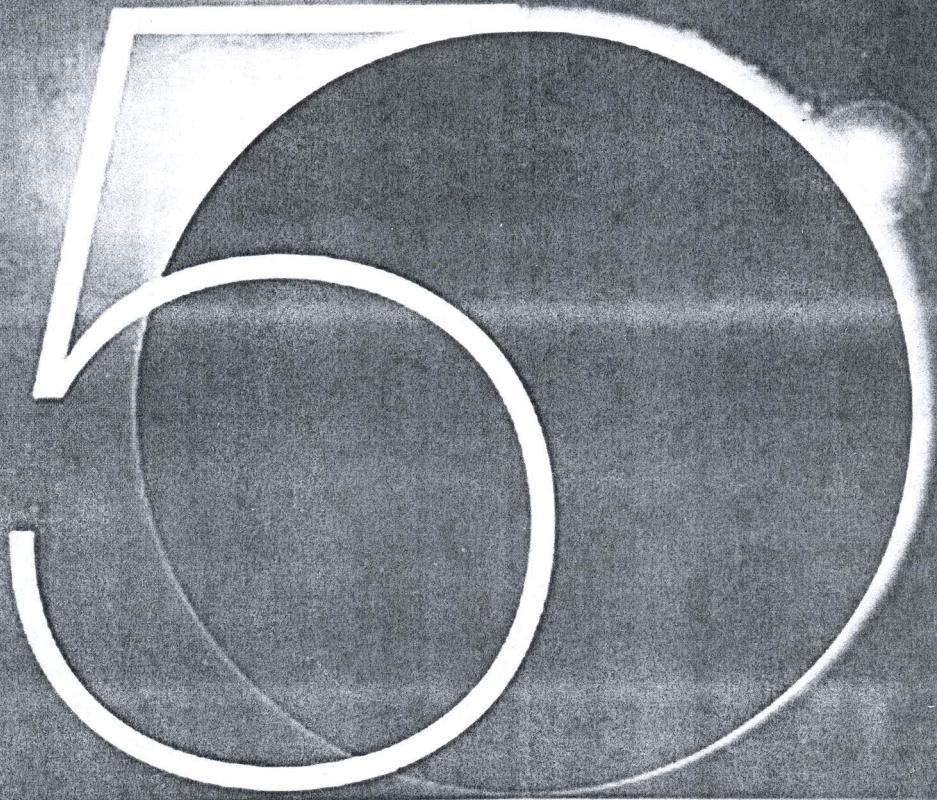


UNI GOLDEN JUBILEE 2011

United News of India

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SHOULD THERE BE A LAKSMAN REKHA FOR MEDIA?

—Dr. N. Bhaskara Rao

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Somnath Chatterjee, as Lok Sabha Speaker a couple of years ago, reminded that institutions in a democracy have to operate within a "Lakshman Rekha". He was talking in the context of the need on the part of the pillars of democracy to maintain a "constitutional balance" so that harmonious relationships are maintained in such a way that each one does its job at the best. In the context of mass media more specifically, former Prime Minister Atal Bihari Vajpayee, while inaugurating The Hindu's 125th anniversary celebrations, called upon the media not to cross "Lakshman Rekha" in their coverage. Cautioning the media against "unwarranted criticism", the Supreme Court (on April 25, 2005) felt that "Freedom enjoyed by the media was no license to indulge in sensationalism and a mechanism should be devised to check the criticism from crossing the limits". The motivation for such observations was adverse or excessive media coverage of one or other individual leader or political party or the Government.

A Lakshman Rekha for Media

The concept of Lakshman Rekha implies that there is need for certain equilibrium between relationships and responsibilities of various pillars of democracy and that each of them should restrain from going over board or not loose track of boundaries separating their functioning within the provisions of the Constitution, written and unwritten. Lakshman Rekha also implies operating not only with certain responsibility and accountability but also with certain concerns for the (effects) consequences of what is being done, or not done today, on the larger values to do with freedom, objectivity, equity and ethics. It involves both legal and ethical dimensions. Nevertheless, most elected democracies in the world have one or other restraint on the operations of media even when they are relatively free from the Government's interference. In India, a free and independent media is inherent in the freedom of speech and even guaranteed by the Constitution under Article 19(1)(a) but "subject to restrictions operating in a very narrow sphere". It assumes that media is fair, free and responsible and operates under certain checks and balances, a hallmark of Indian Constitution. It is expected that media observes certain standards of objectivity and responsibilities and responsiveness inherent in the concept of Fourth Estate. The media itself is expected to maintain its own code of conduct and credo of self-restraint in such a way that dignity of other democratic institutions and the privacy of individuals is in no way adversely affected. That is how a two - judge bench of Supreme Court called for some mechanism "to check the publication which transgresses the limits of fair and bonafide criticism". Freedom and democracy requires such a responsibility to the larger public and certain standards of behaviour & self-discipline.

That is how, in the context of broadcasting, Supreme Court's landmark judgment of 1996 observed that "airwaves belongs to public" and as much as they cannot be used for personal profit and called for an independent regulator. Going beyond, a former Chief Justice of a High Court M.N. Rao has observed "Freedom without responsibility denigrates into license. The very role the media plays

as a disseminator of news, educator of the public and creator of public opinion imposes onerous duties of a high order. High ethical standards the media must adhere to. Truthfulness in the reporting of news, objectivity in the presentation of facts without any bias, avoidance of giving undue prominence to persons and events to promote the business or political interest of the media owners are some of the minimum ethical standards expected of the media". He further observed that "When media is run as a business enterprise with the primary object of earning profit without any commitment to ethical values, often objectivity in the presentation of news is brushed aside. Facts are edited to promote the unstated objectives of the media operators. The right of the public to have correct information comes into conflict with the private interests of the media operators. The working journalist often finds himself in a helpless position".

Another former Chief Justice of India Dr. A S Anand observed that "while commercialism has a legitimate place in the business office of the newspaper, it becomes a danger when it invades the editorial room". Stating that "today, there are some genuine concerns about the way in which some sections of the media function," he said, "the liberty of the press cannot be confused with its licentiousness".

Role and relevance of news media are to do with their concerns and contents. Until a few years ago these were to do with the "Fourth Estate" notions and standing of media as a "watchdog". For that is how the news media have been enjoying certain privileges and societal status. The news media are expected to have larger and long range concerns, not just market compulsions or go by competitive pulls. Today news media are more a corporate voice than of community. New definition, new news values and new priorities dictate media today. It is in this process that the question of lakshman rekha arises.

Shifts in the paradigm

With proliferation of TV, radio and newspapers recently in the country, the overall role, reach and relevance of media should have expanded much beyond (two - thirds of people) what it was a couple of years ago. Also, the range of coverage of the news should have expanded beyond urban India. But hardly there has been any change in both the respects. This was because the one is having deeper pockets. That is how rural reach as well as coverage of basic issues of concern to common people is still negligible. Some increase in circulation and viewership nevertheless is because multiplicity, not because of big expansion in the reach. Despite boom in 24-hour news channels, the extent and range of their coverage size of India has not increased. There is no independent and objective analysis of these changes in the media operations and their implications.

We need to understand that today advertising and market research in many ways determine the scope of mass media, including journalistic trends. With allowing of 100 per cent FDI in both these fields in the last couple of years, both these functions are in the hands of corporates controlled mostly from abroad. Advertising, market research and media planning sets the pace of media including in the case of ownership pattern and journalistic trends. By and large the control of these "determining factors" has changed hands recently with no one raising an issue of long term implications.

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No wonder why the Ministry of Information & Broadcasting recently took the initiative of consulting the stakeholders, including civil society groups, on measures to regulate the contents of television channels and even cancelled unplinking license of one TV channel and issued notice to another for "indecent contents" they telecast. Both the Houses of Parliament also discussed the issue specifically in the wake of news channels too going all out chasing TRPs even if it amounts to reducing themselves into obscene or porno as part of prime time news bulletins and as "breaking news". TRP mania has caught on the news channels and newspapers are already catching up, with frequent "market surveys". For it is a no-holds-bar competition which is dictating the contents, not the concerns of the people or the basic issues before the nation. The chase is "for what interest" people, not "what is in the interest" of people. In this order it is the marketing people in the media who are setting the priorities. News media are no longer journalist driven as in the earlier years and as the Fourth Estate concept implies. Further, virtues, values and criteria cherished all along by newspapers are under a push-pull to fall in line with the "new order". It is against this background that Lakshman Rekha becomes relevant, even in the case of media. That is how one of the most respected news daily, The Hindu, had put it in its editorial way back in 2003 (September 13) "the buoyant growth of Indian newspapers in recent times is a new combination of pressures on the core values of journalism, pressures generated by intensifying competition, by business success, and sometimes by political ambition. In the name of the omnipotent market, a new kind of demand is made for manipulating news, analysis, and opinion to suit the owners' financial and political interests – and for tailoring and editorial product to sub-serve marketing goal".

Should this situation be allowed to drift further? or should we look for some correctives the more reliable ones. It is high time we have a national debate. A Lakshman Rekha, however, should not mean curbing or curtailing freedom of press. But if an independent body could help to promote responsibility, standards of behaviour and self-discipline, it deserve to be considered, of course, keeping the experience with the Press Council or even of Prasar Bharati.

*"Every responsible writer has to take up
the cause of the oppressed and the downtrodden.
Otherwise history will not forgive him or her."*

—Mahasweta Devi

Bengali Writer and recipient of the
Bharatiya Jnanpith and the Magsaysay Awards