



MEDIA, CENSORSHIP AND PROPAGANDA

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ABSTRACT

“With great power comes great responsibility.” This saying perfectly analyzes the position of media in our country considering that it is the fourth pillar of or democracy. While media’s influence today is far more than the yester years it is observed that this medium of communication whether in its print form or digital is being compromised considerably. It is with this issue slowly gaining momentum that there is a need for censorship. The researchers have in this paper dealt with the influence of the political and corporate class on the media alongside other allied issues, highlighting how censorship would help in containing this phenomenon provided it is used judiciously and without subjectivity.

KEYWORDS : Media, Bias, Censorship, Political Influence, Freedom.

INTRODUCTION

In simple words media that is the plural form of medium refers to the communication channels through which we disseminate news, music, movies, education, promotional messages and other data. It includes physical and online newspapers and magazines, television, radio, billboards,

telephone, the internet, and fax.¹ The impact of media in terms of television and its exposure has only increased in the last 50 years in the country in terms of the number of people who are availing the benefits of such mass media. This rise in the viewership is one of the reasons for the advent of censorship as a concept. As per the definition given in the Oxford Dictionary censorship means *“the suspension or prohibition of any parts of books, films, news, etc.that are considered obscene, politically unacceptable, or a threat to security.”*² The debate around media and censorship is only to bring about a balanced correlation between the two without prejudice to the freedom of speech and expression that is granted under Article 19 of the Constitution of India which serves as the grund norm for the country. As per the article the abovementioned article such freedom guaranteed under the article may only be curtailed if it is objectionable, harmful, or a threat to communal harmony. Despite the Article being fairly clear about its application and limitations governments across the globe have used religious, political and other arguments to impose censorship and therefore arbitrarily curtail the freedom guaranteed under Article 19. Another problem that is faced is that the limitations such as what is objectionable, or a threat to communal harmony is extremely subjective and cannot be given a straight jacket formula. Thus, what maybe offensive to one part of the society may not be offensive to the other and vice versa. It is in light of all the above difficulties that it

¹ <https://marketbusinessnews.com/financial-glossary/media-definition-meaning/>

²<https://en.oxforddictionaries.com/definition/censorship>



becomes imperative to strike a balance on media and censorship rights to ensure that neither of these is compromised.

In the recent past, the Indian media has been witness to several films, rock bands, websites, Internet articles, events, documentaries and books restricted or totally banned under various censorship laws on superficial and unjustified grounds, and while censorship is considered an important aspect of media regulation such indiscriminate use of censorship has received severe criticism. Thus while free media is essential for India, the world's largest democracy, religious intolerance, political influence and corporate control over the media serve as critical barriers which harm the media and the freedom of expression that comes with it.

OBJECTIVES

1. To study the current scenario of the media and censorship.
2. To analyse the degree of censorship required.
3. To understand the impact of corporate and political influence on the media and to analyse the results of such influence on the media.
4. To compare the rights of the media in context with the freedom provided under the Constitution.
5. To suggest measures for improving the current scenario

RESEARCH METHEDODOLOGY

The researcher has conducted a doctrinal research relying on secondary data. Further, sources of data include bare acts, case laws,

journals, articles and certain internet sources.

CONSTITUTIONAL FRAMEWORK

The freedom of speech and expression is granted under *Article 19*³ of the Indian Constitution. The freedom that is guaranteed under the *Article 19(1)(a)*⁴ is not absolute and is subject to restrictions provided in the Constitution itself. These restrictions are contained in *Article 19(2)* of the Indian Constitution. The restrictions are as follows:

- ❖ the sovereignty and integrity of India;
- ❖ the security of the State;
- ❖ public order;
- ❖ decency or morality;
- ❖ In relation to contempt of Court;
- ❖ defamation;
- ❖ incitement to an offence.⁵

India has a wide range of mass and media and still constraints on media have been placed from time to time whenever the need has been felt. The freedom is usually suppressed when the matter is considered to be objectionable, opposing public policy or disrupting public harmony.

MEDIA AND CENSORSHIP

Media derives it's right to free speech and expression from the same right as of a citizen. It has been held by the Supreme Court of India that the freedom of media regarding speech and expression doesn't stand on a higher footing than that of a citizen. As we have discussed above media's

³Article 19, The Constitution of India.

⁴Article 19(1)(a), The Constitution of India.

⁵Article 19(2), The Constitution of India.



right is not absolute and it is restricted by the Constitution itself. The content portrayed by media is under strict vigilance. The content displayed by media is being monitored by various legislations, to mention a few-

1. Indian Penal Code
2. The Indecent Representation of Women (Prohibition) Act, 1986
3. The Young Persons (Harmful Publications) Act, 1956
4. The Cinematograph Act, 1952
5. The Information Technology Act, 2000.

The aforesaid legislations keep a check on the content reaching out to people. It filters exhibition of obscene content and representation of women in an indecent manner. They act as safeguards to protect the decency and morality of individuals.

Censorship in India is mainly overlooked by the Central Board of Film Certification which comes under the purview of the Ministry of Information and Broadcasting. The Board has the power to issue orders to directors to remove anything that it deems offensive or politically enticing. While the Board has the power to restrict media content it does not impose absolute restrictions. The best example of this is that the Board allows the release of films with sexually explicit content and also other controversial subject matter subject to them being labeled A-rated and being shown in restricted places so as to be viewed only by individuals who are of eighteen years or more. Similar films, documentaries etc. are also aired on television channels including on India's public television broadcaster, Doordarshan, and with these rights being provided by the regulator itself (CBFC)

what is the questionable is the kind of rage that the issue of film censorship faces. Further, censorship of films is governed by the Cinematograph Act, 1952 and it is under this Act that every film released in the country is assigned a certification as Universal, Adults, and Parental Guidance depending on the contents of the films before public exhibition.⁶

Media censorship is carried out on various platforms which includes press, films, music, drama, books and much more. Censorship of a film is considered desirable as well as necessary as it reaches the mass audience which comprises of different set of people with different mindset. It encourages thought and action as it has potential of motivating attention and retention at a large scale when compared to print media. It is capable of encouraging evil much more than it is capable of encouraging the good in people. It is equivalent of instilling violence and the unaccepted behaviour as it is in the case of cultivating moral values. Therefore, censorship by prior restraint is desirable as well as necessary.

But the power to censor should not be misused or be influenced by political parties. It should be carried out cautiously where the content is actually offensive, or may disrupt public order or policy or violate any of the provisions made in this regard. In this context till today we still do not have any fixed parameters as to judge what content is to be filtered and censored. If we take into consideration the most of the bans that have been effectively carried out are due the

⁶Dr. Sukanata K. Nanda, Media Law, Central Law Publications, First Edn. 2014.



media bias towards political parties and under the influence of political parties.

Despite the fact that several checks have been created on press freedom in the country one area that still remains relatively unexplored is that of internet filtering. While the safeguards on all other forms of media content seem fairly adequate internet filtering is an area that has majorly seen only failures in this regard. The selective filtering of internet blogs and websites that has been adopted by the regulatory body has further ignited opposition from the internet service providers in particular and the public in general. Studying all these factors in consonance makes it clear that the government regulation and implementation of filtering are still evolving. One of the primary reasons for the failure of the government in this sphere is because of the fact that blocked content is quickly shifted to an alternate website which in turn makes the banned content accessible. This is basically because of lack of efficient means to simultaneously and permanently remove inappropriate content from multiple websites. Another issue here is that the government often oversteps its powers and debars content which is actually not objectionable in the real sense. Such arbitrary use of power belittles the very function that the authority exercises. The amended IT Act, absolving intermediaries from being responsible for third-party created content, could signal stronger government monitoring in the future.⁷

Another issue to be addressed is whether internet filtering is absolutely indispensable. This is something that may be argued

considering that a large part of the population of the country still does not have access to the internet. Also, those who have access to the content that is being spoken of (that is available on amazon, Netflix etc) is not available to all. Furthermore, the viewers who are exposed to such content are mostly those who are capable of sieving the content that they are viewing and are less prone to influence as compared to the class of people who have relatively less exposure. Going by the above what can be said is that while internet content may be regulated internet filtering is not an absolute necessity. Regulation as mentioned above, must be on websites that would severely affect the public sentiment such as child pornography, videos where the content is a threat to the sovereignty of the nation etc.

Another important aspect that should be considered while evaluating the need for internet censorship is online education. Today various methods are being used online to put forward the material to the users which should be under strict supervision. The government should look towards this side of the internet as this is creating a huge impact on the youth these days.

The idea of censorship is beneficial and an effective idea in case of younger children. On the basis of the warnings and the age ratings that are provided for the films and games the viewers can decide what they are willing to showcase to their children. As the warnings clearly mention what is being displayed in the film or what the game content comprises of, whether it be violence or sexual content, as it gives an idea as what would be suitable for the child to watch. The

⁷ Dewal Nath Tripathi, Censorship of Media in India, March 29,2015, www.lexquest.in/censorship-of-media-in-india/



minds of the children are far more impressionable as when compared to that of the adults.

MEDIA AND ITS BIAS

While a lot of attention is given to curbing the freedom of speech and expression of the various modes of media through censorship, one aspect that is grossly overlooked is that of 'yellow journalism'. Yellow journalism or yellow page journalism is a term frequently used to describe a situation where the media sensationalizes any piece of news and further indulges in spreading rumors.⁸ This and paid news which are common practices of journalism today are the biggest vices existing in the media fraternity which is considered the fourth pillar of any democracy. While the most trivial issues like the name of a film, name of a character in a film etc. end up being a reason of either a substantial part of the film being censored or worse still it being banned, there is no such check on the media and the news channels when it comes to keeping a check on them as regards promoting any political propaganda through their channels.

A general trait that is seen among various channels is that they are mostly mouth organs of the ruling political parties at any given point of time. This was seen at the time Congress was in power and is still seen despite the government being changed. In light of the above statement when we look at the 2014 elections of the present government what we observe is the kind of media footage and mass media support received by Mr. Modi was unparalleled. Such media

presence given by various news channels and newspapers ensured that these media houses too reaped the fruits of their favours, which was through the extensive advertising campaign that did the rounds for the Hon'ble Prime Minister. This advertising campaign launched to promote him on a scale was unmatched in Indian history not only in the traditional media (print, radio, television and outdoor banners) but even more so in the new media (on internet websites, blogs and social media platforms). Just like the political class of the country has an influence on the media houses so does the corporate sector. Since the corporate sector is responsible for much of the funding received for the campaigning of the political parties who get such contributions are indebted to the such business houses. Just as the political parties the business houses too wish for assistance from the political class and hence media houses that are owned by various conglomerates are reduced to mere protagonists for the concerned political party. Taking forward the above mentioned example if we see the 2014 elections we observe that an equal amount of support was given to Mr. Modi and his party by the corporate sector. Never before have big business houses and industrial groups so openly advocated the candidature of an individual. This again may be linked to the fact that since most corporate houses own the media houses such corporates also ensured that their respective media houses gave whole hearted support to the concerned political party.

An outstanding example of this link between political parties, business houses and media houses can be seen in the fact that as soon as the elections were over the Reliance

⁸ <https://www.britannica.com/topic/yellow-journalism>



Industries Limited controlled by Mukesh D. Ambani, which is India's largest private corporate entity, acquired the ownership of the Network18 group which is one of the India's biggest media houses. This coincidence was too big to go unnoticed and was also opposed by the left-wing Economic and Political Weekly which argued that this takeover marked a convergence of corporate and media interests that posed a threat to freedom of expression and media plurality. While a part of this phenomenon of paid news that is its link with external parties or factors has been discussed above, another side of this culture of paid news is that which stems from within the media houses due to increasing corruption. While this form of paid news is not as blatant as the previous one, it too curbs freedom of expression and entails media houses receiving illegal payments in cash or kind for content in publications and television channels that appear as if they have been independently-produced by unbiased and objective journalists.

A third aspect that is ancillary to 'paid news' is the rise in yellow journalism. As already explained above yellow journalism refers to excessive sensationalism of news. Such excessive sensationalism results in the quality of news being compromised. Though this phenomenon is not new and has existed in some form or the other its excessive use in today's day and age where people are increasingly exposed to electronic media is detrimental to the extent that several pieces of news are often unreliable.

Thus, to put it simply, the paid news is just another kind of advertising which prevails as news. This has always been the trend since

many years but this phenomenon usually comes into picture during the time of elections and that is when the democratic gets subverted.

This problem has not gone unnoticed by the regulatory bodies, and it is imperative to mention that despite the Election Commission's best efforts, it is not easy to keep a check on 'paid news' or 'paid media'. The primary and most common problem in curtailing this phenomenon is that paid news is very hard to identify. Payments made for this purpose are also made through chains difficult to trace. Most payments are made in black money and therefore there is no trail that is left behind. It is noted that "the deception involved in passing off advertisements as news entails a clandestine activity and can be established only by those involved in it, and this means that the individuals concerned would have to themselves concede that they are violating various laws of the land relating to fraud, deception and non-payment of taxes, besides the *Representation of People Act.*"

The Press Council of India has been established as a quasi-judicial body by the Parliament to look into these matters but lacks the statutory authority to impose punishments. Press Council of India cannot even impose fines on the defaulting party. The extent of PCI extends only up to the print media and does not cover within its ambit television, radio or internet.

The PCI also has no real teeth to enforce its findings or to penalize any individual or organization for violating its journalistic



code of ethics which is, at best, a set of recommendations of good practice.⁹

In light of the above discussion the following instances testify the influence that politicians and conglomerates have on media in general, some of which have been picked from

INSTANCES-:

Some of the instances mentioned below have been taken from an article "India : The Freedom of expression in India:

- "In one particular instance in early June 2014, a young Muslim man was killed in Pune, Maharashtra, allegedly by members of a fringe group of Hindu fundamentalists after offensive morphed images of a historical figure and a political leader had appeared briefly in posts on the social media website, Facebook, though he apparently had nothing to do with their creation or dissemination."¹⁰
- "In another instance, individuals in Goa and Karnataka have been accused of violating provision of the Information Technology Act for posting critical comments against Prime Minister Modi. Though, the Act itself, and the rules and guidelines framed under it, have in the past been severely criticised for being arbitrary and draconian."¹¹
- "Writer U.R. Ananthamurthy has been threatened and sent a one-way ticket to Pakistan after he said that he would not like to remain in India if Mr. Narendra Modi

became Prime Minister, a statement he claimed he had made in an emotional moment."¹²

- "On 25 January 2012, Salman Rushdie an author par excellence was to address the Jaipur Literature Festival on his book *The Midnight's Children*. However, he was unable to attend the Festival on account of threats of violence he received prior to the event. Not only this ,even a video conference had to be cancelled."¹³
- "On 10 October 2011, the University of Delhi dropped from its history syllabus an essay written 24 years earlier by scholar A.K. Ramanujan entitled *Three Hundred Ramayanas* after representatives of hard-line Hindu groups said they were offended by his essay on the topic."¹⁴
- "Maqbool Fida Hussain, one of contemporary India's greatest artists, died in exile in London on 9 June 2011. He spent the last years of his life outside India apprehending violence from fundamentalists who objected to his paintings of Hindu gods and goddesses in the nude."¹⁵
- "In West Bengal, the Left Front government banned Bangladesh author Taslima Nasreen's book *Dwikhandito* on 23 November 2003 fearing that its sale would create communal disharmony."¹⁶
- "On 20 November 2012, two young women – Shaheen Dhada and Renu Shrinivas -- from Palghar, Thane, Maharashtra were arrested over a post on the social-networking site Facebook questioning the shutdown of Mumbai city because of the cremation of Shiv Sena leader Bal Thackeray. They were

⁹Paronjay Guha Thukarta, *India : The Freedom of Expression in India*, Heinrich Boll Stiftung, www.boell.de/en/2014/07/02/freedom-expression-media-india

¹⁰Paronjay Guha Thukarta, *India : The Freedom of Expression in India*, Heinrich Boll Stiftung, www.boell.de/en/2014/07/02/freedom-expression-media-india

¹¹Supra 12

¹²Supra 12

¹³Supra 12

¹⁴Supra 12

¹⁵Supra 12.

¹⁶Supra 12.



sent to judicial custody, but granted bail within hours on personal bonds. In January 2013, the Supreme Court said that the arrests had a “chilling effect” and were unwarranted. This instance highlighted how the rules under the Information Technology Act could be interpreted and enforced in an arbitrary manner.”¹⁷

- “On 9 September 2012, the police arrested Aseem Trivedi, a Kanpur, Uttar Pradesh-based political cartoonist on charges of sedition for displaying cartoons depicting India's national emblem in an allegedly derogatory manner. He was thereafter released on bail.”¹⁸
- “On 20 March 2011, the Gujarat state assembly voted unanimously to ban Joseph Lelyveld’s book Great Soul: Mahatma Gandhi and his struggle with India after reviews claimed it portrayed Mohandas Karamchand Gandhi, the "father of the nation", as bisexual, a claim the author denied.”¹⁹
- An instance of unnecessary clamor and censorship is the film Uda Punjab which released in 2016 and was subject to immense backlash before it was actually allowed to be released in the theatres. However, the film was already labeled A and the controversy around the film was uncalled for.
- The name of the movie of the ‘Padmavat’ was changed from ‘Padmavati’ to Padmavat because of the religious and political influence.
- One of the most recent example is the release and exhibition of the movie ‘Accidental Prime Minister’. If Congress party had been in power the film would have

never paved its way to the theatres. It can be noticed that it had been released around the time nearing elections, it is just a misuse of the media by the parties.

- Another recent example is the movie Uri – The Surgical Strike which according to many was only a smart political move in order to influence potential voters of the current government just ahead of the 2019 elections.

SUGGESTIONS AND RECOMMENDATIONS

On the basis of the understanding from above the authors suggest the following-

1. A close check on media should be maintained but in such a manner that the freedom of media is not hampered.
2. Media should adhere to a regulatory system as to put out the true picture of the world to the society as it owes a greater responsibility towards the society.
3. Self regulatory mechanisms should be developed by the media so as to ensure transparency in the media fraternity.
4. While censorship should not be completely done away with definite yardsticks should be laid down on what content is inappropriate, and such yardsticks shall be framed on an objective basis.
5. Internet censorship is desirable but not necessary and the choice of it should left to the users.

CONCLUSION

As it is understood from the discussion above the freedom of speech and expression as guaranteed under our Constitution is not absolute and the State is at liberty to impose restrictions on certain reasonable grounds in interest of the State. In relation to this

¹⁷Supra 12.

¹⁸Supra 12.

¹⁹Supra 12.



context, the press, the media and all the people in connection to it have a major responsibility towards the society and the people of this country. In the dynamically changing scenario today we go through multiple challenges of globalisation and rapid international developments, the media, the administrative machinery and the people of the society must face such situations and challenges with great sincerity.

As it has been noted that the biggest challenge is the political and religious influence on the media houses which has been considerably at large, measures should be taken to curb it down. It is and will hamper the true sense of freedom of speech and expression. Today, most of the news channels and the media houses are owned by the politicians or corporate sector top shots favouring a political party. Political parties fund the media houses so as to have the paid news aired. It is very difficult to determine which information is paid news and in the coming era the public is going to be affected at large. The media houses would be concealing the vital information which should reach the public. The media shouldn't forget that it is the fourth pillar of the democracy and it has a responsibility towards the society.

The print media and electronic media both play a crucial role in shaping the minds of the readers as well as the viewers. In this era of technology and internet even the children today spend their most of their time watching or playing online games which create a major impact on their minds as they are exposed to immoral and indecent content at times.

Our society with advancement has crossed the lines of traditional ethical values. Most

of the media houses have been using indecent and objectification of women as their marketing and advertising strategy. At this point the researchers are of the belief that in such cases the censorship should come into picture rather than imposing unnecessary bans under political influence.

As we have noted above it is up to the government what they want to be aired and that is when we question the existence of laws in this regard.

At this present juncture what is needed is that without setting standards for obscenity, immorality, dignity and decency it should be left to the society to itself to impose on itself a commitment to do good for the betterment of the individuals.

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