

Role Media in Law

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The legitimate media must enjoy first strike capability. Else it will trail behind disinformation, speculation and rumour, never quite catching up and merely reacting to the agenda set by master manipulators and vested interests. Technology has critically altered the rules of engagement between truth or objective news reportage and falsehood or concoction. Old norms therefore require careful review and revalidation or amendment.

According to the National Human Rights Commission (NHRC) Report (May 2002), the responsibility of the press is to "report incidents factually without imparting a communal colour to them" and that "action should be taken against writers and publishers of objectionable and inflammatory material aimed at inciting communal tension." The Commission is of the view that there is need for all concerned to reflect further on possible guidelines that the media should adopt, on a 'self policing' basis, to govern its conduct in volatile situations, including those of inter-communal violence with a view to ensuring that passions are not inflamed and further violence perpetrated. The freedom of press is protected and preserved under article 19 (1) (a) of the Constitution of India and PCI Act, 1978. It has to be noted that the right under article 19, (1) (a) is subject to reasonable restrictions provided under article 19 (2) of the Constitution of India.¹

The reasonable restrictions are highly necessary. Unrestrained reporting often leads to serious consequences in the form of loss of human lives and property. Often, the reporters are coloured by their communal bias. If they are allowed to report with unrestrained

¹ note 28 at 373-74.

freedom, it can result in absolute havoc.

Clause (2) of article 19 enables the legislature to impose reasonable restrictions in the public interest on the right of freedom of speech and expression on the following grounds:

- (i) Sovereignty and integrity of India;
- (ii) Security of the State;
- (iii) Friendly relations with foreign States;
- (iv) Public order;
- (v) Decency or morality;
- (vi) Contempt of Court;
- (vii) Defamation; and
- (viii) Incitement to an offence.

To ensure factual reporting, the existing regulations and guidelines about publication of information are not only inadequate but also counter-productive. The press ends up by concealing facts or reporting the version of the local authorities instead of the results of its own independent investigation or even observation. Such versions are largely one-sided, incomplete or evasive due to the dereliction of duty on the part of the local authorities—their own acts of omission and commission—which have led to the explosion. The Press Commission and the PCI as well as professional organizations should address themselves to rewriting the guidelines for reporting on communal riots. In this respect much can be achieved by way of preventive measures and constructive action through the media. A large number of citizens look upon newspapers, radio and TV for information and therefore such powerful media should be properly used to promote communal harmony and maintain peace during communal violence. The media particularly newspapers and electronic media should utilize persuasive communication to change the attitudes of the people to religion and perceive it as the low involvement variety. The constructive use of media helps in building the confidence of people, creating atmosphere of security and countering the rumours. The press may be used as an effective instrument. Radio and TV may be used to educate people to desist from violent activities and discredit rumours.

The media sharpens the division of people on the basis of religion and keeps communal problem alive. The publications of media weaken the authority of the government and a sense of illegitimacy of governing social and administrative institutions is injected in the minds of the public. Finally, the communal violence turns into 'we-them' relation. The communal violence in remote areas that remains unreported has no adverse reaction, unlike communal violence reported from nearby locality with multiplier effects due to massive publicity of the media. Both the print and the electronic media have created over time a vertically and closely linked system of cultural, social and political communications. In modern society, media plays an important role not only in matters related to communal violence, but in moulding the character, attitude and behaviour pattern of the readers and viewers. Media can act as a form of social control. It can reduce the role of religion, caste, language and regionalism in Indian society. Their aim should always be to strengthen the unity and integrity of the nation, expose grievances of the oppressed, and strive for getting justice to those who deserve it. The modern media coverage and reportage of communal violence must be evaluated. Like war, riots too begin in the minds of people and truth can be a defense against 'information terrorism', incitement and panic. Sensationalism, horror and excitement of passions can be moderated, if not averted, by the manner of presentation, the choice of words and commentary, the editing of footage and pictures, the headlines, positioning and general treatment.

In this regard, the media persons can exercise discretion under overall top editorial control not merely during 'office hours' but in anticipation of major deadlines and during the communal violence. Therefore, these two types of media may be gainfully employed during the cooling periods to provide a healing touch to the physically and mentally injured.