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From the Editor

Mass Media is a significant force in modern culture and society. It has the power to mobilize mass movements. When Mass Media has become one of the most dynamic and fastest growing disciplines of our times, particularly in India, Pragyaan: Journalism of Mass Communication (Pragyaan: JOMC) has the responsibility to explore all the significant changes and developments and to provide insightful research on new trends in the area of mass media and communication. Pragyaan: JOMC is a bi-annual, peer reviewed and open access Research Journal. The Journal welcomes high quality research papers/articles, review articles and case report describing original research in the fields of communication and mass media studies. This issue of Pragyaan: JOMC presents eight research papers/articles covering diverse areas of Mass Communication.

In this issue, the first paper on "Paid News, Elections and Democracy in India" explains how the paid news practices and manipulation tactics are impacting the Indian political scenario and deteriorating the value of democratic system in India. Second Paper "Advertising and Promotional Activities...." analyzes the consumers of the durables are influenced by the advertisements and promotional activities of the marketers on the products of the various brands available in the market. A Third study on "The Role of ASCI in Regulating....." analyzes the effectiveness of ASCI in dealing with commercials which are obscene and misleading in nature. Fourth paper on "Malpractices in Media Vs Ethics in Media" presents various malpractices in the media and the ethics which needs to be followed by them. Fifth article entitled "Is objectivity replaced..." aims to evaluate the existing malpractices in media and their reasons. Sixth paper on "Freedom of Speech and Expression" evaluates some unregulated freedom of expression and vulgar, obscene and immoral contents in broadcasting which influence the young minds should be regulated. Seventh article on "Role of Print Media in Spreading RTI Messages" reveals the significance of the newspapers in disseminating RTI messages in the society. Last paper on "Impact of Crime News on Viewers" analyses how crime news stories provide an important source of information for creating mass awareness to avert such incidents in future.

We are thankful to the authors for their scholarly contributions to the Journal. We express our gratitude to our panel of referees for the time and thought invested by them into the papers and for giving us sufficient insights to ensure selection of quality papers. We would like to acknowledge the valuable contributions of Dr. Rajendra Kumar Pandey (VC), Mr. Deepak Uniyal (Associate Editor) and all the faculty members of School of Mass Communication in preparing the reader friendly manuscript for the Press.

We hope our readers find the contents, findings and suggestions contained in this issue of Pragyaan: JOMC as informative, stimulating and of practical relevance. We welcome comments and suggestions for further improvement in the quality of our Journal.

Thanking You

With Best Wishes

Dr. Sushil Rai

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Paid News, Elections and Democracy in India

**Dr. Raghavendra Mishra*

ABSTRACT

Elections are crucial to form a consolidated, committed and responsive, responsible government. Fair and free elections are outcome of the degree of commitment of its stakeholders- electorates, machinery, political parties and the media. A free and fair election does not amount simply to the act of casting a ballot under adequate conditions. To make an informed and responsible choice voters need free, objective and enough information about candidates, political parties, political promises and the electoral process. This information should be delivered to the voters in time and through a common public platform, accessible to them.

Elections in India have witnessed manipulations, bribing, propaganda, misinformation, pressure and harassment. Political parties and candidates try to woo voters, consolidate them by using power of money, machinery, and hate speeches. Election campaigns in sensitive election process are routed with target to influence journalists who are involved in mission of educating, and informing voters. This information function of journalists is very crucial, as most of people do not have active interest in the election and democratic process. Voter's education and motivation is very important aspect for free, fair and fruitful elections. Journalists, along with other stakeholders such as election commission, civil society and other pressure groups play key role in motivating common or neutral voters to cast their vote.

Paid news is any news or analysis appearing in any media (print and Electronics) for a price in cash or kind as consideration. Paid new is considered as dangerous and complex phenomenon frequently practiced in our country. Direct payment of money is popular exchange for secured coverage in media space that is accompanied by other means of exchange such as gift vouchers, foreign trips, contract offers and so on. Paid news practice harm the democracy as it creates a false image environment of the candidate by distorted information and thus essence of representative elections destroyed. Further it violates the Representation of People Act and creates a huge amount of black money. The present paper is an attempt to discuss the practice and impact of paid news in India.

Key Words- Paid news, Journalists, Elections, Democracy

1. Paid News and Elections

Election is a costly business now. According to various sources around five billion US dollar (more than 30,000 crore rupees) was spent in the 2014 Loksabha elections, an amount second to the 2012 US presidential elections where six billion dollars were spent. This money was spent

in consumer goods, transportation, hospitality, election management, booth management, rally management, expenditures on workers, purchasing of publicity materials and on the publicity.

With a huge population and large geographical area of the constituency every candidate in a competitive elections

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process needs to spend money, money and more money, so a huge amount is required to meet out election expenditures. With burden to submit accounts to the election commission for ceiling scrutiny 'under declaration of the expense' is a common phenomenon in our elections.

As part of election campaign candidates spend a good amount on media publicity but due to restrictions of expenditures very rarely does they show it. For example, in last Assembly elections in 2013-14 in the four states i.e. Mizoram, Madhya Pradesh, Rajasthan, Delhi candidates have explored even relatively new means such Internet advertising, and sms services for publicity. But it was not reflected in their account statements on election expenditures. According to a media report 210 MLAs out of 596 analyzed (35%) declared zero election expenditure on Electronic/Print Media. The average expenses declared on electronic and print media by 596 MLAs from the five states falls between Rs. 8,636 (Mizoram) to Rs 67,932 (Rajasthan). 44 MLAs from Chhattisgarh declared zero election expenditure on Electronic/Print Media. 24 MLAs from Delhi declared zero election expenditure on Electronic/Print Media. 87 MLAs from Madhya Pradesh declared zero election expenditure on Electronic/Print Media. 29 MLAs from Rajasthan declared zero election expenditure on Electronic/Print Media and 26 MLAs from Mizoram declared zero election expenditure on Electronic/Print Media. (adrindia.org/download/file/fid/3375). This is simply unbelievable and indicates towards the grey areas of expenditure on media publicity.

Though, before 2014 Lok Sabha elections the Election Commission had raised the expenditure limits from 40 lakhs to 70 lakhs in bigger states such as UP, MP, West Bengal, Rajasthan, Tamilnadu etc. and from 22 lakh to 54 lakh in small states like Goa and Northeastern states. Limits for assembly elections were also raised to 28 lakhs in other states and 20 lakhs in Northeastern states. But everybody knows that candidates spend greater amount than the Commission's ceiling. This tendency leads candidates and political parties to use black money, practice under declaration, and purchase news media 'news' slots as paid news.

Paid news is any news or analysis appearing in any media (print and Electronics) for a price in cash or kind as consideration. ([presscouncil.nic.in / old website council report. Pdf](http://presscouncil.nic.in/)). Paid news is considered as dangerous and complex phenomenon frequently practiced in our country. Direct payment of money is popular exchange for secured coverage in media space that is accompanied by other means of exchange such as gift vouchers, foreign trips, contract offers and so on. The paid news syndrome was

seriously observed during last Lok Sabha elections in 2009. Paid news is appearing in different ways. First, a distorted image of contestants presented in the media so the essence of representative elections destroyed. Second, candidates do not show such expenses in their election expenditure and thus conduct of election rules, 1961 framed by the election commission of India under the Representation of the People Act, 1951 is grossly violated. Third, media companies in their balance sheet do not disclose such payments so black money is generated.

Parliamentary Standing Committee on Information Technology in its 47th report (presented in Lok Sabha in year the 2013) included 'advertisements camouflaged as news, denial of coverage to select electoral candidates, exchanging of advertisement space for equity stakes between media houses and corporate and the rise in paid content' as manifestation of paid news. This inclusion presents an elaborated outline of the paid news that has been a common practice in the Indian news media. Earlier it was limited to commercial and economic news only but with the march of the time growing interest and control of the management in the business of news it spread in covering political issues and elections also.

2. Paid news cases in Indian elections

Since last few years tendency of paid news during election time has been on rise. In the last Lok Sabha elections Election Commission had issued 3,100 notices to the candidates indulged in paid news practices, out of that 787 cases were confirmed by the Media Certification and Monitoring Committees setup by the Commission. The then chief minister of Maharashtra Ashok Chavan also faced court case against him floating news during 2009 state assembly poles on Bhokar seat. Petitioners blamed that Mr Chavan had mentioned only 5,379 Rs as the expense on Media advertisements which is far less than the real expenditures. Later the case was quashed and benefit of doubt was given to Ashok Chavan.

Another case we can mention here was the Narottam Mishra, Health Minister of the MP case. He is facing a case against him over alleged use of paid news during Assembly elections of 2008. A notice was issued to him for publication of 42 news items of the nature of advertisement appeared in various newspapers during the said election in grab of news. His election was challenged by the contender and the issue is in the court.

These are not the few examples only. Politicians always try to develop nexus with media houses to grab additional publicity and rewarding media houses and journalists with

cash and kind. But we cannot blame politicians only. Media houses and journalists are also guilty of this corrupt practice equally. For example, in Narattom Mishra case in its notice Election Commission mentioned names of four newspapers DainikBhaskar, NaiDuniya, Aacharan and DainikDatiaPrakash for publishing advertisement in favour of Mishra in the grab of news. During 2010 Bihar Assembly polls PCI 'held quite a few dailies guilty of doing much the same thing. These include Dainik Jagran, Dainik Hindustan, Hindustan Times, Dainik Aaj, and Purvanchal ka Rahi.

In case of 'paid news' only one candidate's election related news is covered with very less or no news of the opponents. Sometimes same story appears in different newspapers and TV channels where same content is presented with different bylines. It is not the matter of coincidence or the sameness of events. In almost every case press release supplied by the candidate's office is repackaged and circulated.

3. Practicing Market model by Media

As market model suggests the 'society's need can best be met through a relatively unregulated process of exchange based on the dynamics of supply and demand' (Roteau, Hoynes 2006, p.17). In market model media are conceptualized as private companies selling their product i.e. information. In order to meet the needs of the market and respect their essentially economic vocation, modern press corporation focus primarily on profitability' (Martin, Knight (1997). They work for profits and take citizens as consumers. Here, media work to sell their audience for advertisers so the news is also taken as element to attract advertisers. With this approach election coverage has taken as opportunity to increase in sales and income. A line between newsroom and marketing room is blurred with this approach so package deals are being offered to political parties and candidates.

Practice of market model by mainstream media affects chances of fair and objective coverage of elections and political campaigns are covered or ignored on the basis of deals. Media thus by focusing on business neglect their responsibility to promote active citizenship and strengthening participatory democracy by providing unbiased, timely information for mobilization and education of voters. Further, with such manipulated image promotion media contribute in making handicapped and non-representative democracy.

In fact, elections are taken by all stakeholders and particularly most of media houses as opportunity to boon their readership/TRP and the income. After smelling this

opportunity management of media houses try to explore every chance of getting money so from the coverage also. They come up with the packages and secured coverage is offered against the set amount and this amount rarely shown in the incomes of the newspaper or in the expenditure of the candidates so a transfer of black money takes place.

4. Sanctity of Elections and Democracy

Paid news is a serious threat to the democracy and electing a true representative government. EC in its 'Compendium of Instructions on Paid News and Related Matters' has mentioned paid news as 'the phenomenon of Paid News, has alarming proportion as a serious electoral malpractice, and has caused concern to the Commission in the context of conduct of free and fair elections. It circumvents election expenditure limits, disturbs level playing field and acts against the voters' right to correct information.' (Page 8)

PCI sub-committee on Paid News also explains the misdeed of the paid news as dishonest act to the reader or audience. Report states that "News is meant to be objective, fair and neutral- this sets apart such information and opinion from advertisements that are paid for by corporate entities, governments, organizations or individuals. What happens when the distinction between news and advertisements start blurring, when advertisements double up as news that have been paid for, or when- news is published in favour of a particular politician by selling editorial spaces? In such situations, the reader or viewer can hardly distinguish between news reports and advertisements/advertorials." (Page 4)

Paid News gives misleading information about candidate and entire electoral process and thus curbs the free exercise of electoral rights by the voters. Further this corrupt practice of favouring a candidate over others violates the section 123 (4) of the Representation of People's Act 1951. This section states that any person if publishes any false statement with the consent of the candidate would be violation of the act and it is an offense.

Paid News also promotes use of money power in election and narrows the scope of winning of good but 'poor from the pocket' candidates. Unfortunately, despite of losing its credibility, the Paid News surfaced as a full blown wound in the press in our country. This practice not only violates various sections of Representation of People's Act, 1951, also sections of IPC/CRPC and the income tax.

5. Creating Firewall

Media is a crucial watchdog of election process in our

country. With greater responsibilities of informing, educating, and motivating voters to participate in election process and to elect right representatives media try to cover entire activities of elections. It is media that creates environment for voter mobilization, issue identification, and agenda setting even before formal announcement of electoral process. It helps in creating informed choices that are of utmost importance for our democratic system.

Any democratic election cannot be a fair; able to generate representative leadership without help of media therefore media need to act with professionalism, accuracy, and impartiality in its coverage. This determination is important to draw an ideal line of action in a scene of full of violence, bribing, threats, manipulations, and animosity. Some legal and ethical guidelines are framed which can be helpful for media. 'Section 126 of the Representation of the People Act, 1951, prohibits displaying any election matter by means, inter alia, of television or similar apparatus, during the period of 48 hours before the hour fixed for conclusion of poll in a constituency' (<http://eci.nic.in>). Further, ECI guideline says that electronic media should not broadcast any matter, or programme that can influence the voters. In case, if the matter is not covered in section 126 A of the R.P. Act 1951 permission should be taken from district or state EC machinery to avoid model code of conduct. Highly objective coverage is expected from print media also. The newspapers should not indulge in unhealthy election campaigns and exaggerated reports on candidates. Press should avoid reports, which tend to encourage feelings of hostility or hatred between people on the ground of religion, race, cast, community or language. Further, a detailed guideline has been issued by ECI on 7th March 2014 that imposes elaborative restrictions on biased, unhealthy media coverage.

6. Press Council of India Stand

To promote fair and objective election coverage Press Council of India has formulated a guideline for reporting election and publication of pre-polls and exit polls. This guideline was issued in year 1996 and accepted by ECI as a media guideline on reporting elections. PCI guideline expects objective and balanced coverage, avoiding coverage of hatred statements and campaigns, avoiding advertisements from public funds and offers of inducements, financial or otherwise. In its guidelines to cover elections PCI mentions that 'The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept hospitality or other facilities offered to them by or on behalf of any candidate/party.' (<http://presscouncil.nic.in>

[/Content/63_1_GuidelinesIssues.aspx](#)). PCI has stated that freedom of the press depends to a large measure on the press itself behaving with a sense of responsibility.

Further PCI states that 'Whenever the newspapers publish pre-poll surveys, they should take care to preface them conspicuously identifying the institutions that have carried on such surveys, the individuals and organizations, which have commissioned the surveys, the size and nature of sample selected, the method of selection of the sample for the findings and the possible margin of error in the findings. In the event of staggered polls, no newspaper shall publish exit-poll surveys, however, genuine they may be, till the last date of the polls is over' (<http://pib.nic.in>). However, these guidelines expect high ethical and professional standards that often ignored by media in competitive and financial pressures.

7. Submissions from Parliamentary Committee on Information Technology

The committee submitted its report in year 2013 that discusses the definition of Paid News, why it is proliferated, existing mechanism to address the problem and measures to control it. 'The committee identified corporatisation of media, desegregation of ownership and editorial roles, decline in autonomy of editors/journalists and poor wage levels of journalists as key reasons for the rise in incidence of paid news.' (<http://www.prsindia.org/theprsblog/?tag=press-council-of-india>)

8. Conclusion

The election in India is unique with NOTA options and extensive use of all available media channels for political campaigning. For examples, in last Loksabha elections Headquarters of political parties converted into war rooms with well-equipped media units. With increasing use of social media and presence of paid news and manipulation tactics Indian political scenario and media are witnessing deterioration and hatred in election campaigns. In such environment when electing a representative government is closely associated with the socio-cultural paradigms a paramount responsibility for build up democracy through promoting informed voting lies on media also. Often media found guilty in manipulation of information and promoting false propaganda. When such unethical practices prevailed objectives of fair elections and true mandate becomes nightmare so fair, objective and standard coverage is must for our political system.

To stop unethical, biased coverage, false overestimations, false propaganda, and misuse of power of media regulatory authorities are persistently working with legal

amendments, guidelines, model code of conduct during elections, providing training and monitoring of action of media and journalists, and media blackouts. But, as media has a significant role in informing and motivating voters so giving freedom to media is indispensable. In such situation ethical and self-regulatory aspects have been taken as ideal way to make media authentic, objective and impartial during elections. Many experts believe that restrictions should come from within. Media itself should draw a line of fire between do's and don'ts. The following suggestions can be used for free, fair and balanced media coverage of elections and avoid paid news practices-

1. Media should provide comprehensive coverage of the campaign and information about candidates, their motives, ideology, social and public life and their promises.
2. Media should work on the principle of equality of access and maintenance of records of coverage in obligatory manner.
3. Media should adopt standard code of ethics for election coverage drafted by consulting existing laws, PCI guidelines, and suggestions from civil society, intellectuals and all political stakeholders.
4. Before elections with the help of Election Commission media professionals should go under training to understand election process, model code of conduct, issues of manipulations and principles of objectivity.
5. A complaint mechanism against biased media reports should be functional with executive power and authority to condemn and if necessary change/debar suspect media professionals from election coverage.
6. Media should be on high alert on surrogate advertisements, package deals, and incentive offers to journalists. All election income should be on record and post-election audit should be implemented.
7. Media should work extensively and fairly on voter education, voter information, civic education, and public awareness.
8. Bodies like PCI and Ministry of Information and Broadcasting should frame more comprehensive guidelines and mechanism to identify, check, and if required punish the guilty.

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Advertising and Promotional Activities of Consumer Durables in the Indian Market – An Analytical Study

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ABSTRACT

The research was conducted to study the growing demand of the consumer durables. There is expansion of the consumer durable goods market with technologically advanced products of various brands.

In the durable goods sector large number of multinational (MNCs) and Indian companies are doing good business due to the increasing demand of the durables by the consumers. The underlying aim of the research is to study the factors which are responsible for influencing the decision making of the masses.

It is found out from the study that the consumers of the durables are influenced by the advertisements and promotional activities of the marketers on the products of the various brands available in the market. Disposable incomes, comfort, expectation for higher standard of living are some of the reasons for the growing demands of the consumer durables. It is also found out from the study that the consumers can analyze the durable goods of various brands through mass media before taking the final decision to purchase the product of their choice.

Key words: Durable goods, demand, brands, consumers

1. Introduction

By the year 2025 India is expected to become the fifth largest consumer durables market in the world. It is expected that the consumer electronic market to increase to USD 400 billion by 2020. The production is expected to reach USD 104 billion by 2016.

In the consumer durables sector the urban markets account for the major share (65 percent) of total revenues in the country. Demand for non-essential products such as LED TVs, laptops, split ACs etc. expected to increase in the urban market. In the rural markets, the demand for durable goods like refrigerators as well as electronic goods are likely to increase in the coming years as the government plans to invest significantly in rural electrification.

During the last few years the Indian consumer durables industry has witnessed a considerable change. Changing lifestyle and higher disposable income coupled with boom in the estate and housing industry and a surge in advertising have been instrumental in bringing about a vast change in the consumer behavior pattern. Consumer durables involve any type of product purchased by the consumers which is manufactured for long-term use. As opposed to many goods that are intended for

consumption in the short term, consumer durable goods are intended to endure regular usage for many years or longer before their replacement are needed. Every household contains at least a few items that may be considered to be of consumer durable type. As India being the second fastest growing economy having a huge consumer class, consumer durables have evolved as one of the fastest growing industries in India.

The objective of the study is to know the advertisements and promotional activities of consumer durables for the masses in India. The analysis is whether media is responsible for promoting various brands of the durable goods which is helping in the decision making process of the consumers.

1.1 Need of the Study

The study is needed for exploring the demand of the consumer durable goods in the Indian market. This will help the advertisers of various brands of products to understand the media usage habits of the consumers of the country which will help the brand promoters and advertisers to choose the right media for the publicity of the brand's products. The findings of such study will be helpful to business heads, planners of business, promotional activities in-charges, advertisers, strategy makers, policy

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makers, executives, marketers, students, academicians and researchers who are directly or indirectly associated with advertising and promotions of the various brands of durable goods in the Indian market.

1.2 The objectives of the study are to:

1. Know the advertisements of consumer durables in Indian market
2. Find out promotional activities of consumer durables in Indian market
3. Identify the most preferred consumer durables
4. Ascertain the most preferred brands of consumer durables

To find out the awareness of the customers about the availability of various durable goods under different brand names, various surveys are taken into consideration and analyzed. The surveys which are considered for the study are recent with detailed information of the products under different brands in the Indian market. Kind of media that are used for advertisements and promotional activities are also taken into account.

Generally, the buying behavior of the masses depends on advertisements and promotions on various media. It is found out that the buying decision is not only influenced by media advertisements and promotions. The other factors which influence the buying decisions of the consumers are sometimes any specific family member's decision, disposable income of the consumers, geographical locations, climatic conditions, education level, income, societal norms, etc.

1.3 Scope and Utility

Consumers of the durable goods in the Indian market are taken into consideration.

The study will help the policy makers, government, advertisers and researchers to understand the buying habits of the Indian consumers in terms of durable goods. It will help the multinationals, public and private enterprises to explore and understand the market for consumer durables. Marketers, advertisers, stakeholders and business establishments will be benefitted. The customers of consumer durables will also get the benefit of having various options of their choice and requirement of a particular consumer durable good. They will get access to a variety of durable goods with different brand names.

2. Review of Literature

Large numbers of research studies have been conducted on consumer behavior both in India and abroad. The studies of various researchers have covered both durables

and non-durables goods. The literature available on selected topic reveals research studies on consumer behavior. An attempt is made to review some selected works on consumer behaviors on consumer durables.

Dr. Vijay Pithadia and Ashish Sharma (2005) stated that companies always try to establish the contact with target market. It is considered to be a prestigious status for company to address the customers. Companies wanted to enhance its image in the minds of common man so that in future, whenever it would be visited by the customers, it would be having enough matter to communicate the customers.

The authors also stated that in marketing, promotion means all those activities that a marketer uses to take his product from the factory to the customers. It involves the advertising sales promotion, public relations, personal selling, merchandising and publicity.

Stanley George (2012) while studying about the occasion based promotional strategies of consumer durable segment stated Occasion Based Marketing is an approach to connect why and when consumers use the product with how they shop for the product. Companies need to realize that needs of the people are different when they are at work and different when they are socializing or at home.

He also stated that National as well as International brands are trying to have a fair share of the market. The high frequency of promotional campaigns by consumer durable goods companies and retailers during festival seasons clearly shows the importance of Occasion Based Marketing in the market.

Madhurima Gupta and Dr. Deeepali Singh (2013) stated that sales promotion is myopic incentives which majorly try to invoke consumer responses like product trial, stockpiling, spending more, brand switching and purchase acceleration towards a product or service, over a limited time period. Sales promotions are needed to be aligned with the benefits of the promoted products in order to be effective. Their research identified effective promotional tools catering to Fast Moving Consumer Goods, Business Services and Consumer Durables segments.

Report by IBEF India Brand Equity Foundation reported that the consumer durables industry in India is set for sustained growth over the long term, fueled by favorable consumer demographics, overall growth in industrial and service sectors and infrastructure development in suburban and rural areas. Several Indian companies and MNCs are looking to strengthen their presence in India to leverage this opportunity. To be

successful in the long-term firms need to develop a wide and robust distribution network, differentiate their products in areas of importance to the consumer and innovate in the areas of promotion, product financing, etc.

Vishal J. Mali and Jigna N. Ahir (2013) recommended in their study that in consumer durable segment, it was noticed that promotional tools are more effective for invoking consumer response. Refund offers, Product Warranty and free gifts are comparatively much more effective in generating more sales. In Business Services Segment, the effectiveness of promotional tools was observed. Demonstration and trial was found to be most effective in generating instantaneous customer response. Consumers showed a positive perception regarding sales promotion. Therefore it can be concluded that various techniques of sales promotion can help a company to increase sales and organization's profitability, which cannot be ignored.

Prof. Yuvraj Lahoti (2013) stated in his paper that Communication mix plays very important role in buying decision process of consumers. Rural India has good demand for durables. Companies are working on finding suitable communication mix to cater the market successfully. Consumers are the backbone of modern marketing. Understanding the behavior of consumers is quite essential for efficient as well as effective marketing management. Customers may state their needs, wants but act otherwise. India's consumer market is experiencing economic boom. Driven by a young population with access to higher disposable incomes and easy finance options, the consumer market has been growing.

Prof. Lahti's study had identified and ascertained the extent of problems of consumer behavior which have an impact on the marketing of consumer durables which is growing fast. The consumer behavior in relating to consumer durables is strongly affected by some social, economic, cultural and psychological factors.

Dr. Pooja Bhatia, Dr. Syed Haider Ali and Zeba Mehdi (2014) while giving their view points on the durable goods demand stated that many things that were considered as luxuries till about ten years ago have become necessities

for people today. Consumer centric marketing style is predominant in terms of durable goods which in turn revolve round the consumer purchase attitude. Today women are chief purchase officer controlling about 85% of the purchase decisions in the families.

The author's research deals with the study of urban working women's purchase attitude with special reference to consumer durable goods.

3. Research Methodology

The research study was done to find out the awareness of the consumers on the availability of the various consumer durable products and their buying behaviors. To ascertain the preferences of the consumers, analysis of recent surveys which are done on the basis of popularity and demand of certain consumer durables brands are taken into consideration. Survey Method was conducted on the marketers of consumer durables on the selected sample area. Hence, exploratory research design was used. The qualitative data was collected through in-depth interview schedules. The area which was selected for the study is the markets of Delhi/NCR- Lajpat Nagar, Central Market, Bhogal market, South Extension Market and Noida Sector 18 market. Verification of the availability of the products and its various brands are done in the aforesaid markets of the selected areas. Shopkeepers and residents of these areas are taken into consideration.

Brochures, and print materials provided by the marketers of the consumer durables were used as Secondary data for the study. A simple random sampling has been used to select the samples from research area. Most preferred consumer durables by the households and the highly preferred brands of the various consumer durables which are done by authentic surveys are analyzed. All the information that is gathered was analyzed using coding and tabulation method.

4. Findings and Analysis

The study is based on the consumer durables. The consumer durable goods are generally segmented into three categories. Accordingly the various durable goods are placed in these recognized and prescribed categories.

Table1. Segmentation of Consumer Durable Goods

Sr. No.	Categories of Consumer Durables in India
1.	White Goods
2.	Brown Goods
3.	Consumer Electronics

Table No. 1 shows the three segments of consumer durables which are categorized as white goods, brown goods and consumer electronics.

Table 2.Consumer Durables Under the Three Segments

Sr. No.	White Goods	Brown Goods	Consumer Electronics
1.	Air Conditioners	Microwave Ovens	Tvs
2.	Refrigerators	Cooking Range	Audio and Video Systems
3.	Washing Machines	Chimneys	Electronic Accessories
4.	Sewing Machines	Mixers	Pcs
5.	Watches and Clocks	Grinder	Mobile Phones
6.	Cleaning Equipment	Electronic Fans	Digital Cameras
7.	Other Domestic Appliances	Irons	DVDs
8.			Camcorders

Table No. 2 shows the various durable goods that come under the three recognized categories.

Table 3.Selected Consumer Durables That Are Studied

Preferences of the Durables	Products	Categories
1.	Refrigerators	White Goods
2.	Air Conditioners	White Goods
3.	Washing Machine	White Goods
4.	Television	Consumer Electronics
5.	Laptop	Consumer Electronics
6.	Mobile Phones	Consumer Electronics
7.	Car	Automobile Industry
8.	Bike	Automobile Industry
9.	Furniture	Durable Goods

Table No. 3 shows the durable consumer goods according to consumer's preferences. Most preferred consumer durable brands are studied according to the durable products that are stated in the table. The nine consumer durables which are stated in the above table are highly preferred by the consumers amongst all the other durable goods that are available in the market.

Consumer durables like refrigerators, air conditioner, washing machine, television, laptop, mobile phones, cars, bikes, and furniture of various brands are studied in the Indian market according to the popularity of the brands along with the features and size of the products under various brand names.

4.1 SWOT Analysis of the Consumer Durables in Indian Market

Strengths

- Established distribution networks presence in both urban and rural areas
- Presence of well-known brands
- In the last few years organized sector has increased its share in the market vis a vis the unorganized sector.

Weaknesses

- During festive season demand is seasonal and is high

- Demand is dependent on good monsoons
- Government spending on infrastructure is poor
- Consumers having low purchasing power

Opportunities

- As compared to other developing countries, the penetration level of white goods is lower in India.
- Rural market is unexploited
- Urbanization is rapid
- Increasing income levels, that is, increase in purchasing power of consumers
- Easy availability of finance

Threats

- Import duties on raw materials is high
- Imports from Singapore, China and other Asian countries considerably cheaper

4.2 Consumer's awareness about the availability of the Durables in the market

The consumers of durable goods become aware of the availability and features of the goods through advertisements and promotional activities of various products' brands. The advertisements and promotional activities used to come in various mass media influence their decision making. It has been observed that word-of-mouth plays an important role in informing some of the consumers about the products in the market.

Table 4: Promotional Activities for Consumer Durables

Sr. No.	Promotional Activities
1.	Premiums or Free gifts offer
2.	Discount/Price-off deals/Rebates
3.	Exchange offers
4.	Combo offers
5.	Refund & Seasonal offers
6.	Product Warranties
7.	Point-of-Purchase (POP) display and demonstrations
8.	POP can be used in posters, danglers, signboards, in-store closed circuit television & merchandizing
9.	Event Sponsorships
10.	Fairs, trade shows & Exhibitions

Table No. 4 shows the various ways of promotional activities done by the marketers to attract the consumers of durable goods.

In Consumer Durable Segment it is considered that promotional tools are more effective for invoking consumer response. Refund offers, Product Warranty and free gifts are comparatively much more effective in generating more sales.

Consumers showed a positive perception regarding sales promotion. Therefore it can be concluded that various techniques of sales promotion can help a company to increase sales and organization's profitability, which cannot be ignored. This way, achieving competitive advantages over its competitors is possible only by offering right promotional tools in context with product characteristics.

Table 5: Advertisements for the Consumers Durables

Sr. No.	Advertisements
1.	Consumer/Product advertising
2.	Retailer advertising
3.	Comparative advertising
4.	Display advertising

5.	Print Ads (Newspapers/Magazines)
6.	Electronic Ads (Television/Radio)
7.	Social media
8.	Celebrity Endorsements
9.	Outdoor advertising or out-of-home (OOH) advertising
10.	Cell Phone & Mobile Advertising
11.	Mobile billboards
12.	Brochures and booklets
13.	Posters and leaflets

Table No. 5 shows the various ways of advertisements done by the marketers to attract the consumers of durable goods.

4.3 Suitable media for the consumers

Table 6: Various Media for Advertisements & Promotional Activities

Sr. No.	Media for Advertisements & Promotional Activities
1.	Television
2.	Newspapers/Magazines/Print materials like pamphlets, brochures
3.	Internet
4.	Social Media
5.	Radio

Table No. 6 shows the various mass media that are used by the marketers for advertisements and promotional activities of the various brands of consumer durables. Television is the most preferred medium for advertisements and promotional activities for the consumer durables. Television is followed by print media which attracts the consumers. Internet and social media are also largely preferred by the consumers for information. Fifth stands radio for providing information to the consumers.

Both print and electronic media are attracting the consumers of durable goods.

4.4 Consumer's preferences for various Durables Products

It is found out from the study that the consumer's product preferences are according to the features of the durable goods. The preferences of the products are depended on the disposable income, consumers prefer value for money. Hence, they want their purchase to be cost effective.

Consumer durables like refrigerators, air conditioner, washing machine, television, laptop, mobile phones, cars, bikes, and furniture of various brands are studied in the Indian market according to the popularity of the brands along with the features and size.

Table 7: Most Preferred Refrigerator Brands in India

Ranking of Refrigerator Brands	Refrigerator Brands According to Popularity	Features of the Refrigerators	Sizes of the Refrigerators (in liters)
1.	Samsung	Energy efficient, Digital Inverter Technology, Cool Pack, Moist Fresh Zone and Deodorizing Filter	181, 192, 230, 406, 532, 585
2.	LG	Power Cut Ever Cool, Humidity Controller, Toughened Glass Shelves and Moist Balance Crisper	190, 240, 255, 310, 335, 360, 581
3.	Whirlpool	6th Sense Active Cool Technology, Freshonizer, Deodorizer and Tower Cooling	190, 200, 240, 360, 480, 445, 405
4.	Godrej	SIF Technology, Low Starting Voltage, Anti-B Technology and Aroma Lock	185, 221, 240, 251, 260, 300
5.	Videocon	Magic Cool Zone, Stabilizer Free Operation, VCM Finish, Cool Booster and Nano Silver Anti Bacteria	47, 80, 150, 190, 215, 245,

Table No. 7 shows the top 5 brands of refrigerator according to consumer's preference in the market. The features of the refrigerators are also stated in the table. Samsung holds a major share in refrigerator. LG is the most preferred refrigerator brand next to Samsung. Whirlpool, Godrej and Videocon takes the position of third, fourth and fifth according to consumer's preferences. Due to the features like Energy efficient, Digital Inverter Technology, Cool Pack, Moist Fresh Zone and Deodorizing Filter, Stabilizer Free Operation, VCM Finish, Cool Booster and Nano Silver Anti Bacteria, these refrigerators are highly preferred.

Table 8: Most Preferred Air Conditioner Brands in India

Ranking of Air Conditioner Brands.	Air Conditioner Brands According to Popularity	Features of the Air Conditioners	Sizes of the Air Conditioners (in Tonnage Capacity)
1.	Voltas	Voltas' All Weather Smart Acs Filter - Anti Dust IDU Coil- Hydrophylic Aluminium Copper Tubes - Inner Grooved IDU- Champagne Color Panel, Auto Restart Remote - Sleep Mode, Turbo Mode-Quick Cooling, Blow air anti fungi & mold forming, Glow light Buttons, Dual Function Temp Display Air Vent- Cross Flow Vane For less Noise	1.5 & 1.2 Ton*
2.	Samsung	Eco-friendly, Digital Temperature display, digital inverter technology, Multi jet plus technology, digital Inverter models doesn't shuts on and off the compressor and thus maintains the set temperature by adjusting its fan speed. Single user mode, digital display screen, In case of model with LED display, light blinks and it sounds 'beep' when it's completed, Comfort Cooling cools you without shivering, dehumidification, compressor rotary Filter - Anti bacteria filter Copper Tubes - Inner Grooved IDU-at a press of button allows IDU and ODU to perform a self-check and revert, if	1, 1.5

		any, possible chances of any installation error, Auto Restart Remote - Sleep Mode, Turbo Mode-Quick Cooling, Blow air anti fungi Air Vent-Multi air flow	
3.	Daikin	Auto Sleep, timer, indoor and outdoor sound control, Powerful mode, Compressor type Rotary, Moisture removal, self-diagnosis, Filter - Anti bacteria , active carbon, catechin and other filters IDU Coil- Hydrophylic Aluminium Copper Tubes - Inner Grooved IDU- Front panel display Auto Restart Remote - Sleep Mode, Turbo Mode-Quick Cooling, Blow air anti fungi Air Vent- Multi air flow	1, 1.5, 1.8
4.	LG	A state of art heat exchanger, an efficient air outlet, and INVERTER V technology, Ionizer, highly silent, Auto cleaning, E-Saver Mode, Air Conditioner that has Mosquito drive Away Technology. Once the room attains the desired temperature, LG INVERTER will adjust and constantly vary the compressor speed to maintain the desired room temperature with minimum power consumption Filter - Plasma Cyclotron filter, 3M Micro protection filter, Double filtration system Copper Tubes - Inner Grooved IDU-Champagne Color Panel, Auto Restart Remote - Sleep Mode, Turbo Mode-Quick Cooling, Blow air anti fungi Air Vent- 4-way swing disperses cool air quickly and effectively in multiple directions to reach every corner of room	0.75, 1, 1.5, 2
5.	Whirlpool	Dual Fan Compressor Technology, 3D Powercool with 39 Feet Air Throw, 6th Sense Energy Saver, 3D Cool Technology for fast & uniform cooling, LED digital panel on the AC unit, Self-clean control and LCD back lit are its special features. Filter - PM 2.5 Filtration	1, 1.5, 2

	<p>Technology, The anti fungus and bacteria filters have been designed with the automatic functioning system and the fillers keep away the unwanted substances like fungi, pollens and allergens from the air.</p> <p>Copper Tubes - Inner Grooved</p> <p>IDU-Auto Restart</p> <p>Remote - Handy rectangle remote control that has many special buttons with perfect spacing, Sleep Mode & timer, Turbo Mode-Quick Cooling, Blow air anti fungi, Glow light Buttons, Dual Function Temp Display</p> <p>Air Vent- Multi air vent, less Noise</p>	
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Table No. 8 shows the top 5 brands of Air Conditioners according to consumer's preference in the market. The features of the air conditioners are also stated in the table. The most preferred Air Conditioner is Voltas followed by Samsung. Next to Samsung comes Daikin, LG and Whirlpool.

Due to the increasing competition in the air conditioning market in India, all the top brands are continuously introducing new models that are equipped with the latest features. The latest features that are driving the nation crazy about ACs are environment-friendliness, fragrance emission and advanced EER (Energy Efficiency Ratio).

Table 9: Most Preferred Washing Machine Brands in India

Ranking of Washing Machine Brands	Washing Machine Brands According to Popularity	Features of the Washing Machines	Sizes of the Washing Machines (in Kilograms)
1.	IFB	German technology with the features - Aqua Energie, Smart Sensors, 3D Wash System, Audio & LED Indication, 3D Waterfall Technology, etc.	
2.	LG	Inverter Direct Drive Technology, Wrinkle Prevention, Intensive Wash, Medic Rinse, Hygienic Wash etc.	
3.	Samsung	Quiet Drive Motor, Aqua Control technology, Eco Bubble Technology and Eco Drum Clean	
4.	Whirlpool	6th Sense Hotwash, Agitronics, 99.9% Germ protection, Dmax Technology, Spa Wash System Tumble Care etc.	
5.	Videocon	Direct Drive Technology, Aero Wash technology and Tilt Drum Technology are some of the best features	

Table No. 9 shows the top 5 brands of Washing Machines according to consumer's preference in the market. The features of the washing machines are also stated in the table. IFB is the most highly preferred brand of washing machine. IFB is followed by LG, Samsung, Whirlpool and Videocon as the most preferred brand of washing machines. Washing Machines

can be categorized as: front loading, top loading machines, semi-automatic machine, fully automatic etc. Consumers can buy washing machines according to their budget and requirements. Washing Machine is considered to be one of the most useful gifts of technology. It saves time and energy of an individual. It washes the laundry better than a human could do. Washing Machine has become a most common home appliance and an essential commodity.

Table 10: Most Preferred Television Brands in India

Ranking of Television Brands	Television Brands According to Popularity	Features of the Television	Sizes of the Television (in centimeters/ Inches)
1.	Samsung	LED, HD, Flat TV, Smart Browser, Screen mirroring, Smart Share, Story replay, Best-in-class durability, Vibrant color for better images, can watch movies with USP, Access internet without wires, filtering noise for added TV viewing pleasure	102 cm, 120.9 cm (8"), 55", 19.5", 140 cm, 80 cm, (32")
2.	Sony	LED, HD, Full HD, 4K Ultra HD, 3D Smart LED, Slim Backlight drive for beautiful design and picture quality, Incredible contrast with X-tended Dynamic Range PRO, Wide color Gamut with TRILUMINOS Display, Enhanced 4K detail with 4K X-Reality PRO, High resolution audio quality, Bass Reflex Speaker, Powerful sound & Dual Acoustic Duct Subwoofer, Clear Resolution Enhancer, Access to Youtube& more with built-in WiFi, Wireless Screen mirroring for smartphones and tablets, USB media playback with wide format support, USB Multi Play	61 cm (24"), 28", 140 cm, 60 cm, 102 cm (40"), 42", 43", 108 cm (43"), 80 cm (32"), 126 cm (50"), 40", 123 cm (49"), 139 cm (55"), 55cm (22")
3.	LG	Display- Full HD LED TV equipped with a powerful Triple XD engine, Cinema 3D Smart TV in 4K & 5K Ultra HD Resolution, Connectivity- HDMI, USB, 2 speakers, Robust IPS Panel, blur-free clarity, 2.0, Magic remote and SmartShare option, The 2 channel speaker system of the TV produces 20 Watts of sound output. The Virtual Surround Plus used by this TV imitates the surround effect. Resolution upscaler, active noise reduction, dynamic color enhancer, 8 picture modes, Picture Wizard III, 8 modes of aspect ratio, Real Cinema 24p, Dolby Digital Decoder, Clear Voice II, sound optimizer, time machine. Functionality - Cinema TV Units, Gaming TV Units, Smart TV Units	60 cm (24"), 70 cm (28"), 80 cm (32"), 100 cm (40"), 106 cm (42"), 108 cm (43"), 49", 55.88 cm (22"), 139 cm (55"), 122.5 cm (49")
4.	Videocon	LED, Full HD features, Connectivity - 2 HDMI 1.3 terminals to connect video and audio devices, USB, built-in 2 Speakers, Gaming TV units. Picture Quality- Generating about 16.7 million Display Colors. The contrast is sharper due to the Mega Contrast Ratio and creates more impactful images. 5 Picture Modes (Hi-Bright, Vivid, Sports, Cinema, User) 4 Sound Modes (User, Speech, Standard, Music)	81 cm, 98 cm, 102 cm, 124 cm, 127 cm, 140 cm, 16", 22", 24", 32", 40", 50", 55"

5.	Philips	<p>LED, Full HDConnectivity - Input : HDMI*1, USB*1</p> <p>Supported Audio Format : AVI, MPEG1, MPEG2, MPEG4, WMA v2 up to v9.2, H.264/MPEG-4 AVC, Supported Video Format: *.avi, *.mkv, *.mov, *.mp4, *.mpg, *.mpeg, *.wmv</p> <p>Features for a budget LED TV like built-in Wi-Fi. Wireless internet helps you connect your TV to web apps like Netflix, Hulu and YouTube so you can stream internet video to your TV. Pixel Plus HD offers the unique combination of ultimate sharpness, natural detail, vivid colours and smooth natural motion on all qualities of HD, standard TV signals and multimedia content, for high definition displays. Incredible Surround mixes by two speakers. This wider spread greatly enhances the stereo effect and creates a more natural sound dimension.</p>	81 cm (32"), 60 cm (24"), 55 cm (22"), 101 cm (40")
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Table No. 10 shows the top 5 brands of Television according to consumer's preference in the market. The features of the television are also stated in the table. The most preferred Television brand is Samsung followed by Sony. Next to Sony are LG. Videocon and Philips stands fourth and fifth in the preference list.

Television has become a necessity these days because it not only keeps us entertained but also abreast with all the current events in the world. The bulky and large televisions of yesteryears have now been replaced with sleek and stylish LED televisions which also give of superior picture and sound quality. Many brands have launched such innovative models in the Indian market.

Table 11: Most Preferred Laptop Brands in India

Ranking of Laptop Brands.	Laptops Brands According to Popularity	Features of the Laptops	Screen Sizes of the Laptops (in inches)
1.	Dell XPS 13	The 13-inch XPS with its Xfinity display is a head turner when it comes to looks. The whole body is made out of machined aluminum and the palm rest carbon fiber. Featuring a glass trackpad and powered by a 5th gen Intel Core i5 processor, the Dell XPS is one of the few Windows powered laptops which can last more than 10 hours between charges.	13
2.	HP Spectre 360	Undoubtedly one of the well-crafted laptops. Offering a similar spec sheet to the Dell XPS13, the Spectre 360 comes with a 13.3-inch touchscreen display which features resolution 2560 x 1440 pixels. Moreover, it has a flexible hinge and display can be rotated completely and then it can be used as a tablet.	13.3
3.	Apple Mac Book Air 13	The Apple MacBook Air has always remained a loyal all-purpose everyday machine. The current MacBook is a noble work machine everyone wants. The 5th gen Intel Core i5 processor is coupled with 4GB of RAM and 256GB of PCIe-based flash storage. It offers one of the	13.3

		best keyboard and trackpads in the market. Battery life which goes beyond the 11 hours mark in a single charge	
4.	Asus UX305LA-FBO55T	After the UX305FA, which featured a fanless Core M processor, Asus added this powerful ultrabook to the lineup. The UX305LA is easily one of the most powerful ultrabooks out there. It is powered by a 5th gen Intel Core i7 processor and features 8GB of RAM. For storage, it uses a class leading M.2 512GB SSD. The 13.3-inch display has a 3200 x 1800p resolution. There is a 6-cell battery on-board the laptop, which Asus claims can provide upto 12 hours of on-time. The whole package weighs just 1.3kg.	13.3
5.	HP Envy 14 - joo8tx	HP envy series has always been about finding the right balance between performance and portability, and the HP Envy 14-joo8tx is a fine example. The 14-inch laptop offers quite a lot in a lightweight 2 kg body. It is powered by an Intel Core i7 processor which is coupled with 12GB of RAM. The graphics are handled by Nvidia GeForce GTX 950M 4GB DDR3 GPU which can handle most games with ease. For storage, the laptop comes with 1TB of HDD.	14

Table No. 11 shows the top 5 brands of Laptops according to consumer's preference in the market. The features of the laptops are also stated in the table. Dell XPS 13 stands first in the ranking of Laptops by the consumers. It is followed by HP Spectre 360. Apple MacBook Air 13, Asus UX305LA- FBO55T and HP Envy 14 – joo8tx stands third, fourth and fifth in the preference list of the consumers.

Table 12 : Most Preferred Mobile phone Brands in India

Ranking of Mobile Phone Brands	Mobile Phone Brands According to Popularity	Features of the Mobile Phones	Sizes of the Mobile Phones (in Bytes)
1.	Xiaomi Redmi Note 3 32GB	Performance-Dual Core, 1.8 GHz + Quad core, 1.2 GHz, Snapdragon 650, 3 GB RAM Display-5.5 inches (Large), Full HD, Very Sharp Camera-16 MP Primary, Dual-color LED Flash, 5 MP Front Battery-4050 mAh, Li-Polymer Non removable	32GB
2.	Samsung Galaxy J7 (2015)	Performance-Octa Core, 1.5 GHz Samsung Exynos 7 Octa, 1.5 GB RAM Display-5.5 inches (Large), HD, Avg sharpness Camera-13 MP Primary, LED Flash, 5 MP Front Battery-3000 mAh, Li-ion, 18 h talktime (3G)	16GB
3.	LeTV (LeEco) Le 1s	Performance-Octa Core, 2.2 GHz, MediaTek MT6795T, 3 GB RAM Display-5.5 inches (Large), Full HD, Very Sharp, Gorilla Glass Camera-13 MP Primary, LED Flash, 5 MP Front Battery-3000 mAh, Li-Polymer, Non removable	32GB

4.	Lenovo K4 Note	Performance-Octa Core, 1.3 GHz, MediaTek MT6753, 3 GB RAM Display-5.5 inches (Large), Full HD, Very Sharp, Gorilla Glass Camera-13 MP Primary, Dual-color LED Flash, 5 MP Front Battery-3300 mAh, Li-Polymer, Non removable, 22 h talktime (3G)	16GB
5.	Samsung Galaxy J3 (2016)	Performance-Quad Core, 1.5 Ghz Spreadtrum SC9830, 1.5 GB RAM Display-5.0 inches (Medium), HD, Avg sharpness Camera-8 MP Primary, LED Flash, 5 MP Front Battery- 2600 mAh, Li-ion	8GB

Table No. 12 shows the top 5 brands of Mobile Phones according to consumer's preference in the market. The features of the mobile phones are also stated in the table. Xiaomi Redmi Note 3 32GB is ranked first in the preference list of mobile phones. It is followed by Samsung Galaxy J7 (2015). LeTV (LeEco) Le 1s, Lenovo K4 Note and Samsung Galaxy J3 (2016) are ranked as third, fourth and fifth by the consumers.

Table 13: Most Preferred Car Brands in India

Ranking of Car Brands	Car Brands According to Popularity	Features of the Cars	Size of Cars (Categorized into Segments)
1. 2.	Maruti Suzuki Hyundai	Fuel efficiency, Extensive service network, Cost effective Sharp looks, Good mileage, Preferred by the youth	Small Car, Medium Size Car, Utility Car, Luxury Car
3.	Mahindra	Think rough and tough; rugged and rustic. Strong and sturdy, Mahindra Utility vehicles have enjoyed the alpha male image on road. Indian pioneer of the electric car, Mahindra stands for reliability. Leader in rural transport, Strong, muscular looks, Reliable	Small Car, Medium Car, Large Car, Executive Car, sport utility cars Small Car, Medium Car, Large Car, Luxury Car, Utility Car
4.	Honda	With its ever increasing production output, Honda cars have managed to keep the buyers interested with their sharp looks and luxurious feel. Honda Motor India has stuck to the 3S - sales, service, and spare parts. Sharp looks, Competitive pricing, Fuel efficient	Small Car, Medium Car, Large Car, Luxury Car, Sports Utility Car
5.	Tata	Tata is the pioneer of making the least expensive production car in the world - Tata Nano. Very good front and rear space Robust build, Models for every segment	Small Car, Medium Car, Large Car, sports utility car, Luxury Car

Table No. 13 shows the top 5 brands of Cars according to consumer's preference in the market. The features of the cars are also stated in the table. Maruti Suzuki is the highest ranking in the preference list of consumers. Maruti Suzuki India is one name that would always lead the list. Maruti Suzuki has consistently been the dominant leader in the Indian automobile market. It is followed by Hyundai. Mahindra, Honda, Tata stands third, fourth and fifth in the preference list of consumers.

Table 14 : Most Preferred Bike Brands in India

Ranking of Bike Brands	Bike Brands According to Popularity	Features of the Bikes	Sizes of the Bikes (Setters, Weight in Kilograms)
1.	Hero Motocorp	Type- Air Cooled, 4 - stroke single cylinder OHC Maximum Speed - 101 Kmph Compression Ratio - 9.1:1 Air Filtration - Dry, Paper Pleated Type Starting - Self Start/Kick Start Fuel System - Carburetor	2 setter, Weight: 134 kg
2.	Bajaj	Type- Cruiser Maximum Speed - 115-120Kmph Compression Ratio - 11.2:1 Air Filtration - Larger air filter that aids in improving bottom end and also improving NVH characteristics Starting - Self Start/Kick Start Fuel System - Carburetor	2 setter, Kerb/Wet Weight: 150 kg
3.	Yamaha	Type- 2-cylinder, liquid-cooled, 4-stroke, DOHC, 4-valves Maximum Speed - 214 Kmph Compression Ratio - 11.5:1 Air Filtration - DNA High Performance Air Filter Starting - Electric Fuel System- Fuel Injection	2 setter, Kerb/Wet Weight: 164 kg (368 lb)
4.	TVS	Type- Standard Maximum Speed - 90Kmph Compression Ratio - 9.2:1 Air Filtration - Free Flow Air Filter; Can Be Cleaned & Re-used Starting - Self Start/Kick Start Fuel System - Carbureted fueling type or fuel injection system	2 setter, Kerb/Wet Weight: 95 kg
5.	Honda	Type- Manual Maximum Speed - 165 Kmph Compression Ratio - 11.0:1 Air Filtration - K&N HA-1502 High Performance Replacement Air Filter Starting - Electric Fuel System - Fuel Injection	2 setter, Kerb/Wet Weight: 138 kg

Table No. 14 shows the top 5 brands of Bikes according to consumer's preference in the market. The features of the bike brands are also stated in the table. The top motor bike brands in India currently are Hero Motocorp, Bajaj, Yamaha, TVS and Honda as per consumer preference. Speed, air filtration, compression ratio, starting, fuel system are some of the features which are considered by the consumers which purchasing motor bikes.

Table 15 : Most Preferred Furniture Brands in India

Ranking of Furniture Brands	Furniture Brands According to Popularity	Features of the Furniture	Sizes of the Furniture
1.	Godrej Interio	Quality Office and home furniture, modular kitchens, comfortable sitting chairs, modern storage furniture, modern age interiors	Adjustable according to need. Can ordered or opt for the available ones as per demand
2.	USHA Lexus Furniture	Quality Office and home furniture, occasional & miscellaneous category which consists of chests, occasional, bedroom chairs and consoles, Strain proof melamine polish, Genuine solid wood furniture	Adjustable according to need. Can ordered or opt for the available ones as per demand
3.	Zuari Furniture	Quality Contemporary, Office and home furniture, smart natural finish furniture, imperial teak finish, natural teak finish, honey brown finish, modern storage furniture, Aluminum, iron, cane, plastic, steel and wooden	Adjustable according to need. Can ordered or opt for the available ones as per demand
4.	Durian	Quality Contemporary, Office and home furniture, polished metal and engineered wood, Colors honey oak, provincial teak, black. Furnitures are flexible and adjustable according to need.	Adjustable according to need. Can ordered or opt for the available ones as per demand
5.	Damro	Quality Contemporary, Office and home furniture, leatherette finish, durable structure, premium fabrics and ergonomical design, recliner feature, high comfort level.	Adjustable according to need. Can ordered or opt for the available ones as per demand

Table No. 15 shows the top 5 brands of Furniture according to consumer's preference in the durable goods market. The features of the furniture brands are also stated in the table. Godrej Interio is the most highly preferred brand of furniture in India. Next to it is USHA Lexus Furniture brand. Zuari Furniture, Durian and Damro are ranked third, fourth and fifth amongst the furniture brands in India. The main features which the consumers prefer are design, comfort level, flexibility, durability and materials used.

4. Conclusion

It can be concluded that Samsung, LG, Whirlpool, Videocon, Godrej and Hitachi holds major portion of the durable goods market. It holds major shares in the products like refrigerators, air conditioners, washing machine and television. The aforesaid brand's products are high in demand, because they provide their products with all the smart features which consumers expect.

It was found out from the study that due to increasing reach and development of the various modes of mass media like Cable television, Radio which includes various FM Channels, Newspapers, magazines, various internet sites, call center services and various advertisements and promotional activities make the consumers aware and gives the right information about the various available consumer durables under different brands in the market.

To purchase consumer durables, the Indian consumers visit trade fairs, expos, or directly go to the showroom to analyze the various available brands practically. And then come to a conclusion which brand to purchase. It is also observed that for purchase of durable goods the Indian consumers used to wait for festive offers or off season discounts. Consumers also prefer easy installments or EMIs (Easy Monthly Installments) to purchase the durable goods. People with low and average income also prefers to buy consumer durables like refrigerators, washing machines, television sets, laptops, mobile phones, bikes, cars, furniture, etc.

As India is an emerging market, there is enough potential for the durable goods in the Indian market. Both the urban and the rural markets have significant preference for the durable goods. With the increase in literacy levels, media exposure and increase in disposable income are some of the responsible factors for the increase in the demand for the durable goods. Advertisements and promotional activities of the durables goods brands are also increasing the sales of these products. A good number of consumer durable goods brands came into Indian market in the last few years.

This shows that the lifestyle and the living standard of the consumers are improving. Therefore, the preference levels of the consumers are also changing with the advent of time. It is observed that every Indian household owns certain consumer durables. And these durables are not considered as luxury but necessity. The same durables were considered as luxury last one to two decades back.

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Role of ASCI in Regulating Television Commercials

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ABSTRACT

The Advertising Standards Council of India (ASCI) is a self-regulatory voluntary organization of the advertising industry established in 1985. ASCI have one overarching goal - To maintain and enhance the public's confidence in advertising.

It is mandatory for every TV commercial to adhere to the code of conduct laid down by ASCI for advertisements. Cable Television 'Networks (Amendment) Rules, 2006 also states that "(9) No advertisement which violates the Code for Self-Regulation in Advertising, as adopted by the Advertising Standards Council of India (ASCI), Mumbai for public exhibition in India, from time to time, shall be carried in the cable service". ASCI has also sought the support of Indian Broadcasting Foundation (IBF) to persuade TV channels to adhere to ASCI's code as well as implement the decisions of its Consumer Complaint Council in this regard.

In June 2015, ASCI launched a mobile app to facilitate convenient filing of complaints for consumers. The app, ASCI Online, will help consumers to complain against misleading advertisements. In last 30 years, ASCI has grown its power and is continuously involved in making their system effective.

The objective of the research paper is to study the role of ASCI in controlling false, misleading, offensive, unfair television commercials, how effective is ASCI in dealing with commercials which are obscene and misleading in nature, what procedure ASCI follow in addressing a complaint, what steps ASCI is taking to make their complaint redressed system better.

Keywords: ASCI, Advertising, Commercial, Television Ads

1. Introduction

In the past decade the television viewership in India has skyrocketed to newer heights. According to a report published by KPMG 2015, television holds the major industry share with 46.3% of the total market. Thus it won't be wrong to say that India is watching. According to different studies conducted in many countries it has been discovered that Television has the biggest effects on audiences to persuade them to take actions. Therefore thousands of advertisers every year invest a huge amount of money in television advertising.

Everyday millions of consumers are exposed to a huge and wide variety of advertisements. Every visual advertisement seen by the viewers creates a major or minor impact on the viewer. Thus it was necessary to have a body which can look into the content of the advertisements broadcasted on

Television. Also it was of prime importance that the unsuspecting consumers should be protected from misleading advertising and fraudulent claims. This gave birth to the Advertising Standards Council of India (ASCI), a non-statutory tribunal, which was established in 1985 that created a self-regulatory mechanism of ensuring ethical advertising practices.

ASCI is an autonomous body that is been established by a group of highly respectable people that has given incredible inputs and drive to the work of ASCI. The Board members include Mr. Arunab Das Gupta, President, Bennett Coleman and Co. Ltd., Mr. I. Venkat, President, Eenadu, Mr. RanjanAnandan, MD, Google India P. Ltd, etc. as 15 members. The Consumer Complaint council which listens to the case and decides what action to be taken has 28 members which include renowned experts

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from the field of law, media, advertising and other professionals which are connected with the field of advertisement. According to ASCI the Consumer Complaints Council (CCC) is ASCI's heart and soul.

It is the dedicated work put in by this group of highly respected people that has given tremendous impetus to the work of ASCI and the movement of self-regulation in the advertising. ASCI adopted a self-regulatory code for advertising industry. Dealing in different mediums ASCI overlook advertisements in Television, online, radio and print medium. The main motto of ASCI is to look after the honest and fair competition in the market place through advertisements. ASCI is also committed to protect the legitimate interests of consumers apart from advertisers, company and agencies and others who play part in the

creation and placement of advertisements. In the past 30 years the main goal of ASCI has remain to maintain the standard of advertisements thus does not mislead the audience.

ASCI seek to ensure that advertisements conform to its code for self-regulation which if violated will take appropriate action after considering the point of view of both parties after a consumer files a complaint against any advertisement. The objective of ASCI is to ensure that all advertisements should be legal, decent, honest and truthful along with a sense of social responsibility to the consumer and to the rules of fair competition.

ASCI entertained and disposed of complaints based on its Code of Advertising Practice. This Code applies to

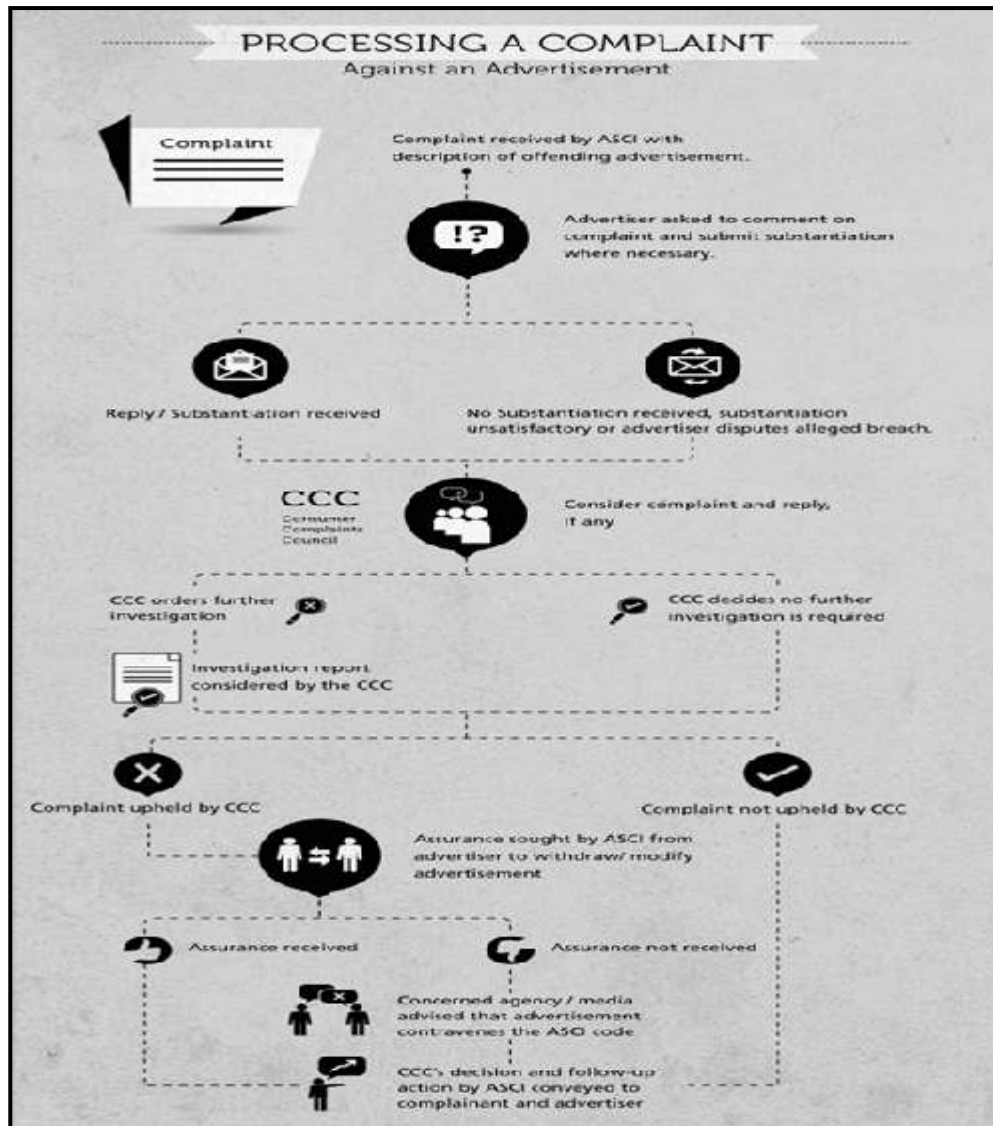


Chart -1: Flow chart showing the process of a complaint against an advertisement.

advertisements read, heard or viewed in India even if they originate or are published abroad so long as they are directed to consumers in India or are exposed to significant number of consumers in India.

In the recent years many steps have been taken to create awareness about ASCI among consumers. Various efforts have been made to reach out to the audiences through Facebook and Twitter, thus making it easier for the audiences to know, understand and aware about ASCI. As a self-regulatory organization, ASCI takes up the cases only after the complaint have been made by a consumer therefore it is necessary that consumers are aware of their right to complain if they believe that any advertisement is misleading or fraudulent or hurt the sentiments of a person, section or a community.

In the year 2006, through an amendment in the law, Information and Broadcasting ministry of India has made it mandatory for television advertisements to follow ASCI self-regulatory codes. In the year 2014, ASCI has been awarded Gold for best practice awards at the EUROPEAN advertising Standard Alliance's for significantly reducing the average time it takes to handle complaints. ASCI's has introduced Online Complaint and Monitoring Service (OCMS), which enables consumers to efficiently record their complaint, as well as receive progress updates online or via SMS. In October 2015, ASCI has launched Mobile app for facilitating consumer complaint service.

1.1 Code for Self-Regulation in Advertising

The purpose of the Code is to control the content of advertisements, not to hamper the sale of products which may be found offensive, for whatever reason, by some people. Provided, therefore, that advertisements for such products are not themselves offensive, there will normally be no ground for objection to them in terms of this Code.

The Code's rules form the basis for judgement whenever there may be conflicting views about the acceptability of an advertisement, whether it is challenged from within or from outside the advertising business. Both the general public and an advertiser's competitors have an equal right to expect the content of advertisements to be presented fairly, intelligibly and responsibly. The Code applies to advertisers, advertising agencies and media. The Code's rule are not the only ones to affect advertising. There are many provisions, both in the common law and in the statutes, which can determine the form or the content of an advertisement.

The Code is not in competition with law. Its rules, and the machinery through which they are enforced, are designed

to complement legal controls, not to usurp or replace them.

1.2 Following are the basic guidelines with a view to achieve the acceptance of fair advertising practices in the best interest of the ultimate consumer:

- I. To ensure the truthfulness and honesty of representations and claims made by advertisements and to safeguard against misleading advertisements.
- II. To ensure that advertisements are not offensive to generally accepted standards of public decency.
- III. To safeguard against the indiscriminate use of advertising for the promotion of products which are regarded as hazardous to society or to individuals to a degree or of a type which is unacceptable to the society at large.
- IV. To ensure that advertisements observe fairness in competition so that the consumer's need to be informed on choices in the market-place and the canons of generally accepted competitive behaviour in business.

ASCI has made separate regulations for advertisements of Food & Beverages, Educational Institutions and programmes, automotive vehicles. ASCI has laid down guidelines for qualification of brand extension product or service and have policy on complaints against Political and Government advertisements.

2. Review of Literature

Self-regulation, in all its myriad permutations, is a vital part of today's global economy. Diverse industries, such as health care, higher education, fashion, advertising, mining, marine fishing, professional sports and nuclear power, have used self-regulatory processes to govern industry practices. (Gunnungham and Ress, 1997).

Self-regulation can be defined as a regulatory process whereby an industry-level organization (such as trade association or a professional society), as opposed to a governmental-or-firm-level, organizational sets and enforces rules and standards relating to the conduct of firms in the industry. (Gupta and Lad, 1983).

(Castro, 2011). Self - regulation is an important mechanism for governing industry practices and has many benefits over government regulation for consumers, producers, the government, and the economy as a whole. Consumers benefit from self-regulation in multiple ways. While some policymakers promote regulation as a way to reduce risk to consumers, the potential for overregulation

also poses a risk to consumers. Unnecessary or inefficient regulation raises production costs for businesses without any corresponding benefits and these costs are ultimately borne by consumers. Government regulation by its nature addresses identified harms, and as such can inadvertently create barriers to innovation or competitive entry when it establishes norms that only address current market participants and practices. Self-regulation can be more efficient for business, and these saving are passed on to consumers.

Rulemaking, monitoring, enforcement and remediation processes can also be faster using self-regulation rather than government regulation, which means that consumers are protected sooner.

In advertising and marketing, self-regulation can be traced back to the poster industry in the 1880s. The first code of advertising was launched in 1925 by the Association of Publicity Clubs. And systematic scrutiny of advertising claims operated from 1926, when the newly established Advertising Association set up its Advertising Investigation Department to "investigate abuses in advertising and to take remedial action". (History of Self-Regulation, n.d.)

Regulations may be rigid or flexible, gradual or disruptive. Government regulators may focus on creating rules to protect established interests, rather than creating rules that allow market participants and new entrants to innovate. In contrast, self-regulation benefits the economy by creating a more flexible regulatory environment than is typically found with state regulation.

Industry experts review current activities, identify best practices, and develop these into industry guidelines. The guidelines continue to evolve over time in response to feedback from industry leaders. (About Self-Regulation, n.d.) (Boddewyn, 1985). This more flexible regulatory environment may allow firms to operate more efficiently and minimizes compliance costs. Flexible regulations tend to maximize economic efficiency by providing firms multiple pathways for innovation. SROs may be more likely to use less stringent "moving target" regulations that change over time in response to the market and social norms. This allows for both incremental and radical innovation. The flexibility of self-regulation also means that SROs may be more experimental than regulatory agencies and more willing to test rules since they can more easily retract them.

Advertising plays an essential part in all market economies. It stimulates growth and innovation, encourages competition and increases consumer choice. It is a swift and efficient means of making consumers aware

of product innovations and keeping them informed of the range, nature and quality of the products available to them. Advertising is an important element in maintaining or increasing market share and vital to the introduction of a new product or the improvement of an existing one.

To fulfil this important task, advertising must enjoy a high level of consumer trust and confidence; it must be legal, decent, honest and truthful. If consumers are misled by advertising, they will not buy again; if it offends them, they will not buy in the first place. Bad advertising, even though it may account for only a small percentage of the whole, will gradually undermine consumer confidence and all advertising will suffer. So it is in the interests of the advertising industry to ensure that advertising is properly regulated. Traditionally, there have been two ways of doing this; one is detailed legislation, the other is called self-regulation.

Some European countries don't allow sponsorship of children's programs, no advertisement can be aimed at children under the age of twelve, and there can be no advertisements five minutes before or after a children's program is aired. (About Self Regulation, n.d.)

The ethical aspect of Indian advertisement is extremely important for restoration of our Indian culture and heritage. Indian culture is getting diluted by the western culture which influences our country to a great extent. (Kapoor, S, n.d.)

(Singal and Kamra, 2012). Telecasting and publication of obscene, indecent advertisements clearly shows the percolation of western culture in India so, to save our culture, norms and ethics regulations of such unethical advertisements are extremely essential. The researcher has shown a large number of statutory provisions which regulates advertisements. Moreover a self-regulatory body -ASCI has been established by an association of advertisers to regulate and control unethical advertisements. But today the numbers of unethical and obscene advertisements are escalating in numbers instead of decreasing. This clearly shows that implementation of the laws controlling advertisement is not properly done. The lacks of implementation of the laws are pouring in more and more unethical and obscene advertisements. So, proper implementation of the laws is highly required in our country.

3. Research Methodology

In this research paper researchers have done content analysis of television commercials launched in year 2014-2015 in context with the regulations laid down by ASCI.

In the past 30 years, ASCI has tried to work effectively for solving the complaints seek my many consumers. Many advertisers were asked to submit explanations and many advertisements have been pulled to safeguard the interest of consumers and citizen of this country.

When a complaint was filed against Slice advertisement for charging of explicative and suggested seductive representation, the ASCI came to rescue by asking the manufacturer to either to pull the advertisement. Similarly when Irfan Khan claimed that Syska Led lights will be offered free to a person whose light will break, or stolen, the ASCI questioned the advertisers for substantiating their claim. In the absence of substantiating evidences the advertisers were asked to change the advertisement. But while covering many advertisements under its watchful eye still many advertisers are manipulating consumers without their notice.

For ASCI to take any action it is necessary that a complaint is filed against an advertisement with them. Since ASCI cannot go SUO MOTO on a case it is more difficult to make it work. If the audience is either unaware about its right to complaint or to understand the hidden semiotics in an advertisement thus violating the codes and harming the audience, they will not file a complaint and thus no action can be taken against the defaulters.

4. Data Collection and Analysis

Case Study 1: MetLife Insurance, Monthly Income Plans

In the below mentioned Advertisement, A grand child is blackmailing his Grandmother in agreeing to his demands otherwise he will reveal her secret to everyone thus making her do things she would not be doing otherwise. This advertisement of a popular brand violates the code of ASCI when it harms the morals of a child. It encourages a child to understand that if you know a secret you can make people do anything you want thus sending a wrong message and setting a wrong example for the society. The more major problem arises here is that the portrayal of child blackmailing his grandmother to earn undue favours hit the psyche of an age group where influence of television is much greater and ability to identify between right and wrong is minute.

Since the understanding of the audience who can file a complaint can overlook the effect of this advertisement on child's mind thus no complaint was ever filed against it. Doesn't it makes this advertisement more harmful?

Case Study 2: Cadbury Five Star

In the below mentioned advertisement, the Advertiser



claims that India was suffering from a disease called seriousness. The advertiser never mentions that how do they prove that seriousness is a disease? Which research or study or data have they taken in account or which medical test has proven that seriousness is a disease. Also the advertiser claims that their product (5 stars) is the medicine for this disease. Though this advertisement seems simple but it has the ability to influence mind which can create problem for lot many people. Human beings are different





from each other. Some people laugh at every situation; some balances and some are not that jovial. But does it make them a patient of some disease. Is not being jovial a disease? And on what basis can it be claimed that 5 Star is the medicine for the same. Which research have proved that after eating 5 star a person who was serious earlier has now turned jovial in nature. Such claims are fraudulent and can mislead the audience into thinking that they can change some one's nature with a 5 star.



Case Study 3: The Fit Foodie on Food

Stealth Advertisements are those advertisements which are deceptive in nature. These are those advertisements where the consumer is unaware of the fact that they are watching an advertisements thus influencing their selection and buying decisions. When during a cookery show a Celebrity chef or a chef is cooking and shows a particular brand of a product to create a recipe or talks how beneficial it is to



make a recipe in a particular cookware introduce the product in such a deceptive manner that even audience does not understand that what they saw was a stealth advertisement. ASCI has no codes or guidelines for these advertisements making advertisers to make most out of this style of advertisements and promotions.

In the below mentioned advertisement, the celebrity chef is sharing the recipe of classic masala pesto oats. The program is sponsored by saffola oats and classic masala is one of the readymade oats flavours sold by them. The chef uses the same packets to make the recipe clearly holding the packet in a manner where the brand name is clearly visible. At the end of the recipe the chef mentions this recipe as tasty, rich and healthy thus indicating the benefits of this recipe. Though it is not direct advertisement, but since chef never introduced another way of making the same recipe from different oats available in a market thus influenced the selection and buying behaviour of the viewer covertly.

5. Suggestions

- 5.1 Since ASCI is dependent on the complaints filed by the audience or reported by Tam, it still is unable to use its complete potential. The researchers believe that teeth should be provided to the ASCI thus enabling them to take cases on suomoto.
- 5.2 ASCI should have more well defined codes thus making it easier for them to hold the violators.
- 5.3 Stringent punishments should be imposed on regular defaulters. Financial Punishments can be imposed on the advertisers.
- 5.4 ASCI should make codes identifying stealth advertisements. Since these advertisements are hitting the unconscious mind of the audience thus influencing their selection behaviour. At times chefs mention that the product they are using are rich source of healthy lifestyle but since they are holding a particular brand of that product in hand thus sends a wrong message for the audiences.
- 5.5 In the recent past, many steps have been taken by ASCI to aware its cause among the citizens thus enabling them to exercise their right to complaint. But still a large portion of audience remains unaware about it. More efforts should be made to educate and aware about ASCI among general public. ASCI can advertise itself on the television, print and radio thus targeting larger audience.

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Malpractices in Media Vs. Ethics in Media

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ABSTRACT

Media is considered as one of the strong pillars of the society which if regulated properly can fight and combat corruption in our society. It is worth mentioning that Media has time and again in several cases like Jessica Lal murder case, Nirbhaya case, VYAPAM case etc. investigated and covered the matter that one could see citizens of India coming to the streets and revolting against such crimes.

However in reality the corruption in Media has gone so high that journalists and media organization have started fabricating information in return of favors. Paid news is one of the malpractices wherein newspapers and televisions channels receive favor in cash or in kind in return of broadcasting news or publishing news which is either untrue or deceiving. Political parties and candidates contesting elections spend crores of money in their advertising campaign, for instance in last prime ministerial elections PM Modi used Media as a tool to win election and spend crores of money. Investigative journalism like sting operation is another practice which violates right to privacy because sometimes they create such an environment wherein they allure the suspect to take money and catch them red handed. Selling of editorial spaces for money is not only preposterous but negative usage of freedom of speech and expression.

Media be it print media, social Media should be fair, unbiased, objective and true. Reform of all aspects is required however the effectiveness of any kind of reform will depend upon how people will respond whether it gets embedded in the culture or not. Irony is that we do not raise our voice against such practices because of the reason that we are not directly affected by such malpractices or it benefits us. It is really important to understand that corruption even in Media in the form of malpractices is social, political and economic problems and needs to be rectified. Hence in this paper the author analyses various malpractices in media and the ethics which needs to be followed by them.

Keywords: Media, Malpractice, Sting operation, paid news, corruption, Right to privacy, Freedom of speech and expression, Media ethics.

1. Introduction

Media is evolving as a powerful institution of society and has been constantly increasing in its power due to expertise over collection of information, its expanding reach, its ability to influence and shape up the opinion of people which is also popularly known as Media Trial.

Things have further changed with the advent of electronic media, internet, and global expansion of media by

technology etc. which facilitates the media to have a strong grip over the society. Power of Media if used properly can bring wonders in the society like in Jessica Lal murder case and if not handled with care can bring disaster to the society like in Arushi Murder case.

Media have played significant role in informing us about our social and economic evils. Media have educated the people about the terrible poverty in the country, the suicide

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of farmers, honour killings in many places by Khap Panchayats, corruption, and so on. However Media have an obligation to make sure that the news is accurate and is in public interest. If media delivers incorrect or wrong news negligently or maliciously or for ulterior motives then it is ruins the society. Hence, media should take care to carefully investigate any news item before reporting it.

Individual development is propelled by knowledge which is derived from access to information and freedom of expression which ultimately radicalizes democracies. Progression of press constitutes an important dynamics of freedom of speech and expression enshrined under constitution of India. This fundamental right ensures right to freely seek, receive or impart information. Judiciary has also upheld this right time and again to strengthen the foundational pillar on human rights.

Freedom of expression as rightly put by Amartya Sen it's the pre-condition of social and economic development as transparent and open communications are necessary to ensure economic and social development that benefits everyone. Media is one of the machinery which gives common people's voice a platform to be heard by many. The effectiveness of media's role depends upon a free from political or capitalist interference, independent and diversified media. Regulation of media fosters balancing of right exercise of freedom of press and right to privacy. Media regulation not only protects other's Fundamental right to privacy but also guarantees, promotes and protects freedom of expression and strengthens the fundamental right to speech and expression.

The importance of the right to freedom of expression is also accomplished by its widespread protection in international law at the global and regional level. Important International Instruments on Human rights like Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Conventions on the Rights of the Child etc., deal with different aspects of freedom of speech and expression. UNESCO also works to embark upon freedom of expression.

1. CI Debates, n. 1, 2009, The Importance of Self-Regulation of the Media in upholding freedom of expression, Andrew Puddephatt. <http://unesdoc.unesco.org/images/0019/001916/191624e.pdf> last accessed on 18th January, 2016.
2. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency of the United Nations (UN). <http://en.unesco.org/>

2. Media Independence

There should be minimum interference in media for a democratic media. Constitution of India under Article 19 provides freedom of speech and expression with certain limitations. United States in its First Amendment provides states that "Congress shall make no law... abridging freedom of speech or the press..." UNESCO augments by saying that modern media requires proactive role by the state by funding media, providing infrastructure, ensuring democracy. Independent journalism checks abuse of power but who can ensure that media is free from all kinds of malpractices like paid news, fabricated sting operations which are in the form of traps etc. Therefore to ensure quality and true news, communications are to be free and independent of established interest. Instead of looking media as a means to make money it should be seen and used as a tool to voice common man's concern, to combat corruption and raise social issues.

The test is to what extent all sectors of society especially marginalized have access to media and makes their voices. Limited entree or dearth to engagement is a cause of poverty and poor education which undermines democratic environment. To guarantee pluralism in media and avoid monopoly state intervention is necessary to regulate public broadcasting, commercial broadcasting, print media etc. Building of professional media workers, through academic as well as vocational training is required. Professional ethics as well as ethics of media for creating a democratic environment is necessary. Further to ensure fairness and transparency state should regulate companies from acquiring a dominant market share or ownership by capitalist class or politicians etc.

Regulation of content and mode of collection of information is another aspect which is required to be regulated in certain circumstances because freedom of expression is not an absolute right and is restricted to protect rights of others for instance in case of defamation, prohibiting speech that provokes violence or hatred against a community, false accusations etc. However such restrictions are to be applied carefully in public interest.

Editorial independence is essential to ensure that they are able to operate free of direct control of the commercial interests of the owners. This includes freedom to decide what is to be covered, how it should be written and where it should be published, regardless of the views of owners or stakeholders.

3. Freedom of Speech and Expression Vs. Regulation of Media

During the early stages following the invention of printing press in 15th century press was endowed with social responsibility. The First Royal Commission pointed out that "The democratic form of society demands of its members an active and intelligent participation in the affairs of their community, whether local or national". The right to free speech, it is said, "is absolutely indispensable for the preservation of a free society in which government is based upon the consent of an informed citizenry and is dedicated to the protection of the rights of all, even the most despised minorities". First statutory regulation of press in India came during colonial rule. First ordinance was brought by the then Governor General, John Adam. This was succeeded by Vernacular Press Act of 1878 and other Acts to control Indian press which played a significant role in country's struggle for freedom from British rule.

Constitution of India under Article 19 (1)(a) provides for all citizens to have freedom of speech and expression which is interpreted to include freedom of press in *Brij Bhushan and Another vs. The State of Delhi*, and *Sakal Papers (P) Ltd vs. Union of India*, but it also permits the state under Article 19(2) to impose reasonable restrictions on exercise in the interests of sovereignty and integrity, friendly relation with other states, public order, decency or morality, defamation etc. Any other restriction outside the ambit of article 19(2) would be considered as unreasonable. Pre-censorship, prohibition on printed and published material etc. which would curtail free circulation have been held to be bad in law in a number of cases by Supreme Court.

Freedom of press as per Indian Press commission in the year 1956 is freedom to hold opinions, to receive and impart information. The Commission also discussed the requirement of scrutinizing press independence, objectivity of news and fairness. Commission also suggested establishing Press Council which would comprise of persons who have knowledge of the intricacies of the field. Finally the Parliament of India constituted Press Council of India which although a creation of statute will function free from government interference. However during emergency in 1975 freedom of press was brutally interfered which was protested and emergency was withdrawn. The Press Council Act 1965 was replaced by the Press Council Act 1978 which governed Press Council of India. Press Council of India functions as statutory autonomous body functioning freely.

The Press council is required to promote the standard of press and protect it from threats from government and

other bodies etc. Press Council enjoys adjudicatory jurisdiction over decisions or actions of government that controls or intends to control freedom of media. It also considers complaints made by common man or government bodies regarding press for violating the journalism ethics.

Press Council of India has laid down norms for the conduct of journalist in India. It lays down that the news should be accurate and fair. It is incumbent for the newspapers to play a positive role. In case of wrong doings, the reporting should be made by irrefutable facts and evidences. But it has become a regular phenomenon in the news channel to telecast stories without proper evidences. It also provides for pre-publication verification that any imputation on any person should be verified properly before publishing and such documents supporting the story should be preserved. The norms also provide for taking caution against defamatory writings. In case of defamation truth is no defence for publishing derogatory material against a person if it does not serve public interest. As per civil law in India Truth is a complete defence in defamation however as per Criminal Law truth is not a complete defence unless made in public interest. P. M. Bakshi says, "...If the law seriously wants to protect reputation, truth in itself should not be a defence to a civil action for defamation. The fact that A, a woman, is unchaste does not for example; morally justify B in publishing unchastity. No social interest is served by allowing B to circulate such statements. Media should be careful in publishing news which only acts as a tool to raise its TRP rather than serving the actual interest of society.

Further newspapers cannot publish news as satire in the form of gossips or parody. The norms very clearly mention that It is also necessary that the press, particularly the small local press, learn to appreciate the clear distinction between matters of 'public interest' and 'those in public interest'. While gossips and social dealings may be found to be of interest by the public but they serve no public purpose or interest and the press should scrupulously avoid wasting its precious space on such matters.

There are many more norms laid down for the conduct of media like parameters of the right of the press to comment on the acts and conduct of public officials, criticism of public figures. Right to privacy is also protected under the norms apart from the protection given under Constitution of India. The norms provide that press shall not intrude or invade the privacy of individual unless outweighed by genuine overriding public interest which when becomes a legitimate subject for comment by the Press and the media.

With respect to women special care is to be taken.

The public person who functions as a public figure cannot be expected to be afforded same amount of protection of right to privacy because his actions are of public importance. These norms keep a check on the activities of public figures so that they do not misuse their power. The press has however, a corresponding duty to ensure that the information about such acts and conduct of public interest of the public person is obtained through fair means, is properly verified and then reported accurately. However access to information is again a disputed issue. Media person's resort to all kinds of methods legitimate and illegitimate to pursue a story.

The norms provide that the Press shall not tape-record anyone's conversation without that person's knowledge or consent, except where the recording is necessary to protect the journalist in a legal action, or for other compelling good reason. Sting operations conducted by media are not only violation of the norms but also intrusion into right to privacy. Sting operation are deceptive therefore one should be careful about the result because if guiltless is lured to commit a crime which he did not intend to then it's a threat to honesty and if a habitual is caught red handed then it serves a good purpose. Supreme court has stated in many judgments about the validity of sting operations, they have analyzed that if fraud is involved then such operations as evidences are inadmissible but if evidences are compelling than they are admissible. In *Bharadwaj Media v. State*, court said larger public interest is to be seen. There are other functions of council like to help newspapers maintain their independence, to foster responsibility among citizens, and review development to ensure free flow of information.

4. Media Ethics and Code of Conduct

Journalists not only have a professional duty but also societal obligation to bring the truth. They should work on the principle of truthfulness, precision, impartiality, open-mindedness, and justice. Journalist has to work with loyalty to their citizens. They must bring significant and relevant news to the limelight. Since Media is a reflection of public interest and opinion it should inculcate ethics in their working. Sometimes government bodies, corporate organizations, influential and powerful politicians use Media as a tool to achieve their ends by controlling the media by manipulating it, possess it by giving favors etc. Media should develop the culture of fairness and honesty as demanded by their profession.

However it is lamentable to mention that sometimes media

presents twisted or distorted news that contains elements of truth as well as false facts. This should be avoided because a half-truth can be more dangerous than a total lie. Media should show news as it is rather than showing it as a sensational video because it influences our opinion and sometimes an issue which is otherwise a minor issue becomes a major issue and creates disorder in the society. Former Hon'ble Justice Markandey Katju, Supreme Court of India, says that media should refrain from commenting on pending cases especially criminal cases because they are delicate issues because it affects their judgment of the case. British law provides that when a matter is subjudice no comment can be made whereas U.S. law permits such comments. However in India since freedom of speech is a fundamental right its restrictions are to be carefully applied and balance is to be made.

Further Media should focus more on news covering issues focusing on socio-economic importance rather than focusing on frivolous news such as activities of film stars, models, and cricketers and so on. Justice Markandey Katju says that media in early times played a significant role in fighting against feudal oppression. In Europe it played a role in transforming a feudal society into a modern society. The print media in India helped to fight against Britishers. The print media were used by writers such as Rousseau, Voltaire, Thomas Paine, Junius and John Wilkes in the people's fight against feudalism and despotism. Everyone knows of the great stir created by Thomas Paine's pamphlet 'Common Sense' during the American Revolution, or of the letters of Junius during the reign of the despotic George III. In the 20th century, other kinds of media emerged: radio, television and the Internet. Role of Media depends upon the type of society. In India the role of media should be to raise poverty issues, to fight for backward classes, to fight against casteism, communalism and other social evils.

However it is worth mentioning that Media has in several instances disrespected its authority to bring truth to the forefront. Despite of the fact that media is mandated to follow certain ethics in collecting and disseminating the information, they have to ensure the authenticity of news, use socially acceptable language to write, publishing the material in keeping in the mind the cascading effect on the society and on individuals. As rightly pointed by Albert Schweitzer that "the first step in the evolution of ethic is a sense of solidarity with other human beings". Ethics are moral principles which put a self-restraint on the conduct of journalists.

Media globally has voluntarily accepted few essential principles of ethics which are as follows :

- Honesty and fairness, Duty to correct factual errors, duty not to falsify pictures or to use them in a misleading fashion;
- duty to provide an opportunity to reply to critical opinions as well as to critical factual reportage;
- appearance as well as reality of objectivity; some codes prohibit members of the press from receiving gifts'
- respect for privacy;
- duty to distinguish between facts and opinion;
- duty not to discriminate or to inflame hatred on such grounds as race, nationality, religion, or gender; some codes call on the press to refrain from mentioning the race, religion or nationality of the subject of news stories unless relevant to the story; some call for coverage which promotes tolerance;
- duty not to use dishonest means to obtain information;
- duty not to endanger people
- general standards of decency and taste;
- duty not to prejudge the guilt of an accused and to publish the dismissal of charges against or acquittal of anyone about whom the paper previously had reported that charges had been filed or that a trial had commenced.

However these principles are not complied with because these principles are subjective for instance duty not to use dishonest means to obtain information. Several times we hear or read that a sting operation was conducted or journalists paid money to get undisclosed information or confidential information. How far such means to obtain information are correct again is a subjective question.

For instance, Tehelka Team is popular for conducting sting operations began its undercover investigation in defense. Tehelka.com was the best-known Internet news site in India. TIT reporters Aniruddha Bahal and Matthew Samuel portrayed themselves as representatives of a fictitious arms-manufacturing company. They also offered to sell fourth generation handheld thermal cameras to the military. Along the way, they bought information, influence, introductions and access to the right players.

They paid bribes up to several thousand dollars to many people. They gave gold necklace as gifts. They provided prostitutes. And all the while a hidden spy cam was recording the transactions. Such videotapes were edited into a documentary and were aired. The story impacted the society and the Defense Minister and several high officials of the ruling political party resigned. The military was tainted with such evidences. This was one of the contentious controversies which astonished the society. But the fact regarding media ethics and the methods used to

get the story is highly debatable. Government launched several investigations and lawsuits involving practices of Tehelka.com. Its offices are closed, most of those who supported them are jailed Tarun J. Teipal, Tehelka's Chief Executive Officer, defends Operation West End as "the ultimate indictment of Indian governance and ethics." But he also laments that the web site itself was the only real casualty of the expose.

Such methods adopted by Media whether ethically accepted are a bone of contention. Is it ethical for the journalists to pay bribes? Is it ethical to provide gifts, prostitutes to people to gain information? What is the extent to which they can violate someone else's right to privacy or to what extent they can break the law in order to get the stories. Is it legitimate to entrap a person; is it legitimate to lure a person so that he is trapped in the set up fabricated by journalist? Is it essential to mislead the officials or is there any other way to gather information? General principles of Code of conduct for journalist say that journalists should not deliberately lie or misrepresent to produce a story, because it affects its credibility.

However if journalists do not use such tactics then how do they prepare reports because there are so many other laws which prohibit disclosure of information like Right to information Act which does not cover all the government bodies and private bodies. There are so many confidential deals which benefit the person entering into deal but do severely affect the nation at large. How to draw a line between legitimate practices and illegitimate practices of media? The supporters of Media say that the end justifies the means. In Tehelka investigation of military officials, people supported the Media by saying that unpleasant tactics were justified by the fact that the public learned that a wide range of military officials were willing to accept bribes. The issues are enormous but there is no consensus on such issues. The tactics developed by Media in a country depends upon the other laws restricting their access to information, honesty of government bodies, private bodies, etc.

5. Malpractices in Media

Malpractices in Media are enormous like paid news, sting operations violating right of privacy, making up of news for the purpose of TRP etc. The issue of paid news has been a bone of contention for a long time, like during 2012 Gujarat Assembly elections, the Jindal Steel-Zee News dispute and disqualification of a sitting UP MLA by the Election Commission of India (ECI) in October 2011 and last prime ministerial election.

Issues are enormous and are also accepted by people

including Media persons like Rajdeep Sardesai, the editor-in-chief of CNN-IBN tweeted after a televised debate on the subject, "I guess journalists are more feared today, but sadly less respected. We are more arrogant, less ethical". Instances like three Media people including employees of News TV channel were accused of trying to extort money from a Unani healer, for filming him prescribing western medicines to patients. Other instances involving politician and wealthy industrialist in paid news controversies or other malpractices intensify the debate of media regulation. Such instances evidently show that self-regulation model of India has grossly failed to control malpractice in Media and hence some authority having power to punish, penalize or cancel the work permit of journalist should be established. The Print and Electronic Media Standards and Regulation Bill 2012 lay in abeyance. The Standing Committee on Information Technology also submitted its report on the "Issues Related to Paid News"

Paid news has been defined by Press Council as any news or investigation in print or electronic form for consideration in cash or kind. Incidences of paid news can be several and can take different forms and new manifestation like advertisements disguised as news, denial of fair coverage of all candidates of elections, lobbying, private deals between media and corporate sector. Therefore a comprehensive definition of paid news is required to be framed and measures to use circumstantial evidences to establish paid news should be framed.

There should be pluralism in Media and fragmentation of ownership, decline in interference of autonomy of editors and journalists, adequate wages should be paid. Further Ministry of Information and Broadcasting suggested periodic review of media house autonomy and their wage conditions. They also suggested mandatory disclosure of private deals and information regarding advertising revenue collected by Media companies.

The Standing Committee on Information Technology also analyzed that statutory regulators like the Press Council of India and Electronic Media Monitoring Centre are in denial of adequate punitive powers and other self-regulatory bodies like News Broadcasting Standards Authority have failed to analyse such issues.

The Press Council of India and other statutory and non-statutory bodies also surface conflict of interest because majority of the members of such bodies stem from media companies or are Media owners. The Committee suggested establishment of either a single regulatory body for both print and electronic media or incorporating a

statutory body similar to press council of India. Such bodies should be invested with power to take strong action against offenders and no media owner should be appointed as its member. It also stressed upon the requirement for incorporating strict punitive provisions to control paid news phenomenon and empower other bodies like Election commission of India to deal with issues of paid news during elections. It blamed Ministry of Information and Broadcasting for failing to keep a strong check on the spread of paid news. It also criticized the government for failing to take and implement policy initiatives, for not taking into account recommendations made by Press Council of India and Election Commission of India, like PCI recommended to bring electronic media within its purview and ECI recommended inclusion of indulgence by an electoral candidate in paid news as a corrupt practice and publication of such paid news as an electoral offence. It suggested to study and critically evaluates mechanism adopted in other countries to tackle problem of paid news.

6. Conclusion

After analyzing the concept of media and various kinds of malpractices prevalent in media and society, it can be said that freedom of press has to be protected not only from outside with the help of law but also from inside by inculcating a culture of ethics, by following a mechanism which guides the working of media such as letters to editors, internal regulatory bodies which strictly performs its functions and should be given some strong punitive power to focus on wrongs committed by media person. Media has to be made accountable and its arbitrary power is to be controlled effectively. Press Council of India or other statutory or non-statutory bodies should raise the standard of code of conduct to be adhered by Media. However since there is no sanction behind misconduct, the adherence to code of conduct depends purely on the morality of the person. As rightly put by Mahatma Gandhi, "The sole aim of journalism should be service. The newspaper press is a great power; but just as unchained torrent of water submerges the whole countryside and devastates crops, even so an uncontrolled pen serves but to destroy. If the control is from without, it proves more poisonous than want of control. It can be profitable only when exercised from within".

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Is Objectivity Replaced with Journalistic Malpractices?

**Gurjeet Kaur*

ABSTRACT

Media plays a significant role in democratic set up not because it voices concern of the people but also because it reflects the true picture of country's social, cultural, economic and political scene of the society. Since it is considered the fourth pillar of democracy, it is supposed to be impartial and unbiased in approach. In other words it needs to be objective. Now this is a sort of hypothetical proposition that lays emphasis on 'what ought to be' whereas the prime objective of this study will be to discuss 'what really exists' as state of affairs in the domain of media today. But with the galloping pace of time, the media scenario too is changing fast. Gone are the days when media used to be missionary in spirit. In modern age, missionary zeal having been replaced with mercenary pursuits, the objectivity has gone to the winds due to the prevalence of malpractices afflicting media in a big way. Now what these malpractices in reality are and how do they affect the media ethos, constitutes the main body fabric of this study. As the news turned in to commodity, the question of its saleability also emerged on the scene which in turn gave way to paid news i.e. advertisement masquerading as news and editorial metamorphosed in to advertorial. As regards electronic media, TRP has gained an edge over service. Like liquor syndicates, media conglomerates have sprung in to existence with the result that objectivity has turned out to be the first casualty. The 'Regulatory Bodies' have become just cosmetic organizations. The government prefers to stay away from imposition of any restraints from its side lest it should invite the accusation of strangulating media. So the powers that be are heard sermonizing that media must exercise self-regulation for an honest discharge of their social obligations. This paper ventures to cover the entire gamut of the aforesaid aspects to the best of its ability.

Keywords: Media, responsibility, malpractices, media conglomerate, regulation.

1. Introduction

1.1 Media as a tool for social development

Media has been defined as a collective means of communication by which general public is being kept informed about day to day happenings in the society. While talking of mass media however the word mass means a large number of people and media means channels. Therefore mass media is a collection of channels of communication and information that reach out to a large number of people. The role of mass media is not only confined to general public but it also works as a bridge between government and public. They serve to coordinate the information flow between government and

general people and vice versa. It is also considered as the fourth estate because it keeps vigil on the functioning of tripod of government i.e. Executive, judiciary and legislative. Media works like a watchdog as it can keep a check on public policies by throwing a spotlight on government actions. Development refers to a change process geared at improving or making better the life and environment of man. When media plays its role in development then it becomes development communication which aims at making the target audience/readership adopt a positive attitudinal change towards a development purpose. The Agenda Setting theory espoused by M.C. Combs and Shaw(1972), stated that the media tells us not what to think but what to think

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about. In other words, it can be said that media may not completely change one's point of view on a particular issue but it tends to change the perception of what is good. There are anti social activities which were being exposed by media such as 2G scam, Coal scam and many more. Media is such a powerful tool which can bring change in the society as well as in the attitude of the people. Nirbhaya case(in 2012 a Delhi based girl was gang raped in a moving bus and was brutally beaten resulted her death) Media has brought it into limelight which created revolution in whole country and this forced judiciary to make some changes in Juvenile act. Therefore media does not only inform the public but it also works as a tool for social development. Media needs the right environment in terms of freedom, capacity and checks and balances.

1.2 Essence of Objectivity

A good reporter is well- steeped in his subject matter and isn't out to prove his cleverness. He rather prefers to stay away from making his personal presence felt in his reporting. The utmost purpose of journalism is gathering the information and disseminating it to the public with facts and evidence. A journalist must report only the facts and not the personal attitude towards the facts. Sociologist Michael Schudson argues that "the belief in objectivity is a faith in facts, distrust in 'values' and a commitment to their segregation". Objectivity implies that they have to remain neutral as far as possible through the use of facts, statistics and research. One should convey the news without being biased. There should be no pressure from the media house and it should be immune to any kind of political influence. Journalistic objectivity is a significant sign of professionalism. It refers to fairness, disinterestedness, factuality and non-partisanship.

1.3 Malpractices in Media

Media can aptly be called the mirror of the society. Its main motive is to provide information to the public in a fair and objective manner. One of the basic tasks of the media is to provide truthful and objective information to the people that will enable them to form rational opinions. But now media is changing its face rapidly due to political influence and paid news syndrome. These malpractices have blotted the image of media. For their own benefits media houses are getting themselves involved in a number of malpractices.

1.4 Paid News Syndrome

It is of paramount importance that various news /informative programmes delivered by media through

various modes are factual, neutral, fair and objective. But there are certain sections of media ,who have started receiving monetary or other benefits for publishing or broadcasting in favour of individuals/organisations or corporate entities ,what is commonly being referred to as 'Paid News' and it has spread at remarkable pace in some sections of media. Paid news is not limited to corruption of individual journalists. It instead, has become complex and organised involving multiple players, like journalists, managers/owners of media companies and some sections of the political class. In post independence era, the media developed in a healthy manner and continued the same way for a couple of decades and then started deteriorating after it became much powerful. Everybody realised that the press is the important source of reaching to the people because its credibility was very high. This is the background in which the candidates who were contesting the elections realised that influencing media by one way or the other would be more productive than paying for other sources like advertisements and other means of publicity, there by paving way for this malpractices. It is also noted that during the last 2 decades apart from print media, television which is commonly known as electronic media has emerged strongly and has become increasingly corporatized and greater emphasis is on the business and other commercial aspects. Moreover, the traditional practice of having completely insulated offices of the editor and the publisher to preserve the autonomy and independence of the media also appears to have been compromised other damaging manifestation of paid news that has emerged, is the nexus between media and other corporate in the form of private treaties. The cause of paid news is working conditions of media personnel - contractual section v/s management of media houses. Paid news is not only the outcome of the convergence of the editorial advertising, public relation, lobbying group and the industry but is also due to the decline in independence of the journalists. Media is being infected with a cancer called paid news. Akin to the Lok sabha elections in 2014, as many as 694 cases of paid news or news for which the media organisations took money to publish or broadcast were detected by the Election Commission. They could not have missed out on the opportunity. In this way the paid news syndrome has gulped down almost all the mediums of mass communication.

1.5 Twisting Facts

When there is nothing worth reporting then media companies start creating fake stories by twisting the facts in order to complete 24 hour cycle. They start exaggerate the

things related to a particular informative piece. By putting half truth media houses cook a news item and present it to the audience. Public without knowing that they are being misled by media start grasping that knowledge as it has been presented. This shows that in urge of getting popularity or for TRP, Indian media is playing with half truth and try to misguide the people.

1.6 Media ownership

The Press Council Sub Committee report notes that private treaties between media companies and corporate entities is one of the most dangerous manifestation of malpractices in media. Private treaties imply an agreement between the media company and another non-media company in which the latter transfer certain shares of the company to the former in lieu of advertisements, space and favourable coverage. The committee note that the phenomenon violates the journalistic ethics and gives rise to the malpractices.

Another factor giving rise to malpractice in media is that of cross media ownership having the effect of promoting monopolies in media and coming in the way of free flow of information. In 2013 TRAI points to two reasons. One is political ownership of media as well as a trend of entities backed by parties taking over distribution channels, which makes broadcaster dependent on them; the second trend is of corporate ownership with the aim of promoting vested interests to earn revenue.

1.7 Political Influence

The media is prone to political influence. The Media houses become the puppet in the hand of these politicians. They are bound to write in favour of political parties because they are being commanded by the politicians. In 2011, Telecom Regulatory Authority of India had submitted a report on the current status of Indian media. It highlighted two big problems afflicting the media industry:

1. Indian media is overwhelmingly owned by the corporate world which is using it to push their own agenda and get what they need for their other business.
2. Politicians have high degree of control over media.

It is the corporate ownership and the misuse of media that has attracted the attention of TRAI. The Parliamentary Standing Committee on Information Technology noted in its 47th report that media houses have an inbuilt structural compulsion to lie. This is tantamount to compromise with the basic ethical principle that the media has to publish accurate, objective and unbiased news.

2. Review of Literature

The researcher has examined various publications and books that provide insight in to the journalistic malpractices in media and how these pose hurdles in the process of objective reporting.

Shrama Anuradha (2013) in her study states that there are so many factors that can be held responsible for the malpractices in the Indian media industry. Each factor should be analyzed specifically in order to rid journalism of corruption and ensure media freedom. Over dependency on advertisements in order to earn revenue has left a lot of room for structural biases to influence news. She argues that this over dependence has made news a n opinion - driven as well as management driven. Therefore, first of all it is necessary for media businesses to reduce their dependence in advertising and find way of funding quality journalism.

Vasanti P.N. (2009) mentioned that some of the media persons willingly enter the political arena and some politicians are taking over media stakes for using it to their own advantages. In the present scenario weak media policy framework and lack of restraint, should be the matter of concern. In a democratic setup, ownership matters when it starts influencing opinion or attempts to misled people. As is visible in the Punjab case, where the owners of cable and satellites channels are trying to block alternative voice or options. Vasanti further suggests that in order to free flow of unbiased information, many countries have even banned certain organisations such as political and religious groups from owning media. Alternatively, it can be made mandatory for all media to disclose the name of their stakeholders and establish their leanings openly.

Singh Devvrat - The growth chart of national media indicates that with the passage of time, it will become the puppet in the hands of big brand owners. Indian media is sharply heading towards concentration in few hands. Each big media house is now planning to launch its newspaper, radio and television channels on regional and local basis, this process will give birth to a chain of big brand newspapers and channels. Under pressure of big media barons, Indian government has failed to implement a policy to bridle mushrooming of such media.

Chaudhary Vaishali (2014) states that in Indian democrac ,media has a responsibility which is deeply associated with socio-economic conditions . The present scenario is not quite encouraging and certain areas need to be addressed. It should be monitored that ethical

standards and journalistic integrity should not be put at stake for the sake of sensational practices. The self regulatory mechanism should be strong enough to curb down the malpractices in media.

By reviewing this literature work, it has been made clear that cross media ownership, political influence and paid news are the threat to journalistic ethics. These factors should be analyzed properly in order to get journalism free from corruption. Media houses should concentrate on objective reporting instead of subjective reporting. Ethical standards and journalistic integrity should not be put at stake for the sake of monetary benefits. Media exists because of article 19 mentioned in the Indian constitution, which says that everyone has the freedom to speech and express freely so Media houses need to realise their power in a positive manner. They should not be the puppet in the hands of their instructor rather they should become the voice of people.

3. Objectives of the study

The study on following topic 'Is objectivity replaced with journalistic malpractices' is undertaken to achieve the following objectives.

- A) To evaluate the reasons for malpractices in media.
- B) To study whether the malpractices have devoured the scope of objective reporting.
- C) To study the impact of malpractices on media content.

4. Hypothesis

These are assumptions on which research is based. To conduct the study on the above mentioned topic, following hypotheses were set.

- A) Media houses are deviating from its real focus of providing news in a fair manner

- B) Due to commercialization reporting has become subjective in nature.

- C) Media are violating the journalistic code set by regulatory bodies.

5. Significance of the study

This paper aims to evaluate whether there are malpractices in media and if yes, then what are the reasons behind this. This study will help in understanding the impact of malpractices on objective reporting. It will also suggest whether there should be regulatory bodies or media should regulate itself.

6. Research Methodology

In order to conduct a research, a streamlined methodology is required for better outcome. So for conducting a research on 'Is objectivity replaced with journalistic malpractices?' following research methodology will be adopted. The methodology for this study is qualitative textual analysis, emphasizing the in-depth examination of the content.

The examples from different newspapers, magazines, Media websites and news channels related to journalistic malpractices have been selected and analyzed accordingly. The work is studied under different headings like Media ,which has published or telecasted the news, after then News related to the impact of media ownership by private entities, paid news ,twisting facts and political influence and what has been the outcome.

7. Data Interpretation

To conduct the study on 'Is objectivity replaced with journalistic malpractices?' the following examples were studied from the past three years from the different fields like electronic media, print media and media websites etc. which is presented in a tabular form and analyzed for better understanding.

CNN/IBN	News	Outcome/ Actual News
Media	In 2014, there was an interview with Narendra Modi's wife Jashodaben published in Indian Express. In response to that Journalist Sagarika Ghosh tweeted "poignant interview in Indian express of Jashodaben, married to Narendra Modi at 17. So many women married at young age, time to restore their dignity. She also wrote about the threat to independent Journalism.	She was instructed by the management of Network 18, who owns CNN/IBN, not to post disparaging tweets about Narendra Modi.

India TV	In order to show victims effected by earthquake in Nepal (2015),this channel had twisted the facts and used a picture in which two children were sitting on road and snuggled each other, The news report showed that the parents of these children were killed in the earthquake.	The photographer Na-Son-Nygien claimed that this picture about two Vietnamese Hmong ethnic children was taken by him in 2007 in Ho Giang Proviance. It has nothing to do with Nepal Earthquake.
Marathi Channels	In 2014, Prime Minister Narender Modi's speech at Newyork's Madison Square garden was telecast across Marathi channels during prime time.BJP leaders conceded they had to pay up to Rs 20 lakhs per episode.	The congress had lodged a complaint with the Election Commission, demanding it be regarded as paid news followed by strong action against it.
Times of India	On February 2014 , TOI tweet created a storm on twitter when it alleged that EC had raided AAP candidate Naresh Balyan's residence and seized more than 5000 liquor bottles	Within 2 hours of its first tweet, TOI took a U-Turn and said that Liquor bottles were seized from a godown in Delhi but not from Nareh Balyan's residence.
NDTV	In april 2015 this channel aired a survey showing nationalist opposition BJP and its allies grabbing more than 272 of the 543 parliamentary seats in India's nine phase national elections. The elections were to end on May 12.	After this survey Election commission warned the country media houses against telecasting or publishing exit polls as opinion polls.
India TV	On 13th April 2015, this channel aired an interview with BJP's prime ministerial candidate Narendera Modi.	Next day India Tv editorial director resigned. This resignation came amidst accusations that the channel's Modi interview resembled a PR exercise.
Catch News	On 3rd January 2016, this website twisted the facts and posted a news that on one side Indiansecurity fought a battle against terrorist at Pathankot Airbase and on the other side Home Minister has advised terrorist to practice Yoga to channelize gyaan.	It was cleared that Mr. Rajnath Singh had made this statement only on 21 June 2015 at the celebration of Yoga day. Later on catch news removed this news from its website.
Zee News	On January 2016, News report showed that Aamir Khan's removal as a brand ambassador of Incredible India happened owing to his intolerance remarks	Whereas Tourism ministry described it as a result of Aamir's contract expiring with MCCAN.
Congress Darshan	On December 2015, Article in this magazine called Sonia Gandhi' father a member of fascist forces and another article suggested had the Jawaharlal Nehru listened the views of Sardar Vallabhbhai Patel on international issues then the problem of Kashmir, China, Tibet and Nepal would not have existed now.	This magazine had to pay for practicing its right of freedom to speech and expression by losing its content editor, as he was sacked by the party on the following day.
Gujarat Samachar	In 2014, the paper alleged that vadodara BJP minister of parliament Balu Shukla was snooping around in leader of opposition in Lok Sabha Sushma Swaraj's Chamber. He wasshukla going through a file and took away 3 pages from it. His mischievous act was trapped in CCTV camera, installed in chamber.	Balu Shukla had written a letter to Loksabha speaker and revealed that the report was published to spoil his image as there was no CCTV camera in Swaraj's Chamber, so how can any report base a story on footage?

8. Conclusion

From the above discussion it can be concluded that like any other domain of life media too is not immune to the malpractices resultant of various factors like vested interests, co modification of news, political influence and an overall domineering trend of commercialization of the society. Money has become the major driving force today and obviously the one who pays has the first right to call the tune. The media has undoubtedly become a piper to play tunes at the bidding of its masters.

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Freedom of Speech and Expression: Need to Regulate Television Contents in India

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ABSTRACT

Freedom of Expression is among the foremost of human rights. It is the communication and practical application of individual freedom of thought. Irrespective of the system of administration, various constitutions make a mention of the freedom of expression. Freedom of speech and expression has been guaranteed as a fundamental right under Article 19(1) (a) available to all citizens, subject only to restrictions which may be imposed by the State under clause (2) of that Article. The paper throws some light on the unregulated freedom of expression and content in broadcasting, which needs to be regulated and it is need of the hour. In the guise of freedom and expression our media is depicting vulgarity, obscenity, immorality and various stuff which influences young mind. Various cases have been pending before the courts. Some laws have also been enacted to regulate broadcasting content. Briefly the paper summarizes the need of regulating the broadcasting content and the cases decided by judiciary in this regard.

1. Introduction

Communication is the procedure, which we use to exchange information by various methods and media is the medium or instrument of storing or communicating information. 'Media' the popular term inter-alia used as 'Press' denotes the print & electronic information carriers –the News Papers & Magazines, Radio, Television and currently includes Internet as new Media. Hailed as the 'Fourth Estate', media is the watchdog of the public affairs, informing the society and vice versa, acts as the forum to advocate the views of the society at large to those at the helm of public affairs.

Media law covers an area of law which involves media of all types (TV, film, music, publishing, advertising, internet & new media, etc.), and stretches over various legal fields, including but not limited to corporate, finance, intellectual property, publicity and privacy. Media law is a legal field that refers to the following: Advertising Broadcasting Censorship Confidentiality Contempt Copyright 4 Corporate law Defamation Entertainment Freedom of information Internet Information technology Privacy Telecommunications

2. Freedom of Speech and Expression

Expression is a matter of liberty and right. The liberty of thought and right to know are the sources of expression.

Free Speech is live wire of the democracy. Freedom of expression is integral to the expansion and fulfillment of individual personality. Freedom of expression is more essential in a democratic setup of State where people are the Sovereign rulers. Iver Jennings said, without freedom of speech, the appeal to reason which is the basis of democracy cannot be made. Milton in his *Aeropagitica* says that without this freedom there can be no health in the moral and intellectual life of either the individual or the nation.

In the words of Krishna Iyer J. "This freedom is essential because the censorial power lies in the people over and against the Government and not in the Government over and against the people."

The freedom of expression has been considered as a necessary condition for a democratic polity. According to Kant "The fundamental postulate of liberty, is that, no man can be used as a means as man is an end to him as well as to the others."

The social interest in free expression is based on the idea that without expression, there is no society at all, because communication is the very essence of social life.

3. Law of Expression under Indian Constitution

The people of India gave to themselves, the Constitution of

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India, with a view of make it Sovereign, Democratic, Socialistic, Secular and Republic. In our democratic society, pride of place has been provided to freedom of speech and expression, which is the mother of all liberties. One of the main objectives of the Indian Constitution as envisaged in the Preamble, is to secure 'Liberty of Thought and Expression' to all the citizens. Freedom of Expression is among the foremost of human rights. It is the communication and practical application of individual freedom of thought. Irrespective of the system of administration, various constitutions make a mention of the freedom of expression. While freedom of thought is a personal freedom; freedom of expression is a collective freedom, whose character becomes more and more pronounced as the technical methods of their diffusion multiply and improve. The right of free speech is absolutely indispensable for the preservation of a free society in which Government is based upon the consent of an informed citizenry and is dedicated to the protection of the rights of all, even the most despised minorities.

4. Constitutional Aspect

In order to give effect to this objective, "freedom of speech and expression" has been guaranteed as a fundamental right under Article 19(1)(a) available to all citizens, subject only to restrictions which may be imposed by the State under clause (2) of that Article. The relevant portion of Article 19 reads as follows: Article 19 (1) All citizens shall have the right (a) Freedom of speech and expression. Article 19(2) Nothing in sub clause (a) of clause (1) shall effect the operation of any existing law, or prevent the State from making any law, in so far as such law imposed reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of 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.

5. Responsibility of Media

Over past 66 years after independence, the three Constitutional organs of State have fallen far short of our hopes and expectations. Legislatures have become battle fields. Neither any serious public policy is evolved. No accountability of the executive enforced by our elected representatives. Most legislators are content to be disguised executives, seeking and obtaining State patronage and privilege. Executive office has become a private estate and legal plunder has become the norm. Both the elected executive and appointed public servants have become the modern-day monarchs, and the notion

of public service is all but forgotten. Honesty and survival in elective public office are increasingly incompatible. The judiciary has become very much part of the problem. Laws delay and the breakdown of rule of law have nudged our society into near anarchy, with about 25 million cases pending in courts, many of them for several years and decades, a well developed market has developed for criminals and musclemen to provide rough and ready justice.

6. Censorship or Restrictions on Freedom of Speech and Expression

In a modern State, absolute and unrestricted individual rights do not exist, because they cannot exist. Freedom is more purposeful if it is coupled with responsibility. Like any other freedom, the freedom of speech and expression has to be balanced with other social values. The liberty of the individual to do as he pleases even in innocent matters is not absolute. It must frequently yield to common good. Freedom of the press has to be reconciled with the collective interest of the society, which is known as "public interest." The reconciliation of the contest between power and liberty, between the claims of political society and the interests of individual is a perennial problem of political society which curiously persists irrespective of any difference in the form of Government. So, there are certain permitted prior restraints and restrictions on the freedom, in the collective interest of society. Prior restraint means any kind of interference or control exercised by the State over the freedom of the press at any stage prior to publication of the alleged offending material.

7. Media Regulations under Indian Constitution

Article 19 (1) (a) of the Indian Constitution guarantees to all its citizens including media. "The right to freedom of speech and expression". Clause (2) of Article 19, at the same time provides: "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 interest of:-

Sovereignty and Integrity of India, The Security of the State, Friendly relations with foreign states, Public order, Decency or Morality, Contempt of Court, Defamation, Incitement to an offence.

The meaning of the term reasonable restriction has been a matter of judicial discussion. There has been a doubt whether the term "reasonable restriction" also includes 'total prohibition'. In *A.K. Gopalan v. State of Madras*

Patanjali Sastri J., Kania C.J., and Das J. tried to explain the term "restriction". Das J. was of the view that the word "restriction" implies that the fundamental right is not destroyed in entirety but passport of it remained.

The society is now reeling under the impact of unending flow of cinema, story, dance and drama through small screen of television. Pornography is available in its vulgar form in personal computer with World Wide Web. The television with powerful, multi-channel visual splendours is totally occupying young mind. Its utility in educating, informing and news-giving is camouflaged by its misuse in dishing out obscene and indecent stuff in the name of entertainment. One of the restrictions under Article 19(2) is decency, morality and public order. The purpose behind this is through this restriction the image of humanity and dignity of women can be sought to be protected in the media projections. Item songs like 'Munni Badnam Hui' and 'Sheela Ki Jawani' etc., are having tremendous impact because of its repetition on TV, the most powerful and effective vehicle of thoughts at present.

In case *Suo Moto v. State of Rajasthan*, the Rajasthan High Court *suomoto* took up the matter of "the depiction of women in an undignified manner by the media". The main issue involved in this petition was the depiction of women in an "undignified manner" by the media, including television channels and the nature of the Government responsibility in regulating this.

The court said that where a programme is telecasted and broadcasted in violation of Rule 6(1)(k) of the Cable Television Rules, 1994 and where the programme is found indecent or derogatory to women, or is likely to deprive, corrupt or injure public morality/morals, strict action has to be initiated against those responsible for such telecasting. Similar actions must also be taken against persons responsible for hoarding, advertisements & posters. The court directed the Government to ensure that advertisements not following rules and regulations be discontinued. "Using scantily clad female models for products like car batteries, tobacco, electric inverters, shaving appliances, mobiles and other advertisements should be stopped forthwith.

In *Pratibha Naitthani v. Union of India*,¹⁴ the complainant filed a writ petition against the telecast of "adult and obscene films have shown by the electronic media" and "obscene photographs" in the print media, in Bombay High Court. The Court held that a number of television channels were violative of the programme code under the Cable TV Act, 1995 and The Cable TV network Rules, 1994. The court directed television channels to give details

of 'A' rated films telecasted on TV Channels over the previous three months and restrained TV channels from telecasting any adult programme and/or film without appropriate certificates from the CBFC. The court also passed an order restraining newspapers and periodicals from publishing any advertisement that amounts to invitation to prostitution; which had a sexual overtone; or which is violative of Section 3 of Indecent Representation of Women (Prohibition) Act, 1986.

It is known that whenever regulation is introduced in any field where influence on public is huge; there will be a mix of economic, political and cultural concerns and approaches. One could see the impact of visual media to be far more than the print media and hence regulation over it has always been more than its other counterparts. Earlier, broadcasters needed limited access to airwaves, so the state could license away to any private player. This gave an opportunity to increase revenue as well as to regulate the content to be displayed.

Everything seemed fine till the age of New Economic Policy was introduced in the 1990s which opened the gateway for the private players to serve the public with negligible regulation. This was followed by several consequences both at macro and micro level. Though few hurdles were apprehended but at the same time it poses a problem to protect the much coveted fundamental right of freedom of speech and expression which is guaranteed under Article 19 of the Constitution.

From an age of Social Development to Competition, Creativity and Censorship Controversy regarding the regulation of television content has been in its peak ever since, private players have been given a leeway to entertain people. Under the garb of creativity and innovation, a new challenge is surfacing which is in direct conflict with issues like ethics and values. The social repercussions from the content being thrown at the viewer can no longer be ignored. Before the emergence of television boom in India, it was the Government owned Doordarshan channel which used to reign the broadcasting world of India. During that era the purpose was to enhance socio-economic development through media. Mythological series like: Ramayana, Mahabharata, etc. or series depicting historical events, family drama like *Shanti*, would get aired which had a lesser controversial flavour. However, in 1990s, the broadcasting sector got heavily influenced by the New Economic Policy in India and hence from 1994-95, the Indian audience was being catered with over 50 channels with a sudden rise of cable operators in the country. This

advent of private players in the markets gave rise to three C's: competition, creativity and censorship. Competition among the players gave birth to a new genre of creativity and this new genre started the question of censorship.

8. The Hero Cup Case

In 1995, the Supreme Court in Hero Cup judgment opened a new chapter in the broadcasters lives in India wherein it stated that every citizen has a right to telecast and broadcast to the viewers and listeners through electronic media, television or radio as it is a right which gets covered under the right of communication and right to communication is an integral part of right to freedom of speech and expression. The judgment made clear that the Government had no monopoly over such electronic media whatsoever and airwaves or frequencies are public property therefore, the government was directed to establish an independent autonomous public authority representative of all sections and interests in the society to control and regulate the use of the airwaves. It is this control over the use of airwaves which was therefore attempted since then by the government. But the formulation of the regulation is still failing to fulfill the object of today's Television content regulation. The context of the Hero Cup case may be different in the light of the current issue however, this judgment marked the beginning of a new era of private freedom to broadcast and provide entertainment to the Indian public.

9. The Unending Road to Regulation

It was not that the issue of content regulation was never raised in the pre-privatisation phase. In Ramesh Chotalal Dalal v. Union of India (1988) the TV series 'Tamas' was attacked for its violent depiction of Indian partition. Thereafter, Honi Anhon (1988) television series were attacked on the grounds that the television series has the potential to spread superstitious belief and harmful. In both the cases the court refused to ban the series. But this was before the satellite television was introduced.

After these cases, in 1990, the Prasar Bharati Bill was passed which provided for the formation of an autonomous Broadcasting Corporation that would manage both Doordarshan and All India Radio, discharging all powers previously held by the Information and Broadcasting Ministry. Though this corporation was meant to be independent, however, section 23 of the Prasar Bharati Act, 1990 gave the Central Government immense power to issue directions to the corporation regarding what to broadcast and what not to, keeping in mind the interests of the sovereignty, unity and integrity of

India, or the security of the State, or preservation of public order. This overtly government influence was finally given a halt when government in order to abide by the Hero Cup judgment, introduced the Cable Television Networks Act, 1995 (hereinafter "Cable Act") and the Cable Television Networks Rules, 1994 ("Cable Rules"). Section 5 and 6 of the Cable Act prohibits any person from transmitting or re-transmitting through a cable service any programme or advertisement respectively, unless it is in conformity with the Programme Code or the Advertisement Code, as laid down in the Cable Rules. Further, under the Cable Act, the Central Government or an authorized officer, in public interest or in the interest of security or sovereignty of India, may prohibit a cable operator from transmitting or re-transmitting a programme or a channel if it is not in conformity with the Programme Code or the Advertisement Code or if it is likely to promote ill will, disharmony, hatred between different religious, racial, linguistic groups or is perhaps is likely to disturb public tranquility. In spite of governmental influence, the Ministry said that the Cable Act provides for broadcasting self-regulation, Programme Code and Advertisement Code. Simultaneously another development took place which was when United Front Government replaced the Broadcasting Council with the Broadcasting Authority under the Broadcasting Act, 1997 of India that would govern the private broadcasters.

In January 2004, the government revised the definition of telecommunication service in sec 2 (1) (k) of the Telecom Regulatory Authority of India Act, 1997 (TRAI) which included broadcasting and cable services within its definition. This meant that TRAI could now regulate broadcasting and cable services and the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) could adjudicate upon disputes relating to this service. However, TRAI in its suggestions made it very clear that content regulation should be kept out of the purview of the converged regulator.

Again in 2006, Broadcasting Services Regulation Bill was introduced which welcomed heavy criticism from all sections of the society as the government and its representatives were given sweeping powers to cripple the media through pre-censorship. This bill also proposes to set up a new Broadcasting Regulatory Authority of India which would carry out the regulatory functions, presently being performed by the Ministry of Information and Broadcasting.

10. 2008 Mumbai Attacks

NBA, in April 2008, came out with a Draft Code of Ethics and Broadcasting Standards and draft regulations for the

setting up of a News Broadcasting Standards Disputes Redressal Authority. The value of this authority was tested when the 2008 Mumbai attacks took place. The Deputy Commissioner of Police in Mumbai passed an order citing section 19 of the Cables Act, whereby many news channels went off air for a short while. However, the government intervened and cancelled the order.

The controversy reached its height when the Government of Maharashtra declared that it would be bringing laws to regulate the content of news channel so that it does not hamper the national security operations. To this, NBA and IBF was sought to give their opinions and finally on December 18, 2008 the NBA duly unveiled a new set of guidelines dealing specifically with the telecast of news during emergency situations and the said six-point document would become part of its larger Self-Regulatory Code Of Conduct, which had come into effect in October and is supposed to govern all its members. During this period it was very well understood that a name-sake self-regulatory body has its own short-comings and is more or less a toothless tiger.

In response to these guidelines, the government replied that it would neither endorse nor reject the guidelines, however, to be on a safer side and having seeing the effectiveness of self-regulation, it would prefer to itself monitor all the news channels for any violation of its own programming codes and guidelines issued under the Cable TV Act and exercise its right to issue advisories and take action against any violation. The guidelines also covered areas of media practice such as sting operations, coverage of law and order, crime and violence, occultism and supernatural/paranormal matters, race and religion, as well as national security, media depictions about women and children etc.

11. Do we actually need any regulation?

Indian society is now going through a process of transition and media is also responding to the various needs to it. However, the subtle balance between Article 19 freedom and public morality and decency is also a surmountable task to attain. To decide such controversial issues, it is of paramount importance that a genuine and neutral body is judging the process. However, seeing the current scenario of non-existing neutral self-regulatory bodies and the amount of encroachment that government has to offer, the only hope that is left is the judiciary. But even this last hope has been shattered when in Deepak Maini v. Star Plus (2009), the court had to deliberate on the contents of the reality TV series "sachka Samna" and to this the court said that the government i.e., the Ministry of Information and

Broadcasting is in a better position to judge and their interference is not needed. Another case which is relevant to the issue at hand is Rakhi Sawant v. State of Uttar Pradesh (2011). This case is also with regard to a reality TV show where Rakhi Sawant, the host of the TV show designated one of the participants as an impotent man which later on became the cause of his suicide. "The Allahabad Court observed that the choice of language of the anchor were very offensive and uncivil." "The bench also stated that the anchor should not transgress the bounds of ethical value. Sawant's arrest was however stayed as there was no suicide note left by the deceased vindicating Sawant." out from that damned prime spot, the government says, delivering its verdict on television shows Rakhi Kalnsaaf and Bigg Boss Season 4. Move over to the 11 pm to 5 am viewing slot (when good citizens sleep), comes the rebuke from the information and broadcasting ministry, you TV shows that have scant regard for good taste and habits.

The last one would be the Emotional Attyachar case where an NGO has filed a PIL against UTV regarding issues relating to Right to Privacy and a demand for a CBI enquiry has been made against the TV show, the case is right now pending in the High Court of Bombay. Its President Sanjay Tiwari Ujala, said "through this programme, the TV channel has been hurting the feeling of viewers, spreading vulgarity and demoting social and moral values in society.'Emotional Attyachar' is violative of the government's guidelines, the PIL alleged. Since, these televisions shows are non news related; the body which acts as a regulator equivalent to NBA is Indian Broadcasting Foundation (IBF). IBF is again a self-regulatory body which is formed under a MoU between channel owners. It is basically a Non-Profit Organization under Section-25 of the Companies Act, 1956. It has its own forum for complaints i.e., broadcasting Content Complaints Council (BCCC) which looks into the individual complaints as well group complaints. If the channel does not adhere to Ministry of Information Broadcasting Self-regulation Guidelines for Broadcasting or their directions then they would be expelled from IBF as a member and they would also ask Ministry of Information and Broadcasting to take action against the channel.

Instead of the orders of Court, TV Channels continue to show movies rated "A" and "UA" by the CBFC. The main question before the court was whether cable operators/cable service providers are free to telecast CBFC certified adult films despite the restriction in clause (o) of Rule 6(1) of the cinematograph Rules, 1983 that no programme shall be carried on the cable service which is

“unsuitable for unrestricted public exhibition.”

In 2011, they introduced “Content Code & Certification Rules 2011 (hereinafter the IBC Content Code 2011)” to facilitate self-regulation by the broadcasting industry through the mechanism of the Broadcasting and minimize the scope for subjective decision by regulatory authorities or the broadcasting service providers..

12. Relevant provisions under different laws regulating morality and obscenity:

- (i) Indian Penal Code, 1860 makes the sale, letting to hire, distribution, public exhibition, circulation, import, export and advertisement of obscene material and offence punishable with imprisonment and fine.
- (ii) The Cinematograph Act, 1952 prohibits the certification of a film by the Censor Board for public exhibition if the film or any part of it is against the interest of morality and decency.
- (iii) The Dramatic Performance Act, 1876 empowers the Government to prohibit public dramatic performances on the ground of obscenity and visits the disobedience of a prohibition with imprisonment and fine.
- (iv) The Customs Act, 1962 empowers the Government to prohibit or impose conditions on the import or export of goods in the ground of decency and morality.
- (v) The Post Office Act, 1898 prohibits the transmission by post any material on the ground of decency or obscenity.
- (vi) The Indecent Representation of Women (Prohibition) Act, 1986 prohibits the indecent representation of women through advertisements or other publications, writings, painting, figures, etc. and makes the contravention punishable with imprisonment and fine.
- (vii) The Young Persons (Harmful Publications) Act, 1956 prohibits publications which could corrupt a child or young person and incite him to commit crimes of violence or cruelty.
- (viii) The Information Technology Act, 2000 makes the publication and transmission in electronic form of material which tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodies in it is punishable with imprisonment and fine.

13. Conclusion

Freedom of Expression is a basic part of human fundamental rights. It is the communication and practical application of individual freedom of thought which strengthen the democracy and democratic system. Freedom of speech and expression has been guaranteed as a fundamental right under Article 19(1) (a) available to all citizens, subject only to restrictions which may be imposed by the State under clause (2) of that Article. The study clearly reveals are many cases working as guidelines for the media and their broadcasting but they and other formulation of the regulations are still failing to fulfill the object of today's Television content regulation. The situation has not improved much yet. All malpractices are there in the field, just to make money. There is urgent need to check all types of malpractices, as our young minds gets influenced easily and electronic media is playing great role in influencing them negatively.

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Role of Print Media in Spreading RTI Messages among the Public

**Dr. Sushil Rai*

ABSTRACT

The media and particularly print media have been playing a vital role in the society for the sake of peoples' interest. It has been serving as a watchful guardian of the people. Creating awareness, educating the rural population and motivating them for active participation in the development process are also the prime objectives of the print media. So, in the era of information, Print Media can aware the people about the RTI Act which provides a practical regime of right to citizens to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority. The present study examines the role of print media especially newspapers in awareness of the powerful act RTI among the public and society. The results reveal that newspapers have played significant role in disseminating RTI messages in the society, urban and rural both. They are helping the people to understand the importance of RTI not for their own individual gains only, but establishing the good governance to achieve actual positive changes, social welfare and national development.

Keywords: Right to Information, Transparency, Accountability, Editorial, Sarva Siksha Abhiyan, Proudh Siksha Abhiyan, Mid-day meal.

1. Introduction

Nowadays, we are passing through a golden age of information. Media is playing a vital role to inform the people every time and everywhere. It has become omnipresent. Media is covering each aspect of public life. It seems that people have now been fully dependent on the media to receive information and know about day to day happenings in the society. In this respect, the media have networked the entire society. It has created such a new world of information in which we all are living and breathing. And now the media have definitely become a very powerful tool which is influencing the public mind and shaping their thinking and behavior.

Information is a power which provides a new speed and dimension of the development of the individual, society and nation. No country can be developed, mobilized and empowered without information, without informed people and informed society. In this nation, when we have opted democratic set up, the importance of information becomes inevitable because the soul of democracy lives

with the feeling of public welfare and social development. Without information, the people have no power to make choices about their government– no ability to meaningfully participate in the decision-making process, to hold their governments accountable, to control corruption, to reduce poverty, or ultimately to live in a genuine democracy. Understanding the importance and need of Information The government passed RTI Act and implemented on 12 October 2005.

The passage of RTI Act, 2005 is a historic movement. It replaces the culture of secrecy and control with openness and participations. This act provides a practical regime of right to citizens to secure access to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority.

Since, creating awareness, educating the population and motivating them for active participation in the development process are also the prime objective of the print media. So, in the era of information, print media and

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RTI both have certain major responsibilities and they can play a vital role to empower the society for positive improvement and changes. In the context of awareness about RTI Act and its effective implementation, the print media can play a very important role and it is also playing a very crucial role in this regard.

2. Significance of Print Media

We are living in the age of communication and print media especially newspaper is the one of the oldest forms of communication. It contains both news and views on matters of public and national importance. It plays a very significant role in the society. The newspaper enables the people to know about the important happenings of the society, state and the world at large. The more advanced country is the more organized and powerful in the press. And the more educated and cultured people, they want to read it most and expect more from the press. If developing societies want to achieve progress and prosperity, they must have a healthy system of the press and newspaper which is known as 'fourth estate'. Thus print media, especially newspapers have special roles in the society and among the all spheres of public life.

The newspapers are very important for developing society because they have great influence on public and national life. They express views on various matters as social, political, economic, educational, recreational and even religious. Thus, they create, guide, educate and shape public opinion. By raising their powerful voice against any attempted invasion of people's rights and liberties, they are protecting the interest of the people.

In the third World and developing societies like India the newspapers have additional responsibility for the majority of the people are living in a rural area and they are not much literate and not aware about their rights. In this condition they depend upon the literate ones or the media for their making opinions on social issues. In this reference, Print Media (Newspaper) can play a major role to guide them. And newspapers are also doing well. Newspapers are not only helping the people to form opinions in the political field, but also awaking them about their rights, right to information and many other spheres of human life and activities. Thus, the newspapers have great responsibility to develop the people of society through imparting the knowledge and information.

3. Role of Print Media in Awareness of RTI

Freedom of expression, unrestricted propagation of ideas and ready access to information are essential for the

functioning of a democratic government. If people are unaware of what is happening in their society or if the actions of those who rule them are hidden, then they are prevented from taking a significant part in the affairs of the society. Access to information not only facilitates active participation of the people in the democratic governance process, but also promotes openness, transparency and accountability in administration. It is thus a crucial facilitator of good governance, as it reflects and captures government activities and processes. In the same light, the right of every citizen to access information held by or under the control of public authorities, has been as effective tool for ushering in good governance. So, RTI act is very important which is giving right to access the information to the people from public authorities.

Thus, proper spreading of RTI messages is important to aware and empower the people and society. Although it is a necessary part of government planning, but media, especially print media can be very prominent tool for the dissemination of RTI messages among the public and society.

The Print media can aware and educate the people about RTI. Through proper spreading of RTI messages, Print Media particularly newspapers can make a good understanding about RTI and its better use for their further progress and development. And in this way, Print media especially newspapers are playing their roles effectively. For instance, The Indian Express, a national newspaper, along with Parivartan, has been guiding people in exercising their right to information through RTI forum. It has been doing this through a regular column – "Express Initiatives" - in which recent developments in this area are mentioned along with people's experiences. In addition to this column, the Indian Express has organized awareness camps and training workshops in association with other institutions to guide people in accessing information.

Print media can aware the people for their rights and enable them to have access to government programmes, schemes and benefits. It will make them more advance and confident to make the pressure on the government and concerning authorities for better performance, maintaining transparency and accountability. In this way, Print Media is working positively. Newspapers are disseminating RTI messages in the society, urban and rural both. They are helping the people to understand the importance of RTI not for their own individual gains only, but also establishing the good governance to achieve actual positive changes, social welfare and national development.

3.1 Print media spreading RTI news: to inform the society

The people of society must be informed as the information is power in itself. It is a basic factor of development. Since, India is a developing nation which has to be a developed nation yet, the importance of information can be understood easily. And second thing, whereas around seventy percent of the total population is living in rural areas, then without making them informed people no state can achieve the goal of development. This is the reason now Indian government has passed a very powerful and revolutionary act known as Right to Information. It is not only providing such right to freedom of information, but also helping to the people to fight against corruption and the establishment of good governance. And today, print Media especially Newspapers have significant role in informing the rural people about Right to Information through publishing RTI news.

Newspapers are spreading the RTI messages in rural area at large. In other words, not only since its enactment, but it's before, in empowering the movement of RTI for the common people, later on, in formulating and passing the RTI Act by the government, newspapers played commendable roles. Print Media especially Newspapers supported to the concerned social activists a lot to pace the Movement for RTI and its formulation and implementation on actual ground. Media is informing the rural people about RTI Act and its benefits. Newspapers whether they are English or Hindi newspapers or national or local, they all publish the RTI news time to time, so that people could be well informed about the powerful right and its importance.

3.2 Print Media publishes RTI Articles & Editorials: to Educate the Society

Education accelerates personal development and self fulfillment. It gives the skill to do something better and power of thinking about what is right and what is wrong. Without proper education and understanding, nobody can even enjoy their rights given by the constitution. This is the reason that accepting education as an asset of the society and for further development, government conducted so many programs (like Sarva Siksha Abhiyan, Proudh Siksha Abhiyayan, Mid-Day Meal, etc. to increase the literacy rate and education in the nation. And fulfilling this purpose, newspapers are educating the people on various topics and subjects of the society.

Now, the people have got a very special and powerful right to access the information. The proper use of this right will definitely enhance the level of transparency and

accountability among the public authorities which is a foundation of any democracy. RTI is surely doing well in this field. Along with urban people, now, it is also being used by rural people and they are being benefitted. And no need to say, newspapers English as well as Hindi and other language newspapers have played and are still playing a vital role to disseminate the RTI messages at a large level. They are not only informing the people by news, but also educating the people through publishing many articles and editorials. Thus, Print media, particularly newspapers are educating the people about RTI through publishing the articles and editorials.

3.3 Print Media Highlights the RTI Success Stories: to Motivate the Society

The Role of Print Media particularly Newspaper in motivation of public is quite important. This is the medium which had motivated the Indian people at large for independence. At time Newspapers were used as weapons against the British rule in India. At that time, there was extreme exploitation. But the use and support of print media we Indian people being motivated, fought against the English government and finally got the freedom. Now our nation has been come again in the grip of Corruption and misuse of official position for personal gain. RTI is definitely a powerful instrument to fight against corruption and bad practices of governing systems and officials. But In this way, Print media are spreading information, news and various messages about RTI among the public. Newspapers have highlighted many success stories related to RTI to aware and motivate the public to fight against corruptions and raise their voice to enjoy their rights.

For Instance, a Sidhakahna Jot Keshav village in Bahraich district of Uttar Pradesh is one such example. Five inspired residents of the village filed RTI applications and questioned the district administration about the conditions of the village roads and drains. They also raised questions as why there were no allotments under the Indira Awaas Yojna.

The administration immediately acted and the construction of the roads and drains began in the village. Since then, 32 villagers have been allotted the houses under the Indira Awaas Yojna and the administration has displayed a list on the village wall, containing the names of the villagers eligible for the allotments under the scheme.

4. Conclusion

Print Media especially Newspapers are playing a vital role to inform, educate, and aware to the people and society

about the RTI through disseminating the RTI messages at large. Basically, India always took pride in being the largest democracy, but with the passing of the Right to Information Act in 2005, it has also become an accountable, interactive and participatory democracy. The Right to Information Act is an important, powerful and landmark Act for Indian democracy. By this Act the citizen of India has been empowered to access the information freely from any concerned public authority. He can now question, audit, review, examine, and assess government acts and decisions to ensure that these are consistent with the principles of public interests, good governance and justice. This act promotes transparency and accountability in administration by making the government more open to public scrutiny. So, spreading information and awareness about RTI Act is an essential need, not for only any individual but the whole society. And in this reference, print media is playing an important role. They are really strengthening RTI messages in the society in many ways. They are spreading information through news, educating the people by publishing articles, editorials and special supplements. They are also inspiring and motivating them by giving Interviews of legend RTI activists, Information officers and by highlighting the success RTI stories. Through camps and conducting workshops, all kinds of newspapers are communicating and providing training to

the people. Therefore, Newspapers are playing a major role to spread the RTI messages in society and aware the public about the Right to Information.

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Impact of Crime News on Viewers

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ABSTRACT

In recent years, Indian Television News channels have focused on news related to crime as this kind of news makes audience aware about the incidents in and around the country. Crime news stories provide important source of information for creating mass awareness to avert such incidents in future. This study tries to find out the benefits and impact of watching such news. To collect the data a survey was conducted of 300 television viewers in national capital, New Delhi. The study finds that these stories are helpful in creating awareness and spread information of incidents. The research also tells that these stories make us concerned and create mixed impact on audience and also negative effect on television news viewers to an extent.

1. Introduction

The development of mass media in India began with a mission of spreading awareness among the masses. In the early days, the medium was restricted to the exchange of information. But slowly, it became the strongest medium of spreading awareness. After independence media focused on awareness as well as its commercialization but during the 90s, commercialization became the dominant phenomenon due to the liberalization of economy in the country. With the advent of electronic media during the period, commercialization started picking up.

In the present scenario media focuses on the two C's i.e. crime and cricket. They have created niche for itself in the minds of audience, that why every news channel presents a show on these related news and views program on the topic. Moreover, crime reports could be seen in each and every bulletin through out the day. Most of the channel telecast crime related program around 11 pm. According to a study, 21% of total news in presented in prime time are crime related. The popularity of these shows among viewers is a probable reason why crime reports are given so much importance during prime time.

Keeping the viewer's choice phenomenon in mind, the research study tries to determine, through scientific ways, the impact of crime news on viewers and their response to it. This explains how much time people spend watching television? And which channel they prefer to satisfy their need? How do they feel watching crime reports? What do they learn from these reports?

2. Objectives of the Study

1. To find out what sort of news items viewers prefer.
2. To know what sort of crimes viewers consider more heinous.
3. To study the benefits of watching crime reports.
4. To analyse the psychological impact of crime reports on viewers.

3. Research Methodology

For this study, a survey method was conducted using the simple random sampling method in the National capital, Delhi. In this 300 television viewers were divided into two age groups 20-40 years and 40 and above. The Sample was collected from 300 respondents and was made to answer 5 questions. The survey was conducted in different areas of Delhi so that a mixed viewership review can be gauged and their answers can represent the viewers of today in totality.

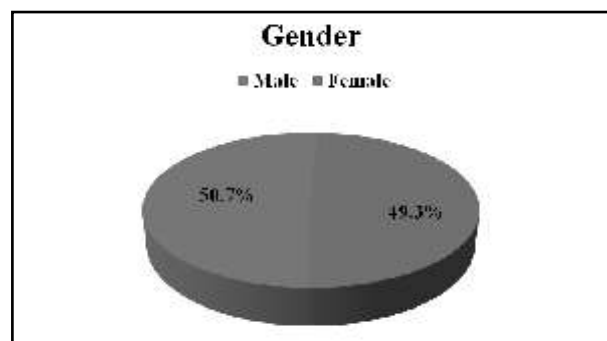


Figure 1: Gender wise percentage of respondents

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On the basis of the gender of the respondents as given in Figure 1 indicates that 50.7 percent respondents were male (152 out of 300) and 49.3 percent were female (148 out of 300) in total.

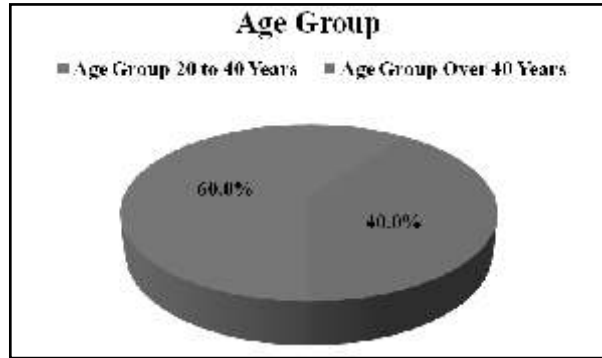


Figure 2: Age Group wise percentage of respondents

The Figure 2 shows that respondents belong to two different age groups. 180 (60%) viewers are from the age group of 20 to 40 and 120 (40%) from over 40 years.

4. Data Interpretation

As per data collected through survey data is codified and tabulated in different tables as per objectives of the study. The Tables are in three columns including categories, frequencies and percentages.

Table 1: Preference of Viewers

Type of News	Frequency	Percent
Political	128	42.7
Crime	24	8
Economic	20	6.7
Sports	28	9.3
Entertainment/Film	4	1.3
Environment related	12	4
Social and Cultural	24	8
More than one option	60	20
Total	300	100

Table 1 reveals the preference of the viewers about different types of news. 42.7 percent of total respondents watch political news, while 8 percent viewers prefer watching crime related news, 6.7 percent viewers watch economic news, 9.3 percent like to watch sport, and only 1.3 percent watch entertainment news, whereas environment related news is preferred by 4 percent viewers, social and cultural news is viewed by 8 percent and 20 percent viewers watch different types news keeping their option open.

Table 2: Most Heinous Crime in View of Audience

Type of Crime	Frequency	Percent
Murder	20	6.7
Rape	60	20
Loot	0	0
Robbery	0	0
Hooliganism	8	2.7
Domestic Violence	0	0
Giving Dowry	0	0
Infanticide	0	0
Violence against Dalits & their Oppression	8	2.7
All of the above	60	20
Most of the above	108	36
Some of the above	36	12
Total	300	100

Table 2 shows that the maximum number of viewers (36%) consider most of the crimes mentioned above as heinous, 20% viewers consider rape as the most heinous crime while only 12 percent viewers consider just some of crimes mentioned as heinous, 6.7 percent viewers look at murder as a heinous crime and 2.7 percent take hooliganism and Dalit oppression as serious crimes.

Table 3: Benefits of Watching Crime News

Benefits	Frequency	Percent
Information	28	9.3
Awareness	88	29.3
Vigilance (Defiance)	52	17.3
Helps in preventing crime	16	5.3
Deters people from committing crime	4	1.3
Helps criminals abscond after watching news	4	1.3
Has a bad impact	20	6.7
Pressure on Govt. & Administration	36	12
some of the above	52	17.3
Total	300	100

Table 3 gives us a conclusion that watching crime reports make 29.3 percent viewers aware about the society, 17.3 percent viewers feel they become vigilant after watching crime reports and the same number of viewers consider crime reports helpful in many ways mentioned above. Where 12 percent viewers believe that crime reports builds

up a pressure on government and administration, 9.3 percent viewers consider crime reports nothing more than information. 6.7 percent viewers believe this kind of news has a bad impact. Interestingly, 5.3 percent viewers think that crime reports help in preventing crime. Though 1.3 percent viewers believe that criminals can abscond after watching these reports and the same number of respondents feels that it would also deter criminals from committing crime.

Table 4: Impact of Crime News on Viewers

Impact	Frequency	Percent
No impact	32	10.7
Makes us concerned	188	62.7
Is forgotten in a day	24	8
Impacts for a few days	56	18.7
Total	300	100

In order to knowing the impact of crime news on viewers, Table 4 concludes that a huge number of viewers, which is 62.7 percent, become concerned after watching crime reports. 18.7 percent believe that these crime reports have an impact on them just for a few days where as 10.7 percent viewers have experienced no impact of crime reports. There are 8 percent viewers who just feel bothered for a day and no more than that.

Table 5: Overall Impact of Crime Reports

Overall Impact	Frequency	Percent
Negative	92	30.7
Inspired for crime	4	1.3
Positive	36	12
Mixed impact	116	38.7
Nothing	52	17.3
Total	300	100

Table 5 provides very interesting information that a maximum viewers i.e. 38.7 percent seem to have a mixed impact of crime reports on them. 30.7 percent viewers have a negative impact of crime reports on them where as 17.3 percent viewers feel nothing about the crime reports. 12 percent viewers take it as a positive impact. A very little number of viewers 1.3% feel inspired for crime after watching crime reports.

5. Conclusion

The research study finally states about the basic interests of people. Viewers are mostly interested in watching political news as 43 percent viewers go for it. After politics 2nd

choice of viewers is sports and 9 percent people watch sports related points where as 8 percent people say that they watch Crime, social & cultural news items. The study also shows how a viewer categories the crime being portrayed on television. 20 percent viewers say that rape is heinous crime while same number of viewers terms all types of crime being described in the table as heinous. 12% say that some of the crimes described in the table are heinous. Viewers are of the opinion that Dalits oppression and hooliganism is serious crime which stands at 2.7%.

Regarding watching crime related news, 29% viewers say that they become aware of the crime while 17% feel that they become vigilant after watching crime reports and the same number of viewers consider crime reports helpful in many ways mentioned above, where as 12% viewers believe that crime reports build up pressure on government to take corrective measures. 9% viewers consider crime reports nothing more than information but 7% viewers say that this sort of news has a bad impact on viewers. Interestingly, 5% viewers think that crime reports help in preventing crime. Although 2% viewers believe that criminals abscond after watching such reports and the same lot feels that it would also deter criminals from committing crime.

On the issue of about the psychological impact of crime reports on viewers, the study found that 63% viewers become concerned after watching crime reports. 19% say that these crime reports have an impact on them just for a few days where as 11% viewers have no impact of crime reports while 8% viewers say that they forgo the crime in day one or two. The study also reveals that a majority of viewers (39%) believe that crime reports have a mixed impact like negative and positive.

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