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## **Media Ethics & Laws**

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*By: Anand Prakash Srivastava*



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# QUESTION PAPER

June – 2023

(Solved)

## MEDIA ETHICS & LAWS

M.J.M.-25

Time: 3 Hours ]

[ Maximum Marks : 100

Note: Answer any five questions. All questions carry equal marks.

**Q. 1. Discuss the need for ethical conduct for media persons, citing examples where it was flaunted in the recent time.**

**Ans. Ref.:** See Chapter-2, Page No.15, 'Universal Ethical Concerns', Page No. 16, 'Ethical Issues'.

**Q. 2. Discuss the concept of Self-regulation. Why is it importance for a media professional to develop a strong value system?**

**Ans. Ref.:** See Chapter-3, Page No. 26, 'Concept of Self-regulation' and Page No. 33, Q. No. 1.

**Q. 3. Describe ethical responsibilities of social media content creators.**

**Ans. Ref.:** See Chapter-4, Page No. 41, 'Rights and Ethical Responsibilities of Content Creators'.

**Q. 4. Discuss salient features of the Indian Constitution.**

**Ans. Ref.:** See Chapter-5, Page No. 52, 'Salient Features of the Indian Constitution'.

**Q. 5. What is the Right to Information Act, 2005? Explain.**

**Ans. Ref.:** See Chapter-12, Page No. 128, 'Right to Information Act, 2005'.

**Q. 6. Discuss the basic tenets of the freedom of speech and expression.**

**Ans. Ref.:** See Chapter-6, Page No. 63, 'Freedom of speech and expression'.

**Q. 7. What is Copyright? Describe main features of the Copyright Act.**

**Ans. Ref.:** See Chapter-10, Page No. 110, Q. No. 1 and Page No. 107, 'Main Features of Copyright'.

**Q. 8. Write short notes on any two of the following:**

(a) IT Act, 2000

**Ans. Ref.:** See Chapter-11, Page No. 117, 'Information Technology Act, 2000'.

**(b) Libel**

**Ans. Ref.:** See Chapter-14, Page No. 153, 'Libel'

**(c) Zero Hour in Parliament**

**Ans.**

- Zero Hour is an Indian innovation in the field of parliamentary procedures and has been in existence since 1962.
- During the sixties, members of parliament used to raise many pressing issues of national and global import after Question Hour.
- On such an occasion, a member raised an issue about announcements of policy made by ministers outside the parliament when parliament was in session.
- This act caused an idea among other members who called for another provision for discussing important matters in the House.
- Rabi Ray, the ninth Speaker of the Lok Sabha introduced certain changes in the proceedings of the House to create more opportunities for the members to raise matters of urgent public importance.
- He proposed a mechanism to regulate the proceedings during the 'Zero Hour', raise matters in a more orderly manner and optimize the time of the House.
- For the Rajya Sabha, the day starts with the Zero Hour and not the Question Hour as it is for the Lok Sabha.

**(d) Media Monitoring Cell**

**Ans. Ref.:** See Chapter-8, Page No. 88, 'Electronic Media Monitoring Centre'.



# QUESTION PAPER

December – 2022

(Solved)

## MEDIA ETHICS & LAWS

M.J.M.-25

Time: 3 Hours ]

[ Maximum Marks : 100

Note: Answer any five questions. All questions carry equal marks.

**Q. 1. Discuss any four cases where abuse of power of media was seen in Indian television.**

**Ans. Ref.:** See Chapter-1, Page No. 5, 'Media Ethics in India: Some Breaches'.

**Q. 2. Explain the role of accuracy, objectivity and privacy in maintaining the ethical concerns in journalistic practices.**

**Ans. Ref.:** See Chapter-3, Page No. 28, 'Essential Ethical Values'.

**Q. 3. What are the ethical considerations that internet users need to take care of? Explain.**

**Ans. Ref.:** See Chapter-4, Page No. 41, 'Understanding Digital Rights and Creative Commons'.

**Q. 4. What is the historical perspective of press freedom? Discuss the rights provided by the Indian Constitution under 19 (1) (a), and explain it within the context of 19 (2).**

**Ans. Ref.:** See Chapter-6, Page No. 63, 'Press Freedom: Historical Overview' and Page No. 64, 'Article 19 (1) (a)' and 'Limits of Press Freedom'.

**Q. 5. Explain the Indian Penal Code Section 124 A and Section 153 A from the journalistic point of view.**

**Ans. Ref.:** See Chapter-7, Page No. 76, 'Indian Penal Code and Criminal Procedure Code'.

**Q. 6. Who are Internet Intermediaries? Explain their roles and responsibilities, with suitable examples.**

**Ans. Ref.:** See Chapter-11, Page No. 119, 'Intermediaries', 'Duties of Intermediaries' and 'Role of Intermediaries and the Law'.

**Q. 7. Discuss any two case studies each for advertising and public relations, focusing on strategies employed by organisations in issue management or crisis management.**

**Ans. Ref.:** See Chapter-15, Page No. 162, 'Case Studies: Advertising' and Page No. 164, 'Case Studies: Public Relations'.

**Q. 8. Discuss the core principles of the Indian Copyright Act. Compare the philosophy of Creative Commons with the Copyright Act.**

**Ans. Ref.:** See Chapter-10, Page No. 106, 'Definition of Copyright' and Page No. 107, 'Main Features of Copyright'.

**Also Add: Creative Commons: A copyright-free alternative:** In 2001, a large number of people experiencing comparable issues started to think about what would be a better solution, and Creative Commons was established. The CC licences are a group of licences that permit people to remix, change, and reuse original works while normally giving credit to the original author. With the exception of a small level of openness, the CC-BY-ND-NC licence is as protective as copyright, but the CC0 licence is very open and close to the public domain and provides authors with a range of protections dependent on their needs. Not all photographs shot by photographers are eligible for sale, and not all authors' works call for the most restrictive copyright protections (i.e., all rights reserved).

**A differentiated view between copyright and CC:** A work that is copyright protected is given the Creative Commons licence. It's not something separate from copyright; rather, it's a way to make it easier to share content that is protected by copyright. Because copyright is so strong, a substantial amount of what is produced is already protected by it. A number of powerful protections are offered by copyright to guarantee that others cannot exploit your work without your permission. Not everyone needs or wants all of those protections. They would spend a lot of time and money permitting others to use the work if they took the time

# Sample Preview of The Chapter

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# MEDIA ETHICS & LAWS

## Principles of Media Ethics

### INTRODUCTION

The purpose of this course is to provide you with an overview of the ethical theories that are pertinent to the media, followed by a brief history of media ethics around the globe. The continuing discussion regarding a code of conduct for Indian television broadcasters is then described. The cases addressed in this section provide you a glimpse into some of the current arguments and disputes on various aspects of media ethics in an effort to get you ready for a more in-depth explanation of the topics of truth, fairness, and objectivity. This course also aims to prepare you to understand concerns about privacy invasion and sensitive reporting, and it raises questions about the tension between economic interests and the needs of the public.

### CHAPTER AT A GLANCE

#### ETHICS: CONCEPT AND THEORIES

The Greek term *ethos*, which meaning ‘character’ is where the word ‘ethics’ comes from. People all across the world, especially philosophers, have been debating the topic of ethics for centuries. According to legend, Greek philosophers separated their work into three major categories about 2500 years ago: ethics, which is the study of moral decisions including good and evil, truth and untruth, and virtue and vice, and aesthetics, which is the study of beauty.

In order to decide what is good or bad, proper or incorrect, right or wrong in terms of human acts, ethics uses logical and systematic principles, values, and standards. Although the terms are sometimes used interchangeably, morality is distinct from ethics because the latter is more concerned with the conventions and customs that decide or govern behaviour and less so with whether the activity being judged is good

or harmful. The British jurist, philosopher, social reformer, and political radical Jeremy Bentham (1748–1832) were the first to advocate utilitarianism as an ethical concept.

According to him, “nature has subordinated mankind to the rule of two sovereign masters, pain and pleasure.” John Stuart Mill, an English philosopher and political economist who lived from 1807 to 1873, made the claim in his book ‘Utilitarianism’, which was published in 1863, that moral activities are those that produce the “greatest good for the greatest number of people.” In this way, utilitarianism directly opposed the ideas of Italian political philosopher Niccolò Machiavelli (1469–1527), who insisted that “the ends justify the means” in his work ‘The Prince’.

**Consequentialism** and **deontology** are the two main ethical theories that are regularly used to guide media activity.

#### Consequentialism

According to the Consequentialism thesis, one should evaluate a decision’s ethical worth in light of its ramifications. Although actions don’t have much intrinsic value, their effects can be valued. Consequentialist theories ignore the means of an action, or how the consequences got about, and only consider the results of an activity. Therefore, before taking any action, it should be carefully evaluated in terms of all potential outcomes. Both ethical egoism and ethical altruism allow for the evaluation of an action’s results.

According to ethical egoism, an action can be deemed ethical if its results benefit the person who took it. Given that such activities might cause harm to others, this perspective does not give a unified social paradigm. On the other hand, ethical altruism maintains that deeds done for the benefit of others can be deemed right. Among the most widely accepted

consequentialist hypotheses a direct implication of consequentialism is utilitarianism, which is founded on an ethical altruistic stance and aims to produce the greatest good for the largest number of people. The utilitarian approach can be used in the media since it takes into account the welfare of society as a whole and is compatible with the socio-centrism of journalism.

**Utilitarianism:** As was previously said, utilitarianism takes into account ethical behaviour that aims to maximise the benefit for the largest number of people. Bentham's theories were formalised by Mill, who claimed that a decision should benefit as many people as feasible. Utilitarian theory is similar to Mahatma Gandhi's notion of Sarvodaya, which stands for the benefit of all. Gandhi was nonetheless quick to emphasise that Sarvodaya was not utilitarian since he believed that the utilitarian goal of satisfying as many people as possible was insufficiently an ethical model and that there was no justification for the minority's well-being to be of any less value than that of the majority. Why should some people's welfare be sacrificed? As a result, there are various justifications for opposing consequentialism and utilitarian conceptions of ethics.

#### **Deontology**

Deontology emphasises a person's duty as a way to choose the proper course of conduct. The most well-known deontologist, Immanuel Kant, believed that an action's intention determined whether it was morally right or wrong. The intention to act out of duty, he contended, was the only proper intention. This obligation is the one that is right in every circumstance. He held that the only quality that could be said to be good without restriction was 'goodwill.' Goodwill actions are performed out of obligation and respect for the moral code. This is a topic that the media should pay close attention to because it is their responsibility to inform the public in a way that is impartial and encourages knowledge and reason.

There is no assurance that all of a journalist's responsibilities will always be in harmony. The obligations to serve the public, safeguard sources, and be loyal to the employer may occasionally conflict morally and ethically with one another for an honest and true journalist. These problems don't have simple solutions. Therefore, in order to choose the best course of action, it is crucial to be conversant with every component of these ethical frameworks. The consequences of a story must therefore be understood by a journalist before it is published or broadcast.

#### **WHY MEDIA ETHICS?**

The purpose of the media is to promote social welfare. Print, radio, television, films, and the Internet are just a few of the mass communication mediums that can reach a sizable audience, typically from a variety of social strata and across numerous societies. The public is the target audience for the mass media's sourcing, reporting, and information dissemination activities. Media ethics are necessary because society is at the centre of the media; people are the source of news and the audience for the news that is published.

#### **Media in the Complex Social Milieu**

Societies, particularly those like India, which are enormously diversified, multifarious, variegated, and even bitterly divided, are much more complex than individuals. Every step along the way, journalists must deal with subtle social cues and navigate these complications. Journalists are required to gather information while reporting on gender crimes, the exploitation of the underprivileged, the indulgence of the wealthy, the haughtiness of those in positions of power and authority, natural disasters and man-made accidents, racial tensions and riots, conflicts and wars, and terrorist acts. Journalists must be conscious of their audience when reporting news, clarifying facts, analysing material, and presenting it in its historical, social, economic, and political settings. As a result, they must employ language and tone that are suitable, proper, and relevant to that audience.

The media benefits society by providing correct information, which is necessary to encourage moral and ethical action. Legal protections like the right to information, freedom of expression, speech, and debate—all of which contribute to media freedom—reflect the value society places on knowledge. Immanuel Kant and other philosophers have frequently regarded reason—which is aided by information and knowledge—as the best method for deciding what is morally right and wrong. Because ethics holds that social interaction in society should be regulated by respect and consideration for one another, it is a crucial field of discussion. The goal of journalism is to encourage morally sound behaviour and decision-making.

#### **Media as Social Auditor**

An independent media has frequently been referred to as society's watchdog in its capacity as an auditor. The characteristics of a watchdog are believed to be unwavering loyalty, vigilance, indifference to wrongdoing, and readiness for corrective action.

PRINCIPLES OF MEDIA ETHICS / 3

Society requires a watchdog, but journalists are just human and occasionally prone to uncertainty and poor judgement. However, the media has occasionally let society down and as a result has come under intense scrutiny. In journalism, there are many ethical issues that need to be addressed. Here are a few examples:

(1) What transpires when a writer decides to ruin the honour, reputation, and career of a defenceless man or woman?

(2) What happens when unfounded and false allegations are made against a person or a group by the media, which is voluble and intimidating like a mob?

(3) How can we make sure that reporters cover the grieving in an understanding and ethical manner?

(4) When do journalists compromise their morality and humanity in favour of a juicy story?

Due to these reasons, society as a whole needs a strong institution to monitor the unethical activities of the media.

#### **MEDIA FORM AND ITS FREEDOM**

Since Johannes Gutenberg developed the printing press in Germany in 1456, mass media has advanced significantly. The media today consists of a vast, varied, and complex conglomerate of businesses that have a significant impact on people's thoughts in addition to how they speak and dress. The Latin term *diurnalis*, which means daily and denotes the timely and current reporting of happenings, is the root of the English word 'journalism.' But as time has passed, and news is now read and viewed around-the-clock, seven days a week, journalism has evolved into a much more sophisticated set of activities.

#### **Authoritarian Model**

The degree or level of independence for the media has changed over time. Governments strictly supervised and controlled the press during the years when print was the most common form of mass communication. Governments and individuals in positions of control quickly realised the press's unmatched and unprecedented ability to influence and reach people. Governments enacted severe licencing regulations for publications as a result of their desire to employ and harness the press's power of communication. Even if such information was supported by empirical data, governments and authorities tried to restrict the press to prevent it from publishing anything that might be viewed as slightly disparaging to those in authority. The government exercised control over the press in this paradigm, which was known as an authoritarian one.

#### **Libertarian Model**

The libertarian model of media regulation, in contrast to the authoritarian model, held that an independent media was a natural extension of the right to free expression, a basic human right. Libertarianism underlined the ability of the populace to make knowledgeable and responsible decisions and marked the beginnings of a free press that operated independently of state supervision. The libertarian concept was influenced by the ideas of John Milton (1608–1744), who published an essay titled 'Areopagitica' in England in 1644. In actuality, it was his address before the parliament over the illegal printing of books. He emphasized the value of free speech as a means of fostering open, public discussions in which, in his view, the truth would unavoidably emerge. Throughout the 18th and 19th centuries, this libertarian model predominated, drastically altering the role of the press as it sought to break free from the constraints of governmental control.

The libertarian approach faced several challenges from later psychoanalytic tendencies. Psychoanalysts noted that while reason had traditionally been extolled as a guiding element of human action, not all human behaviour was reasonable.

In response to the profound shift of the media in the 20th century, egalitarianism emerged from the libertarian model. Its principal ethical theories, consequentialism and deontology, as well as social responsibility and equality for all people were the core of this philosophical school of thought.

#### **Self-Regulation**

To control media behaviour, many nations have regulating agencies and legislation. Rules and regulations do have some restrictions, though. Not every circumstance is the same, and frequently, circumstances develop that necessitate at the very least a careful interpretation of current legislation in order to decide the best course of action. Additionally, laws and regulations are not all-inclusive for this precise reason. Many times, particular circumstances necessitate special considerations. For two main reasons, self-regulation is seen as the greatest way to ensure appropriate behaviour. First of, self-regulation guarantees the media's ability to continue operating autonomously. A healthy democratic society depends on an independent media, therefore self-regulation would benefit both the media and the government. Second, self-regulation has more credibility in the eyes of the general public because it is a choice action that is

not imposed from without. Even if introduced with the greatest of intentions, any state-sponsored legislation may be perceived as authoritarian or even draconian and be opposed by the media, interest groups, and the general public.

Self-regulation is applicable to both individual journalists and media organisations and groups. Therefore, maintaining a strong ethical value system throughout one's career is crucial for media professionals. A free press is frequently referred to as the foundation of democracy; previously, the press was held accountable to the ruling class, but today, politicians and other officials may need to be just as answerable to the media. Violent attacks on journalists, writers, and media groups have increased recently in many places of India. Additionally, it has frequently come under harsh criticism and assault from various politicians, officials, and police officers. In 1988, former Prime Minister Rajiv Gandhi attempted to introduce a defamation bill; however, journalists vehemently opposed it, and it was withdrawn. Previously, during the Emergency period in 1975–1977, the Union government under Indira Gandhi had implemented press censorship, a move that Vidya Charan Shukla, the minister of information and broadcasting at the time, later publicly regretted. Many of the former prime minister's fans and well-wishers believed that this particular action played a significant role in her party's electoral defeat in March 1977.

Journalists occasionally feel like they've been targeted unfairly. A reporter for the news organisation New Delhi Television (NDTV) was charged in 1999 with putting the lives of Indian soldiers in danger by using a satellite phone, a charge she strenuously refuted. These claims reappeared, but in a different form.

In December 2008, the then-chief of the Indian Navy accused a female television reporter of acting unethically, which resulted in the deaths of three Indian soldiers. The reporter in question rejected the accusation. A television journalist was previously charged with fabricating interviews with criminals who were alleged to have stolen elections in Bihar, a claim that she also rejects.

The way that the November 2008 terrorist attacks in Mumbai were covered by 24-hour television channels drew criticism. The argument that the media handled the events of November 26–28, 2008 in a less than responsible manner and in violation of ethical

standards, including that of the Indian government, reignited the discussion about the regulation of television broadcasts. The rather distinctive role that the media possessed as the fourth pillar of democracy has allegedly been significantly diminished over time, according to the argument.

As a result, the public's opinion of the media has changed, and journalists are no longer associated with a vocation that includes some kind of public service. As a result of the "ignorant reporting and comments," the media must now evaluate its current position and make decisions about its future.

#### **MEDIA AND MARKET PRESSURES**

When journalists lose the general public's faith, the media as a whole suffers. Concerns about the media not being as free and independent as they claim to be are frequently voiced both internationally and in India due to market pressures to optimise profit. The demands of advertisers and the pressure to raise circulation numbers have taken a toll on editorial freedom and journalistic excellence, and they continue to do so.

At worst, neo-authoritarianism is the current media model as commercial pressures completely govern the media, albeit indirectly. As a result, the imperative of public service has been abandoned. At best, the media runs the risk of abdicating its responsibility as society's watchdog and turning into a platform for advertising and media organisation owners.

In his warning, Mahatma Gandhi said: "... just as an unbridled torrent of water submerges the entire countryside and destroys crops, so an uncontrolled pen serves only to destroy." Former British Prime Minister Tony Blair famously referred to the media as 'a feral beast' without masking his disenchantment. Blair used the analogy of a rabid pack of hungry animals in a speech he gave in June 2007 to draw attention to the issues facing the media in the age of 'impact' journalism. He claims that the media's condition, particularly its interaction with politics, has reached a point where remedial action is necessary. A special law that would allow judges to close down media outlets that broadcast stories deemed libellous or unfounded was urgently passed in the Russian Parliament in April 2008.

The action followed a tabloid report claiming that President Vladimir Putin was divorcing his wife of 25 years in order to wed a young gymnast in her 20s. Before it was refuted by the newspaper,