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Commercialisation of Media

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ABSTRACT

In India today, the media is not just a medium of communication, but also a source of public opinion and it has the ability to manipulate our minds since we have a tendency to trust what we hear and see without questioning its source. People in Indian democracy have a tremendous deal of respect for the media, and they have complete faith in the information they offer. The media has a responsibility to the citizens because they trust and have faith in it; this trust and faith must be preserved, and the media must maintain its dignity. The goals of the media, authors, publishers, channels, editors and reporters have shifted from 'truth' to 'business of truth,' and they are now selling their stuff solely for profit. Rich businesses and politicians fund the media, and media personnel profit handsomely from them; as a result, they have become nothing more than a puppet for them. Political parties are now in charge of media promotions

People are more prone to believe and accept all media reports and coverage. The freedom of the press is guaranteed by Article 19 (1) (a) of the Indian constitution, which is derived from the freedom of speech and expression (1949)

Keywords: *Media Trial, freedom of the press, Media, Judiciary, Fair trial, the court of law.*

I. INTRODUCTION

The question which is relevant to the topic is what is media? In the most general sense media is a means of communication or a medium for the collection of information. Media is the platform by which news or information or any matter is broadcasted, published or circulated by means of television, radio, press, newspaper, internet or any other communicable device. The term "media" stems from the Latin plural of the word "medium." In the modern context, the term media has come to include in its ambit social media as well.

Till the 19th century, societies expanded their literacy through public schooling. Thus, it is comprehensible to observe the media's expansion throughout the 20th century, and its continued growth now. This is because of improvements in technology and artificial intelligence system.

The media's importance and power in a democracy are widely acknowledged. Every citizen in India has the right to free speech and expression under Article 19(1) (a) of the Indian Constitution. Media has played an essential role on behalf of citizens in obtaining information and

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making specific knowledge available to the public on a consistent and efficient basis.

In a diverse society like India, there should be free, independent and powerful media so as to ensure that the governmental functions are to be performed in the way in the interest of the public. Furthermore, it is a known fact that media is a platform that aids in forming opinions on several subjects pertaining to the international, local and regional and national objectives. It also serves as a tool for conveying one's ideas and perspectives.

Over the years, journalism has digressed from its initial form of "*responsible journalism*" to a more profitable form, or rather "*saleable journalism*". This is supported by the fact that the news channels run more content on the wealthy and the affluent, instead of the underprivileged and destitute. Ergo, it can be said that compared to earlier times, media has changed its prime focus from influencing the thought processes of the masses.

Vice-President Hamid Ansari on said inaugurating the M.C. Varghese memorial lecture series warned that commercialisation of news content for revenue generation could damage the country's polity and economy. "*The recent practice of leveraging political and economic content in our media for overt and covert revenue generation have the malevolent*

potential to tarnish our polity and even destabilise the economy," he said.

It is the duty of modern journalists to report even the most uninteresting issues plaguing society in a manner which catches the attention of the people. But what they are showing is mostly related to the fashion industry so as to increase their TRPs. Therefore, journalism in contemporary times has drifted away from its main aim of building a connection with factual information with the people.

II. FREEDOM OF MEDIA UNDER INDIAN CONSTITUTION

To preserve the democratic way of life it is essential that people should have the freedom to express their feelings and to make their views known to the people at large. The press, a powerful medium of mass communication, should be free to play its role in building a strong viable society. Denial of freedom of the press to citizens would necessarily undermine the power to influence public opinion and be counter to democracy.

Media derives its rights from Article 19(1) (a) of the Indian Constitution, i.e. 'Freedom of Speech and Expression'. It is a fundamental right. Article 19 (1)(a) of the Constitution, from which the media gets its constitutional guarantees to all Indian citizens, reads as follows: (a) to freedom of speech and expression; Article 19(2)² contains

² Article 19(2) in The Constitution Of India 1949
(2) Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right

conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence

the restrictions to the right protected by Article 19(1)(a).

The media is a platform for societal, contemporary, and political discussion; it is a vehicle for expressing opinions and disseminating information about the general populace. It serves as a teacher of the populace, the voters, and all individuals in general. Even though there is no direct reference to press freedom, it is deemed to be encompassed in the broader freedom of speech and expression. The Constitution of the United States makes a specific reference to press freedom. It has been founded that under our constitution, it is inherently protected as an element of the freedom of speech and expression under Article 19 (1) (a.)

Freedom of speech and expression may not include freedom of the media, which is essentially freedom of publication and freedom of circulation of the matter so published.

Nowadays, a government's democratic standards are determined by the extent to which the press is free to operate. Freedom of speech and expression, as well as press freedom, not only, are vital in and of themselves, but are also necessary components of a progressive system of governance.)

However, a reference to the Constituent Assembly Debates would dispel such an argument.³ It was made clear by Ambedkar, Chairman of the Drafting Committee, that no special mention of the freedom of the media was

necessary at all as the media and an individual or a citizen were the same so far as their right of expression was concerned. This view has been vindicated by the SC in various judgements.

The 'Founding Fathers and Mothers' of the Indian Constitution believed that freedom of expression and the freedom of the press are indispensable to the operation of a democratic system. They believed that central to the concept of a free press is freedom of political opinion and at the core of that freedom lays the right to criticize the Government. They endorsed the thinking of Jawahar Lal Nehru who said, "*I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed and regulated press.*"⁴

III. JUDICIAL INTERPRETATION

The Indian judiciary has played a pioneering role in upholding the freedom of media. In various cases, the Hon'ble SC has time and again enunciated the freedom of media as a fundamental right under Article 19(1)(a).

The Hon'ble SC adjudged that the right to freedom of the press was a crucial aspect of freedom of speech and expression in *Brij Bhushan v. the State of Delhi*⁵ and in *Romesh Thapar v. the State of Madras*⁶. In the *Romesh Thapar case*, it was noted by Justice Patanjali Sastri that the right to freedom of speech and expression was inclusive of dissemination of ideas, which can be ensured through the freedom of transmission, Thus, it can be inferred that the *right to publish* and disseminate the views and

³Constituent Assembly Debates 712-716, 780.

⁴ Nehru's speech on 20th June 1916 in protest against the press Act, 1910

⁵ A.I.R. 1950 S.C. 129.

⁶ A.I.R. 1950 S.C. 124

ideas of the people by reinstating the methods of publications and having full liberty is considered to be an essential component of the right to freedom of speech and expression.

Freedom of speech & of the press lay at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible.

In *Indian Express Newspapers v. Union of India*,⁷ speaking about the utility of freedom of the press the court observed:-

*“The expression “freedom of the press” has not been used in Article 19 but it is comprehended within Article 19(1)(a). The expression means freedom from interference from an authority which would have the effect of interference with the content and circulation of newspapers. There cannot be any interference with that freedom in the name of public interest. It is the primary duty of the courts to uphold the freedom of the press and invalidate all laws or administrative actions which interfere with it contrary to the constitutional mandate.”*⁸

The aforementioned views were upheld in *Sakal Papers (P) Ltd. v. Union of India*⁹ and were resolved in *Bennett Coleman & Co. v. Union of India*¹⁰. The freedom of the press in India does not hold more importance than the freedom of speech and expression. Furthermore, there are no advantages that are connected with the press which may be different from those that are given to the citizens. It is widely recognized that the

right to freedom of speech and expression is given to all the citizens of the country. This right is not available to those who are running their own newspapers and are not citizens of India.

In *Prabhu Dutt v Union of India*,¹¹ the SC has held that the right to know news and information regarding the administration of the Government is included in the freedom of the press. But this right is not absolute and restrictions can be imposed on it in the interest of society and the individual from which the press obtains information. They can obtain information from an individual when he voluntarily agrees to give such information.

From the above discussion, it can be explicitly seen that the constraints that had been put on Article 19(1) (a), which deals with the right to freedom of speech and expression, as given under Article 19(2) has a dual objective – firstly, it is stipulated that this freedom is not absolute in nature and has certain constraints, and secondly, there is a check on the legislature with respect to the imposition of constraints on the liberty and freedom of the media. The legislature must not be unreasonable while imposing such restrictions and should be in tandem with the provisions of Article 19(2). Moreover, these constraints cannot be foisted by the executive independently; it can only be done as per the guidelines of the law.

IV. FROM RESPONSIBLE MEDIA TO SALEABLE MEDIA

Under the Constitution of India, freedom of the

⁷(1985) 1 SCC 641.

⁸In *Re Harijai Singh*, AIR 1997 SC 73.

⁹ AIR 1962 SC 305

¹⁰ AIR 1973 SC 106.

¹¹ AIR 1982 SC 6

media is part of the freedom of speech guaranteed by Article 19 (1) (a). However, for commercialisation of Media, it enjoys two freedoms together one is freedom of speech and expression under Article 19 (1) (a) and the second is the freedom to trade and business under Article 19 (1) (g).

There is no such thing as perfect freedom, and justifiable constraints can be imposed on it. One of the fundamental responsibilities of the media is to deliver accurate and impartial news to the public in order for them to generate sensible views, which is a necessary condition for a democratic republic. However, are Indian news organisations fulfilling their duty effectively?

Unfortunately, some of the media houses are run/funded by businessmen/politicians who promote their interests. In this process, the quality of the content takes a hit. Suppose if anyone gives you any assistance will you cause any harm to him? The answer will always be NO as we know that since we are getting profit from him why should we make him suffer any loss because of us. Here the media is under the duty towards the public which is violated deliberately.

The media has changed its mindset and forgotten the purpose of its origin. Media tends to show whatever is in its benefits, now the contents of truth have changed and the things which are sensational and *masala* which excites public and those which are saleable are only the things that are to be shown to us. The media would say that they need the bites which are saleable in today's intensely competitive market even if it means

putting the issues related to the governance of the country beyond the domain of the public. Media would justify its stand by citing to the taste of the public which is more interested in the news related to crime, sex, the violence of any kind, corruption, page three, the glamour world of cinema and fashion etc.

One of several flaws is that the media frequently distorts information in order to gain greater publicity or, in the instance of newspaper reports, in order to establish itself as the main publication. On one occasion, a prominent English daily printed an image of SC Justice Gyan Sudha Misra on its top page with the tag line: "SC Judge says her daughters are liabilities." It was a skewed and false bit of journalism that was posted on the main page. The Judges of the SC had to divulge their liabilities along with their assets. "Two daughters to be married" were the words written by Justice Misra against the column of liabilities. This statement was not required, since the term liabilities referred to "legal liabilities", such as loans on cars, houses and more.¹² The news was obviously defamatory and intended to stir a commotion since the judge neither had the intention nor did she say that her three daughters were any sort of liabilities.

(A) The concept of paid news

In Indian media, there exists a certain phenomenon, under which they are paid to publish certain articles which are written in favour of an individual, such as businessmen, celebrities and politicians. This refers to the continuous involvement of media channels

¹² Available at <http://www.thehindu.com/opinion/lead/Media-and-issues-of-responsibility/article13059>

658.ece last visited on 16-11-2017

outlets, and aims to fulfil political objectives, or elevate the social image of such people.)

This kind of news has been considered serious malpractice since it deceives the citizens, not letting them know that the news is, in fact, an advertisement. Secondly, the payment modes usually violate tax laws and election spending laws. More seriously, it has raised electoral concerns because the media has a direct influence on voters.

The phenomenon of “paid news” has acquired serious dimensions. Today it goes beyond the corruption of individual journalists and media companies and has become pervasive, structured and highly organized. In the process, it is undermining democracy in India

The commission has provided the definition of “paid news- *“Any news or analysis appearing in any media (Print & Electronic) for a price in cash or kind as a consideration”*¹³

Paid media is a multifaceted phenomenon that has taken on numerous forms throughout the previous six decades. It encompasses receiving donations on different occasions, participating in international and domestic junkets, and receiving numerous financial and non-financial benefits in addition to direct cash payment. Another kind of sponsored news that the Securities and Exchange Board of India (SEBI) has drawn to the Press Council of India's attention is in the form of "private treaties" involving media businesses and major corporations. A private treaty is a legally

binding arrangement between a media firm and another non-media corporation in which the latter sells some shares of the former in exchange for advertising space and favourable publicity.

There have been hundreds of instances, where the Indian Election Commission has found out about politicians, who gave money to the TV channels and several newspapers so that they write reports which show them in a positive light.

- Another example is that of Ashok Chavan, who had been the Chief Minister of Maharashtra at one point in time and had allegedly paid the news channels in 2010. The Election Commission had said that according to the complaint filed against Mr Chavan, he had paid for certain advertisements praising him, which had been published in the newspapers as news articles in the State Assembly Elections of 2009. Additionally, he had not duly mentioned these in the accounts for the election expenses and contended that the newspapers had published those stories about him out of their own free will.¹⁴

- Dr Mishra, who is the Health Minister of Madhya Pradesh from BJP has been charged on the same grounds as Umlesh Yadav, who was at that time an MLA elected from the Bisauli district of UP had been charged. She had been debarred for three years since she had not given the EC the “true and correct amount” of the money she had spent on elections. Umlesh Yadav was the first MLA who had been barred because

¹³ Press council of India: report on “paid news” dated 30/07/2010 page 4

¹⁴ IANS, SC dismisses Ashok Chavan’s petition in paid news case NEW DELHI, MAY 05, 2014 12:10

IST

Available at <http://www.thehindu.com/news/national/SC-dismisses-Ashok-Chavan%E2%80%99s-petition-in-paid-news-case/article11636779>., MAY 05, 20

she had paid news channels and had exceeded the permitted amount for election expenditures. She had not mentioned the amount spent on advertisements, disguised as news while conducting election rallies in 2007.¹⁵

- Delhi Police's crime branch arrested two editors Sudhir Chaudhary and Sameer Ahluwalia of the Zee group in 2012, acting on a complaint by Congress MP Naveen Jindal who had accused the two of trying to extort Rs 100 crore worth of advertisements from his company in return for dropping stories linking the Jindal group with Coalgate.¹⁶

Press council Of India has also issued certain recommendations regarding the paid news during elections:-

It is proposed that the State adopt the following recommendations.

- 1) The 1951 Representation of the People Act should be modified to render the use of sponsored news chargeable election malpractice;
- 2) The Press Council of India must be given full authority to investigate allegations of "paid news" and give final judgement in the matter.
- 3) Press Council Act be amended to make its recommendations binding and electronic media be brought under its purview, and

- 4) Press Council of India should be reconstituted to include representatives from electronic and other media.

(B) Non-issues as real issues

A third defect is that the media often portray non-issues as real issues, while the real issues are sidelined. The real issues in India are economic, that is, the terrible economic conditions in which 80 per cent of our people are living, the poverty, and unemployment, lack of housing and medical care and so on. Instead of addressing these real issues, the media often try to divert the attention of people to non-issues. Such as that the wife of a film actor has become pregnant, whether she will give birth to a single child or to twins, and so on. Are these the real issues facing the nation?

V. MEDIA COMMERCIALISATION V/S PUBLIC INTEREST

Media commercialization is a concept that has to do with the restructuring of media structures, characters and contents to reflect the profit-seeking goals of media industries. We operationalize the concept of media commercialization in this paper to imply the ongoing trend in the media industry wherein the idea of public service journalism or media practice is subjugated to purely commercial consideration of market forces. In other words, media commercialization is construed in one line as:- "A phenomenon whereby the (electronic) media report as news or news analysis a

¹⁵P, Sainath Yes, we spent money on paid news ads' MUMBAI,;

<https://www.thehindu.com/news/national//article60639566.ece> JANUARY 29, 2013

¹⁶ Raj Shekhar, Two Zee editors arrested for 'Rs 100-

crore extortion bid' Available at <https://timesofindia.indiatimes.com/india/Two-Zee-editors-arrested-for-Rs-100-crore-extortion-bid/articleshow/17391903.cms> Nov 28, 2012

commercial message by an unidentified or unidentifiable sponsor; giving the audience the impression that news is fair, objective and socially responsible.”¹⁷

‘Public Interest’ on the other hand denotes what is generally regarded as ‘good’ to the majority of the people. It relates to the concept of majoritarianism which implies that the media consider the opinion of the majority and strive to satisfy or meet their needs. Public Interest is superior to “particular interest”. The media are expected to meet the needs of their audiences through carefully designed content or products in line with the prevailing trend in the industry. The pursuit of public interest requires that the mass media carry out a number of important tasks in contemporary society and these tasks are supposed to be of benefit to the generality of the populace. The notion of public interest has managed to acquire popularity in intellectual debate since the so-called free market of ideas (a core pillar of Libertarian ideology) has ceased to create press freedom. Rather than that, the commercialisation of the press and unanticipated advances in new media all have tended to restrict entry to the media for individuals and organizations and focused entirely media power in the hands of very few industrialists (advertisers) and media professionals with the financial resources to establish media conglomerates.

In India, the term ‘public interest’ is a fundamental issue that derives from the constitutional provision on the people’s right to

know. As a key provision of Art 19(1) (a) of the Constitution of India under, journalists are empowered to “at all times uphold the fundamental objectives and responsibility and accountability of the government to the people” Such objectives include: freeing the nation from the pangs of scourges of unemployment, homelessness, poverty, ignorance, illiteracy, disease, population explosion etc. Hence all media activities directed towards fulfilling the constitutional provision on the people’s right to know, accountability in governance, freedom of expression including other objectives identified in this section fall within the ambit of public interest. Anything did by the media that in reality negates the spirit and letter of the constitutional stipulation are deemed to be against the public interest.

This fundamental responsibility requires the media to present a complete, accurate, thorough, and knowledgeable narrative of the day's events in a pertinent framework.

In recent context, this ethical rule of journalism is violated by media and it moved towards the concept of marketing and commercialisation of media. The gap between mass media and mass reality is growing at an alarming pace. In contemporary times, with the aim set to increase the TRPs, television channels are promoting “sensationalized journalism”, so as to get an advantage over their competitors. Also, the conduction of sting operations is now a routine for these channels. Thus, it is crystal clear that albeit the significance of the media has risen

¹⁷ Dele Odunlami., & TokunboAdaja, Media Commercialization, Public Interest and Sustainable,

Vol, 08, OIDA International Journal of Sustainable Development, No. 10, pp. 69-78, 2015

manifolds in our lives, the depreciating levels of professionalism and accountability paints a sad reality. It also provides credence to the popular saying, "With great power comes great responsibility".

With the turn of events, it does seem that the contradictions thrown up by commercialism in the media industry have called to question the ability of the media to protect and defend the cause of the masses. As it were, the media's slogan of being 'the voice of the voiceless' is of no use in the present scenario.

VI. ROLE OF COMMERCIALISATION OF MEDIA IN MUMBAI ATTACK CASE

Hon'ble SC of India in 26/11 attack case i.e. Mumbai attack case: *Mohammed Ajmal Mohammad Amir Kasab Abu Mujahid Vs. The state of Maharashtra*¹⁸ explained the role of commercialisation of media in the Mumbai attack in the following words:-

The channels' careless reportage of the terror incident created a scenario in which the terrorist groups were totally obscured from the security personnel, who had no way of knowing their precise location or the type of guns and ammunition they held, while the security forces' positions, armaments, and all operational movements were being constantly monitored on Television screens by partners from across the border. As with all other Article 19 rights, the freedom of expression is subject to appropriate constraints. A course of action that threatens to

infringe another person's right to life provided by Article 21 or jeopardises public safety can never be based on the grounds of free speech and expression. The photos and graphics displayed live on television stations may have been shown after all attackers had been neutralised and security operations had concluded. However, in that scenario, the television programmes would lack the same harsh, dazzling, and terrifying impact and would not have boosted the broadcasters' TRP ratings. Thus, it must be concluded that by broadcasting the terror incident on Mumbai live in the manner in which they did, the Indian television outlets did not serve any national purpose. On the opposite, they acted from their own financial concerns, jeopardising national defence.¹⁹

During the agricultural crisis in Vidharbha in 2006 less than six 'national' journalists were covering the suicides in Vidharbha. Five hundred and twelve accredited journalists were fighting for space to cover the Lakme India Fashion Week. Celebrities wore cotton clothing while the cotton farmers committed suicide. The paradox is it should've been a news article, but no one really did with the exception of one or two regional reporters.²⁰

Another ironic incident in this respect is that there were no farmers or anyone who had knowledge of farming on panels during panel discussions organized by the channels while covering news about the farmers.

¹⁸AIR 2012 SC 3565

¹⁹ibid

²⁰ P Sainath, Farmer Suicides available at

<https://thesocialblog.wordpress.com/2008/01/07/p-sainath-on-farmer-suicides/>, May, 12, 2014

Nowadays the main concern of the reporter is just to get the news on their channel in order to gain more TRP but the sad part is that for achieving the highest TRP the reporters are forgetting the basic ethics a journalist must follow.

Pradyuman's father, Warun Chand Thakur, was talking with Times Now's reporter and suddenly the Republic reporter reached there and asked him to talk with him, but when he denied talking, he started misbehaving with him. The entire incident was recorded.²¹

The SC a three-judge Bench, comprising Justices B. N. Agrawal, V. S. Sirpurkar and G. S. Singhvi, criticised the media for acting as a super investigating agency in the Aarushi Talwar murder case and tarnishing the image of the doctor-couple who lost their only child. The bench quoted "*See what happened, Irretrievable damage has been done to the couple, who lost their only child. This is unthinkable in a democracy.*"²²

In 2017 while the country was gripped with issues regarding a legendary Rajput queen and while politicians ignored their constitutional duty and issued death threats against one of India's biggest Bollywood stars, over 3 lakh farmers took over Parliament street to say "enough is enough". The demands they raised were simple: crop loans waiver and remunerative prices for

farm produce. They highlighted the government's utter apathy towards the farmers.²³

The Sushant Singh Rajput case is without a doubt the largest media trial in Indian broadcast media history. The case drew worldwide interest and received extensive media coverage. It sparked a strange, eccentric, and bizarre surge of conspiracy theories that were fully played out and broadcast on Indian news networks, social media websites, newspapers, and international politics. Immediately following the tragedy, news networks continued to broadcast 'Live Streaming' hour by hour, day by day, week by week, without pausing to consider other significant concerns that needed to be addressed. "How would Sushant Singh Rajput's reputation and status' be harmed in any way if the information that he may have suffered depression were to be considered?" the TV experts couldn't explain. Instead, in order to maintain their denialist position, they continued to skate on the razor's edge of jeopardising criticising depression and those who suffer from it.²⁴

VII. CONCLUSION

The media now has become an integral part of the modern democratic nations and the commercialisation and media have so much interconnected that it will not be an easy task to separate the two terms.

²¹Republic TV Harasses Pradyumn's Father to Get 'First' Interview, <http://www.thequint.com/news/india/republic-tv-harasses-pradyumns-father-to-get-first-interview>, September, 17, 2017

²²SC criticises media's role in Aarushi case, <http://www.thehindu.com/todays-paper/tp-national/Court-criticises-media-s-role-in-Aarushi-case/article15274157.ece> August 07, 2008

²³ Asmita Sharma, Don't let Padmavati distract you

from reality: 3 lakh distraught farmers protest in Delhi, <https://www.timesnownews.com/mirror-now/in-focus/video/dont-let-padmavati-distract-you-from-reality-3-lakh-distraught-farmers-protest-in-delhi/130198>, Nov 25, 2017

²⁴ Samhita. S. Mysora, & Dr. Bhargavi. D. Hemmige, A CRITICAL STUDY ON TRIAL BY MEDIA WITH SPECIAL REFERENCE TO SUSHANT SINGH RAJPUT CASE, 10

It is a dire need that the legislature should add under the Constitution of India under 19(2) should add the word “in the interests of general public” as a reasonable restriction to freedom of speech and expression of media to counter the ill effect of commercialisation. Freedom of media is an important concept that ensures rule of law and transparency in society respectively.

The perpetrators in a few famous criminal cases would have left without taking necessary action by punishing them. Hence, after the intrusion of media, the accused were convicted. There are several other such cases such as Jessica Lal Murder Case, The Ruchika Girhotra Case, Nitish Katara Murder Case, Priyadarshini Mattoo case, Nirbhaya rape case, etc. The media lead the true aspects in the public grounds which created strong public pressure on the police as well as courts to fast track these cases to get justice. Apart from this, corruption cases like the Bofors scam, 2G scam, Commonwealth Games scam & Harshad Mehta stock market scam were directed by media all the way till the day of the verdict. Hence, media acts as a substance & helps speedy justice.

There are several other cases Sexual assault case against Tarun Tejpal, AK Ganguly Case, Uma Khurana Case, Sheena Bora Murder case, Khurshid Anwar suicide case, Sankararaman murder case, Sunanda Pushkar Death caselike Aarushi Talwar Murder case, Media Guidelines case, Murder of Ms. Shivani Bhatnagar etc., in which media trial had a damaging effect on the individuals who were accused falsely. The media thus crossed its boundary and acted as a judge by

pronouncing that a person is guilty of the crime that happened.

Media has played an important role in creating an informed citizenry but in recent times with the increasing commercialisation of media and growing competition, the rat race for high TRPs in order to fetch better advertisers and revenues has led to an increase in unethical practices. Slowly media studios are turning into pseudo-public courtrooms with sometimes the news presenter acting as if they are judges and an accused is branded as a convict even before a formal FIR is registered. This behaviour of the media is wholly condemnable and there is an increasing ambiguity regarding the role of media in facilitating justice.

The solution lies not in punishing the media houses but the time is ripe for the media to realise the gravity of its responsibility and to create a self-regulating mechanism so that media can be free from government interference and at the same time act as a facilitator to the administration of justice instead of acting as an impediment. What is required today is not a preference of one right over the other but a harmonisation needs to be created between the media freedom and freedom of trade on one side and public interest on the other so that media can work independently but in the public interest. The solution lies not in empowering the government to demarcate these rights but in creating an independent, impartial and political body that can regulate media conduct.

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