

**MEDIA LAW AND ITS IMPACT ON THE SOCIETY****<sup>1</sup>Meena Singh, <sup>2</sup>Dr. Harshita Thalwal**<sup>1</sup>Student (L.L.M), UILS, Chandigarh University, Gharuan, Mohali, India<sup>2</sup>Assistant Professor, UILS, Chandigarh University, Gharuan, Mohali, India**ABSTRACT**

Living in the 21<sup>st</sup> century where more than half the world is familiar with technology and internet, it is very easy for the media to transmit the information to the people. However free press is very crucial as it is the voice of the individuals but media shall not fall as a casualty to some financial or any other type of allurements and should genuinely and honestly keep serving the people. Media plays a critical role in shaping the minds of the people. It keeps us mindful of various activities happening around such as sports, politics, moral, social or cultural exercises. Additionally, It is like a mirror which projects the uncovered truth to the public but it might also be bitter at times. Media organizes arguments as well as debates on various issues and repudiating arrangements with the goal to put forward different views and opinions on important issues. The Mass Media likewise conveys political, social, moral, cultural as well as many other ideas and hence makes a significant commitment to the contribution of public assessment. Media law does not allude to a uniform collection of law but is a collection of variety of laws and moral principles that impact the media work. Moreover various types of media are dependent on various guidelines that need to be followed during a certain work by media. However there exists inclusive standards that need to be followed needs to be followed by each and every journalist while rehearsing their work. Serving the public interest is the main and the primary function of any democratic society and in order to achieve this aim, it is necessary for all the journalists as well as other media workers to follow the general standards and moral principles set by the legal framework.

**INTRODUCTION**

Media law is a part of law that comprises of a framework of lawful standards that control the regulation of mass media. It sets the limit within which writers as well as media outlets can function. Media law controls the standard of the dispersal of media items as well as can influence content as well as the substance of the media items. A few guidelines apply to only explicit sorts of media, for instance, the broadcasting laws apply on to top exercises of the broadcast media whereas more legal provisions in general are to be regarded by all media. As we know probably know that the social as well as political life would be unimaginable without the presence of mass media. Free trade of thoughts and discussions are necessarily required for great administration of a country. And this is where media steps in. the media plays a vital role in acting as the defender of democracy, as the work done by media is considered to be of that of an addendum parliamentary resistance in order to fortify the origin of democracy. Media is frequently perceived as the fourth force along with legislative, executive and judicial organs of the government. Their role isn't exclusively limited to generation of realities. Medias effect on individuals is so ground-breaking today that it shapes their standpoint, sentiments, feelings, decisions, preferences, abhorrence and media rules their capacity of dynamic. Media has been an indispensable piece of the human progress from time memorial, the Indian media is viewed as most oldest and biggest media in the world.<sup>1</sup>

The expression "Media" is the plural form of medium, and it portrays the different paths through which we can convey in the public arena. Media can be partitioned into two classifications comprehensively broadcast and print media. The web has likewise risen as a significant player, as quickly developing number of individuals comprehensively get their news, films and so forth on the web. Print media incorporates papers, magazines, diaries, books, reports. It is the most seasoned sort of correspondence utilized by huge extent of the populace.<sup>2</sup> At the end of the day, media's lead is to be administered with certain measures of professionalism and morals kept in mind. The media is ought to control itself from the distribution of phony, controlled, altered or tampered news. Further it should not meddle with the privacy of an individual until and unless there exists a critical need of the same in order to maintain public interest. It is said to be not only moral yet additionally the obligation or duty of the media of any nation to secure and safeguard its cultural legacy

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<sup>1</sup> Perna Singh, "History of media in India" *Doon Live*, January 19, 2019

<sup>2</sup> What is media, India, available at: <https://marketbusinessnews.com/financial-glossary/media-definition-meaning/> (March19,2020).

and heritage. The media associations should be increasingly responsible and inclined towards the interest of the overall population of the nation.<sup>3</sup>

### **MEDIA AND DEMOCRACY**

Media plays a critical role in creating a democratic culture that broadens the political system and thus becomes intrinsic into the consciousness of an individual. With the help of the information provided by media, people now find it easier to make decisions regarding various grounds. One of the biggest example of this can be elections. By the political information provided by media, voters frame their point of views and make their decisions easily. Media analyses the problems and obstacles in the society and serves them to the public through various means. They provide information on the errors and wrongdoings of those in power. Therefore the information provided by the media is relied upon by every society and hence gives it a tremendous amount of power in creating views in the minds of people. Thus it can be said that the role of media is as crucial as the political system of the country.<sup>4</sup> Democracy and media walk beside each other, ie., walk hand in hand. Media not only fortifies the democratic rules and qualities but also enlivens the speed of improvement. It is known as the spine of democracy. The ongoing years have observed a more prominent interface between a common man and the media. Media now has emerged to become a piece of those individuals of the country who are generally subject to it for various needs including data as well as entertainment. Media helps in keeping the people aroused and revived and it can never be denied that it has become one of the most significant instruments of social change.<sup>5</sup>

### **FUNCTIONS OF MEDIA**

Providing education and information to the public is considered to be the primary function of the media. It cultivates and develops various subjects to individuals at various levels. They attempt to teach individuals legitimately or by implication utilizing various types of substances. Particularly in the creating nation, broad communications is utilized as successful apparatuses for the mass awareness. Another significant function of the media is to share and send the information received. Since data is information and information is considered to be power, media offers bona fide and opportune realities and suppositions about different occasion and circumstances to the audience as descriptive items. The information provided by the media is often objective, stubborn, emotional, primary as well as secondary. Instructive functions of media likewise makes the public form opinions and judgements about various events and realities. Media disperses data generally through various means such as broadcast on the radio, TV, paper, magazines etc.

The first thought behind the production of different „media means“ was to engage masses. Radio, TV, Films and Magazines burn through a large portion of their assets focusing on engaging things and projects. On account of the developing populace and creating way of life, the interest for greater amusement is expanding. Consistently billion of dollars is exchanged media outlet.

Surveillance is an important function of the media. Through the help of close observation, one is able to watch the society and be able to foresee the future threats as well as incidents. Here perception intends to watch the general public intently. The capacity of mass media is to watch the general public intently and constantly and caution them about the undermining activities to the public that are probably going to occur in future so as to be able to diminish the conceivable misfortune.

Media's main aim is to provide entertainment to the public. Along this it also causes the lives of the individuals to run on an easy basis and makes a difference in diminishing the worry among the people in their day to day life. The amusement channels give numerous projects to the youngsters who create information as well as recreational qualities among them. It enables one in achieving a steady change in the way of living of the individual. The segment of the media content is driven by the aspiration of the individuals to manage their psychological perspective and for the most parts the media clients are decadents that endeavor for pleasurable encounters. It is regarded that the individuals target at limiting

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<sup>3</sup> Media Law: The Dire Needs Of The Day, India, available at: <https://www.mondaq.com/india/social-media/348626/media-law-the-dire-needs-of-the-day> (last visited: October 22, 2014)

<sup>4</sup> Role of Media in Democracy, India, available at: <https://legaldesire.com/role-of-media-in-democracy/> (last visited on July 25, 2016)

<sup>5</sup> Mohd Ayub Mir, "Role of Media in Indian Democracy" 6 *Journal of Vikram University* 584 (2019)

the conditions of negative dispositions and consistently make progress toward augmenting positive as well as pleasurable states of mind; and the determination of engaging media is one type of such stimulation.<sup>6</sup>

Advertising wields individuals to purchase items which they don't require by investing on their sentiments. They aim at striking the correct harmony which can make the item snap in the market by appending some passionate sentiments to it. Advertisers are now and again blamed for stirring wants in the buyer's minds for extravagance products too far in the red. Subsequently, they are continually reminded of what they need. Significantly more treacherous is considered to be the endeavor to take advantage of the shortcoming of the people.<sup>7</sup>

### **ROLE OF MEDIA**

1. Media must ought to reflect in their content different social, financial as well as cultural factors of the society in which they work in a pretty much corresponding manner.
2. Media should offer equivalent odds of access to different voices of the diverse social minorities that create the tip of the public.
3. Media should provide a convention for various interests and perspectives in a society.
4. Media must offer pertinent decisions of contentments and furthermore assortment after some time which relates to the requirements and interests of their public.
5. The media has no formal or legitimate job in the political arrangement of the nations around the globe, but however in the contemporary period governmental issues and the media have overtime become practically tradable.<sup>8</sup>

### **MEDIA ACCOUNTABILITY**

Media accountability is an expression which alludes to the general conviction that there must exist a certain accountability of Media towards the public. This implies media is relied upon to act in a way that advances over all wellbeing of the general public. This idea isn't unmistakably characterized and frequently crashes into business interests of media proprietors and issues of legal nature. A few examiners feel that media, in the recent times, has neglected to find harmony between its commitment to earn money and its obligation to serve the general public. They strongly feel that TV stations have made a sham of the code of morals and there is no certain jurisdiction to constrain them.<sup>9</sup> Media accountability is at times mistaken for self-regulation. It does incorporate it however it is considered to be a far more extensive idea. In a common society no privilege to opportunity, howsoever significant it may be, can be viewed as supreme, boundless, or unfit in all conditions. The freedom provided to the media, similar to some other opportunity perceived under the constitution must be practiced under sensible and feasible limits. It has been stated as well as observed that with incredible force comes extraordinary duty. Correspondingly, the opportunity under Article 19(1) (a) is a complementary with the obligation that is not to disregard any law.

### **FREEDOM OF MEDIA**

Freedom of media is the opportunity for the individuals as they ought to be educated regarding the public significance. It is however unnecessary to accentuation that a free and a sound press is essential to the democracy. In a democratic society there must exist dynamic support of the people in all issues of their locale as well as the state. It is their entitlement to be educated about the current political, social, and financial issues just as the consuming and significant issues of the day so as to empower them to consider shaping as well as forming expansive supposition in which they are being overseen and regulated by the legislature as well as their functionaries. In order to accomplish this target the individuals need an unmistakable and forthright record of incidents and matters, with the goal that they may frame their own conclusion and offer their own remarks and perspectives on these issues and be able to choose their future-plan. The privilege to the right to speak freely and to be able to express is contained in article 19 of our constitution. Although this opportunity or freedom is not infinite as it has been limited by the sub section(2) which has been provided under the

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<sup>6</sup> R.M. Ryan, "Self-determination theory and the facilitation of intrinsic motivation social development and well-being", *American Psychologist*, 2000.

<sup>7</sup> John V. Pavlik, *New media technology: Cultural and commercial perspectives*, 187, 1996.

<sup>8</sup> Carla B. Johnstan, *Global news access: the impact of new communications technologies*, 1998.

<sup>9</sup> Media and Accountability, India, available at : <https://www.greaterkashmir.com/news/opinion/media-and-accountability/> ( June 30, 2020)

same article. However free press is very crucial as it is the voice of the individuals but media shall not fall as a casualty to some financial or any other type of allurements and should genuinely and honestly keep serving the people. Media plays a critical role in shaping the minds of the people. It keeps us mindful of various activities happening around such as sports, politics, moral, social or cultural exercises. Additionally, It is like a mirror which projects the uncovered truth to the public but it might also be bitter at times. Media organizes arguments as well as debates on various issues and repudiating arrangements with the goal to put forward different views and opinions on important issues. Mass media is quite incredible. In today's date it is considered to be very powerful. The media is ought to control itself from the distribution of phony, controlled, altered or tampered news. Further it should not meddle with the privacy of an individual until and unless there exists a critical need of the same in order to maintain public interest. It is said to be not only moral yet additionally the obligation or duty of the media of any nation to secure and safeguard its cultural legacy and heritage. The media associations should be increasingly responsible and inclined towards the interest of the overall population of the nation.<sup>10</sup>

## **MEDIA TRIAL**

In spite of the fact that media go about as a watch dog and creates a platform a stage to bring public's voice to the sight of the society as well as the legislature. However currently the media is very much sensationalized and they are only concerned for the pay rates and the TRP's. There barely exists any correspondents that indicates or provides just those news for which they have been paid by the political gatherings. From the above record it is quite evident that the media has had a much more negative impact instead of a beneficial one. The media must be appropriately controlled by the courts. The media can't be conceded a free hand in the court procedures as they are not some game. The most reasonable approach to control the media is considered to be able to practice the contempt jurisdiction of the court in order to rebuff the individuals who have disregard towards the basic code of conduct. Judges while settling on a certain case begin to think about the analysis of the Media on the probability that they go inverse from the perspective on the media that is the reason in general that the prominent cases decision passed by media turns into the last decision in the courts as well.

Being the fourth estate of the democracy the media are the means through which people get the information. Another important concept of democracy is that media should serve the governed and not the governors. The information dissemination of media, therefore, centers through public interest. Sting operations, the newest trend of investigation where the journalist catches the subject unguarded, is considered to be a threat on privacy of the individual. The right to privacy in India is also the outcome of judicial activism. In 1963 Justice Subba Rao observed that the concept of 'liberty' in Article 21 of the Indian Constitution was comprehensive enough to include privacy also. So a sting operation in media can be very well instrumental to malign a person publicly with the help of spy camera or such hidden weapon. Here comes the point to control the sting operations. In the end the author raises a vital point of need of a regulating authority and a legal provision so that it can at least determine that the sting operation has been conducted for 'public interest'.<sup>11</sup> The main observations of the Supreme Court of India on sting operations are (i) it is done for monetary gains, (ii) it violates right to privacy and (iii) it is cowboy journalism and no seriousness is associated with this. Finally he concludes by stating the necessity of a code of ethics for the broadcasters.<sup>12</sup> Trial by media is an expression that has been utilized famously over the most recent couple of decades to depict the effect of print media coverage and the television on a case by an endeavor made by the media of holding the denounced blameworthy even before his preliminary and regardless of any decision in the court of law.<sup>13</sup>

## **CONCLUSION**

It can be concluded that the principle aim of the media is to serve the public with news, occasions, occurrences as well as speculations in the exact manner as they exist. Hence freedom of the press should be regarded as benediction for the people. However there many exist times when such a blessing might turn out dreadful due to wrong control and misuse of the power provided to the media. The way that media has assumed a crucial role in keeping a mind the administration functionaries can't be ignored, yet at the same time there are a great deal of escape clauses and lacunas that must be recovered. Towards the end, the media's direction is supposed to be relied upon the administration with certain measure of demonstrable skills as well as morals present in mind. Media is ought to control itself from publication of news that is controlled or altered. Therefore they must always provide unaltered news as it plays a critical role in shaping and forming

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<sup>10</sup> Media Law: The Dire Needs Of The Day, India, available at: <https://www.mondaq.com/india/social-media/348626/media-law-the-dire-needs-of-the-day> ( June 30, 2020)

<sup>11</sup> Shalini Tyagi, Sting Operation an Invasion of Right to Privacy, *LawZ Magazine*, February 11, 2017, available at: <https://lawzmag.com/2017/02/11/sting-operations-an-invasion-of-right-to-privacy/>.

<sup>12</sup> Palak Jain, Sting operations as evidence in India, available at: <https://www.lawctopus.com/academike/sting-operations-evidence-india/> (June 25, 2020).

<sup>13</sup> Trial by media a threat to administration of justice, India, available at: <https://www.lexology.com/library/detail.aspx?g=52a59428-9ce1-4fe5-8af9-f10750d37ca4> ( June 20, 2020)

a persons opinion and judgement. Further, it shall never meddle with the security of any individual except when and only there exists a desperate need of the equivalent for the safety or wellbeing of the public. It is not just moral yet additionally the obligation of the media of any nation to save as well as secure its social legacy and qualities. Media associations ought to be progressively responsible towards the interest of the overall population of the country.