

“Media Laws in India: Origin, Analysis and Relevance in Present Scenario”

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Abstract: Media law is not a term for a uniform and integrated body of law like the law of contract or the law of crimes. It is a mix of a variety of laws and ethics that are considered most important for a working journalist and media industry. When the term “media law” is used, the focus is on the law itself. It examines the limits within which the media organizations and journalists operate. The paper intends to throw light on origin and aspects of Media Laws in India.

Keywords : Media, Laws, Defamation, Ethics

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I. Introduction

Media plays a vital role in informing people about their surroundings, the truth and the situations they reside in. Media law is not a term for a uniform and integrated body of law like the law of contract or the law of crimes. It is a mix of a variety of laws and ethics that are considered most important for a working journalist and media industry. When the term “media law” is used, the focus is on the law itself. It examines the limits within which the media organizations and journalists operate. Hence this type of emphasis diverts the focus on terms like freedom of speech, defamation, confidentiality, privacy, censorship, contempt and freedom&access to information

II. History

The laws related to media in India have emerged in due course of time in a drastic manner. However, there was no press regulation until the British East India Company started ruling a part of India after the Battle of Plassey in 1757. When newspapers in India were published by only Europeans expulsion of the editor (printer) was ultimate penalty. The James Augustus Hickey in 1780 started The Bengal Gazette or Calcutta General Advertiser, the first newspaper in India. It was seized in 1872 because of its outspoken criticism of the Government. Like censorship, licensing was also a European institution to control the press. It was introduced in Bengal in 1823 through Adam’s regulations. The East India Company also issued instruction that no servant of the company should have any connection with a newspaper. Licensing regulations were replaced by Metcalfe’ Act which was applicable to entire territory of the East India Company and required that the printer and publisher of every newspaper declare the location of the premises of its publication. Licensing was, however, reintroduced in 1857 by Lord Canning and was applied to all kinds of publications. In 1860 Indian Penal Code was passed as a general law but laid down offences which any writer, editor or publisher must avoid - the offences of defamation and obscenity.

III. Trends Towards Media Laws

Various laws were proposed and implemented during the colonial period. Some of them are :

- The Press and Registration of Books Act (25 of 1867)
- Vernacular Press Act 1878
- Telegraph Act 1885
- The Newspaper (Incitement to Offences) Act, 1905
- Copyright Act, 1911
- Cinematograph Act 1918

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- Indian Press Act, 1910

As such the Indian Constitution does not provide freedom for media separately. But there is an indirect provision for media freedom. It gets derived from Article 19(1) (a). This Article guarantees freedom of speech and expression. The freedom of mass media is derived indirectly from this Article. Article 19 of our Constitution deals with the right to freedom and it enumerates certain rights regarding individual freedom of speech and expression etc. These provisions are important and vital, which lie at the very root of liberty.

IV. Media Ethics

Media Ethics has been defined as “Media ethics job role is to deal with the specific ethical principles and standards of media.”

An investigation report by Ethical Journalism Network (EJN), an international journalism ethics gatekeeper, titled “Untold Stories: How Corruption and Conflict of Interest stalks the Newsroom” studied the decay in media professionalism in 20 countries including India and published a report. It finds out some area where we need to concentrate on, to save this once noble job from falling into further disgrace. Hence, in present scenario, the ethical behavior of media is highly recommended.

V. Concept Of Media Law And Ethics

One of the path breaking study paid news has been conducted by Press Council of India committee in 2010, headed by PranjoyGuhaThakrtha and K Srinivas Reddy which dealt with problems a democratic country has to face, when the media is mired in corruption.

The well acclaimed New York Times Ethical Handbook which was considered by many across the globe and media spectrum, clearly list out the parameters for the media staff to move around and space available for them to work in. It says “Journalist can collect information for its reader but Staff members may stay away from misusing it, don’t provide wrong information that will violate our commitment to the readers and their fundamental rights as well”.

Media person shall in no way provide advisory service to any organization regarding how to deal effectively media houses to get a favorable coverage either freely or paid service. Media person must stay away from financial issues either in the form investments or financial advisories. It has also better to keep a distant away from being appearing as paid speaker. Even though a media person is helping out a particular candidate in election that will put extra pressure on the ethical limits.

The challenge to protect journalism is bigger than that of protecting the interest of businesses.

VI. Interpretation Of Media Law In India

Media Laws does not refer to a uniform body of law butis rather a collection of a variety of laws and ethical standards that influence the work of the media. Also, different forms of media are subject to different regulations. Nevertheless, there are universal rules thatneed to be respected by all journalists when practicing their profession. Only when journalists adhere tothe generally accepted legal and ethical principles of their profession can they fulfill their main function in a democratic society: serving the public interest. Never before has mass communication been so pervasive in our everyday life. Thanks to social media, anyone with internet access can take on the role of a publisher, potentially spreading their message to an audience of millions with just the click of a mouse. That enormous potential comes at a high cost: today it is easier than ever to spread lies about people and destroy their reputation in just a few minutes. For this reason, it is vital not only for journalists but also for the general public to have a basic knowledge of media law and ethics, in order to act responsibly and ethically when disseminating content to a mass audience.

VII. Role Of Mass Media In A Democratic Society

Social and political life as we know it would be impossible without the existence of mass media. They are often recognized as the “fourth power”, alongside the legislative, executive and judicial branches of government. Their role is not solely confined to the reproduction of facts. The mass media also communicates political, social, ethical, cultural and other ideas, and thereby makes an important contribution to the formation of public opinion.

Media law is a branch of law that consists of a system of legal norms that regulate the activities of the mass media. It examines the limits within which media outlets and journalists can operate. Media law, on the one hand, regulates the principles of the dissemination of media products, and, on the other hand, it can affect the format and content of media products. Some regulations apply only to specific types of media. For example, there are broadcasting laws that apply only to the activities of broadcast media. More general legal provisions are to be respected by all media

The law relating to mass media does not constitute a single field of law but is rather comprised of a diverse set of laws and provisions that are scattered across the entire legal framework. The foundations of the principles of media law can be found in the constitutions of many countries, specific national legislation, as well as international conventions and acts dealing with this subject. Various types of Laws are as follows based upon the nature of cases :

- **Constitutional Law**

Protection of the freedom of expression, freedom of the press and, in some cases, the right of access to information are guaranteed in the national constitutions of EU Member States. Also, the prohibition against the censorship of the media and the right of access to information is enshrined in constitutional law. General provisions related to the licensing of broadcast media are also subject to constitutional provisions.

- **Criminal Law**

Criminal law regulates criminal acts and their consequences and, therefore, the relationship between individuals and the state. Some violations brought by the media or individual journalists can be subject to criminal prosecutions, for example, libel or slander, defamation of business reputation, insult, incitement to racial or religious hatred, etc.

- **Civil Law**

Civil law regulates interactions between individual legal subjects, including both natural persons and legal persons. Civil cases related to the media and journalism can involve liability in relation to the damage of honor or civil reputation, copyright issues, right to one's own image, etc. Freedom of expression is the ability to hold and openly express one's opinions or ideas without fear of censorship or government interference. The right to freedom of expression is not limited to verbal communication but also includes the ability to express one's views through published articles, books or leaflets, television or radio broadcasting, works of art, the Internet and social media. It also includes the right to receive information through various communication channels.

VIII. Conclusion

The term “media freedom” is often used alongside, or as an alternative to, the terms “freedom of speech” or “freedom of expression”, but the protection of media freedom takes a special position due to the media's role as a “public watchdog” as well as its function to disseminate information and ideas, thus guaranteeing the right of the public to receive this information. Freedom of expression and media freedom are essential foundations for open and democratic societies. The freedom to express one's ideas and form an opinion is an important prerequisite for political processes to function in a democratic way. At a national level, freedom of expression is necessary for good government and, therefore, for economic and social progress. At an individual level, freedom of expression is vital to the development, dignity and fulfillment of every person. Without a broad guarantee of the right to freedom of expression, protected by independent courts, there is no democracy and no free country.

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