



Need for Effective Self-Regulation of Media

For Prelims: Self-Regulation of Media, [Supreme Court](#), News Broadcasters and Digital Association, [Press and Registration of Books Act of 1867](#), Telecom Regulatory Authority of India Act, 1997.

For Mains: Supreme Court Advocates for Effective Self-Regulation of Media.

[Source: TH](#)

Why in News?

Recently, the [Supreme Court \(SC\)](#) has emphasized the importance of strengthening the self-regulatory mechanisms adopted by television channels to **ensure ethical conduct and responsible reporting**.

- The court was hearing an appeal presented by the **News Broadcasters and Digital Association (NBDA)** challenging remarks made by the Bombay High Court against the effectiveness of self-regulation.
- The Bombay High Court had criticized **media trials and observed that existing self-regulatory mechanisms lacked** the character of statutory mechanisms.

Note: The NBDA (Formerly known as News Broadcasters Association (NBA)) represents the **private television news**, current affairs and digital broadcasters. It is the collective voice of the news, current affairs and digital broadcasters in India.

- The NBDA has presently **27 leading news and current affairs broadcasters** (comprising 125 news and current affairs channels) as its members. The NBDA presents a **unified and credible voice before the Government**, on matters that affect the growing industry.

What are the SC's Observations?

- **Balancing Regulation and Freedom of Speech:**
 - The SC acknowledged the significance of avoiding pre-censorship or post-censorship by the government while **maintaining ethical standards in media content**.
 - The court commended the idea of **self-regulation by media outlets** but emphasized that such mechanisms should be **more effective in curbing unethical conduct**.
- **Notice Issued to Strengthen Regulatory Framework:**
 - The SC issued a notice to NBDA and other relevant parties to explore the enhancement of the regulatory framework.
 - The court emphasized the **necessity of examining whether the current steps taken to establish self-regulatory mechanisms** need to be strengthened both in terms of jurisdiction and the final consequences of violations.

- **Concerns Over Media Behavior:**
 - The SC highlighted the **frenzy in media coverage following** the death of an actor, where speculation about **guilt or innocence could impact ongoing investigations.**
 - Court emphasized that the **media's role should be to uphold the presumption of innocence** until proven guilty rather than preemptively shaping public opinion.
- **Proposals to Enhance Fines and Guidelines:**
 - The court questioned the adequacy of the current Rs 1 lakh fine imposed for violations, suggesting that fines **should be proportionate to the profits generated by the entire show.**
 - The Chief Justice raised the idea of "**disgorgement,**" **similar to the practice in securities regulation,** where violators return ill-gotten gains.

How is Media Regulated in India?

- **Conventional Media:**
 - Conventional media includes newspapers, magazines, TV, radio, etc. To regulate the conduct of traditional media, the government has **established various statutory bodies** under different statutes.
 - **Print media** is regulated mostly through two major Acts, namely, the **Press and Registration of Books Act of 1867**, which provides for the registration, regulation and preservation of every copy of books and newspapers printed in India, and the **Press Council Act, 1978.**
 - **Cinema is regulated through the Cinematographic Act of 1952.** The Act also establishes a regulating body named **Central Board of Film Certification** for the certification of cinematograph films, for the exhibition of movies, and to regulate those exhibitions.
 - The **telecommunication sector** is regulated through the **Telecom Regulatory Authority of India Act, 1997.** Under this Act, Telecom Regulatory Authority of India, regulates, adjudicates disputes, disposes of appeals, and protects the interests of service providers and consumers.
- **Digital Media:**
 - Digital media broadly includes websites, blogs, video platforms like youtube, and social media sites. As these platforms act as a medium of communication between two or more people, they are **known as "intermediaries" under the governing law.**
 - These are regulated under the provisions of the **Information Technology Act, 2000** and the rules framed therein under section 69, which are called **Information Technology (Intermediary Guidelines and Digital Media Ethics Code), Rules 2021 (from now on, IT Rules, 2021).**

Conclusion

- The Supreme Court's focus on revising fines for unethical conduct by television channels reflects its commitment to maintaining media ethics and responsible reporting while safeguarding free speech.
- The court's intention to involve regulatory bodies and establish stricter penalties highlights its proactive stance toward balancing media freedom and ethical responsibility.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. In India, it is legally mandatory for which of the following to report on cyber security incidents? (2017)

1. Service providers
2. Data centres

3. Body corporate

Select the correct answer using the code given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (d)

- According to section 70B of the Information Technology Act, 2000 (IT Act), the Union Government by notification should appoint an agency named Indian Computer Emergency Response Team (CERTIn) to serve as the national agency for incident response.
- The Union Government under section 70B of the IT Act, 2000 established and notified rules of CERT-In in 2014. According to Rule 12(1)(a), it is mandatory for service providers, intermediaries, data centers and corporate bodies to report cyber security incidences to CERT-In within a reasonable time of occurrence of the incident.
- Hence, 1, 2 and 3 are correct. Therefore, option (d) is the correct answer.

Mains:

Q. Religious Indoctrination via digital media has resulted in Indian youth joining ISIS. What is ISIS and its mission? How can ISIS be dangerous to the internal security of our country? **(2016)**

Q. What are social networking sites and what security implications do these sites present? **(2013)**

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