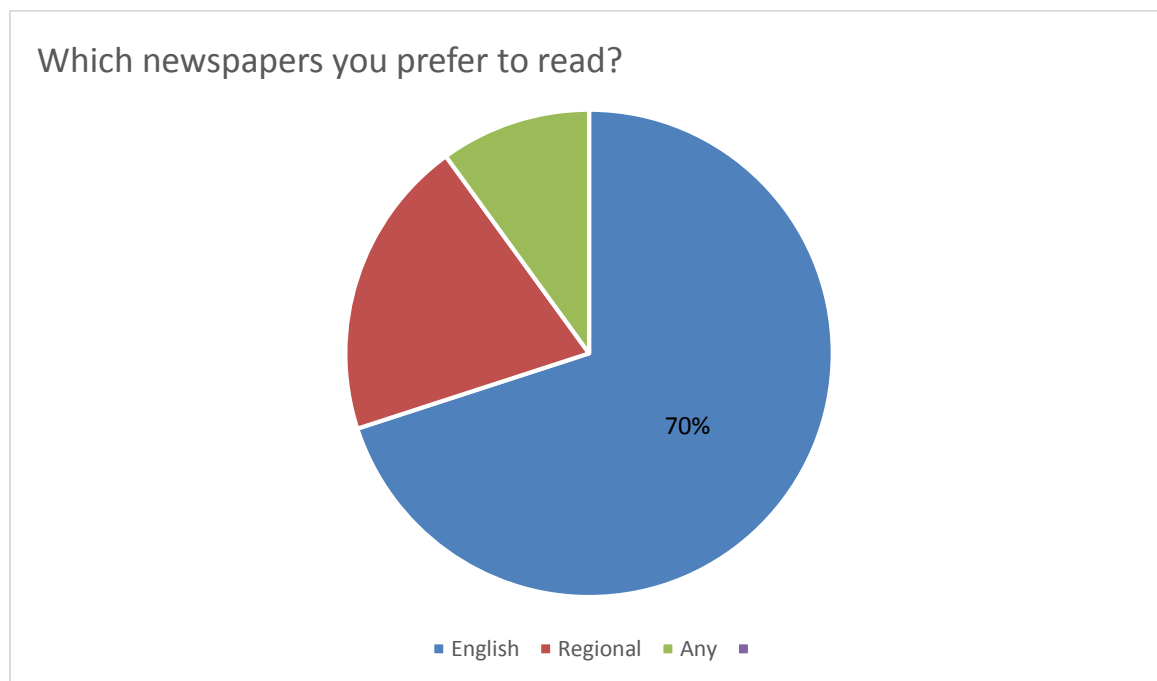


CHAPTER 5

DATA ANALYSIS

The present study has been conducted on freedom of speech and expression in respect of social and electronic media. Researcher has attempted to learn the reach of various forms of media, i.e. print, social and electronic media in public today and levels of exposure of freedom of speech and expression through several questions as under:

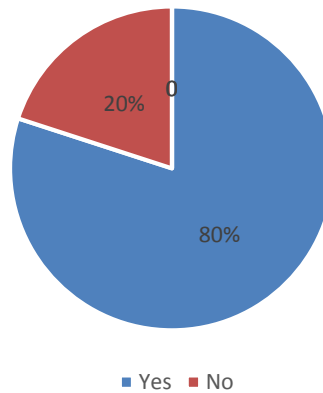


Newspapers being a part of print media are considered one of the oldest forms of mass communication. Despite availability of e-papers, social media, news channels and online news portals, print media has continued to maintain its position as an important form of imparting news to the society as well as the nation. The vast reach and usage of newspapers can be recognized from the fact that an online portal is also available for newspaper archives consisting of 300+ million pages of historical newspapers from 8800+ newspapers from around the United States and beyond. Newspapers provide a unique view of the past and prove helpful in understanding and connecting with the people, events and attitudes of an earlier time.³⁸⁸ Thus,

³⁸⁸ Available at <http://www.newspapers.com/about/> (Visited on 28.8.2018)

despite being a vital part of print media, newspapers have found space in social media as well through the form of e-papers. In the present research, the researcher has found that 70% of general public prefers reading English language newspapers while only 20% of the public prefers reading regional newspapers. 10% of public does not have any specific choice and reads newspapers in either English or regional languages. It can be thus concluded that newspapers continue to hold a major position in today's rapidly changing media scenario.

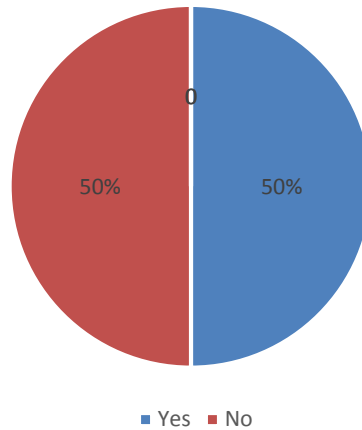
Do newspapers have a more authentic version of facts than the news channels?



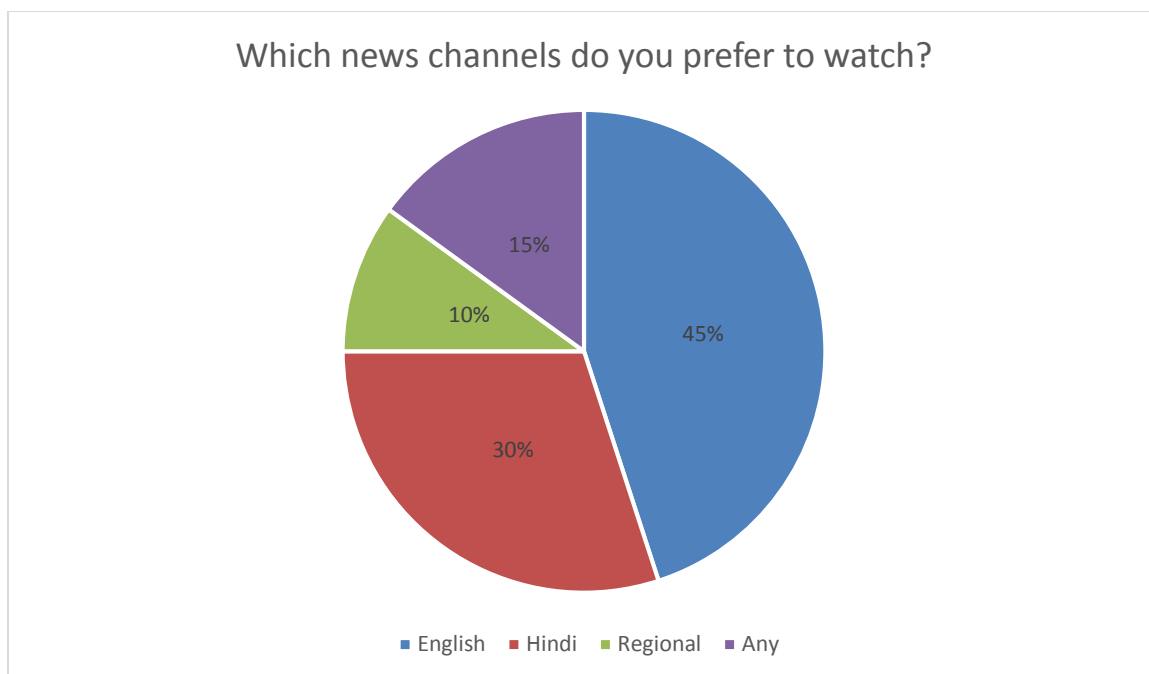
News channels have a major advantage over newspapers because news channels support the news stories with live footage and are always available in the background by turning on the TV set without giving them exclusive time as needed in case of reading newspapers. While the news channels report straight before the television for almost entire day, most of the newspapers pick up selected important news stories throughout the day and put them before the public in the morning hours of the next day thus creating a vast time gap between the actual occurrence and its reporting. Also news channels are supported by live footage and continuous coverage of the news item whereas newspapers deliver only the final picture of the entire incident supported with limited photos if any. The only probable gain newspapers have over the news channels could be that newspapers carry an indepth explanation of the event in simplified language with all its pros and cons explained. On the other hand, news channels are often found reporting continuously for 24x7 all sorts of news, some of which may have significance while others are merely an attempt for filling in the blank spaces. For e.g. Some news channels have slots for delivering news relating to movies while others often cover incidents which may not have national significance but are telecast as news only out of rarity of its occurrence. Likewise, news channels often continue to linger on facts of a single nature in absence of any progress of the actual event, thus hindering the progress of reporting. Newspapers have another advantage in this case as they can cut down on such lingering and report only the facts as they occurred. In present question, 80% of participants have

agreed that newspapers carry an authenticate version of the news rather than news channels while only 20% of participants feel it otherwise.

Are you aware of any law/body governing print media?



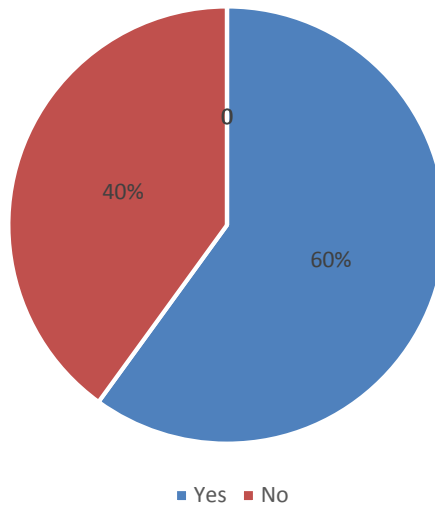
Print media being the earliest form of media has been governed by several legislations. The Press and Registration of Books Act 1867 regulates printing presses and newspapers and requires all printing presses to be registered with appointed Authority under the Act. Likewise, for regulating the content of news reportings, The Press (Objectionable Matters) Act, 1951 has been implemented which provides against the printing and publication of incitement to crime and other objectionable matters. The Defence of India Act 1962 empowered Central Government to issue rules regarding prohibition of publication or communication which was prejudicial to the military operations and also prevented publication of prejudicial reports. The Press Council Act 1978 was implemented to maintain and improve the standards of newspaper and news agencies in India. In response to present question, 50% of the participants have replied in affirmative about being aware of laws governing print media while 50% of them have replied negatively.



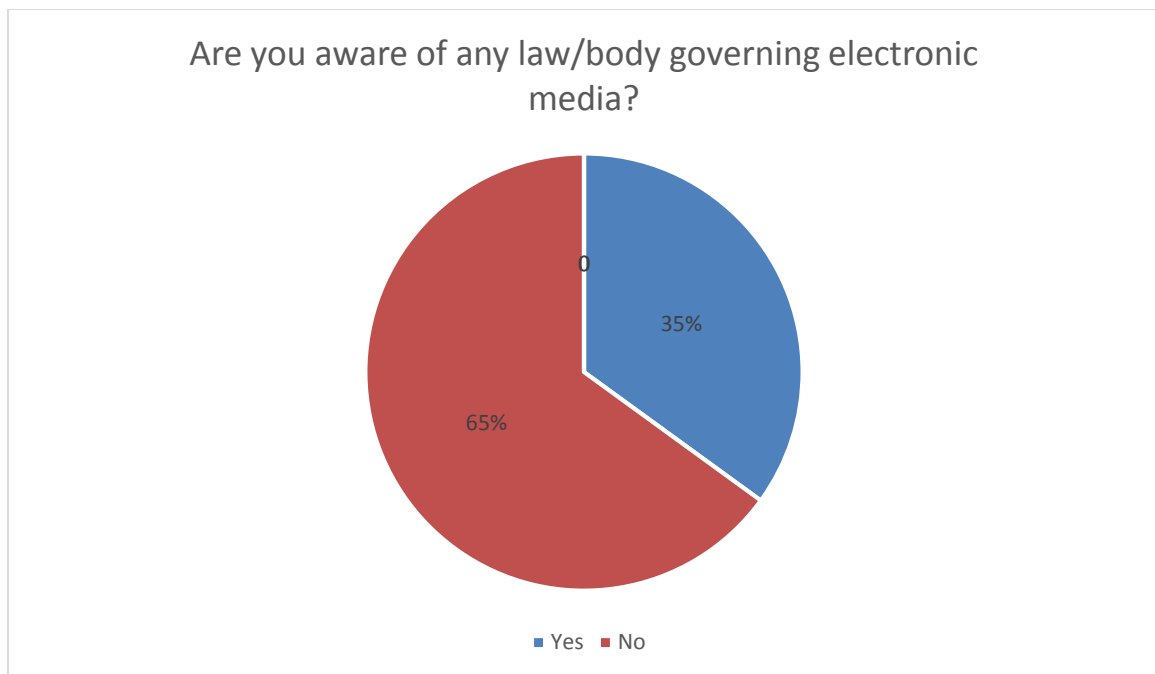
Electronic media today holds a major place in the world of mass communication. As a result of consistent development in science and technology, almost every Indian house now owns a television set. No more do people sit in vast numbers before a single television in order to find the happenings across the nation. Every family owns a TV set and every TV has an option of endless channels of varied tastes from news to entertainment, sports to science and technology. The Ministry of Information and Technology itself has given an official number of India having 832 channels overall of which 403 are news channels.³⁸⁹ As found in the response to present question, 45% of participants prefer to watch English channels while 30% prefer watching Hindi news channels. 15% do not have any exclusive preference while 10% prefer to watch regional news channels. Thus, in addition to print media, news channels in almost all languages also are a major form of imparting news to the public at large.

³⁸⁹ Available at <https://telecomtalk.info/total-number-tv-channels-india/139844/> (Visited on 28.8.2018)

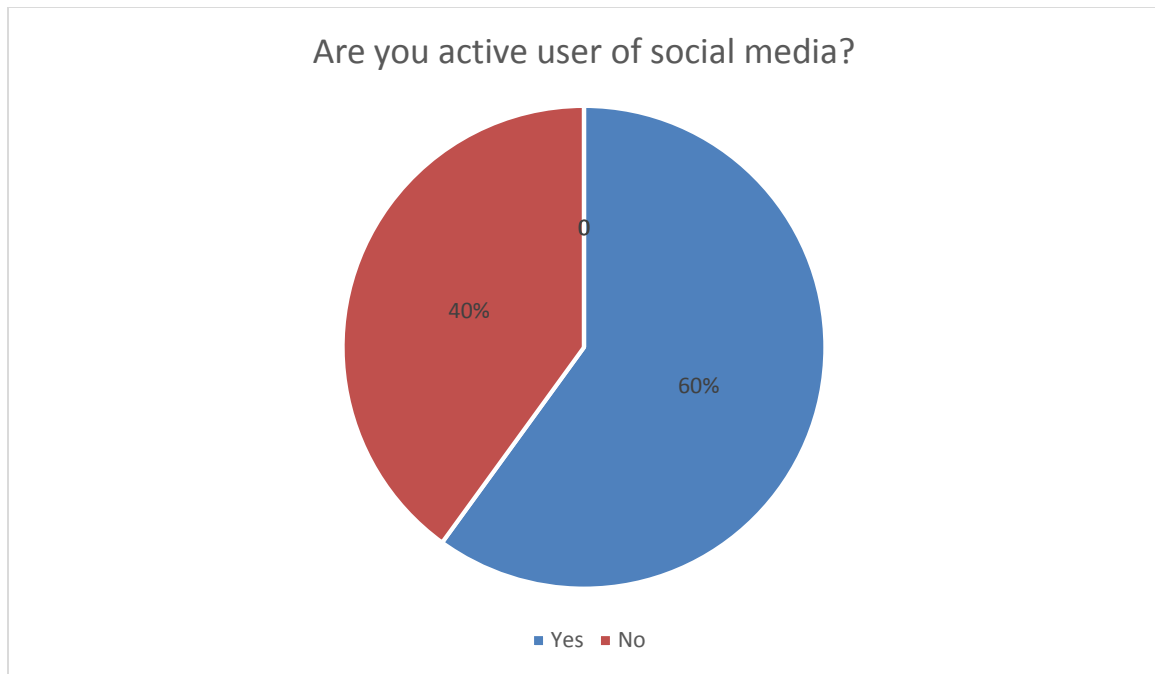
Does a round-the-clock follow-up of any news story on electronic media help in finding out new facts?



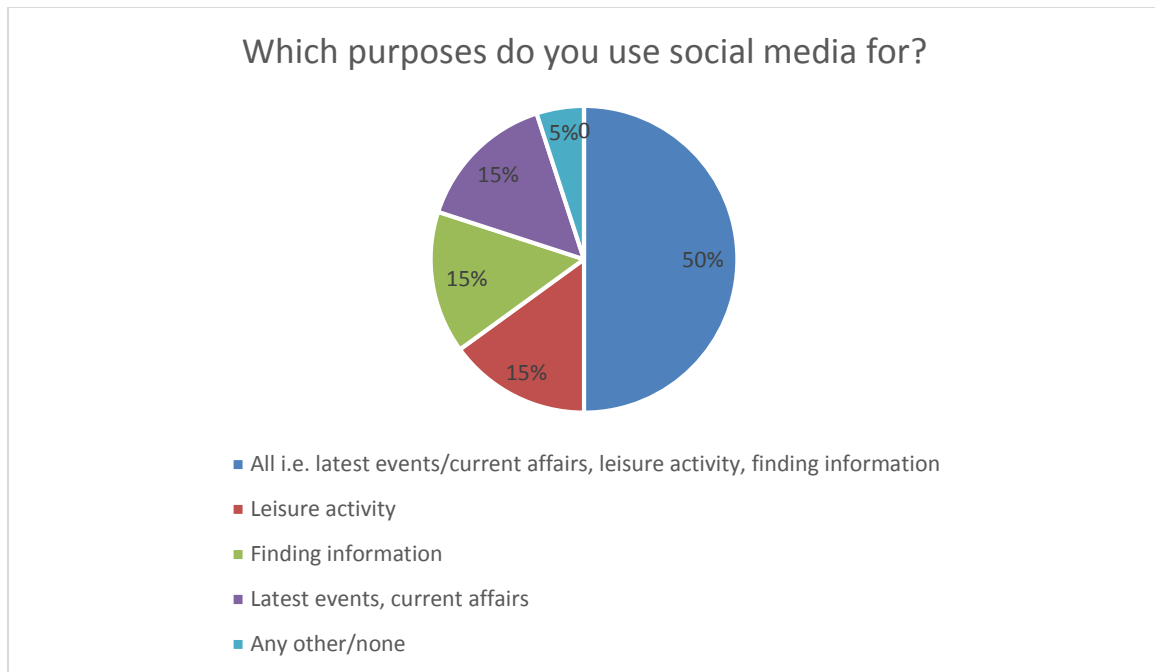
There were no 24x7 news channels in the period of early 90s. Only at the end of the decade did they come in picture. Before that news was only telecast only for 1 hour slot every day while programs in nature of news telecast, i.e. The World This Week were telecast once a week. As the number of satellites and channels increased, several news channels came into existence one after the other. 60% of participants agree that a continuous follow-up of the news stories reveals new facts while 40% have disagreed with the question. The comparison between the two eras, i.e. before advent of 24x7 news channels and after it leads to a probable conclusion that 24x7 news channels work on the rule of creating news when there is no news. How otherwise can news that needs to be delivered for 24 hours a day today used to be telecast in merely 1 hour before the launch of 24x7 news channels? An ongoing follow-up to any news story is vital sometimes when several new facts are revealed in a short time span while in other cases, when the news reporters themselves lack any new findings, the same findings are repeated with different words and occasionally with different probabilities.



The electronic media encompasses freedom of speech and expression through several ways, be it news stories, advertisements, films, serials, songs, speeches, etc. Likewise, it also needs to be regulated in as many ways so that the right of everybody's free speech is neither hindered nor stepped upon. Apart from Ministry of Communication and Information Technology, legislations like Indian Telegraph Act 1885, The Cinematograph Act 1952, The PrasarBharati (Broadcasting Corporation of India) Act 1990 and The Cable Television Networks Act & Rules 1994 have been implemented in order to provide for several aspects of media. Likewise, bodies like Indian Broadcasting Foundation (IBF), Broadcasting Content Complaints Council, Broadcast Audience Research Council (BARC), News Broadcasting Standards Authority (NBSA) and Telecom Regulatory Authority of India have also been made functional in order to regulate the electronic media. While 65% of present respondents are aware of laws or bodies governing electronic media, 35% have responded of being unaware of the same.

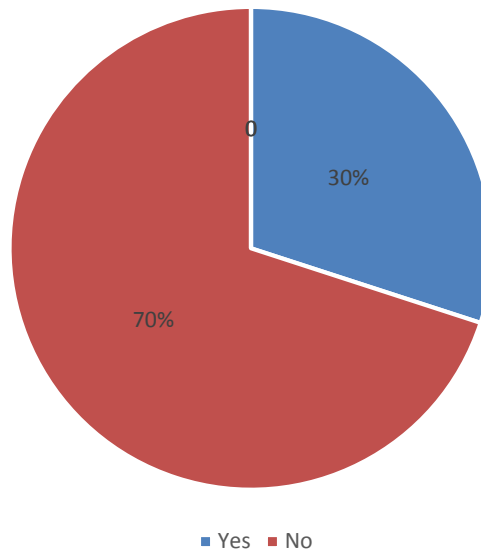


The rise of social media since past two decades has been notably visible in the modes of everyday communication. Letters, postcards, telephone calls have been substituted with e-mails, chats, posts, feeds and video calls. Effect has also fallen on the way news is delivered. News channels and newspapers have been substituted with news websites, online news videos, opinion and view seeking platforms and blogs. Instead of one-sided delivery of news since ages via newspapers and news channels, social media has made news sharing a more interactive phenomenon where one on receiving end of news can also make his opinions heard on the news website or the videos. Likewise people can also raise topics of national interest, current affairs, social changes or on any subject through social platforms like Facebook, Twitter, Instagram, etc. With the advent of social media, everybody has become aware of the right of free speech and everybody is willing to exercise it to the fullest. In the present survey, 60% of respondents have agreed to be active users of social media while 40% have responded negatively.



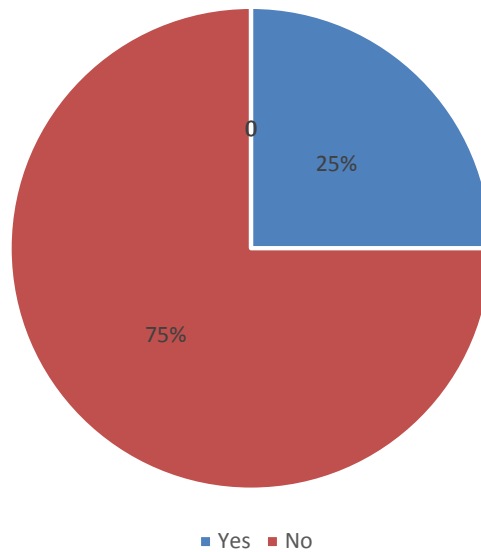
Initially, social media was restricted to forums, groups, chats and messengers but as the social networking in form of Orkut, Facebook, Linkedin and other platforms were launched, people found more uses of social media than merely remaining in touch with each other. Social media deals with not just keeping in touch with people but also includes discussing topics of national interest, current affairs, etc. Facebook had recently itself provided an option of “news” subscription to its users where under news stories would be visible on their user page itself. This itself shows how far social media has created an impact in news reporting. Again, as Facebook is also a platform for making people’s voices heard, a single news story itself can carry several distinctive opinions from the people world across. Amidst such a vast array of opinions, some of which may be a violation of reasonable restrictions over free speech, it becomes necessary that laws which regulate free speech on the internet are implemented. 50% of present respondents have said that they use social media for almost all major purposes, namely leisure activities, finding information as well as for keeping up with current affairs whereas 15% use it only for leisure activity, 15% use it for finding information and 15% use it for keeping abreast with current affairs and events.

Do you participate in online opinion polls, tweets, etc.?

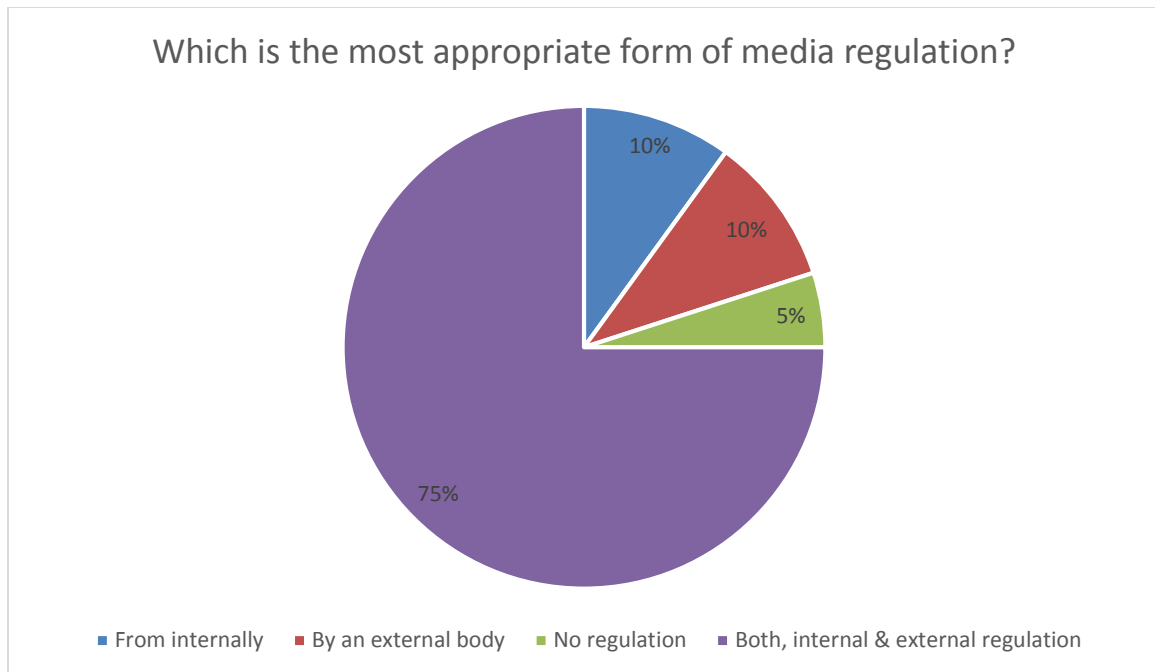


As social media took over electronic media, news channels created their websites to keep up with the changing technology. The main advantage of websites like Facebook, Twitter, etc. was that news was not just received by the viewers but it was also responded back with personal opinions and views as well as shared further. It was not just a one-way communication but almost a two-way interaction. In present case, merely 30% have agreed to be participating in online polls and tweets whereas 70% have denied the same.

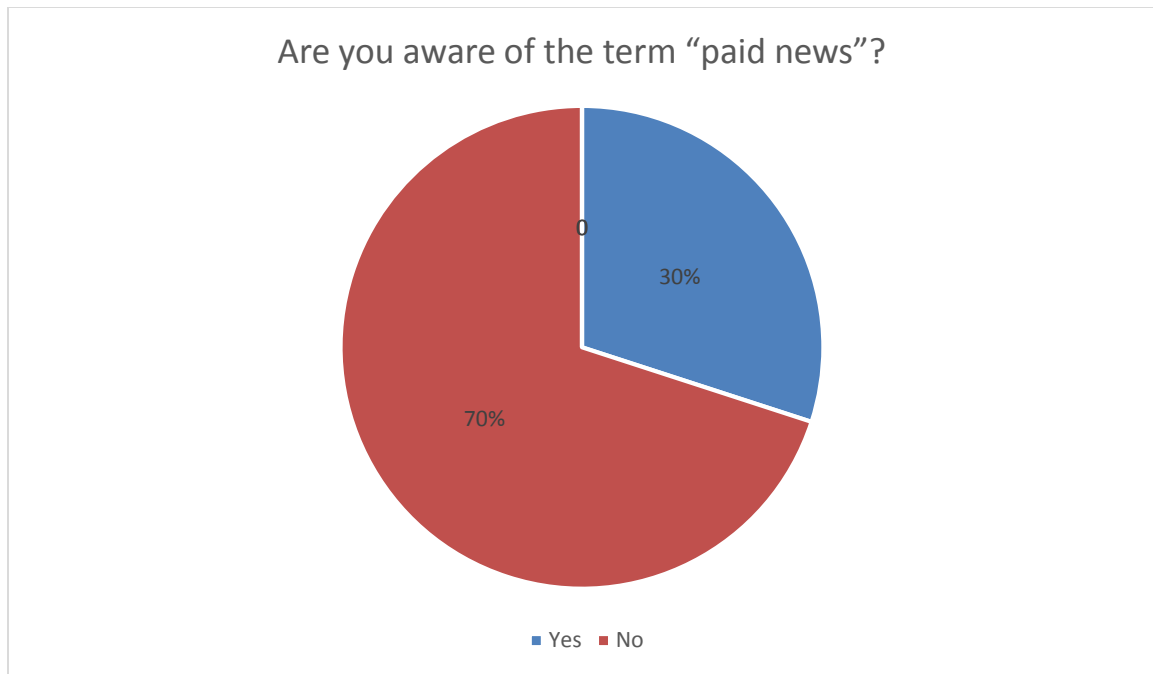
Are you aware of any law/body governing social media?



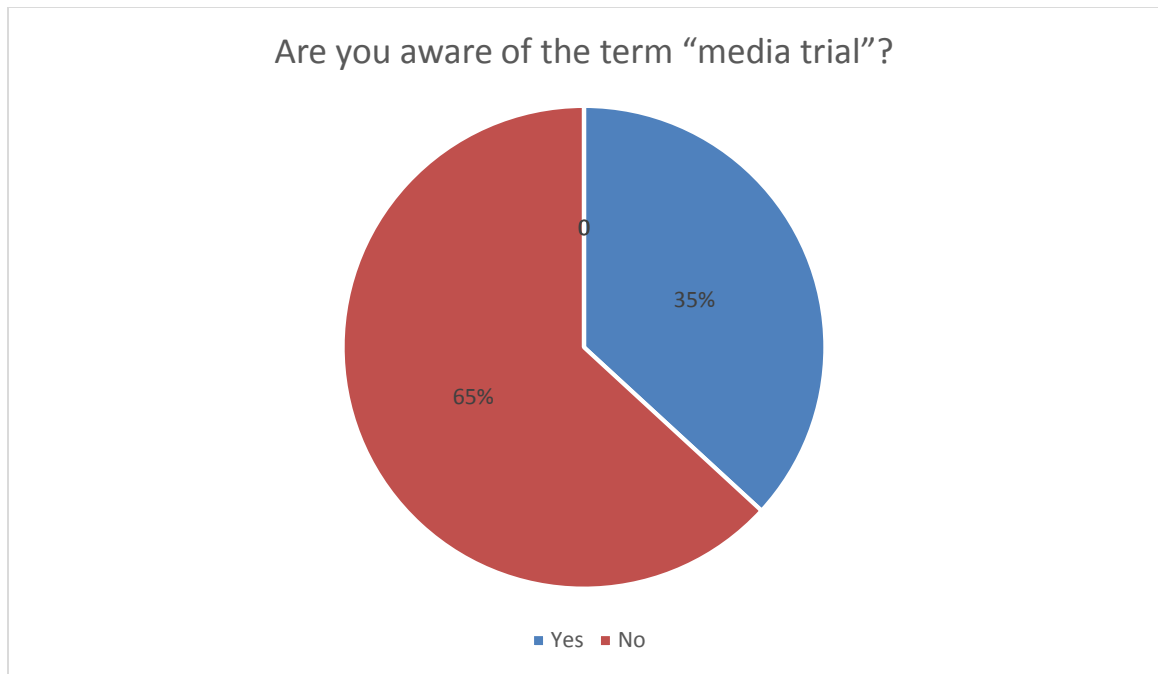
The rapid increase in number of social media users found a need for governing it with a well-provided legislation. While 75% of users are unaware of any legislation governing social media, merely 25% are aware of the same.



Media regulation is indispensable and more so as the print and electronic media have been now joined by the social media. Everybody is keen on exercising his right of free speech and sometimes at the cost of other's similar rights too. The same stands true for media as well whose rights of free speech have been recognized in several landmark judgments. When media steps over its right of free speech and violates the rights to privacy, cases of sting operation come into the picture. Likewise, cases of "paid news" and "media trial" are found when media tries to take law and order in its own hands and deliver its own views as the final word in notorious trials or at other times, attempts to sell news stories against hefty amounts mainly during election periods. For this very reason, it becomes mandatory that media be regulated. 75% of respondents have opined that media should be regulated by an internal as well as an external regulator so that any mischiefs on part of media can be detected at the earliest from either side. 10% of respondents have opined for internal regulation of media while the other 10% have opined that media should have an external regulator. In opinion of 5%, media need not be regulated.

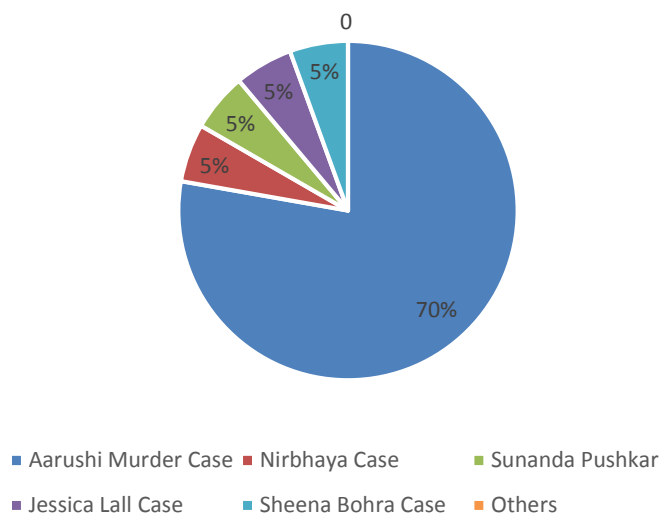


While 70% of respondents have replied affirmatively regarding being aware of the term “paid news”, 30% have responded negatively to the same. When asked about knowledge of any specific “paid news” instance, there have been mixed views as to the same.



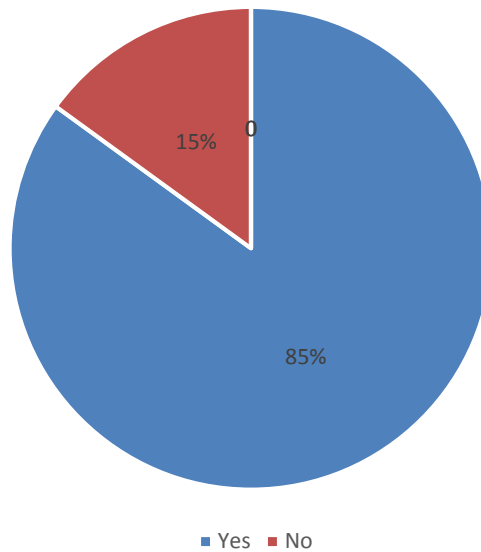
65% of respondents are aware of the term “media trial” while 35% are unaware of this term. Those who are aware were further asked of the news story in nature of “media trial”, response to which is shown in the next chart.

Kindly mention any one story in print/electronic media which according to you is in nature of “media trial”



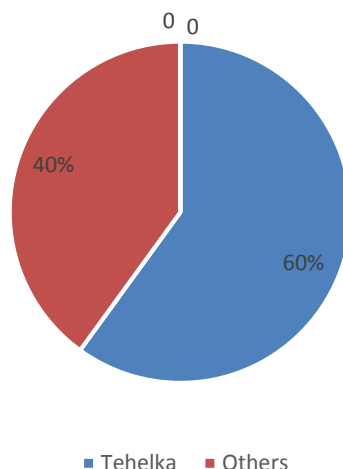
While most of the respondents (70%) were aware of Aarushi murder case, the other cases in nature of media trial were found to be not as well-known though they were equally hyped, analyzed and almost judged by media itself.

Are you aware of the term “sting operation”?

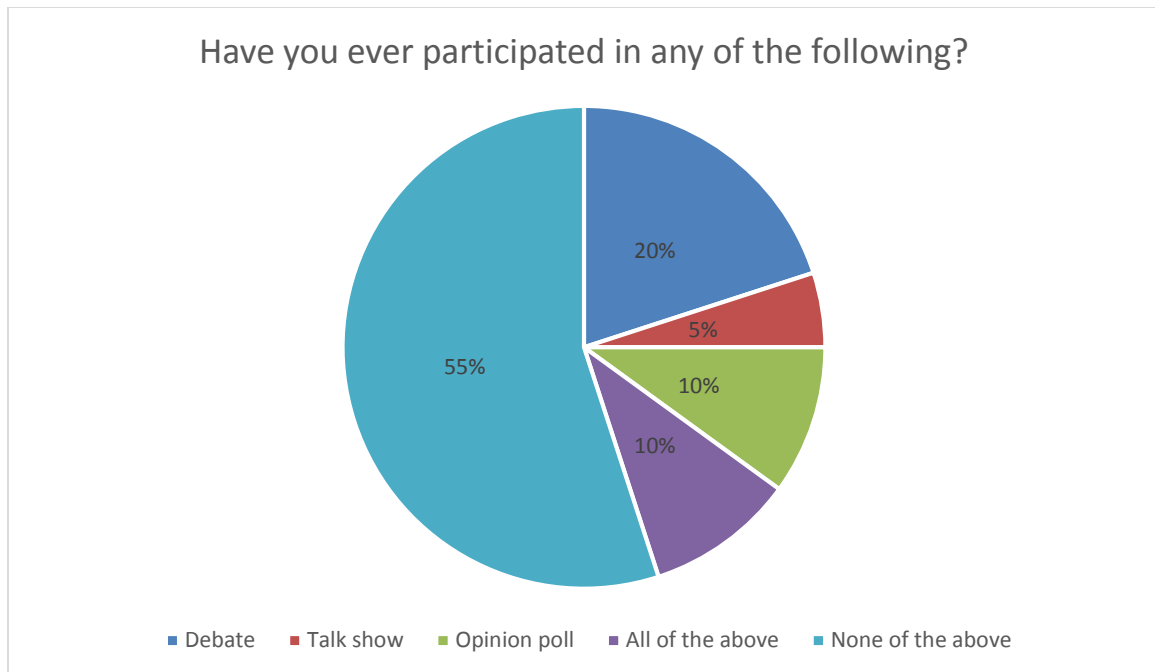


85% of respondents are aware of “sting operations” while 15% responded they are unaware of it. Sting operations are fake operations carried out mainly to catch criminals red-handed and are mainly handled by detectives or undercover law enforcement officers. While the main object of a sting operation is to catch hold of a criminal in the actual act itself with support of hidden cameras, it is often found that the targeted people attempt to take the shelter of violation of their right to privacy. On the other hand, media uses sting operations to expose the criminals before society and often airs the entire stings on their channels across the nation claiming their right of free speech.

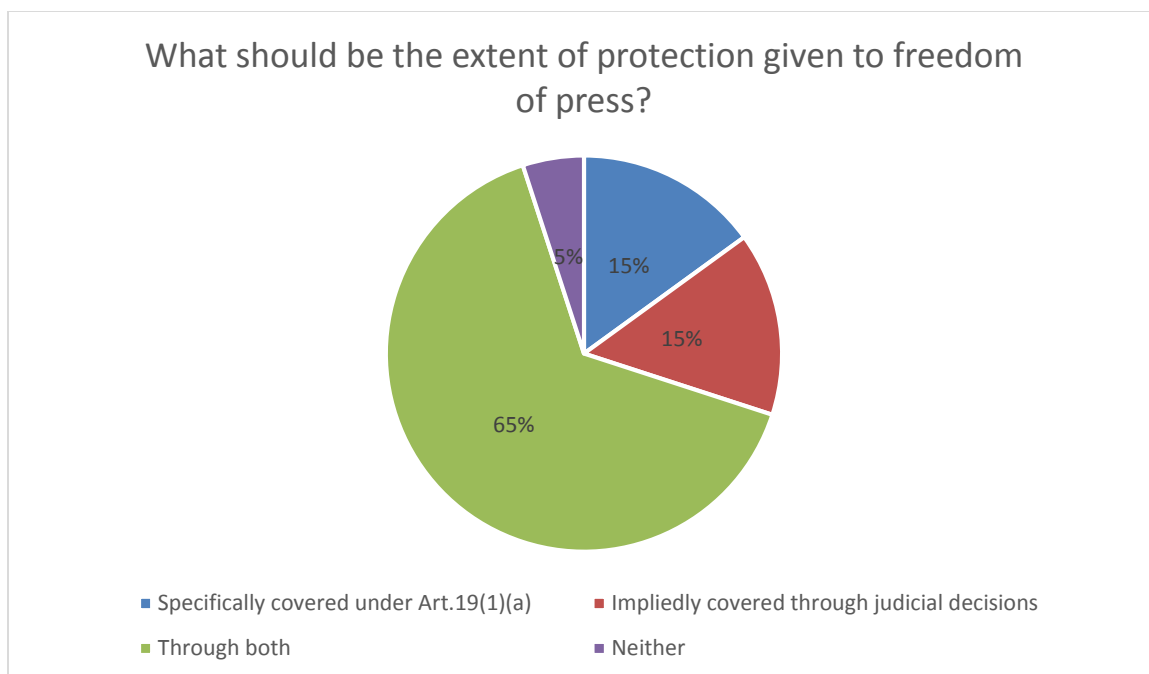
Kindly mention any one story in print/electronic media
which according
to you is in nature of “sting operation”



60% of respondents are familiar with the sting operations conducted by Tehelka i.e. match-fixing scandal (2000) and Operation West End (2001) while 40% are familiar of other infamous sting operations namely casting couch by Shakti Kapoor, Zee News and Navin Jindal sting wherein senior journalists of Zee News were arrested on charges of trying to extort hefty amounts of money from Congress MP Navin Jindal in lieu of not airing negative stories of Jindal Group, India TV casting couch, anti-corruption stings, etc.

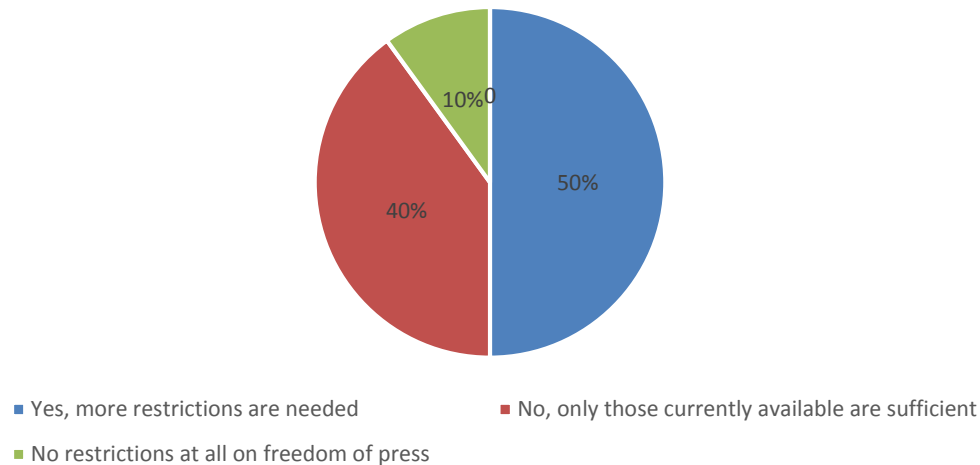


While 55% of respondents have never participated in either a debate, talk show or opinion poll, 20% have been a part of debate, 10% have been a part of opinion poll whereas 5% have been in a talk show. 10% have claimed to have participated in all of them. The areas of debate/talk show have been in varied subjects namely globalization, women empowerment, demonetization, reservation, corruption, election poll, etc. Respondents were also asked if they could express themselves fully to which 90% have replied affirmatively while 10% have replied in negative. The response shows that media to a great extent respects the views and opinions of general public and those who have participated in the programs.



Free speech is safeguarded under Article 19(1)(a) of the Constitution while reasonable restrictions have been provided under Article 19(2). Though nowhere specified in the Constitution, time and again, the right of free speech of press and media has also been recognized through judicial decisions and guidelines to be implemented. 65% of respondents have stated that press and media should be protected through not only judicial decisions as it is currently being done but should also be specifically given protection under Article 19(1)(a). 15% opine that the protection given through judicial decisions alone is sufficient while the other 15% feel that only by specifically giving it protection under Article 19(1)(a) shall be sufficient. Only 5% have responded that no protection at all needs to be given to media.

Should there be any additional restrictions other than those mentioned in Article 19(2) that limit the freedom of press



Article 19(2) imposes several reasonable restrictions on freedom of speech and expression namely on grounds of sovereignty and integrity of India, security of State, friendly relations with foreign states, public order, decency and morality, contempt of court, defamation, incitement to an offence. Wherever judiciary finds media exercising its right of free speech so widely that either of these reasonable restrictions are violated, it may impose necessary orders and ban the acts accordingly. It is in interest of public as well as media itself that reasonable restrictions if not additional, atleast the prevailing ones should be strictly adhered to. Media is neither above law nor above the citizens of the nation and its acts should be in accordance with laws as well as guidelines from judicial precedents. If on one hand media has a right of free speech and can question the acts of those in power, it is also duty bound to present a clear picture of the society and nation before the people, without modifying it according to its personal interests. 50% of respondents opine that in addition to these restrictions, additional restrictions are needed on media's rights of free speech. 40% have opined that the current restrictions are sufficient while 10% have opined that there should be no restrictions at all on free speech rights of media.