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**“JOURNALISM IS A PRACTICE AND A PRACTICE
MUST NOT BE FLAWED.”**

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I. INTRODUCTION:

“Our republic and press will rise all together” - Joseph Pulitzer.

For any democracy, it is important to have a responsible press and any flaw or dent of such a platform would result in misinformed citizens. Constitutional provisions like article 19(1)(a) of Indian Constitution guarantees freedom of speech and expression also embodies the freedom of the press which includes freedom from the interference of any authority that would affect the content and circulation of information. However, these are also confined to reasonable restrictions. These restrictions include any content published that will affect the integrity, security, public order of the State, or any sought of defamation or immoral acts that may or may not amount to an offence.

The Earliest regulatory measures can be traced back to 1799 when *Lord Wellesley* promulgated the press regulations but later on was abolished by *Warren Hastings in 1813* further various acts such as *Gagging Act 1857, Vernacular press 1878 Act, Indian Press Act 1910* etc. Finally, *The Press Council of India Act 1965* which clarified the freedom of press and standards of publishing MV Kamath specifically pointed out that this Council is not a Court of law but a Court of honour as its verdicts are not judicial pronouncements which impose punishment or penalty on offending journalists but a moral authority by keeping a

check on the ethical culture followed. The idea of the right to information was first addressed in the book of Courts *“The Politics of Secrecy”* by James Michelle which differentiated between freedom of information and right to information as former being the absence of restraint and latter being the indispensable flow of information. Then finally after many legal battles the *Right to Information Act, 2005*, came into enactment on October 2005. Hence, it was established that information is a fundamental right of a citizen and such information must be provided with credibility. This credibility is affected by various media cultures that are practised from many years such as paid news, fake news and even yellow journalism. These not only lead to misconceptions but also lead to wrong beliefs and incorrect knowledge that is harmful for to country as the development of a country is primarily based upon the thoughts and actions of its citizens.

Independence of media is meant to increase its accountability to the public. This autonomy seems to be misused by way producing and publishing news that might seem impartial and true in nature but is actually paid for. To make such articles eye-catching the press indulges into tampering with the headline such that the intention of the said article is lost. This practice is called yellow journalism. The proliferation of such acts by the media leads to fake news and misinformation among the public. Media is a platform to deliver the current happenings across the world and is not to be used as an advertisement tool by the political parties, private companies, etc.

II. PAID NEWS:

“For proper functioning of democracy, free press and independent judiciary cannot exist in isolation”. Justice A P Shah.

The definition of paid news has always been difficult to determine. It can be anything which is published as an advertisement for a particular party as news or could be any paid content which is at the desire of the party who is a transacting equity stake with media houses for the same. A prime reason for paid news is the independent contracts between political parties, institutions and media houses which occur in the name of ‘*private treaties*’ and this leads to dilution of the autonomy of the journalist or the editor and also bias news that would wrongly

influence the consumers of this news. It leads to decrease in credibility and misinformation. This happens due to the poor wage system of the journalists and editors. *The Ministry of Information and Broadcasting* was instructed to check upon any such contracts with the media houses. In its defence, it quoted the Supreme Court judgement which held that '*commercial speech is freedom of speech*' and closed this topic in the year 2015-16 but it was then clarified that this was in the context of the advertisement on electronic media¹. It was further decided that it must be made mandatory to disclose any such existing private treaties. But it doesn't address the issue.

The *Press Council of India (PCI)* is an important body which governs and regulates the media industry. It has certain roles to play as a shield for the autonomy enjoyed by the media sector but such treaties are indirectly interfering with the independence they enjoy. The PCI is powerless as they have control over only the print media and adjudicate over only certain matters or complaints that come to them, so although they seem to stand for the independence of the media in the country they do not have the power to adjudicate matters that hampers this independence. As the technological up-gradation is on the rise it is important for the laws to favour the scenario. The access to electronic media has increased drastically and news channels on the television, website and apps of the media houses are preferred over the newspapers as this is a very cost-effective method to do so. In this case, there are more chances of paid news being published on such platforms as the consumers of this information are relatively higher. This gives an opportunity to the media houses and the political parties a lot of loopholes to escape from as the *Information Technology Act, 2000*, are not sufficient enough to regulate as the purpose of the said Act is different and the lack of a financial model for this sector makes it all the more alarming.

The changes that can be made by giving power to the PCI as the famous thought process behind the technique of functional foremanship laid down by Fredrick Taylor which indicated that people must be divided into small groups and specialise in that. Placing the same analogy in this macro scenario would help in better management of the media sector as the PCI which

¹ Tata Press Limited v. Mahanagar Telephone Nigam Limited, (1995) 5 SCC 139 (Tata Press case).

specialises in this sector will then receive power to adjudicate on matters in print and electronic media. Although this Council was established as a Court of honour, it is important to understand the exposure and impact of any wrong or bias news spread and how it increases the vulnerability to protest and unrest in the country.

The suggestion to this issue would be to establish a tribunal as similar to *Consumer Redressal Dispute Commission* in two levels, state level and a central level to adjudicate matters and provide penal remedies. Taking stricter action will automatically help in breaking this culture of paid news which is nothing but advertisement camouflaged as news. The clause regarding the disclosure of such treaties must be published with the content being published so that the consumers of such information i.e. the general public are aware of such treaty and then educate themselves as this will help in preventing a sort of misinformation as “misinformation is no information”.

III. YELLOW JOURNALISM:

“The press is important in a democracy. But it must observe self-restraint.”²

Yellow journalism is not the pure form of journalism, rather a pure form of business. In India, this kind of journalism is swamping from the last two decades. For example, *the coverage of Aarushi Talwar’s murder*. Media portrays micro issues or not even issues as real issues to attract attention. Here the news is not about the facts and circumstances that exist but about situations or controversies that would be interesting to hear about or would sound favourable to the target audience. It’s about the number of clicks that any news column receives and not about whether the content published is accurate and true. **Blackstonian theory of freedom of the press³ is a theory in 1769 that must be considered for ethical practices which lays down the following:**

- 1) *Liberty of the press is essential to the state.*
- 2) *No previous restraints should be placed on the publications.*
- 3) *That does not mean there is press freedom for doing what is prohibited by law.*

² The Times of India, New Delhi dated August 10, 2010.

³ Justice A.N.Grover , Press and the Law (1990).

- 4) *Every freeman has the undoubted right to lay what sentiment he places before the public, but if he publishes what is improper, mischievous or illegal he must take the consequence of his own temerity.*

In the first clause, it describes the importance of freedom of the press and the liberty that they are entitled to as they are the medium through which every citizen in the country receives information and it is important for the press to have independence. The second clause also emphasises on not to apply any sort of restraint or restriction on publications that are yet to be published as this would prevent any wrong allegations and unreasonable interference. Unlike the first and second clause that gives absolute autonomy to the press, the third and the fourth clause place certain limitations on it. They prohibit any sort of illegal acts or wrongful behaviour causing damage *in rem or in personem*.

Yellow journalism is the use of attractive headlines just to attract the attention of people towards news without focusing on the actual content of the news. This concept came into the picture during the 1890s to describe the maneuverer between New York City newspapers, the world and the journal. Joseph Pulitzer had purchased the New York Times in 1883 and he started using attractive headlines with regard to injustice, political corruption in the newspaper to increase the circulation of New York Times and he was successful in the same as he won the largest newspaper circulation in the world. In 1895 when William Randolph Hearst came to New York City and bought in rival "the journal". William also hired some of the staff members from New York Times and then began the tough competition between Pulitzer's 'New York times' and William's 'the journal' as William started using attractive headlines in his newspaper this stiff competition between New York times and the journal gave rise to a new concept which is yellow journalism.

One function of PCI is to build up a code of conduct for newspapers and journalists in accordance with the high code of conduct but yellow journalism is a type of scurrilous writing or the presentation of journalists on news channels against a particular community of people, lack of decency, vulgarity etc. This approach is against the code of conduct of journalist. A recent example of the same is the increase of cases of coronavirus in India after the incident of *Jammat in New Delhi*. Some of the news channels quoted the headlines like

“Corona se Jung Mei Jammatt ka Aghat”, “Dharam ke naam par jaanleva ‘Adhram’”, In this news channels have linked spreading of coronavirus to a particular. These kind headlines were used by some news channels during the outbreak of coronavirus. The journalists should keep in mind the professional code of conduct of journalism and focus on the facts which they present to the audience rather using such inappropriate headlines to attract the audience. These kinds of headlines can come under the ambit of Section 153A of Indian Penal Code, 1860 states that promotion of enmity between different groups ⁴.

Yellow journalism is a culture that will only reduce the credibility of the publisher and the media house as, though the short-term effects will seem to attract the target audience but eventually will depreciate the trust and goodwill held by them. Few measures that can be taken by the PCI could be to recognise and encourage journalists and editors who consistently present their news without any prejudice. Also, must work on a code of conduct that would be implied on all media houses to prevent any sort of yellow journalism or any news that could result in misinformation among the public.

IV. FAKE NEWS:

“Alternative facts and fake news are just other names for propaganda” -Johnny Corn

Fake news is also known as junk news or spam news is a form of disinformation which spreads through news media (print and electronic). The meaning of fake news in the sense of research is false information which spreads rumours, spreads misinformation in public with the intention of the same and misleading people from concrete facts is fake news. Misinformation is the sole purpose of fake newsmakers to deprive people of real facts. Nowadays as soon as we receive a message on our social media portal without giving a second thought to our mind to verify whether this message is a real message or not? We just forward that particular message to our friends, in this way; we are also equally responsible for spreading fake news. Fake news has a huge psychological impact whenever we see a message on our social media portal and if that message satisfies our personal bias, we forward it without even thinking that particular message can spread communal disharmony among

⁴ Indian Penal Code 1860, section 153A

people. The best example of the above statement is when the *Citizenship Amendment Act, 2019*, was passed by the government of India there was a lot of communal disharmony in the country. At some places, there were peaceful protests taking place whereas at some places violent protests were taking place. In this crucial time, there was a lot of misinformation which was spread in social media regarding the protest. Fake videos were released in which people of one community were beaten by the people of other community. The worst part of this whole scenario was that people forwarded this fake news through their social media portals without even verifying the news.

During this time of the protest, there were a lot of celebrities namely *Richa Chadda, Sayani Gupta, Raj Kumar Rao, Deepika Padukone* and more actors and actresses expressed their opinion either through social media portal or some celebrities physically joined the protests. It is very important for the celebrities to understand that they have a fan following in our country and many people follow them, so in such sensitive matters, they should express their opinion after doing some research on that particular matter. Accordingly, they should have given a message to protestors to protest silently rather than being violent and damaging the public property. Some of the celebrities did not even know the difference between Bill and Act that is the reason why they were using these terms interchangeably in their posts on social media.

The world is currently hit by coronavirus also known as covid-19 which is a very lethal disease because it can spread through human touch and through many more ways. The almost entire world is terrified by this disease and during this time as well fake news is spreading like coronavirus in various social media portals. Majority of these messages that we are getting during this time through social media is fake. The information, you know, we see something on there most of the time the information that we view already agrees with views we have because the information that is presented to us is based on our previous likes and clicks and all of that anyways. That in itself is problematic because it does not present us with the whole picture on any topic. And if we only see one side of the story or whatever it is all of the time, we begin to believe that is all of the information that we have. But we come across information, it makes us feel emotional, we get upset about it, we think other people should

have this information, so, we share it, we like it, we send it to all of our friends and family and then it just, the cycle just continues. Fake news is created by creators for monetary benefits as well because as much as that particular message gets forward to people, they get money out of it. One of the reasons for spreading fake news is the reduced prices of smartphones as the creators can afford a smartphone and start their business and also one of the reason is cheap packages of internet data.

V. CONCLUSION:

At the end of the day, it is we as consumers of this information whose contribution will actually bring about a difference. The government can surely pass guidelines and various code of conducts with regards to such issues but these can be efficiently enforced only if we as responsible citizens remain conscious of the fact that we consume news to educate ourselves about the current surroundings rather than to create opinions based on some facts and imposing them on the rest. Here are certain things that we can follow to break these unethical cultures followed by the press:

- *If we get any kind of news on our social media portal and that particular news does not have any credible link which is given in the end as a source then there are 90% chances that the said news is fake and we should avoid forwarding. In cases where there is a possibility of it being true, there is no harm in cross-checking it on Google or any other search engine with the help of the keywords to verify it.*
- *There are facts checking websites which have been created by genuine creators namely ALT News, Social Media Hoax layer, etc. The main function of these websites is to post any circulating fake news so that people can compare and verify it with the news received.*

‘YOU ARE WHAT YOU SHARE’ is important to understand the significance of an educated audience in the development of the country. Our actions are reflective of our thoughts and hence we must be cautious about what information we are sharing as incomplete knowledge will spread misconceptions that may lead to inappropriate conduct by the masses.