensively it is protected. Freedom of expression plays a dual role; one as freedom to converse one's voice to the public, second as the freedom to develop a unique voice of one's own. The development of one's self-determination is possible with application of speech and expression and demonstrating it onto the world.

John Stuart Mill's free speech theory<sup>6</sup> is grounded on three reasons: *firstly*, it helps to evolve the truth, *secondly* it helps to mould good governance and democracy, and *thirdly* it promotes individual autonomy. Mill extended the liberal tradition of ideas commenced by Milton and Locke in the course of a broader notion of freedom of the press. Mill who got influenced by utilitarian beliefs stated that only free speech can inspire a society to challenge the traditional beliefs and notions so as to reveal the truth. The freedom of the press or media was derived from his concept of individual liberty as explained in his free speech theory. He had foreseen a reliable medium which is free from all coercion that could enable the public to know the

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<sup>2</sup> Melville B Nimmer "Introduction-Is Freedom of the Press A Redundancy: What Does it Add To Freedom of Speech?" 26 *Hastings Law Journal* 639 (1975).

<sup>3</sup> Joseph Raz "Free Expression and Personal Identification" 11 *Oxford Journal of Legal Studies* 301 (1991).

<sup>4</sup> Edwin C. Baker, "Scope of First Amendment Freedom of Speech", 25 *U.C.L.A. Law Review* 964 (1978).

<sup>5</sup> Harry H. Wellington "On Freedom of Expression" 88 *The Yale Law Journal* 1105 (1979).

<sup>6</sup> See John Stuart Mill, *On Liberty* (Penguin publishing, Harmondsworth, 1986 ) First published in 1859.

performances of the government and the state. This press freedom under the aegis of freedom of expression facilitates full and open debate on all issues of public importance.<sup>7</sup>

This liberty of communication and expression though guaranteed to the public, citizens in particular, it is through press and media that the information is disseminated in the form of news. Hence, it is universally accepted that media is the tool through which the freedom of speech and expression is attained. Though press and media are used interchangeably, the basic difference is that one is in print form and the other is in electronic form. Both serve the same purpose of gathering, processing and disseminating information to be provided to the public. For this reason, media is definitely the fourth estate functioning in the domain between the state and the citizens and thus acting as a channel of information which makes people sufficiently informed.

From a democratic society's point of view, the media plays a pertinent role by providing information which is indispensable for two reasons. Primarily, it ensures that citizens formulate proper and updated views by analysing the authentic and genuine facts as provided by media. Secondly, it provides information as a "checking function"<sup>8</sup> by guaranteeing that the chosen government and its representatives act upon electoral promises and achieve the desires of those who chose them.<sup>9</sup> Media thus plays a central role since it is the single means through which public opinion is engendered.<sup>10</sup>

The stability of a country is assessed by the way the media report the news of that country. Thus, it becomes the obligation of the media to circulate only applicable and valid facts locally and globally. In some societies, there exists an antagonistic relationship<sup>11</sup> between press and administration that might persuade media to spread negative influences in the society.<sup>12</sup> Often it happens that media reports give rise to revolutions, rebellions and violence, for example, the problems of the uprising in Libya leading to Civil War in 2011. Many jurists severely condemned this as negative media reporting.<sup>13</sup> Hence, media activities are to be observed meticulously so that the information circulated would not give any negative effect. However, the fact is that, to monitor and watch the watchdog, there is no proper authority.

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<sup>7</sup> Harry H. Wellington (1979), *supra* note 5.

<sup>8</sup> Vishwanath Iyer, *The Indian press* 45 (Padma Publications, Bombay, 1945).

<sup>9</sup> *Ibid* at page 5.

<sup>10</sup> Shefali Bedi "Responsibility of media in a democracy", *7 International Research Journal* 235 (2009).

<sup>11</sup> Shafqat Munir, "Features of Print and Electronic Media" *Law Resource of India*, Dec, 17, 2010.

<sup>12</sup> A Fog, "The supposed and the real role of mass media in modern democracy" *35 Duke Law Journal* 63 (2004).

<sup>13</sup> Herman Wasserman, *Tabloid Journalism in South Africa: True Story!* (Indian University Press, Bloomington, 2013).

The role of media has been changing from what it was perceived.<sup>14</sup> The neutrality of news in reporting is missing in the mainstream media today because of the hidden agendas that many press and media outlets hold.

Taking an illustration of India, reading or watching news is an ingredient of people's daily routine.<sup>15</sup> As the rate of literacy is rising, the press is attaining a robust foothold in the country even in the rural regions. There is extensive coverage of local, national and regional news which transmits the reports from nook and corner of the country on a daily basis. They also print in the form of periodicals or weeklies which proffer news in affordable price.<sup>16</sup> Though today there is a paradigm shift<sup>17</sup> from traditional media to digital media, the web media is popular among the new generation educated group although the belief is that print media is the more trustworthy source since the professional journalists write the reports that are fact-checked by assigned editors.

Every profession functions by certain standards and a set of standards applicable to media should also be developed. Media is a universally recognised pillar of democracy that is considered to act itself in maintaining certain practice of professionalism.<sup>18</sup> It is also labelled as watchdog since it checks and balances the power of the other three branches of government *i.e.*, the executive, the legislature and the judiciary.<sup>19</sup> The free press facilitates the individuals to partake in all pertinent matters affecting them. It has been universally accepted that only an autonomous press or media can endow citizens with a diversity of information and views on matters of public significance. The liberty to impart information is vested with media.<sup>20</sup> Freedom of expression and communication through mediums including a variety of

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<sup>14</sup> M. Ethan Katsh, *The Electronic Media and the Transformation of Law* (Oxford University Press, New York, 1991).

<sup>15</sup> *Supra* Note 8.

<sup>16</sup> S SivaKumar, "Fourth Estate: A Shield or Sword of Human Rights?" 1 *Lanka Vigil* 34 (2005).

<sup>17</sup> See Maitrayee Chaudhuri, "Feminism in Print Media" 7 *Indian Journal of Gender Studies* 264 (2002). See, "The digital media underwent dramatic transformations with the onset of liberalisation. The term 'liberalisation' refers to the opening up of the Indian market by the Indian state to enable it to be more integrated into the global economy. As commercial imperatives of the media intensified in an unprecedented manner, at the beginning of the new millennium we are in a better position to judge the impact of these changes in the Indian media. The central debate within the media world today is about the impact of liberalisation".

<sup>18</sup> R. D Wimmer, J. R Dominick, *et.al.*, *Mass Media Research: An introduction* 23(Wadsworth Publishing Company, California, 2003).

<sup>19</sup> Shirley Biagi, *Media/Impact: An Introduction To Mass Media* 35(Wadsworth Publishing Company, Belmont, 2006).

<sup>20</sup> E. Siapera (eds.) *Radical Democracy and the Internet: Interrogating Theory and Practice* (Palgrave Macmillan publisher, London, 2010).

electronic media or published materials is an application of the individual human rights principle on freedom of expression. Therefore, the freedom of the press or media is very essential since this enables the public to know the performance of the government, the state, financial system, social systems and other matters of public concern.

## II Accountability of media

Media play an essential task in intensifying awareness in all people about human affairs in a society.<sup>21</sup> The right to freedom in article 19 of the Constitution of India guarantees the freedom of speech and expression, as one of six freedoms.<sup>22</sup> Although article 19 does not expressly provide for freedom of press, the fundamental right of the freedom of press is implied in the right to freedom of speech and expression.<sup>23</sup> The media being in the vocation of gathering and circulating information is supposed to hold dominant position, a position that makes it very responsible and answerable to public at large.<sup>24</sup> This implies that several moral customs are vital to an appropriate working of journalists and media practitioners. The gathering of information by media is done on behalf of its citizens and the public and while doing so, it has the utmost duty to be attentive against misleading and distorted information. Therefore, media practitioners should be principled and responsible in news broadcasting. For these reasons media need to be accountable.

The scheme of media accountability also embraces an assortment of methods that are not openly linked to determining complaints from viewers.<sup>25</sup> For instance in Canada- ethics codes to guide journalistic behaviour are one such means, and numerous Quebec news institutes have moral codes.<sup>26</sup> At the same time it is analysed that the media sector has become increasingly professional in recent years and impact assessment methodologies became

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<sup>21</sup> Progya Ghatak "Development of mass media and its extension in agriculture: a feedback review of audience research survey in air, Murshidabad, West Bengal" 21 *Information and Broadcasting Journal* 43 (2010).

<sup>22</sup> Constitution of India, 1950, art. 19(1) (a) states :

All citizens shall have the right to freedom of speech and expression.

This right is available only to a citizen of India and not to foreign nationals. This right is, however, not absolute and it allows Government to frame laws to impose reasonable restrictions as given under Article 19 (2) in the interest of sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, decency and morality and contempt of court, defamation and incitement to an offence

<sup>23</sup> *Virender v. State of Punjab*, AIR 1958 SC 986 and *Sakal Papers v. Union of India* AIR 1962 SC 305.

<sup>24</sup> L. Dahlberg, E. Siapera *et.al.*, *Radical Democracy and the Internet: Interrogating Theory and Practice*. (Palgrave Macmillan publications, London, 2007).

<sup>25</sup> Van Cuilenburg "Media Policy Paradigm Shifts" 18(2): *European Journal of Communication* 207(2003).

<sup>26</sup> Valerie Alia and Brian Brennan, "Deadlines and Diversity: Journalism Ethics in a Changing World" 22 *CJC* 42 (1997).

sophisticated and effective.<sup>27</sup> In several countries, assessments are made by non-state institutions and these decisions are taken into account or overseen by media authorities. Some countries have applied systems which would look like coming under the working description of co-regulation, several are organising the switch from traditional command and control to novel forms of authority.<sup>28</sup> Take the example of the broadcast regulatory bodies of Britain, New Zealand or Canada. The regulatory authority has come up with guidelines relating to subject matters such as aggression, obscenity, advertisements and bogus claims. If any of the above matters were broadcasted causing disturbance among public, necessary actions would be taken against the concerned media. The codes were drafted with some contribution from subject matter experts and taking into account public opinion.<sup>29</sup>

The general notion was that press should not be given complete freedom since it could generate mischief afterwards. Hence, a need for a correctional mechanism was felt. The idea of regulation arose from that logic. In general, there are four types of regulation. The first one is complete regulation wherein no freedom is given to media and the government keep checking its contents and can ask for amendments in media reported. This is seen in Turkey or United Arab Emirates or China. The second one is co-regulation wherein a non-state regulatory system links up with state regulation similar to the one developed in Australia much early. Then comes statutory regulation wherein there are specified regulations being administered and enforced by the state through the statutes. India, having the Press Council Act claims to be following statutory regulation. However the Press Council of India has a limited role and therefore India is often listed in the self-regulation list. There comes the explanation of the fourth type of regulation that is self-regulation which involves regulations being administered and enforced by the bodies themselves through internal policies.<sup>30</sup> In the first two cases, there are such situations where the regulations governing reporting are made as per the serving governments' convenience. Further, the concerned officials are not obliged to give an explanation or interpretation to why certain news is regulated. In such instances, journalists would have no idea what is permissible and what is not. Self-regulation involves

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<sup>27</sup> Denis McQuail, *McQuail's Mass Communication Theory*, 2<sup>nd</sup> edn., 209 (Sage Publications, New York, 2005).

<sup>28</sup> M. Petrova "Inequality and Media Capture", 92 *Journal of Public Economics* 34 (2008).

<sup>29</sup> Beata Klimkiewicz, *Media Freedom and Pluralism* (Central European University Press, Budapest, 2010).

<sup>30</sup> Denise E. DeLorme, "Early Journalists and the Evolution of Publicists' Stunts: From Circus Ballyhoo to Professionalism" 2 *Journal of interdisciplinary & multidisciplinary Research* 27 (2008).

self monitoring of the work one does where the working body comes up with its own rules and regulations. The well-acknowledged sites of this method of self-regulation in Europe are the press councils that may be seen in mainstream EU member countries today. This can be achieved through various ways such as co-operative regulation,<sup>31</sup> delegated regulation,<sup>32</sup> devolved regulation<sup>33</sup> and facilitated regulation.<sup>34</sup> It has norms made and decided by the persons and organization to which they will be relevant and the development of procedures and mechanisms for enforcing them.

The general postulation was that if the press came under government control, it would intervene or interfere with media independence and autonomy. To avoid that, self-regulation was considered to be the most desirable option for India. Apparently, this is a universal phenomenon seen in almost all democratic countries, starting with Sweden in 1916, Britain<sup>35</sup>, in 1953, and India<sup>36</sup>, in 1966, began to establish a self-regulatory organisation called the Press Council.<sup>37</sup> In India, a statutory body -- the Press Council of India (PCI) -- governs the conduct of the print media. The chairman, a retired judge of the Supreme Court of India, heads the PCI. It is a statutory, quasi-judicial institution that works under the aegis of the Press Council Act of 1978. Regarding complaints against authorities by the press the study shows that there is a steady increase in such complaints.<sup>38</sup> The complaints are disposed of mainly in two ways, either dismissed or adjudicated. The complaints which may appear to be serious are taken up for adjudication. But when the inquiry committee further examines the complaint it may drop it owing to many reasons. Sometimes the complaints may lack

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<sup>31</sup> John Burrows and Ursula Cheer, *Media Law in New Zealand* (Lexis Nexis, Wellington, 2010).

<sup>32</sup> It means the transfer of managerial responsibility for specified functions to other public organizations outside normal central government control, whether provincial or local government or parastatal agencies See Jane Leftwich Curry and Joan R. Dassin (ed.) *Press Control Around The World* (Praeger publishing, New York, 1982).

<sup>33</sup> This is a form of decentralisation which means the devolution of statutory powers to self –regulatory bodies, that is, the specification of self –regulatory schemes in statute. See Norman E. Isaacs, *Untended Gates: The Mismanaged Press* (Columbia University Press, New York 1986), Chapter VII.

<sup>34</sup> This is the regulation enhanced by the state in some way but the mode itself is not supported by statute See Louise Williams Hermanson, "News Council Complainants : Who Are They and What Do They Want ?"<sup>70</sup> *Journalism Quarterly* 947 (1993).

<sup>35</sup> In Britain the Press Council has been replaced by the Press Complaints Commission in 1991.

<sup>36</sup> The Press Council was abolished in 1975 and re-established in 1978.

<sup>37</sup> In 1975 the number of Press Councils was twenty-five according to Clement James, the famous editor and member of the Commonwealth Press Union. In 1980 the figures of Media and Press Councils rose to fifty according to the *MacBride Report*. Notable among the countries where press councils, press regulator}' bodies or similar organizations exist are Korea, Netherlands, Germany, Indonesia, Belgium, Denmark, Australia, Canada, Portugal, Norway, Cyprus, Sri Lanka etc. See UNESCO, Report of the MacBride Commission International Commission for the Study of Communication Problems (Oct, 1982).

<sup>38</sup> See the adjudications of PCI from 1979 to 1996-97.

substance at a closer examination. Further, a complainant may not show much interest to pursue it. The respondent may make some settlement with the complainant outside the council. Moreover, the noncompliance of formal statutory requirements by either of the parties may make the council drop the case.

However, it does not have any legal powers vested in it and therefore it proved unsuccessful in developing a system of journalistic rules. The government does not need to comply with its recommendations. Neither is it representative of the views of the media, nor does it have any legal power to take any penalising or remedial act against publishers providing wrong news. It has merely been an authority that brings out reports analysing the behaviour and working pattern of the media. These reports are published as government documents which are not adopted. Thus it exists as a merely superficial body in the present day.

The electronic media has to comply with 'The Central News Media Accreditation Guidelines, 1999' which says that if a media organisation is held to have provided any false or fraudulent or forged details or documents the representative media organisation shall be debarred from accreditation up to a maximum of five years but not less than two years, as decided by Central Press Accreditation Committee (CPAC).<sup>39</sup> Likewise, there is pre-publication substantiation done by editors in news papers and media prior to the news assigning to public domain. Apart from that, an internal mechanism for adherence to authenticity of information is sought to be ensured through mechanisms such as Media Council of Peers and Media Watch Groups,<sup>40</sup> Readers Editor or Internal Ombudsman,<sup>41</sup> 'letters to the editor',<sup>42</sup> all of which are intended to highlight and address the wrongs done by media-persons, reporters or the management.

### **III Practical aspect of self-regulation in India**

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<sup>39</sup> See The Central News media Accreditation Guidelines, 1999.

<sup>40</sup> Example is a progressive media critique organization by name Fairness and Accuracy In Reporting (FAIR) as present in New York, America.

<sup>41</sup> It denotes any neutral administrator or practitioner within the newspaper institution who provides confidential assistance in resolving the news related concerns serving like a counsellor. Example- Star newspaper in South Africa has internal ombudsman.

<sup>42</sup> Letter to the Editor connotes letter addressed about issues of concern about published pieces from its readers that could be on any editorial or commenting about any news items published or commenting about the news that was factually wrong or any critical analysis of any recent topic.



The freedom of speech and expression or freedom of press is present in all statutes and constitutions but not appropriately practiced. Therefore, it is crucial to understand the importance of press freedom and the type of regulation followed in a country. The principle of self-regulation entails regulation by itself where the media does not have a regulatory body under it. The primary rights of reporters and editors under freedom of expression have to be acknowledged and at the same time their reports should not be detrimental to the functioning of state.<sup>43</sup> There comes the dilemma of who maintains the checks and balances in what is written and published. Theoretically speaking, leaving the regulation to the media itself would generate the likelihood that it may subjugate regulatory aims to its own business goals. For instance, cross-media ownership by big corporate companies has assumed alarming proportions. Early 2013 saw the leak of the *Radia* tapes which disclosed the shocking and unholy links between journalists and politicians, lobbyists and business groups. The Press Council of India through its Chairman addressed this issue; however, no stringent measures had been taken. That depicts the incapacity of Press Council of India. It cannot suspend the journalists for the unfair work they do.<sup>44</sup>

Presently, there is no qualification prescribed by the Press Council for journalists, although there is such a situation prevailing in the Bar Council Act for advocates and Medical Council Act for medical practitioners. The Bar Council of India and the State Bar Councils have control to remove<sup>45</sup> a member from the profession for professional misbehaviour and infringement of professional principles. The Medical Council also has similar powers.<sup>46</sup> But the Press Council does not have any power beyond warning or censuring<sup>47</sup> delinquent journalists. Thus in India, there is no self regulation in reality. Proper self-regulation can be done in many forms, including information movement, examination charters, in-house complaints management division and procedures, accreditation, licensing and association certification, quality guarantee arrangement, standards, regulations and dispute resolution format. In fact, in India, there is no single medium on media regulation and redressal. The Press Council of India as discussed has very limited power. The television media has associated its own 'self' regulatory mechanism - News Broadcasting Standards Authority

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<sup>43</sup> This is precisely how our Constitution has the reasonable restrictions provided under art. 19 (2).

<sup>44</sup> Dunja Mijatović, *Media Self-Regulation Guide Book* (OSCE publication, Vienna, 2013).

<sup>45</sup> Advocates Act, 1961, s. 35.

<sup>46</sup> Indian Medical Council Act, 1956, s.24.

<sup>47</sup> Press Council Act, 1978, s. 14(1).

(NBSA). However, there are issues such as cross media ownership, inaccurate news being published, creating sensationalism, absence of journalistic ethics, paid news, advertisement oriented news being released for profit, privacy violation, unnecessary news on celebrities and superstardom being circulated, unethical sting operation being held for publicity and so forth that are never addressed.<sup>48</sup> At this juncture, it is high time to mull over whether the failure to evolve a code of conduct is the fault of any competent authority or of journalists themselves.

#### **IV Factors require for corrective mechanism**

Media ethics is a topic of grave apprehension in general. There has to be an unequivocal thought process on what issues are to be dealt with in the legislation of the Press Council of India (PCI Act) since not all areas of journalistic rights are a theme of legislation. Further, equilibrium is to be maintained as to editorial liberty and the liberty of journalists so as to adopt editorial decisions. Management and the officials need to assure freedom to reporters and journalists so that they can also report the news as it is with no persuasion from political or governmental departments. The Press Council should come up with course formats in co-operation with notable journalism training establishments and associations that make issues of ethics prominent topics to be solved. The need of the time is to draft a common code of conduct for journalists - reporters and editors - separately taking ideas from working journalists across print, TV and web, retired veteran journalists, and those affiliated with media. It can be concluded that if the government really believes in self-regulation, it should have taken efforts to mandate or facilitate the coming together of the broadcasting fraternity under one umbrella. It should have formalised the self-regulatory code and penalties by consensus and by giving some sort of legal recognition for the decisions of self-regulatory bodies and thereby limiting the applicability of extant laws and by prescribing some minimum standards to be followed by them in the interests of viewers.<sup>49</sup>

Competition has led the media to turn out to be increasingly working solely for public attention and rating points. Self-regulation would be workable only if due acceptance is given to it by the press and it should remain committed to it. Only such commitment and acceptance will give the Press Council some teeth. Press councils and such regulatory bodies across the world have played a more proactive role in setting industry standards, undertaking

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<sup>48</sup> S Sivakumar, *Press law and Journalists: Watchdog to Guidedog* (Universal Law Publications, New Delhi, 2015).

<sup>49</sup> Tilak Jha "Critique on Press Council of India" 92 *Bar Council of India Review* 38 (2012).

regular studies, organising regular public consultations and also empowering readers. The existing model of PCI is, therefore, an ineffective comparison or benchmark for ongoing discourse on regulating broadcast content. Any self-regulatory system needs to be prompt, proactive, participatory and, above all, one to which the newspaper and magazine publishing sector is committed and accountable. There is a clear need to re-look at accountability systems across media, including print. It is a shocking revelation that from 2003 to 2016 PCI received more than 7000 complaints while from 1990-2000 it received more than 9000 complaints. Of the complaints received most (average 70%) complaints are against the press. Roughly 25% are adjudicated upon, and around 60-70% are dismissed. While many cases keep awaiting their chance as the council takes inordinate amount of time over its interventions. This also happens because the council is largely Delhi-based. These are some of the factors that may account for these successes and failures.<sup>50</sup> The Indian media in the last seventy years has transformed rigorously. The transformation can narrowly be classified into two categories- the positive accomplishments of the media and negative impact the media had created.

Our system should also follow the policies of German Press Council. There, nearly half of all issues were dealt with at an early stage through conciliations devoid of any formal decision by the complaints commission. Only in the next stage, the Press Council of Germany intervenes between the parties concerned. The German Press Council has its own complaints commission that looks into the issues related to editorial pages of news papers to see if it infringes any norms, if so, they take *suo moto* actions. The unique quality about the commission in Germany is that they have another branch evaluating the public's complaints even if it is anonymous. This procedure compelled most media establishments in Germany to voluntarily accept the press code as the ethical guideline which eventually compelled them to publish the reprimands from readers. The data protection is the other area that the German Press Council had involved in. It facilitates a reader to make a complaint to the Press Council if he or she believes that data pertaining to them have not been handled correctly. The expanded Press Code will automatically apply then and complaints regarding the contravention of individuals' rights are then dealt with accordingly. Additionally, an index with safety measures for data protection has to be published in editorial offices mandatorily.<sup>51</sup>

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<sup>50</sup> Available at : [http://presscouncil.nic.in/Content/WhatNew/7\\_WhatNew.aspx](http://presscouncil.nic.in/Content/WhatNew/7_WhatNew.aspx) (last visited on Sep. 5, 2016).

<sup>51</sup> Jenifer Whitten-Woodring, "Watchdog or Lapdog? Media Freedom, Regime Type, and Government Respect for Human Rights" 53 *International Studies Quarterly* 595-625 (2009).

Apart from this, some recommendations that can be adopted are :-

- i. There is a need for having the contracts made and drafted among media and journalists or guest contributors that lay prominence on clear requirement to follow the Code of Practice. Each media establishment should have concerned branch to see if it is followed strictly.
- ii. Sufficient amendments are to be incorporated and that are to be put up under the Data Protection<sup>52</sup> which must be an indispensable part of contracts of employment service for journalists, editors, freelancers who write as guest columnists;
- iii. There should be a universal code of ethics made and those should be distributed to staff journalists without impediment; assets and income or earnings of the news paper company, the editors, journalists are to be made public. There should be meticulous appraisal controls for cash payments.
- iv. There should be an independent ombudsman appointed to solve any issues pertaining to newspapers and channels. This can be done assessing the circulation or viewership and further on the basis of revenue threshold. The ombudsman should act as a support system for reporters who are asked to refrain from covering any matters, and additionally for readers to lodge complaints.<sup>53</sup>
- v. There is a necessity for media training that can be commenced by media establishments as part of journalism courses. New approaches need to be developed where students will be well informed about the current affairs, the working of press, media and that inculcates interests in them.<sup>54</sup>

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<sup>52</sup> Information Technology Act, 2000, s. 43A of provides for the protection of sensitive personal data or information ('SPDI'). Also, s. 72A protects personal information from unlawful disclosure in breach of contract. The author feels that these sections need to be interpreted widely

<sup>53</sup> Keval J Kumar, *Media Education, Communications and Public Policy: An Indian Perspective*, (Himalaya Publishing House, Bombay, 1995). Available at : <http://www.diplomatie.gouv.fr/fr/IMG/pdf/KevalKumar.pdf> (last visited on Aug. 25, 2016).

<sup>54</sup> Here, the author means training and not marketing by media. There was an allegation that some news paper publishers, under the pretext of doing 'media education' have entered schools to market their products. Such is the attempt of The Times of India, one of the foremost national dailies,(with a circulation of over a million copies every day), to market the paper in the schools of New Delhi, Bombay, Pune and Bangalore. The experiment is termed 'Newspapers in Education' (NIE), and is taught during regular school hours, not by school teachers but by young men and women carefully recruited by the response department.

## V Conclusion

It is a fact that no human activity is feasible without some form of control. No institution can work progressively if it is self regulated. Primary to self-regulation is the theory of intended conformity. The self-regulatory bodies cannot function unless it is free from bureaucracy, industrial and particular interests; unless a random check is done within the institution; unless it has the authority to oblige moral permit, for instance the publication of a rectification or an asking for forgiveness. In the light of these, it needs to be scrutinized as to how far self regulation for media is justified. Therefore, the assumption is that just leaving the regulation to the media itself would create the possibility that it may subvert regulatory goals to its own business goals.

It is the need of the hour that our government nudge owners to invest in training for media journalists. For the reason of the importance of media freedom, currently western governments have offer workshops to train journalists. It is true that a number of prominent governmental and nongovernmental organisations have brought forth guides of press freedoms. This needs to be judged neutrally to gauge effectively how they have contributed to media reform. It is witnessed that in countries where government hinders the media, individuals know lesser about essential political issues and are less politically involved. Politically uninformed and unconcerned individuals do not know adequately about political activities or partake enough politically to observe efficiently the activities of self-centred politicians.

Essentially, media accountability through self-regulation can be achieved when reporters and management unite to frame norms of journalistic conduct thereby assuring that these rules are complied with. As part of this, there should be mechanism developed to offer a means by which aggrieved persons due to any news or information item can approach a fair tribunal. A voluntary accord of media professionals, journalists and management or broadcasting group should thus devote to craft excellent journalistic standards to avoid any sort of inconvenience to public for whom they disseminate news. It is just like following the proverb, Prevention is better than cure.