



**SATHYABAMA**

INSTITUTE OF SCIENCE AND TECHNOLOGY  
(DEEMED TO BE UNIVERSITY)

Accredited "A" Grade by NAAC | 12B Status by UGC | Approved by AICTE

[www.sathyabama.ac.in](http://www.sathyabama.ac.in)

**SCHOOL OF SCIENCE AND HUMANITIES**  
**DEPARTMENT OF VISUAL COMMUNICATION**

**UNIT – I – Media Law and Ethics – SVCA1502**

# I. DEFINE ETHICS & MORAL DEVELOPMENT

## Introduction

Ethics, also known as moral philosophy, is a branch of philosophy that involves systematizing, defending, and recommending concepts of right and wrong behavior.

The basic concepts and fundamental principles of right human conduct. The branch of philosophy that defines what is good for the individual and for society and establishes the nature of obligations, or duties, that people owe themselves and one another. In modern society, ethics define how individuals, professionals, and corporations choose to interact with one another. Most societies share certain features in their ethical codes, such as forbidding murder, bodily injury, and attacks on personal honor and reputation.

In modern societies, the systems of law and public justice are closely related to ethics in that they determine and enforce definite rights and duties. They also attempt to repress and punish deviations from these standards.

## What is ethics?

**Ethics is a system of moral principles. Ethics is concerned with what is good for individuals and society and is also described as moral philosophy. The word ethics is derived from the Greek word ethos, which means "character".** The term is derived from the Greek word ethos which can mean custom, habit, character or disposition. Ethics covers the following dilemmas:

- how to live a good life
- our rights and responsibilities
- the language of right and wrong
- Moral decisions - what is good and bad?

Our concepts of ethics have been derived from religions, philosophies and cultures. They infuse debates on topics like abortion, human rights and professional conduct. **It is the study of right and wrong in human endeavours.**

Ethics is two things.

**First, ethics refers to well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues.** Ethics, for example, refers to those standards that impose the reasonable obligations to refrain from rape, stealing, murder, assault, slander, and fraud.

**Secondly, ethics refers to the study and development of one's ethical standards.** As mentioned above, feelings, laws, and social norms can deviate from what is ethical.

## Differentiate Ethics and Moral

**Moral:** Individualized code of right and wrong. Morals indicate their practice. The first indicates a person's comprehension of morality and his capacity to put it into practice. **Moral in Latin word mores, which means "customs."**

**Ethics:** Standardized code of right and wrong .

□ Both define what is considered acceptable behavior for the individual or the group.

**Value:** is defined as the principles and ideals, which helps them in making the judgment of what is more important. A Value is something related to a particular culture that is known as culturally accepted norms.

### **Ethics Vs Law**

Ethics: Standards or codes of behavior expected of an individual by a group.

Law: System of rules that tell us what we can and cannot do

- Laws are enforced by a set of institutions
- Legal acts conform to the law
- Moral acts conform to what an individual believes is the right belief of right and wrong

### **Why Media Ethics?**

Journalism is a social practice. Various Media (Plural of Medium) of Mass communication – print, radio, TV, Cinema & interact, reach out to large no. of people. The word ‘\_mass’ usually has a negative class connotation or image – hence the frequent reference to the proverbial unwashed masses, ignorant uneducated, poor and common mass. Sourcing of information while presenting news report on gender crimes and natural disaster/calamities.

While reporting news, explaining facts analyzing information, historical, social journalists have to aware of their audience & accordingly to language and tone appropriate, proper & relevant. **Ethics is such an important area of concern because it views humans as ‘being inextricable from society and social interaction should be governed by mutual consideration and respect.** Journalism is concerned with promoting ethically based on decision making and behavior.

### **BRANCHES OF ETHICS:-**

Ethics is a branch of philosophy that attempts to help us understand which ways of life are worth following and which actions are right or wrong. The discipline of ethics has branches: normative ethics, meta-ethics, descriptive and applied ethics.

#### **a. Descriptive Ethics**

The category of descriptive ethics is the easiest to understand-it simply **involves describing how people behave and/or what sort of moral standards they claim to follow.** Descriptive

ethics will include research from fields of anthropology, psychology, sociology and history in order to determine what people do or have believed about moral forms. **Descriptive ethics, also known as comparative ethics, is the study of people's beliefs about morality.**

Descriptive ethics is sometimes referred to as Comparative ethics because so much activity can involve comparing ethical systems: comparing the ethics of the past to present, comparing the ethics of one society to another and comparing the ethics which people claim to follow with actual rules of conduct which do describe their actions. It simply involves describing how people behave and what sorts of moral standards they claim to follow.

**b. Meta Ethics**

**Meta ethics investigates where our ethical principles come from, and what they mean. (“meta” means above or about).** Are they merely social inventions? Do they involve more than expressions of our individual emotions? It is a philosophical study of the meaning, nature and methodology of moral judgments and terms, relations between various normative systems (e.g., morality, religion, law, custom, aesthetics, the requirements of carefulness, and the judgments of taste), etc. **Meta ethics searches for the origins or causes of right and wrong.**

For example, the question of the objectivity or subjective of moral judgments and the problem of the logical relation between moral beliefs and factual beliefs are not directly concerned with the content of any particular form of moral life, but with the general logical rules of any moral argument, whatever it advocates or condemns, must be. It doesn't ask or make judgment about what types of action are moral and immoral; rather, it asks questions like:

- Does morality depend on what we believe about it, or is it independent of our beliefs?
- Does morality depend on what God commands?

**c. Normative Ethics**

Takes on the task of arriving at moral standards that regulate right and wrong conduct. **This may involve articulating the good habits that we should acquire, the duties that we should follow, or the consequences of our behavior on others.** Normative ethics is the branch of ethics that asks general questions about the morality of behavior.

Normative ethics is concerned with classifying actions as right and wrong without bias and that tries to answer general questions about how we should behave, how we ought to act. In this area of ethics, you'll find claims like the following:

- If doing x will benefit someone without harming anyone else, then it is morally right for you to do x.

Other Normative ethical theories are:

Deontological Ethics

- Certain actions are right or wrong in themselves (intrinsically right / wrong)

regardless of the consequences.

- It looks at the intention of the person performing the act.
- Acts are intrinsically right or wrong because of some absolute law, perhaps laid down by God, or because of a duty or obligation

**Deontological Example• A father steals food in order to feed his starving family.• How would a deontological thinker justify this action?• Natural Law**

**Deontology comes from Greek 'deontos' which means duty, obligation, and 'logos' which stands for knowledge, science. Deontology is the science that studies the moral obligations, its nature and its origins.**

Jeremy Bentham was the first who used the term 'deontology' in his writing 'Deontology or Science of Morality' published in 1834. But, the founder of this branch is considered Immanuel Kant, German philosopher, one of the greatest thinkers from the Age of Enlightenment.

**The morality of human actions is independent from feelings or the heart desires.** Feelings and actions caused by natural instincts can't be the foundation of moral actions, because these can't obey the mind. He says that the value of our actions can't be measured by the obtained results or by their consequences, because these things might be very different from what the mind had initially anticipated. **Duty is a commandment that must be respected in any empiric circumstances.**

#### □ **Teleological Ethics**

Teleological ethics was founded on the basis of Utilitarianism Ideology. The doctrine of Utilitarianism considers the consequences of that action as the main criteria for an action, therefore, if an action brings satisfactory results than the action is moral. Jeremy Bentham (1748-1832) was a British philosopher, jurist and social reformer. He classifies an action (as being good or wrong) after its benefit. The greatest goal is to achieve the greatest happiness for as many people as possible. He sustained that all human beings are motivated only by the desire of obtaining pleasure and avoiding pain.

**Teleology or consequentialism is referred to as results-oriented ethics.** It focuses on the purpose of each action and whether there is an intention or meaning for the action. It deals with the consequences of an action. It involves examining past experiences in order to figure out the results of present actions.

An example of which is utilitarianism which is also referred to as the greatest happiness principle. It measures how much overall pleasure can be derived from a certain action and how much pain is averted.

Concerned with the END or CONSEQUENCES of an action to decide if it is right or wrong. It is also called CONSEQUENTIALISM

- =Telos‘ = end, goal, purpose in Greek.
- If the consequence of my action is pain and suffering, then the action is .....
- If the consequence of my action is happiness and love, then the action is .....

**Teleological Example**• A father steals food in order to feed his starving family. • **How would a teleological thinker justify this action?**• **Utilitarianism**• **Situation Ethics**

#### d. Applied Ethics

**Applied ethics is the branch of ethics that asks relatively concrete questions about the morality of specific actions and policies. It involves examining specific controversial issues, such as abortion, infanticide, animal rights, environmental concerns, homosexuality, capital punishment, or nuclear war.** By using the conceptual tools of Meta ethics and Normative ethics, discussions in applied ethics try to resolve these controversial issues.

For example, the issue of abortion is an applied ethical topic since it involves a specific type of controversial behavior. But it also depends on more general normative principles, such as the right of self-rule and the right to life, which are litmus tests for determining the morality of that procedure. The issue also rests on metaethical issues such as, -where do rights come from?! and

-what kinds of beings have rights?! These are claims about what sort of behavior is morally permissible in general. They are also rules you can use to help you decide what the right thing to do is in any given situation.

The following branches focus on various issues of applied ethics:

- **Medical ethics** (euthanasia, abortion, human cloning, genetic engineering, fair distribution of prescription drugs and medical treatment etc. For example, it’s wrong for doctors to deceive their patients; passive euthanasia is sometimes permissible)
- **Business ethics** (corporate responsibility; rights and obligations of employees; diversity and discrimination etc. For example, lying and deception is permissible in business contexts)
- **Legal ethics** (responsibilities of individuals working in the criminal justice system)
- **Environmental ethics** (it’s morally wrong to exterminate rare species of animals and plants; raising animals in factory farms is morally wrong)

#### ETHICAL PHILOSOPHIES

A person’s philosophical orientation can also determine how he/she acts in a specific situation.

Philosophers say – 3 basic values orientations are:

1. Absolutist ethics
2. Antinomian or existentialist
3. Situation ethics

**1. Absolutist Ethics:**

- Holds that there is a fixed set of principles or laws, from which there should be no deviation.
- They believe every decision is either —wrong regardless of consequence.
- For them if it is wrong to live, it always is wrong to live.
- If murder asks victim is in absolutist could not live to save a life.
- If action right, does not matter whether afraid in killed. Some consequence irrelevant.
- Absolutist concerned only with event in news worthy.
- If interesting, finely, significant it is he reported, regardless of consequence.
- It is attractive to journalist need full disclosure.
- They believe, publishing, without fear of one's group's interest in highest ethical principle.

**2. Antinomian or Existentialist ethics:**

- Rejects all rules and in effect all ethics.
- Means against law.
- Choices one made without a prescribed value system.
- Decide on basis of intermediate rational choice.
- Journalist not concerned with motives or consequences.
- One some occasions would not be bothered by doing it.
- To them every situation is different.
- Not preparation is required.
  
- Some journalist feels antiethical to this up bringing with responsible press.
  
- Principle that press has responsibility to reader implies concern from consequence that antinomian do that have.

**3. Situation Ethics:**

- Between two extremes of antinomian & absolutism lie on philosophy (i.e) Situation Ethics.
- Their decisions are based on what would cause the least harm or most good.
- Situationist knows, understands & accepts the ethical maxims of community and his heritage & weighs them carefully before making a decision. E.g. situationist most likely believe their lying is unethical if murderer asks where his intended victim is a situationist would lie to save a life.
- They would do what is best for people charge no. of people.
- Unlike absolutist, the situationist is always concerned with human consequences.
- Making an ethical decision is often not an easy matter for situationist.

- What is clearly unethical is not to decide not to decide is to make decisions.

#### **4. PRINCIPLES OF MEDIA ETHICS**

##### **Ten ethical principles**

1. Define a set of values
2. Tell the truth
3. Respect Human dignity
4. Recognize the complexity of human nature
5. Be distrustful of unchecked power
6. Foster a diversity of views
7. Challenge “group think”
8. Take time to listen and to think.
9. Encourage criticism and self-examination
10. Correct Mistakes

##### **ETHICAL DILEMMAS:**

Ethical problems tend to come in following categories

- Payola
- Plagiarism
- Conflict of interest
- Withholding information
- Deceit
- Invasion of privacy

##### **1. Payola:**

- The term is used when money or gifts are given expectation of favorable coverage from journalist.
- ❖ News business
- ❖ Pernicious practice of accepting envelopes containing gift coupons by press reporters in India at press conferences. It is called as envelope journalists. This diminishes self esteem of journalist and credibility of press. Encourage envelope journalism by paying journalist wages (i.e.) forced to be final creatively unethical means to augment their salary.
- ❖ Cheque book journalism- The reporters are hired or they sell the story for highest bidding.
- ❖ As it happens in case of veerapan smuggler. Tamil periodical claimed that it had hined



reporter to cover their story but the reporter denied. But he sold the story to English fortnightly (it became an issue)

❖ Complaints were made to PCI but PCI (Press council of India) dismissed the complaints. Truth never came out.

❖ Sports promoters, attracts reporters from around the country to their events. Reporters justify trips (airline inaugurating flights of 10 invite media representative to take 1<sup>st</sup> flight free in seek favorable coverage in travel. Premiere show, interview , and parties with stars – often to pay all expensive of reporters

## **2) Plagiarism**

- Taking another's words and representing them as their own
- Passing off writings or ideas of another one's own without crediting the source
- It is not only unethical it is illegal. Event is news story cannot be copyrighted. Journalist can rewrite article without violating the law.
- A survey was conducted by ethics committee of American society of newspapers. Editors in USA in 1986 on 235 editors (1 out of 6) / encountered plagiarism in last 3 years in newspapers.

Plagiarism may be in the following:

- Taking materials from your own newspapers it is someone's work. Putting materials in your own words.
- Using materials from other publication (electronic data available )
- Using material verbatim from news agency ( forming news lines from news agency reports)
- Using news release verbatim
- Using work of fellow reporters
- Using old stories over again ( readers reading recycled materials )

## **3) Conflict of interest:**

- Closely related to payola
- Reporter receives material benefit but in conflict of interest the benefits are intangible.
- Conflict involves material benefits.
- (1)E.g. can a member of either congress or B.J.P. party cover the political beat?
- (2) Many newspaper do not permit the editorial employees to make editorial decision about people they are related to by blood or marriage.

## **5. Withholding information:**

- Reporters & editors make decisions about withholding information.
- Reporters take most of decision based on the criteria of news value.
- News is finely, interesting & important.

- Withholding the name of rape victims. Use of pictures carefully because it is powerful.
- Picture of body- picture of faces of dead people if they are not local(accepted by readers)

## 6. **Deceit ( dishonesty /cheating):**

- Ethical questions involve reporting techniques that might deceive readers source or those under investigation
- Make them believe that the story is accurate and fair
- Picking up quotes for newspaper clippings and recycling it, if it is finely present in right context.
- Use of words to color the story such as –claim| for –says| –demands| for –asks|

## 7. **Invasion of privacy:**

Public generally feel that journalists often simply run over people's private life. Invasion of privacy is violation of people's right to be left alone. A reporter may be under invasion of privacy suit under following circumstances:

- Reporter physically intrude into private area to get the story/ picture
- Reporter publishes the story or photograph about someone that is false but not defamatory.
- Right to privacy is in right to life and liberty guaranteed to the citizen of this country by article 21
- A citizen has right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, childbearing and education.

## **ETHICAL COMMUNICATION**

Understanding can best be achieved by examining any ethical situation from the perspective of the following communication process:

–Moral agent| (communicators) with particular motive commits an act either verbal or non-verbal with specific context directed at a particular individual or audience usually with some consequence.

<b>Moral agent</b>	<b>Motive – Act – Verbal/ Non- verbal – specific context –individual /audience - consequence</b>
--------------------	--

- **Moral agent:** who makes ethical judgments, regardless acting on their own violation. All communicators become moral agents when they confront the ethical dilemmas of their professions and must bear full responsibility of their action. Understanding role of moral agent is essential because ethical standards often vary according to social norms. For eg, most reporters and editors because of their roles as agents for the public, could not in good conscience become politically active because to do so would compromise their independence
- Ethical decisions are always made within **specific context**, which includes political, social,

cultural climate. Although context does not necessarily determine the outcome of an ethical judgement, it exerts an influence that cannot be ignored .

- Examine the **motives** of moral agent, because good motives can sometime be used to justify what appears to be an unethical act. E.g., reporters may be deception to uncover governmental corruption, a journalistic techniques most of willing to tolerate in the name of public good.
- The **act** is behavioral component of communication process. It draws our attention to the action of others and may lead us to describe their actions as either ethical or unethical. Thus act may be verbal when a reporter lies to a news source, or non-verbal as when advertiser omits product information vital to inform the customer choice.
- An ethical situation should also be evaluated in terms of moral agent's relationship **to individual or audience**. Most directly they are affected by ethical judgement. E.g., a magazine that appeals to a sophisticated audience might feel comfortable including a quote containing offensive language, where as a local community newspaper might sanitize such a quote.
- Ethical judgement produce **consequence** either positive or negative- for both moral agent and others who may touch ad by agents actions sometimes these consequence are instantaneous and unambiguous as when a newspaper reader complain about a graphic photo of charred bodies on the papers front page. Moral agents could know the consequence in advance and act accordingly to these consequence are either unanticipated or diverge from exception of moral agents.

### **Formation of ethical values & attitudes:**

By what factor influence our moral development – answer to this question lies understanding of how ethical values & attitudes are formed.

### **DEFINING VALUES & ATTITUDES:**

Autonomy, justice & dignity of human life are examples of values that are important to large segments of society.

- Objectivity & fairness values – practice of journalism
- Trust, integrity & honesty are cherished values for any ethical public relations practitioners.
- Values are building blocks of attitudes (i.e) -learned emotional intellectual & behavioral responses to persons, things & events.
- Contrarily, attitudes of those who believe in a 'right to live with dignity' are based on such underlying values as individual autonomy & right to quality of life.
- Greeks recognized importance of attitudes, many writer think, three components – the affective, the cognitive & behavioral.
- Affective component of an attitude is emotional side of our beliefs about situations. It

consists of our positive or negative feelings towards people or events.

➤ Cognitive components are intellectual side of an attitude. It consists of what moral agent believes, knows, or reason about the person, thing or event.

➤ Behavioral component of an attitude relates to the individual pre – disposition to respond.

➤ When we speak of ethical conduct or behavior we are referring to moral action reflecting the affection (emotional) & cognitive (rational) components of moral agents attitude about situations.

➤ Either of these dominates the situation but true moral learning taken into both feeling & beliefs.

➤ Editor publishes rape victims name is never easy one – many paper against to it – emotional attitude create compassion & sympathy on victims.

### **SOURCES OF VALUES & ATTITUDE:**

Four influential sources directly affect our function of values & attitudes are

1. Family
2. Peer group
3. Role model
4. Societal institutions

Extend to which each of these is responsible for our moral behavior depends on unique circumstances of each individual.

□ **Parents:** provide first & important behavioral model for children. They are primarily influence in instilling a conscience, a sense of right & wrong. Some values & attitude are learned by a child through instruction & discipline, but others are acquired through imitating or modeling, parental behavior. **Eg.** Parents who blame on others for their short comings & difficulties implant in their children, the misguided belief that we are not responsible for our own actions.

➤ Mother writes letter an excuse to teacher saying –Johnny was sick yesterday|sends to Johnny lying is permissible.

➤ Child always sees the behavior of parents that sends a message & it is socially acceptable in certain situation.

➤ At this stage child generally accepts certain ideas advanced by their parents but as incapable of time moral reasoning.

□ **Peer groups:**

Important influence is moral development especially any one adolescence.

➤ Significant peer group encountered in neighborhood, schools, churches & working

environment.

➤ Some group memberships, such as participation in religious organization can reinforce an individual's value system.

□ **Role models:**

➤ Individual who we admire respect & wish to emulate.

➤ They reach righteousness or wickedness (drug dealer rich as youth admire)

➤ Children & adolescence become psychologically involved with role model & assumes these ideas, attitudes & conducts.

➤ Sometimes role models are ordinary people who exert a subtle influence on those with whom they come in contact.

□ **Societal institutions:** Family, peer groups & role models all exert powerful & demonstrable influences on our sense of ethics.

➤ Institutions have a profound impact on their own members and set the ethical tone for their conduct.

➤ Within each organization there is a moral culture, reflected both in written policies & the examples set by top management that inspires the ethical behavior of its members.

➤ Institutions also have a profound influence on the ethical values & attitudes of societal members because of the pivotal role they play in the dynamics of any culture.

## **Ethics and Society**

### Importance of Ethics in Society

- Various steps for ethics to improve society as a whole through laws and regulation
- Ethics guides us like a map
- Help to become a better human being
- Ethics is about feeling for others
- Ethical Values create integrity
- Guides people act properly in varied situations
- Ethics can cultivate strong teamwork and productivity in workplace
- Helps to avoid conflicts
- Personal enrichment and growth depend on the ability to redefine ethical values



**SATHYABAMA**

INSTITUTE OF SCIENCE AND TECHNOLOGY  
(DEEMED TO BE UNIVERSITY)

Accredited "A" Grade by NAAC | 12B Status by UGC | Approved by AICTE

[www.sathyabama.ac.in](http://www.sathyabama.ac.in)

**SCHOOL OF SCIENCE AND HUMANITIES**  
**DEPARTMENT OF VISUAL COMMUNICATION**

**UNIT – II – Media Law and Ethics – SVCA1502**

## **II. MEDIA LAW AND ETHICS**

### **1. INDIAN CONSTITUTION:**

The Indian Constitution, the longest of any sovereign nation in the world, provides a comprehensive framework to guide and govern the country, keeping in view her social, cultural and religious diversity. A distinctive document with many extraordinary features, the Constitution of India is the longest written constitution of any sovereign nation in the world. The original text of the Constitution contained 395 articles in 22 parts and eight schedules. It came into effect on January 26, 1950, the day that India celebrates each year as the Republic Day. The number of articles has since increased to 448 due to 100 amendments.

The Constitution was framed by the Constituent Assembly of India, established by the members of the provincial assemblies elected by the people of India. Dr BR Ambedkar, the chairman of its Drafting Committee, is considered the chief architect of the Indian Constitution which provides a comprehensive and dynamic framework.

The preamble to the Constitution declares India to be a Sovereign Socialist Secular Democratic Republic and a welfare state committed to secure justice, liberty and equality for the people and for promoting fraternity, dignity of the individual and unity and integrity of the nation.

### **2. FUNDAMENTAL RIGHTS AND DUTIES:**

Fundamental rights and duties are the basic rights of an Indian Citizen in the Indian Constitution. These fundamental duties and rights apply to all the citizens of the country irrespective of their religion, gender, caste, race, etc. Part III of the Indian constitution contains the list of fundamental rights.

The Constitution vests many fundamental rights in citizens. These are

- (i) Right to Equality,
- (ii) Right to Freedom
- (iii) Right against Exploitation
- (iv) Right to Freedom of Religion
- (v) Cultural and Educational Rights and
- (vi) Right to Constitutional Remedies.

These rights are justiciable and an individual can move the Supreme Court or the High Courts if there is an encroachment on any of these rights. However, Fundamental Rights in India are not absolute. Reasonable restrictions can be imposed. By 42nd Amendment in 1976, fundamental duties were added in the Constitution to remind people that while enjoying their rights as citizens, they should perform their duties for rights and duties are correlative.

#### **1. Articles 14-18: Right to Equality**

These articles talk about equal rights for all the citizens of the country irrespective of their caste, class, creed, gender, place of birth, or race. It says that there shall be equal opportunities with regard to employment and other aspects.

These articles also work towards the abolition of orthodox practices that have been taking place in the country like, untouchability, etc.

## **2. Articles 19-22: Right to Freedom**

This is one of the most vital rights in the country whose foundation is based on Democracy. The constitution of India says that the citizens of the country have freedom in various regards. The freedom rights in the Indian Constitution include freedoms of -:

1. Expression
2. Speech
3. Assembly without arms
4. Association
5. Practicing any profession
6. Residing in any part of the Country

However, these rights are subjective. This further implies that the state has the right to impose restrictions on these rights depending upon the situation.

## **3. Articles 23-24: Right against Exploitation**

These articles talk about the exploitation of humans and their rights. It prohibits any activities that encourage child labor, human trafficking, and other forms of forced labor. This article also prevents the state from imposing any compulsory service for public purposes.

Also, while making such compulsions, the state shall not discriminate against anyone on the basis of caste, creed, gender, etc.

## **4. Articles 25-28: Right to Freedom of Religion**

India, being a secular country, consists of people from varied religions and faiths and therefore, it becomes of utmost importance that we and the constitution of Indian support freedom of religion. Under these articles, the state can be prevented from making the laws that

1. Might be associated with a specific religious practice.
2. Opening Hindu religious institutions of a public character.

## **5. Articles 29-30: Cultural and Educational Rights**

These are the articles that work towards protecting the rights of cultural, religious, and linguistic minorities by aiding them to preserve their heritage and culture. The state is supposed to have no official religion.

These articles grant all the citizens of the country the right to worship any religion of their choice. Under these articles, the state does not hold the right to discriminate against any educational institution on the basis of it being a minority-run institution.



## **6. Articles 30-35: Right to Constitutional Remedies**

These articles bind all the previously mentioned as this right makes sure that all the other fundamental rights are not being violated in any case. If any citizen of the country feels that their rights are being violated, they have the right to approach the court and demand justice.

Under these articles, the supreme court also holds the power of issuing writs against activity that it might find unsuitable.

### **Fundamental Duties:**

Fundamental duties are the ones that are recognized as moral obligations the citizens are expected to perform. The article 51A under Part IVA of the constitution of India speaks of the fundamental duties.

#### **3. Defamation:**

Defamation, in law, attacking another's reputation by a false publication (communication to a third party) tending to bring the person into disrepute. The concept is an elusive one and is limited in its varieties only by human inventiveness.

Defamation has been defined under Section 499 of the Indian Penal Code (IPC) as *whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person is said to defame that person.*

Libel and slander are the legal subcategories of defamation. Generally speaking, libel is defamation in written words, pictures, or any other visual symbols in a print or electronic (online or Internet-based) medium. Slander is spoken defamation.

Usually, liability for a defamation falls on everyone involved in its publication whose participation relates to content. Thus, editors, managers, and even owners are responsible for libelous publications by their newspapers.

#### **4. Contempt of Court:**

Contempt is nothing but lowering down prestige of the court. The objective of the contempt of court is basically to maintain the essence of respect towards court. Contempt is defined under section 2 of the contempt of courts Act 1971. The meaning of contempt is willful disobedience to or open disrespect of a court or judge. Contempt means lack of respect or reverence for something.

### **Types of Contempt**

- Civil
- Criminal

Civil contempt means willful disobedience to any judgement, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a court.

Criminal Contempt means the publication (whether by words, spoken, written or by signs or by visible representations, or otherwise) of any matter or doing of any other act whatsoever which scandalizes, prejudices or interferes the administration of justice in any other manner.

- Exception to contempt
- Innocent Publications
- Fair Comments/ Criticism

**PUNISHMENT:**

Simple imprisonment upto six months and or fine. Where the contempt of court is committed by a company each person responsible for running that company will be liable for punishment.

**EXEMPTION:**

If the accused apologizes to the satisfaction of the court, the person may be discharged or punishment may be remitted

**5. SEDITION I**

Section 124 of IPC defines sedition as an act that brings or attempts to bring into hatred or contempt either by words spoken or written or by sign or otherwise.

Sedition as per Section 124-A of the Indian Penal Code (IPC) reads as, “whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law in [India], shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”

• **Importance of Sedition Law**

- To maintain national integrity and security
- To create a sense of fear among the anti-national groups.
- To maintain public order
- Balance freedom of expression with the collective national interest.
- To prevent damage to the public property from mobs.

• **Drawbacks of Sedition Law**

- It is often used as a tool to oppress the voice of dissent.
- Party in power uses this as a weapon to curb criticism of the government.
- Sometimes it neglects the fundamental rights given by the constitution.
- Misguided individuals are wrongly termed as Antinational, even if they are just anti-government.
- To target certain minority groups to prove their nationalism.

- Its definition is very broader.

## 6. Obscenity and Blasphemy in the Indian Context

Blasphemy is an attack on God, obscenity is an attack on moral values and sedition is an attack on the state. All three are called criminal libels, which mean that cases are taken through the criminal court system.

Blasphemy If you say things about religion in such a manner that people become so angry they break the law, then you could be prosecuted for blasphemy. Blasphemy used to be dangerous because it could - and did - lead to civil strife and threatened the stability of the state. Such a reaction is less likely in modern democratic countries. Words would only be blasphemous today if they were used in such a strong way that they were likely to shock or outrage the feelings of most Christians/Muslims/Hindus in a community.

Blasphemy was a very serious crime, and many people were executed for saying things critical of the state religion. However, over the centuries the situation has changed. Today under common law, the prosecution of anyone for blasphemy depends more on how a thing is said rather than on what is said.

Taslima Nasreen's book, *Lajja*, was banned after a four over its contents which were said to hurt Muslim sentiments. Earlier, in 1989, India was among the first countries to ban the sale of Salman Rushdie's *Satanic Verses*, after Iran's Ayatullah Ruhollah Khomeini issued ufatwa (directive) ordering Muslims to kill Rushdie.

## 7. Obscenity

Societies have always had problems defining obscenity. Although it is defined as anything which offends people's decency or modesty, obscenity is usually limited to sex or what people might regard as foul language. The problem is that material which offends some people (such as a photograph of the sex act) does not offend others. And material which is acceptable in one situation (such as a picture of the sex act in a medical textbook) is not acceptable elsewhere (such as the same picture in a family newspaper).

**Definition:** According to the law in India, anything that is lascivious or appeals to the prurient interest or if its effect is to deprave and corrupt persons would be considered to be obscene'.

### Explanations: →

Lascivious: is something that tends to excite lust.

→ Appeals to: in this context, means —arouses interest.

→ Prurient interest: is characterized by lustful thoughts.

→ Effect: means to produce or cause some change or event.

→ Tend to deprave and corrupt: in the context of this section means —to lead someone to become morally bad. Any work that depicts or describes sexual conduct in a patently offensive way.

Legally, the term obscenity is referred to indecent expressions, such as words, images and actions. Exhibition of an indecent act that leads to general. Corruption of morals amounts to violation of Indian law. For example, when the famous painter, M.F.Hussain painted Goddess Saraswati nude, there was considerable public outrage and anger directed at the artist. The paintings were considered obscene by many Hindus while others who viewed it from an artistic perspective saw nothing wrong with it.2006 dismiss case of bharath matha.

India has resorted to banning books, paintings, films, theatrical performances and television channels on grounds of obscenity and the need to maintain public decency. The I&B Ministry banned Sony's satellite channel AXN for two months in January 2007 for airing 'indecent content' in the form of a programme on the world's sexiest advertisements. in India, publishing or transmitting obscene information in electronic form is a serious, punishable offence. A person who is found guilty of this offence is likely to get a jail term for up to five years and a fine of maximum one lakh rupees.

### **8. Social Responsibility:**

Social responsibility is an ethical framework and suggests that an entity, be it an organization or individual, has an obligation to act for the benefit of society at large. Social responsibility is a duty every individual has to perform so as to maintain a balance between the economy and the ecosystems. The idea of social responsibility has developed as a counter point to libertarianism. Codes of ethics are encouraged as a self –regulating device to social responsibility.

Media has certain obligations to society:

- It must show truth, accuracy, objectivity, and balance.
- The media should be free but self regulated (codes of conduct, and ethics)
- The media ownership is a public trust. The journalist is accountable to his audience / readers.
- The media is pluralistic: diversity of society, various points of view, forum for ideas

### **9. PRESS COUNCIL OF INDIA AND CODES OF CONDUCT**

The press council was set up in November of 1966. In India the Press Council, is a statutory body. It consists of 28 members. Chairman nominated by the committee made up of the chairman of the Rajya Sabha, the Speaker of the Lok Sabha and the elected representative of the council members. Of the 28 members, 13 are nominated In accordance with the procedure prescribed from among working journalists. Of these 6 are editors of newspapers and 7 are working journalists. Another 6 represent the interests like those of the owners of big medium and small newspapers and of news agencies. The speaker of the Lok Sabha nominates 5 MPs.

There also 2 members from the Rajya Sabha. Representation is also provided to specialists in Law, Education, Literature, Science and Culture. The press council has powers of Civil Court and can therefore summon witnesses, inspect documents and receive evidence. It also has the power to admonish and censure any editor or journalists who flouts the standard of journalistic ethics or public taste. The PCI was established to preserve the freedom of the press and to maintain and improve the standards of newspapers and news agencies in India. The PCI helps

newspapers and news agencies maintain their independence while having a general code of conduct for journalists. The aim of the code is to ensure high professional standards and foster a sense of the rights and responsibilities of journalists as well as ordinary citizens. The PCI has, over the years, framed a code of ethics for journalists and governs their conduct.



**SATHYABAMA**

INSTITUTE OF SCIENCE AND TECHNOLOGY  
(DEEMED TO BE UNIVERSITY)

Accredited "A" Grade by NAAC | 12B Status by UGC | Approved by AICTE

[www.sathyabama.ac.in](http://www.sathyabama.ac.in)

**SCHOOL OF SCIENCE AND HUMANITIES**

**DEPARTMENT OF VISUAL COMMUNICATION**

**UNIT – III – Media Law and Ethics – SVCA1502**

### **III. MEDIA & ETHICAL CHALLENGES**

#### **TRUTH AND OBJECTIVITY IN JOURNALISM**

Good decision-making depends on people having reliable, accurate facts put in a meaningful context.

- Journalism, they continue, thus seeks “a practical and functional form of truth.”
- This “journalistic truth” is a process that begins with the professional discipline of assembling and verifying facts.
- Then journalists try to convey a fair and reliable account of their meaning, subject to further investigation.
- As citizens encounter an ever-greater flow of data, they have more need – not less – for suppliers of information dedicated to finding and verifying the news and putting it in context.

#### **OBJECTIVITY IN JOURNALISM**

Objectivity can be defined as a value-neutral projection of reality and therefore objective view of an event is equally important while constructing social reality.

Objectivity, according to Boyer consists of six elements:

- Balance and even-handedness in presenting different sides of an issue;
- Accuracy and realism of reporting;
- Presentation of all main relevant points;
- Separation of facts from opinion, but treating opinion as relevant;
- minimizing the influence of the writer’s own attitude, opinion or involvement; Avoiding slant, rancour or devious purpose (Boyer, 1981, 58(1): P-24-28)

In order to be objective, newspapers implement various practices to prevent manipulation of information by giving by-lines, credit line to the sources, by writing explicit interpretive stories. Nevertheless, objectivity is a virtue in the profession and therefore in public accountability, journalists will not deviate from it. Because in the profession of journalism, some newspaper may deviate from it while other newspaper may represent reality as it is. Ryan commented that objective journalists are accountable to their audiences, to the highest ethical and professional standards of objective journalism, and, finally, to their employers. They never assume that employers, not themselves, bear the ultimate responsibility for their behavior (Ryan, 2007: P-3-22).

Reporters face a range of ethical issues on a regular basis. Those issues include the following:

- ***Truthfulness.*** Journalists need to make a commitment to telling the truth. This includes not giving false or made-up reports, and telling truthful stories that are not intended to deceive the audience. Truthfulness requires a commitment not only from the journalist but also from the organization he or she works for.
- ***Conflicts of interest.*** The interests of a corporation that owns a news organization may sometimes be at odds with the nature of the news being reported. Journalists need to be careful not only to portray their parent company in an accurate light but also to give no special favors to companies connected to the organization's parent company.
- ***Sensationalism.*** News organizations sometimes emphasize news that is interesting but unimportant. This happens when reporters put more effort into attracting and pleasing an audience than into reporting on the critical issues of the day.
- ***Authenticity and appropriateness of photographs.*** Photos can be among the most controversial media materials, both because of their disturbing content and because they can be altered with digital editing tools.

### **CONCENTRATION OF MEDIA OWNERSHIP:**

Media Ownership Individuals and groups possessing and exercising relatively unencumbered rights to distribute messages through the media can influence large audiences and thereby help shape societal development; conversely, people prevented from so participating are muted and may be politically ineffectual.

Two important and interrelated factors help determine conditions of access to the media: the pattern of ownership, which shapes incentives for media use; and the bundle of rights accompanying ownership, which can modify, or even eliminate, restrictions that could otherwise inhere in ownership. The bundle of rights and duties is primarily an outcome of law, but also may be influenced by traditions and ethical precepts adhered to by the owners.

The pattern of media ownership has 4 major constituents: owner characteristics, concentration of control, cross-ownership and vertical integration.

- **Owner Characteristics** Owners may be distinguished by the sector in which they reside: government, private or cooperative. Within each sector additional distinctions can be made. For example, government comprises 3 levels, each of which can, in principle, have media holdings. Moreover, managers of government-owned media can have varying degrees of independence from their proprietors, depending on the goals set for the media.
- **Concentration of Control** Concentration refers to the number and size of competing outlets within a market or audience grouping, eg, newspapers in a community. Concentration indicates the degree of monopoly power enjoyed by the media owner(s)



and hence the owners' power in determining conditions of access within the relevant market. The "marketplace of ideas" is premised on notions of equitable access to the media by all segments of society.

- Cross-ownership refers to common control over different media genres (eg, print, film, electronic). It indicates the extent to which intermedia competition thrives or is restricted.
- Vertical integration is the extent to which media owners create, select or otherwise determine messages. It exemplifies the interrelationship between media ownership and the variable bundle of rights and duties accompanying ownership. The telephone industry, for instance, historically has been proscribed by law from tampering with the messages transmitted, and only recently have telephone companies been permitted to engage in industries originating content. In addition to ownership concentration of the mass media industry, content provision, packaging and distribution have also „become a standardized production and marketing process in which the messages communicated are constrained and directed in both quantity and quality to meet the economic imperatives of that process. When the control of the flow of information, knowledge, values and images is concentrated in the hands of those who share the power of the dominant class, the ruling class will establish what is circulated through the mass media in order to reproduce the structure of class inequalities from which they benefit.

**Media Conglomerates.** A conglomerate has a lot of money to put into film production.

- Film Studios
- TV Stations
- Record Labels Magazines
- Newspapers: Books, Internet platforms
- Media Ownership Two or more types of media coming together.
- Media convergence Different elements of a company working together to promote related products. - Synergy.
- The process by which an increasingly smaller number of companies own most media outlets. - Concentration of Media ownership.
- A company which produces two or more types of media - Cross Media Ownership.
- A large parent company which owns a range of smaller companies - Conglomerate
- Smaller companies owned by a parent company - Subsidiary
- When the market is dominated by a small number of companies – Oligopoly

**Types of Ownership:** There are four major types of ownership of mass media. Chain, cross media, conglomerate and vertical integration.

- **Chain ownership** means the same media company owns numerous outlets in a single medium, a chain of newspaper, a series of radio stations, a string of television stations or several book publishing companies. Chain ownership in India applies mostly to newspapers. There are many publishing groups in India which fall into this category such as the group headed by the Times of India, Hindustan Times, Indian Express, Statesman, Ananda bazar Patrika, Hindu, Telegraph and living media foundations.
- **Cross media ownership** is when the same company owns several along with newspaper, magazines, musical labels, and publishers and so on. cross-media ownership across the various carriers such as television, radio or print; consolidation, including vertical integration among media operations of content, carrier and distributor within a media segment such as television or radio; and market share dominance in a given geography within each media segment.
- **Conglomerate ownership** means the ownership of several business one of which a media business. For example, when a publishing company owns a newspaper along with chemical, fertilizer, cement rubber or plastics factories, or a liquor brewery or distillery or a major corporation has controlling shares in a number of media related business, the pattern is conglomerate. In a conglomerate, there will be interlocking of directorships, which means the same persons will be director of a media company as well as of manufacturing industries or financial corporations.

In fact several transport or lorry company directors are directing the destiny of newspaper, television or film production companies. Their main business will be a high profit industry, but they run a media company for prestige or to exercise social and political influence on decision makers in the private or public sector and in the government of the day. They own newspapers, magazines, radio, cable TV and television channels, to name their key businesses.

- **Vertical integration** indicates that a media company monopolizes the production of the ingredients that go into the making of media products. For example a newspaper publisher may own several hundred areas of forests where the major components of a newspaper namely wood for newsprints cultivated. Some other newspaper company may own a factory that produces the bulk of the printing ink or processed used in the industry.

Certain film companies may own studios or industrial units producing film stocks or even a chain of theatres where the films are exhibited. If the present trend of cross media, conglomerate and vertical integration ownership continues, monopolization will result which will ultimately lead to the phenomenon of suppression not only of media freedom but also of the unbiased presentation of various points of view. Most media companies in India and abroad are integrating vertically to sell cross-media, often acquiring or building multimedia platforms. News Corp's Star TV India and Sun TV Network Ltd already own DTH and cable distribution

platforms. Stars cross-media India operations include television channels, Internet offerings, radio, mobile entertainment and home video (incidentally, 11 cable distribution companies provide some 400 television channels in India). Sun Network has 14 TV channels in four states, cable assets, four magazines, radio stations and two newspapers. In Tamil Nadu, the dominance of Sun in cable and satellite TV (channels and distribution network) and now in the DTH market is quite visible. Sun TV and its cable company are known to simply blackout political telecasts by rival Jaya TV.

### **Advertising and Social issues:**

The causes and effects of advertising show that they are inextricably linked to key social issues. The issues which often contain important ethical dimensions are gender, ethnicity, health and environment.

### **Women:**

Across the globe, many advertisements in the past frequently depicted women as home-bound, helpless and brainless. Commodities like cleaning product, domestic appliances and food products were aimed at housewives and shown as capable of providing satisfaction and delight to consumers. Feminists objected to the stereotypical portrayal of women as happy home-makers who were less competent than men. The activities of feminist groups created awareness among the public and gender equality became a significant social issue.

Advertising, in seeking to reflect social trends, had to adapt to the changing environment. Feminists tried to demonstrate that women were independent, capable, intelligent and free-thinking individuals. However, despite these changes in social attitudes, there is still considerable evidence of gender stereotyping in advertising. For example, 'women are locked in a constant battle with their weight/body shape/hairstyle...have jobs they never do in real life (like dock work)... chocolate will cause women to immediately fall into the languor of the opium eater'.

In Indian advertising today, Strands of gender prejudices are still apparent, Dowry, fairness and beauty, for example, are still the subject of some advertising campaigns. For instance, the advertisements of the Fair & Lovely cosmetic cream, manufactured by Hindustan Unilever, have attracted criticism from social activists for indirectly promoting racism as they seem to encourage users to believe in the desirability of fair skin. The manufacturer, of course, argues that the cream is nothing but an 'aspirational product'.

The advertising industry has continuously demonstrated that it is enamored of the notion that sex sells. Sex has been linked to all commodities including household appliances, soft drinks and food. Most commonly, sexual imagery is used in advertisements for alcohol, cars, perfumes, and clothing. Sex in advertising includes nudity (partially or fully) that is obvious as well as sexual overtones. One explanation for this is that the acquisition of assets-money, power, property and prestige-has, throughout the history of mankind, been a method of flaunting male virility. The capacity to acquire many assets is intended to imply this quantity. Therefore,

associating a certain product with sex, appeals to one of the most basic principles that govern the behavior of humanity, namely, survival.

Opinions about sexually explicit advertisements are divided. There are some who believe that nudity and other gratuitous allusions to sex are obscene. There are other who feel sex sells and, sometimes, sells rather well. Media codes also warn against obscene content, but as we have seen, the precise nature of obscenity is often difficult to define.

### **Men:**

Stereotypical male character and male-dominated ideologies are also present in advertising. Although male stereotypes are not generally oppressive towards men, they can still have a serious and tangible impact on society as a whole. Stereotyping portrays men as being impressed by macho behavior, inclined to emulate strong hero types, an often, lazy. Men's interests are stereotypically women, beer, gadgets and sports. In India, there is a tendency to glamorize commodities aimed at men—cars, motorcycles, soft drinks, mobile phones, music and liquor—by associating the product with sporting activities, stunt and sexual innuendoes. An advertisement for Thumps Up depicted a man bungee-jumping off a bridge into a river to catch a bottle of the fizzy drink. It was reported that a person was killed while emulating the stunt though it was not confirmed if the person had been influenced by the advertisement. In a Pepsi advertisement, a popular actor drives recklessly through narrow streets, trying to save a bottle of the soft drink but ends up in the hospital after crashing into a wall.

Advertisements which feature dangerous sports or professional stunts are required to carry clear warning. When such advertisements are broadcast on television or on the large screen, a disclaimer is usually placed at the end stating that professional actors & stuntmen feature in the advertisements & that their actions should not be copied. These words are, however, flashed across the screen rather quickly, barely giving the viewer time to read what has been written.

While in the past, women were sexually objectified in advertising, in recent times, men are also being increasingly depicted as sex objects. According to a survey conducted in 2002 by the University of Wisconsin, men felt insecure & suffered low self-esteem about their appearance as a consequence of such advertising campaigns.

### **Race & Ethnicity:**

Racial groups have been subjected to stereotyping in two ways in advertising: visibly & invisibly. In countries with strong ethnic's diversity like India & the US, there has been an unfortunate tendency to associate ethnic groups with certain behavioral patterns. The ASCI does not allow materials which deride race, caste, religion, language, ethnic, or regional affiliation & nationality. Although not all racial stereotyping is derogatory, race is still a very sensitive issue & the fact that ethnic groups should at all be stereotyped is soon as a bar to full social integration. Social segregation can lead, in extreme cases, to communal hatred &/or

violence. Any material that is likely to result in hatred &/or violence, or promotes intolerance is not permitted by the ASCI.

In invisible stereotyping, certain ethnic groups are underrepresented in advertising & this indirectly results in social segregation. Invisible stereotyping in advertising in ethnically diverse societies might be tantamount to false representation. Invisible stereotyping can perhaps be explained by the fact that ethnic or caste minority groups are often the underprivileged sections of society. Ethnic minorities are often undereducated, low-income groups. These demographic characteristics mean that the ethnic minorities are less likely to be targeted by consumerist advertisements which want to attract people who have high disposal incomes. Invisible stereotyping is an awkward area for advertising codes. It is possible to restrict & regulate the content of advertisements to guard against prejudice, offence & social segregation, but it is very difficult, & impracticable, to regulate non-content.

### **Health:**

Some of the earliest advertisements which appeared in newspapers were for medicines & remedies which made unlikely claims about relieving any manner of symptoms or complaints. The nature of these early ‘quack’ advertisements caused a certain cynicism among consumers & led to the passing of the Food & Drug Act, 1906 in the US to regulate the claims of producers of medicines. In India, a special law was enacted to control advertisements of medicines – the Drug & Magic Remedies (Objectionable Advertisements) Act, 1954. Advertising codes today place great emphasis on the need for honesty in advertising, which is also reflected in the provisions of the ASCI.

The need for truthfulness in the media has been considered & explained in some depth. It should be remembered that less-than-truthful advertisements not only damage the celebrity of the brand, but also that of the medium through which it is communicated. The media has a responsibility to ensure the honesty of its content & this extends to advertisements as well.

Health issues are a major concern of consumer’s rights groups. There are several aspects of advertising which have come under scrutiny for health reasons. The health implications of the commodity advertised, such as alcohol, cigarettes & junk food, & also the content or messages of the advertisements have been criticized from time to time.

### **Drinking:**

Campbell (2002) notes that the compelling statistics which demonstrates unequivocally the dangers of alcohol & tobacco consumption have made health campaigners more vocal. The figures for India & China – the two most populous countries accounting for roughly 40% of the world’s population – are higher & could be proportionately comparable to those for the US.

There is a debate about whether alcohol advertising actually promotes & increases consumption of alcohol. There are concerns that young people are particularly influenced by advertising & are often the target of alcohol advertisements. Countries, such as the UK, which have high rates of alcohol –related deaths & alcohol consumption among young people, have

codes which regulate the content of alcohol advertisements. Advertisements showing drinking as the ladder to sexual/social success are deemed highly inappropriate. Some feel that restrictions are insufficient & restrictions on advertising alcohol at particular times should be imposed. Advertisers, however, claim that advertising is an essential function of a competitive market & that its purpose is to aid the battle between rival brands & not to increase overall consumption.

Even as alcohol advertising continues, one of the ways in which its influence can be tempered is through counter –advertisements. An advertising campaign for the prevention of drunk-driving can demonstrate the potentially fatal consequence of irresponsible drinking. It is plausible that such advertisements might have equal influence as alcohol advertisements if they were equal in volume.

In India, liquor advertisements are banned. However, advertisers have got around this restriction by ‘surrogate’ advertisements. Surrogate liquor advertising typically involves displaying a brand which is most associated with alcohol in a party/night –time environment. At the end of the advertisements, usually in small text, products like ‘packaging drinking water’ or ‘cassettes & CD’s or even ‘playing cards’ are mentioned. This thinly veiled brand-building for liquor has recently been questioned by the Indian government. In march 2008, the I & B Ministry warned that surrogate advertisements would soon be banned & stricter monitoring of such advertisements would be implemented.

### **Tobacco:**

The dangers of smoking are well known. In India, it is estimated that 700,000 people die of smoking related disease every year. Tobacco advertisements have faced tighter restrictions over the last thirty years & in several countries all forms of tobacco advertising have been banned. In the UK, the Tobacco Advertising & Promotion Act, 2002 put an end to all forms of public marketing, including advertising, promotions & sponsoring by cigarette & tobacco companies. The act makes it an offence to produce or publish public advertisements for British citizens. The internet is a means to overcome bans in specific countries: a country’s law only extends to its citizenry & activities which take place within its bounds. In a ironical tragedy, the actor who played the iconographic Marlboro Man-a rugged cowboy used in advertisements for Marlboro cigarettes- David Mclean, died from lung Cancer.

In 2004, tobacco advertising & sponsorship was banned in India. However, after the ban was implemented, cigarette branding in Indian films increased threefold. The Burning Brain Society, an anti-smoking non-government organization, conducted a study which found that branded tobacco products occurred in 40% of the films made in India since 2004. The head of the Burning Brain Society commented that ‘Indian Films are being turned into blatant cigarette commercials’. In 2005, the government considered implementing a blanket ban on all ‘placement’ strategies, which would preclude showing any branded or generic tobacco products & smoking in films & TV serials.

Health Minister Anbumani Ramadoss sought to ban on-screen smoking by popular film stars but was not successful. He also faced considerable resistance to his proposal to make it mandatory for cigarettes, bidis & gutka manufacturers to print ghastly pictures of diseased lungs on the packets of their products. The tobacco lobby in India is powerful & influential. Tobacco cultivation provides a livelihood to thousands of farmers & sales of tobacco products generate substantial revenues for the union & state government.

### **Eating Disorders:**

Advertising has been criticized at both ends of the scale: for encouraging anorexia on the one hand, & obesity on the other hand. The charge of increasing anorexia among young women & girls in particular is leveled across the entire spectrum of advertising. Most advertisements use women who are slimmer, taller & prettier than the average women. One survey found that women used in advertising typically weigh less than average women.

Normal women are significantly underrepresented & this trend has been blamed for fostering low self-esteem & image consciousness among women. Research on advertisements of toys for girls indicated that half the advertisements made reference to physical attractiveness, while none of the advertisements of toys for boys did.

Feeding off the desire to be thinner & aiding the process are an array of diet foods & drinks, as well as dieting schemes. Weight loss programmes depict individual in 'before' & 'after' shots portraying the thinner version as being happier.

Some advertising experts feel that junk food & 'convenience' food advertisements have led to increased obesity levels. The increase in the no. of double – income families has led to the growing demand for commodities of 'convenience'. Ready-made meals & 'instant' food products proliferate in time-stretched societies. Advertisements for snacks, such as potato chips, chocolates, fast foods like pizzas & carbonated soft drinks aimed at children have come under the scanner. In the UK, Ofcom pronounced that the effect of advertising on child obesity was only *modest & rejected calls for a total ban on fast food advertisements*. It felt that there were other contributing factors to childhood obesity like lack of exercise, school policies & parental demographics. In March 2006, Ofcom noted that a ban on snack food advertisements during prime time TV would cost channel advertising worth nearly £141 million.

Obesity is becoming a serious health concern in India too, especially among the affluent as well as the upwardly mobile middle classes. A survey conducted by the All India Institute of Medical Sciences (AIIMS) found that three-quarters of women residing in Delhi were suffering from abdominal obesity. Obesity – related illness such as diabetes & heart disease are rapidly increasing in India & AIIMS is predicting 'disastrous' consequences. The spread of obesity in India has been directly linked to the increasing prosperity of the middle classes, who can afford snack foods. While in Western countries obesity is linked with poverty, in India, it is associated with prosperity. The fact that obesity exists among the affluent in India means that advertising has a greater impact on dietary habits given that it primarily targets people with disposable incomes.

## **Environment:**

Many people are today worried about environmental degradation & want ecologically sustainable economic development. As climate change threatens the future of the planet & evidence points towards human responsibility for much of global warming, there is a call for responsible consumption. Several products used every day have, over recent years, been found to be harmful for the environment: plastics, cars, airplanes, petroleum products & refrigerators are a few such products. Leo Hickman, writing for “The Guardian”, laments the absence of environmental responsibility as a provision in advertising standard codes.

In India, an advertisement for Ford Endeavour shows the large vehicle gliding over icecaps leaving in its wake track marks on melting ice & two polar bears. Ironically, icecaps melting due to climate change & their inhabitants, polar bears, have become potent symbols of global warming. Hickman queries: ‘could Ford have chosen a more inappropriate setting to sell their wares?’ The advertisements seem particularly crude considering how uneconomical the vehicle is: its mileage is 7.5 km per litre in traffic conditions compared to the 22 km per litre that will be achieved by the Tata Nano car. Even more insensitive was an advertisement for Ford Zetec in the UK, which stated: ‘more people would prefer a hot climate’.

In India, concern has been expressed over the veracity of claims of eco-friendly products in advertising. Investigations into such claims by Jaipur – based civil society organization Consumer Unity & Trust Society (CUTS) revealed that several claims made by leading manufactures were misleading. CUTS concluded that advertising contributed to unsustainable development & recommended that the ASCI should be more finely tuned to the requirement of the International Standards Organization (ISO) norms stipulated in the ISO 14000 series.

## **ETHICAL ISSUES IN ADVERTISING**

Advertising is a highly visible business activity and any lapse in ethical standards can often be risky for the company. Some of the common examples of ethical issues in advertising are give below:

- Vulgarity/Obscenity used to gain consumers’ attention
- Misleading information and deception
- Puffery
- Stereotypes
- Racial issues
- Controversial products (e.g. alcohol, gambling, tobacco etc)

## **Media and Antisocial Behavior**

No issue in the media effects arena has received as much attention as violence. Television, movies, video games, and even rap music have been widely criticized for



portraying physical aggression as an entertaining solution to problems. Today, most American parents believe there is too much violence in the media and that it is harmful to society.

Researchers have used scientific methods to quantify the violence in different media. The National Television Violence Study, a three-year assessment of more than 3,000 programs a year, found that a steady 60 percent of programs across twenty-six channels contain some physical aggression. On average, a typical hour of programming features six different violent incidents. Violence varies considerably by genre and channel, however. Children's programming is more violent than all other program types, and virtually all superhero cartoons as well as slapstick cartoons contain violence.

Scholars have written hundreds of studies of the impact of media violence on children's aggressive behavior. In 2000, six major medical organizations (American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, American Psychological Association, American Medical Association, American Academy of Family Physicians, and American Psychiatric Association) reviewed this research and issued a joint statement to Congress, concluding that "viewing entertainment violence can lead to increases in aggressive attitudes, values, and behavior, particularly in children.

### **Physical Aggression**

In support of social cognitive theory, numerous experiments show that children will imitate violent behaviors they see on television, particularly if the violence is rewarded. As an example, one study exposed elementary school children to a single episode of the Mighty Morphin Power Rangers and then observed verbal and physical aggression in the classroom. Compared with a control group, children and especially boys who had watched the violent program committed significantly more intentional acts of aggression such as hitting, kicking, and shoving. In fact, for every aggressive behavior enacted by children in the control group, children who had seen the Power Rangers committed seven aggressive acts. Other research shows that children, especially preschoolers, will imitate a cartoon character as readily as a human character and that they can reproduce aggressive behaviors they have seen on TV up to eight months later.

Viewing violence on television also predicted increases in aggression over time, but the effect of video game playing was more robust after various controls were introduced.

### **Social or Relational Aggression**

Parents, teachers, and even researchers have been so preoccupied with physical aggression that they have tended to overlook other forms of hostility, especially those that are more social or relational in nature. Social aggression involves harming others' feelings through social exclusion, gossip, or friendship manipulation. This type of behavior begins to emerge as early as the preschool years and is more common among girls than boys.

One study found incidents of relational aggression in 92 percent of television programs popular with teens. Another study found that teens who viewed social aggression on television tended to practice such behavior. Although these studies are suggestive, it will not be possible to draw conclusions about whether media violence causes this alternative form of childhood aggression until more research is conducted.

## **Media Influences on Antisocial Behaviour**

### **Desensitization**

Frequent viewing of violence may cause children to become desensitized. This would mean they would feel less anxious about violence and would be more likely to behave violently. The more aggression they watch, the more acceptable aggression becomes.

Cumber patch people might get 'used' to screen violence, but this doesn't mean they will also get used to violent in the real world Screen violence is more likely to make them frightened, rather than make them frightening

### **Cognitive Priming**

After a violent programme, the viewer is ready to behave aggressively as memories involving aggression are retrieved. Frequent exposure to violence may lead children to store ideas for aggressive behavior, which maybe recalled if any aspect on the viewed situation is present.

Study a group of hockey players was shown a violent film, & another group a non-violent film with an actor holding a walkie-talkie. In a hockey game later, players behaved most aggressively if they had seen the violent film & the referee was holding a walkie-talkie. The walkie-talkie was a cue for aggression.

Is it ethical to expose people to violence for research purposes? It may cause psychological harm or induce violent behaviour. A lot of research into this area involves children, which may be particularly damaging to their development, perhaps causing them to behave violently in the future.

### **Justification**

TV violence provides moral guidelines on what is and isn't acceptable. When violence is justified or goes unpunished, this reduces the viewer's guilt or concern about consequences. TV violence may also give the impression that violence can solve problems

e.g. Batman used violence to fight crime.

## **The TV series**

The A-Team presents the good guys behaving violently. Such shows support the idea that media violence justifies the violence of the viewer. The use of aggression by these prosocial characters justifies their aggression, which the children eagerly identify.

### **Reductionist**

May not simply be due to seeing violence, may be genes etc Support: Real Life Application - Case study of James Bulger In 1993 a 2yr old boy was abducted and murdered by two 10yr old boys. Police found they had been exposed to aggressive films such as 'Child's Play 3,' classified as certificate 18. The exposure to aggressive media may have contributed to their violent behaviour.

### **Obscenity and Indecency**

For the most part, the rules of both of these, and when these materials can be disseminated, deal with the dissemination of sexually explicit materials.

Such sexually suggestive or explicit materials can be generally split into three categories: –

- **Obscenity:** This category is so offensive that it deserves and receives no First Amendment protection. It can be regulated or outlawed at the will of the states.
- **Indecency:** This category is “less offensive” than obscenity. It enjoys First Amendment protection. However, it may be regulated more than political speech. e.g., to protect children from indecent images, etc.
- Speech that doesn't rise to the indecency level enjoys full First Amendment protection

Basic rules: –

- Obscenity is not protected by the Constitution.
- Distribution of obscene materials may be outlawed and punished.
- Distribution of obscene materials by media outlets is banned.

What is obscene? • (or, “I can't define it, but I know it when I see it” – Justice P. Stewart)

- To be considered obscene requires three elements:
  - The material appeals to prurient interest;
  - The material is “patently offensive” in the community;
  - The material lacks redeeming social value.

Prurient Interest

- The material must appeal to “lascivious, shameful or morbid” interest in sex.

- . Pornography can also be aimed at a percentage of the market.
- For “a typical” sexual depictions, the standard is based on the people to whom the images are targeted. This is measured based on a “community” standard.
- What an average person in Chennai considers obscene is not necessarily the same as what the average person in Amritsar does. – Because of this rule, wide distributors of these materials may be subjected to the rules of the most stringent jurisdiction.

### **Patently Offensive**

- Sexually stimulating materials are not inherently obscene. It must go beyond that to the point of offensiveness.
  - Again, this is measured based on the community standard.
  - This generally requires something more than mere nudity.
  - Deviant or strange conduct can help something be considered offensive.
  - Curse words, in and of them, are not considered patently offensive, though they may, of course, be regulated in broadcast media.

### **Indecency**

- This includes sexually explicit material that, for whatever reason, does not meet the definition of obscenity.

The regulation includes:

- Limiting sexual material to certain times of the day.
- Not allowing curse words on the air.

2001 FCC guidelines provide that a broadcast is indecent if it:

- Describes sexual or excretory organs or activities; and
- It is patently offensive to the average viewer or listener.

### **Indecency through Different Media**

- Broadcast TV

The FCC has total control and indecency is often limited by time or prohibited all together (see above).

- Telephone – Indecent content that does not rise to the level of obscenity (e.g., “dial porn” phone numbers cannot be banned, but can be regulated. The law can (and does) ban phone content that is “obscene.”

- Cable TV – Cable TV essentially enjoys the same freedom newspapers do

– Obscenity can be banned

but adult access to indecency cannot. rules to protect children are okay but not if too broad.

## **Advertising Standards Council of India (ASCI)**

### **Introduction**

ASCI are a voluntary self-regulatory council, registered as a not-for-profit Company under section 25 of the Indian Cos. Act. The sponsors of the ASCI, who are its principal members, are firms of considerable repute within Industry in India, and comprise Advertisers, Media, Ad. Agencies and other Professional/Ancillary services connected with advertising practice.

The Role and Functioning of the ASCI & its Consumer Complaints Council (CCC) in dealing with Complaints received from Consumers and Industry, against Ads which are considered as False, Misleading, Indecent, Illegal, leading to Unsafe practices, or Unfair to competition, and consequently in contravention of the ASCI Code for Self-Regulation in Advertising.

ASCI endeavors to achieve compliance with its decisions through reasoned persuasion and the power of public opinion.

To ensure the Truthfulness and Honesty of Representations and Claims made by Advertisements and to Safeguard against misleading Advertisements.

1. Advertisements must be truthful. All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation. Advertisers and advertising agencies are required to produce such substantiation as and when called upon to do so by The Advertising Standards Council of India.
2. Where advertising claims are expressly stated to be based on or supported by independent research or assessment, the source and date of this should be indicated in the advertisement.
3. Advertisements shall not, without permission from the person, firm or institution under reference, contain any reference to such person, firm or institution which confers an unjustified advantage on the product advertised or tends to bring the person, firm or institution into ridicule or disrepute. If and when required to do so by the Advertising Standards Council of India, the advertiser and the advertising agency shall produce

explicit permission from the person, firm or institution to which reference is made in the advertisement.

IV. Advertisements shall neither distort facts nor mislead the consumer by means of implications or omissions. Advertisements shall not contain statements or visual presentation which directly or by implication or by omission or by ambiguity or by exaggeration are likely to mislead the consumer about the product advertised or the advertiser or about any other product or advertiser.

V. Advertisements shall not be so framed as to abuse the trust of consumers or exploit their lack of experience or knowledge. No advertisement shall be permitted to contain any claim so exaggerated as to lead to grave or widespread disappointment in the minds of consumers.

Examples Products shall not be described as 'free' where there is any direct cost to the consumer other than the actual cost of any delivery, freight, or postage.

Where such costs are payable by the consumer, a clear statement that this is the case shall be made in the advertisement. Claims which use expressions such as "Upto five years' guarantee" or "Prices from as low as Rs. Y" are not acceptable if there is a likelihood of the consumer being misled either as to the extent of the availability or as to the applicability of the benefits offered.

### **Examples**

Where a claim is made that if one product is purchased another product will be provided 'free', the advertiser is required to show, as and when called upon by the ASCI, that the price paid by the consumer for the product which is offered for purchase with the advertised incentive is no more than the prevalent price of the product without the advertised incentive.

Advertisements inviting the public to take part in lotteries or prize competitions permitted under law or which hold out the prospect of gifts shall state clearly all material conditions and advertisers shall make adequate provisions for the judging of such competitions, announcement of the results and the fair distribution of prizes or gifts according to the advertised terms and conditions within a reasonable period of time.

Obvious untruths or exaggerations intended to amuse or to catch the eye of the consumer are permissible provided that they are clearly to be seen as humorous or hyperbolic and not likely to be understood as making literal or misleading claims for the advertised product.

Chapter II B) To ensure that Advertisements are not offensive to generally accepted standards of Public Decency.

Advertisements should contain nothing indecent, vulgar or repulsive which is likely, in the light of generally prevailing standards of decency and propriety, to cause grave or widespread offence.

C) To safeguard against the indiscriminate use of Advertising in situations or of the Promotion of Products which are regarded as Hazardous or Harmful to society or to individuals, particularly minors, to a degree or of a type which is Unacceptable to Society at Large.

1. No advertisement shall be permitted which:

a. Tends to incite people to crime or to promote disorder and violence or intolerance b. Derides any race, caste, color, creed or nationality. c. Presents criminality as desirable or directly or indirectly encourages people - particularly minors - to emulate it or conveys the modus operandi of any crime

d. Adversely affects friendly relations with a foreign State.

13. Advertisements addressed to minors shall not contain anything, whether in illustration or otherwise, which might result in their physical, mental or moral harm or which exploits their vulnerability. For example, Advertisements: Should not encourage minors to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels Should not feature hazardous acts which are likely to encourage minors to emulate such acts in a manner which could cause harm or injury. Should not show minors using explosive substance; or playing with or using sharp knives, guns or mechanical or electrical appliances, the careless use of which could lead to their suffering burns, shocks or other injury. Should not feature minors for tobacco or alcohol-based products. Should not feature personalities from the field of sports, music and cinema for products which, by law, either require a health warning in their advertising or cannot be purchased by minors.

3. Advertisements shall not, without justifiable reason, show or refer to dangerous practices or manifest a disregard for safety or encourage negligence. 4. Advertisements shall not propagate products, the use of which is banned under the law. 5. Advertisements should contain nothing which is in breach of the law nor omit anything which the law requires.

#### Chapter IV

D) To ensure that Advertisements observe fairness in competition such that the Consumer's need to be informed on choice in the Market-Place and the Canons of generally accepted competitive behaviour in Business are both served.

1. Advertisements containing comparisons with other manufacturers or suppliers or with other products including those where a competitor is named, are permissible in the interests of vigorous competition and public enlightenment, provided: It is clear what aspects of the advertiser's product are being compared with what aspects of the competitor's product The advertisement does not unfairly denigrate, attack or discredit other products, advertisers or advertisements directly or by implication. The comparisons are factual, accurate and capable of substantiation

2. Advertisements shall not make unjustifiable use of the name or initials of any other firm, company or institution, nor take unfair advantage of the goodwill attached to the trade mark or symbol of another firm or its product or the goodwill acquired by its advertising campaign.

3. Advertisements shall not be similar to any other advertiser' earlier run advertisements in general layout, copy, slogans, visual presentations, music or sound effects, so as to suggest plagiarism.

4. As regards matters covered by sections 2 and 3 above, complaints of plagiarism of advertisements released earlier abroad will lie outside the scope of this Code except in the under-mentioned circumstances: The complaint is lodged within 12 months of the first general circulation of the advertisements/campaign complained against. The complainant provides substantiation regarding the claim of prior invention/usage abroad





**SATHYABAMA**

INSTITUTE OF SCIENCE AND TECHNOLOGY  
(DEEMED TO BE UNIVERSITY)

Accredited "A" Grade by NAAC | 12B Status by UGC | Approved by AICTE

[www.sathyabama.ac.in](http://www.sathyabama.ac.in)

**SCHOOL OF SCIENCE AND HUMANITIES**  
**DEPARTMENT OF VISUAL COMMUNICATION**

**UNIT – IV– Media Law and Ethics – SVCA1502**

## IV. BROADCASTING ETHICS

### 1. Broadcasting Ethics:

#### **Issues in the ethics of entertainment media include:**

**Violence and Sex:** The depiction of violence and sex, and the presence of strong language. Ethical guidelines and legislation in this area are common and many media are subject to rating systems and supervision by agencies.

**Product Placement:** An increasingly common marketing tactic is the placement of products in entertainment media. The producers of such media may be paid high sums to display branded products. The practice is controversial and largely unregulated.

**Stereotypes:** Both advertising and entertainment media make heavy use of stereotypes. It may negatively affect people's perceptions of themselves or promote socially undesirable behaviour. The stereotypical portrayals of men, affluence and ethnic groups are examples of major areas of debate.

**Taste and Taboos:** Entertainment media often questions our values for artistic and entertainment purposes. These two sides come into conflict. In the name of art, media may deliberately attempt to break with existing norms and shock the audience. That poses ethical problems when the norms are abandoned are closely associated with certain relevant moral values or obligations.

#### **Editorial Integrity and Independence:**

The broadcasting is independent of outside interests and arrangements.

#### **Serving the public Interest:**

Its main aim is to serve the public interest. It seeks to report stories of the audiences interest.

#### **Fairness:**

Output will be based on fairness, Openness, honesty and straight dealing

#### **Unethical or Illegal behavior:**

- Stealing Copyright and credit for intellectual property
- Display of pornographic material
- Deliberate public wrong information
- Misuse of research material
- Improper commercial or personal use of network
- Stealing credit information

### 2. Prasar Bharati Act ( 1997) :

**Prasar Bharati**, is India's largest public broadcasting agency, headquartered in New Delhi. It is a statutory autonomous body set up by an Act of Parliament and comprises the Doordarshan Television Network and All India Radio, which were earlier media units of the Ministry of Information and Broadcasting. The Parliament of India passed the Prasar Bharati Act to grant this autonomy in 1990, but it was not enacted until 15 September 1997

The Prasar Bharati Act provides for the establishment of a Broadcasting Corporation, to be known as Prasar Bharati, and define its composition, functions, and powers. The Act grants autonomy to All India Radio and to Doordarshan, both of which were

previously under government control. The Act received the assent of the President of India on 12 September 1990 after being unanimously passed by Parliament. It was finally implemented in November 1997. By the Prasar Bharati Act, all property, assets, debts, liabilities, payments of money due, as well as all suits and legal proceedings involving Akashvani (All India Radio) and Doordarshan were transferred to Prasar Bharati.

- To uphold the unity and integrity of the country and the values enshrined in the Constitution.
- To safeguard the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and to present a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own.
- To promote national integration.
- To pay special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health & family welfare and science & technology.
- To create awareness about women's issues and take special steps to protect the interests of children, aged and other vulnerable sections of the society.
- To provide adequate coverage to diverse cultures, sports and games and youth affairs.
- To promote social justice, safeguarding the rights of working classes, minorities and tribal communities.
- To promote research and expand broadcasting faculties & development in broadcast technology.

### **3. Cable TV network Act ( 1995):**

- No person shall operate a cable television network unless he is registered as a cable operator under this act
- Any person who is operating or desires of operating a cable television network may apply for registration as a cable operator to the registering authority
- No person shall transmit or retransmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code.
- No person shall transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.

### **4. TRAI**

The Telecom Regulatory Authority of India (TRAI) is a regulatory body set up by the Government of India under section 3 of the Telecom Regulatory Authority of India Act, 1997. It is the regulator of the telecommunications sector in India. It consists of a chairperson and not more than two full-time members and not more than two part-time members. The TRAI Act was amended by an ordinance, effective from 24 January 2000, establishing a Telecom Disputes Settlement and Appellate Tribunal (TDSAT) to take over the adjudicatory and disputes functions from TRAI.

Reforms in Telecom Licensing:

- Access service licensing
- Internet Service Licence
- National Long Distance (NLD) Licence
- International Long Distance (ILD) Licence

National Telecom Policy 2012

2003: Introduction of Calling Party Pay(CPP) regime

Interconnection Usages Charges (IUC)

Introduction of Unified Access Service License (UASL)

### **Functions of TRAI:**

- Special emphasis on Consumers:
- Recommendations for development of telecom technology
- Lay down standards of quality of service-by-service providers
- Conduct periodical surveys of services provided to consumers
- Facilitate competition & promote efficiency in the operation of Telecom services

## **5. Cinematograph Act (1952):**

- **Section- 3: Board of film censors.**
- **Section- 5A: Films are certified under 4 categories**
- ✓ U- Unrestricted Public Exhibition
- ✓ U/A- Parental Guidance for children below the age of 12 years. Certification explains that the film is appropriate for all age groups
- ✓ A- Restricted to adult audiences. Type of film is restricted to adults only (Persons above the age of 18 are adults)
- ✓ S- Restricted to specialized audiences such as doctors or scientists. Films which are rated S are meant for a special class of persons only.
- **Section- 5C: After examination of films**
- ✓ Refusing to grant a certificate, or
- ✓ Granting only an “A” certificate, or
- ✓ granting only a “S” certificate, or
- ✓ granting only a “UA” certificate, or
- ✓ Directing the applicant to carry out the modifications within thirty days from the date of order.
- ✓ **Section- 5E: Suspension and revocation of certificate.**
- ✓ **Section- 5F: Review of orders by central government.**
- ✓ **Section- 7: Penalties**

## **6. Privacy law in India**

In India, the right of privacy is recognized in both common law and constitutional law. Article 19(1)(a) of the Constitution of India guarantees the fundamental right to freedom of speech and expression. In accordance with Article 19(2), this right can be restricted by

law only in the 'interests of the 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'. The Supreme Court of India has concluded that the fundamental right to privacy ensues from the right to life (Article 21 of the Constitution)

The PCI has laid down certain guidelines regarding the right to privacy: 'The press shall not intrude or invade the privacy of an individual. The guidelines explain that 'things concerning a person's home, family, religion, health, sexuality, personal life and private affairs are covered by the concept of privacy excepting where any of these impinges upon the public or public interest'.

### ***What is Public and What is Private?***

The PCI distinguishes between private and public citizens, stating that: '...the degree of privacy differs from person to person and from situation to situation. The PUBLIC person who functions under public gaze as an emissary/representative of the public cannot expect to be afforded the same degree of privacy as a private person. His acts and conduct as are of public interest ("public interest" being distinct and separate from "of interest to public") even if conducted in private may be brought to public knowledge through the medium of the press. 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. For obtaining information in respect to acts conducted away from public gaze, the press is not expected to use surveillance devices. For obtaining information about private talks and discussion, while the press is expected not to badger the public persons, the public persons are also expected to bring openness in their functioning and cooperate with the press in its duty of informing the public about the acts of their representatives.

'Interviews/articles or arguments/comments pertaining to public persons which border on events that are supposed to be public knowledge, if reported correctly, cannot be termed as intrusion into private life. There is a very thin dividing line between public and private life and public persons should not be too thick-skinned when it comes to comments or criticism of their actions or views by journalists. The mass media are allowed certain latitude in criticizing persons who are in seats of power because their conduct constitutes public interest, provided their criticism is not merely motivated to gratify private spite of opponents/rivals of a particular public figure.'

Under Indian law, the extent to which a person can claim a right to privacy is dependent on her/his public status. A person who welcomes media interest in her/his life will not be able to claim a right to privacy as easily as a 'private individual'. However, in the absence of any 'public issue', the publication of material that invades the privacy of any individual can invite an action for damages.

When individuals 'sell' or 'exchange' their privacy for commercial gain, the dividing line between what is 'private' and what is in the 'public' domain gets blurred. Many celebrities now sell the photo rights to their weddings and newborns to tabloids. For example, British actress Elizabeth Hurley and her husband of Indian origin Arun Nayar sold the photo rights to their wedding in India to *Hello!* magazine.

### **Vulnerable Victims**

The PCI states: 'While reporting crime involving rape, abduction or kidnap of women/females (sic) or sexual assault on children, or raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs of the victims or other particulars leading to their identity shall not be published.... Minor children and infants who are the offspring of sexual abuse or "forcible marriage" or illicit sexual union shall not be identified or photographed.'

### **Photography**

On photography, the PCI stipulates that 'intrusion through photography into moments of personal grief shall be avoided. However, photography of victims of accidents or natural calamity may be in the larger public interest.' But, photographing public figures in an intrusive, unjustified manner should be avoided. There are instances of public figures obtaining damages from publications that printed their photographs against their wishes

(Eg., **Sienna Successfully Sues *The Sun***).

*British actress Sienna Miller successfully sued News Group, a subsidiary of News In in December 2007, for publishing nude photographs of her taken against her The will and published in British tabloids The Sun and The News of the Worlds News Group and Xposure Photo Agency were forced to pay 37,000 in damages to the actress The amount is believed to be the biggest payout in a case of invasion of privacy in the UK.*

### **PRIVACY AND PUBLIC INTEREST**

When an act threatens an individual's or people's psychological or physical well-being, the perpetrator's claim to the right to privacy is weakened and the severity of the threat determines the manner of that intrusion. In the confusion between privacy and public interest, the media at times oversteps its rights. The media is sometimes guilty of sensationalizing a story to satisfy what is believed to be in the interest of the public.

Some journalists are often unapologetic about looking into the intimate details of the lives of public figures, claiming that privacy needs can be violated in the 'public' or even the 'national' interest.

Privacy laws are a double-edged weapon which often prevent the full facts of a case from coming out. The right to information is often set against official regulation and management of information or 'regimes of truth'. Journalists need to strike a careful balance between unwarranted intrusion and reporting the news as they find it. Yet, some form of detachment is important if the story told is not to be overburdened with the emotion of the moment, or stripped of context and, therefore, meaning. The investigative journalist, then, is pushed inevitably into the heart of the story, searching people's truths.

## **7. Sting operations**

The term "sting" was popularized by the 1973 Robert Redford and Paul Newman movie *The Sting*, though the film is not about a police operation: it features two grifters and their attempts to con a mob boss out of a large sum of money.

In law enforcement, a **sting operation** is a deceptive operation designed to catch a person committing a crime. A typical sting will have an undercover law enforcement officer, detective, or co-operative member of the public play a role as criminal partner or potential victim and go along with a suspect's actions to gather evidence of the suspect's

wrongdoing. Mass media journalists occasionally resort to sting operations to record video and broadcast to expose criminal activity.

It is also known as Investigative Journalism and Undercover Journalism. There are two forms of sting operation- Positive Sting Operation and Negative operation.

**Positive Sting Operation:**

These activities are conducted for the benefit of the public and are concerned with keeping the government responsible by revealing and bringing to light its malpractices. It aims to make the government more honest

**Negative Sting Operation:**

These are not conducted for the good of humanity, but rather to infringe the rights of others on behalf of obtaining so called breaking news in order to obtain the audience's attention. They have no constructive motive behind them.

Sting Operations in India:

The practise began some years ago. Tiny cameras are hidden in handbags or pens of journalist that intruded into the dark recesses of homes and offices of people of consequence to bring out elements of truth that rocked the whole nation.

Cricketers who fixed matches, public officers on the take and politicians who had no qualms in stuffing money into their drawers were the first lot of people to fall prey to these covert operations.

**8. Depiction of Violence against women and children**

**Positive effects of media violence:**

- Media violence can be positive if people release violent inclinations by seeing them portrayed
- Media portrayals of violence can increase awareness of social problems

**Negative effects of media violence:**

Aggressive stimulation theory: Media depicted violence has potential to cue real life violence

Media violence and broader moral panics: debates about media impact. It is connected to real life events. A form of electronic child abuse.

**Research on children's relationship with media**

**Children defined in terms of what they lack**

- Inability to conform to adult norms
- Inability to distinguish between fiction and reality
- Simply too immature

**Effects on children:**

Behavior effects

Emotional Effects

Ideological Effects

Connections Complex and diverse. Harmful or beneficial

### **Why do children watch violent programmes?**

Pathological conception of viewers (immaturity, lack of intelligence, personality defects).

Potential Appeal-Thrill, countercultural, testing one's own responses

### **Root causes of violence against women:**

- Gender Stereotypes
- Society
- Media

### **Types of violence against woman:**

- Physical
- Sexual
- Psychological





**SATHYABAMA**

INSTITUTE OF SCIENCE AND TECHNOLOGY  
(DEEMED TO BE UNIVERSITY)

Accredited "A" Grade by NAAC | 12B Status by UGC | Approved by AICTE

[www.sathyabama.ac.in](http://www.sathyabama.ac.in)

**SCHOOL OF SCIENCE AND HUMANITIES**  
**DEPARTMENT OF VISUAL COMMUNICATION**

**UNIT – V – Media Law and Ethics – SVCA1502**

## V. CYBER ETHICS

### 1. Data protection and Data preservation

Data protection is the process of safeguarding important information from corruption, compromise or loss. The importance of data protection increases as the amount of data created and stored continues to grow at unprecedented rates. There is also little tolerance for downtime that can make it impossible to access important information.

Consequently, a large part of a data protection strategy is ensuring that data can be restored quickly after any corruption or loss. Protecting data from compromise and ensuring data privacy are other key components of data protection.

#### Principles of data protection

The key principles of data protection are to safeguard and make available data under all circumstances. The term *data protection* is used to describe both the operational backup of data as well as business continuity/disaster recovery (BCDR). Data protection strategies are evolving along two lines: data availability and data management.

Data availability ensures users have the data they need to conduct business even if the data is damaged or lost.

There are two key areas of data management used in data protection: data lifecycle management and information lifecycle management. Data lifecycle management is the process of automating the movement of critical data to online and offline storage. Information lifecycle management is a comprehensive strategy for valuing, cataloging and protecting information assets from application and user errors, malware and virus attacks, machine failure or facility outages and disruptions.

#### Differences between data protection, security and privacy

- **Data protection** safeguards information from loss through backup and recovery.
- **Data security** refers specifically to measures taken to protect the integrity of the data itself against manipulation and malware. It provides defense from internal and external threats.
- **Data privacy** refers to controlling access to the data. Organizations must determine who has access to data. Understandably, a privacy breach can lead to data security issues.

## 2. Social networking & ethics

The Indian government's Information Technology published its "Intermediary Guidelines and Digital Media Ethics Code Rules 2021" on Thursday. It details the new rules that will govern the social media and streaming sector.

Social media platforms are not allowed to "host, store or publish any information prohibited by any law in relation to the interests of the sovereignty and integrity of [India](#); the security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence, or information which violates any law for the time being in force."

- **Code of Ethics for online news, OTT platforms and digital media:** This Code of Ethics prescribes the guidelines to be followed by OTT platforms and online news and digital media entities.
- **Self-Classification of Content:** The OTT platforms, called as the publishers of online curated content in the rules, would **self-classify the content into five age based categories**- U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult). Platforms would be required to implement **parental locks for content classified as U/A 13+ or higher**, and **reliable age verification mechanisms for content classified as "A"**. The publisher of online curated content shall prominently **display the classification rating** specific to each content or programme together with a content descriptor informing the user about the nature of the content, and advising on viewer description (if applicable) at the beginning of every programme enabling the user to make an informed decision, prior to watching the programme.
- Publishers of news on digital media would be required to observe **Norms of Journalistic Conduct of the Press Council of India and the Programme Code under the Cable Television Networks Regulation Act** thereby providing a **level playing field between the offline (Print, TV) and digital media**.
- A **three-level grievance redressal mechanism** has been established under the rules **with different levels of self-regulation**.
  - Level-I: Self-regulation by the publishers;
  - Level-II: Self-regulation by the self-regulating bodies of the publishers;
  - Level-III: Oversight mechanism.
- **Self-regulation by the Publisher:** Publisher shall appoint a Grievance Redressal Officer based in India who shall be responsible for the redressal of grievances received by it. The officer shall take decision on every grievance received by it within 15 days.
- **Self-Regulatory Body:** There may be one or more self-regulatory bodies of publishers. Such a body shall be headed by a retired judge of the Supreme Court, a High Court or independent eminent person and have not more than six members. Such a body will have to register with the Ministry of Information and Broadcasting. This body will oversee the adherence by the publisher to the Code of Ethics and address grievances that have not been resolved by the publisher within 15 days.

- **Oversight Mechanism:** Ministry of Information and Broadcasting shall formulate an oversight mechanism. It shall publish a charter for self-regulating bodies, including Codes of Practices. It shall establish an Inter-Departmental Committee for hearing grievances.

### 3. Right to Information act

#### RIGHT TO INFORMATION

The Right to Information Act, 2005 is a revision of the Freedom of Information Act, 2002. It was formulated to facilitate smooth access to information for all citizens. The Right to Information act is based on the premise that democracy must involve an informed citizenry and that a government must be accountable to those governed.

#### **Right to Information Act, 2005 (RTI)**

- The **Right to Information Act, 2005 (RTI)** is a law enacted by the Parliament of India *"to provide for setting out the practical regime of right to information for citizens."*
- The Act applies to **all States & Union Territories** of India, **except** the State of *Jammu and Kashmir* - which is covered under a State-level law.
- The provisions of the Act, any citizen (excluding J&K) may request information from a **"public authority"** (body of Government) within **thirty days** – provide information
- The Act also requires every public authority **to computerize their records for wide dissemination.**
- Publish certain **categories of information** so that the citizens need minimum recourse **to request for information formally.**
- Law was passed by Parliament on **15 June 2005** and came into force on **12 October 2005.**
- Information disclosure in India was **hitherto restricted by the Official Secrets Act 1923** and various other special laws, which the new RTI Act now relaxes.

#### **Background**

- Law enacted during the **British rule**, the *Official Secrets Act* of **1889** which was amended in **1923.**
- This law secures information related to *security of the State, sovereignty of the country and friendly relations with foreign states*, and contains provisions which prohibit disclosure of non-classified information.
- *Civil Service conduct* rules and the *Indian Evidence Act* impose further restrictions on **government officials' powers** to disclose information to the public.

## Enactment

- The FOI Act led to National RTI enactment. The first draft of the ***Right to Information Bill*** was presented to Parliament on **22 December 2004**.
- After **intense debate**, more than a **hundred amendments to the draft Bill** were made between **December 2004 and 15 June 2005** when the bill finally passed.

**The Act came fully into effect on 12 October 2005.**

## Information

The Act specifies that **citizens have a right to:**

- request any information (as defined).
- take copies of documents.
- inspect documents, works and records.
- take certified samples of materials of work.
- obtain information in form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.

## Process

- Under the Act - all authorities must appoint their **Public Information Officer (PIO)**.

Any person may submit a request to the PIO for information in writing. It is PIO's **obligation to provide information** to citizens of India who request information under the Act

- If the request pertains to another public authority (in whole or part) it is PIO's responsibility **to transfer/forward the concerned request** to a PIO of the other **within 5 days**.
- Every public authority - required to designate **Assistant Public Information Officers (APIOs)** to receive RTI requests and ***appeals for forwarding to the PIOs*** of their public authority.
- The citizen making the request is not obliged to disclose any **information except his name and contact particulars**.
- The Act specifies time limits for replying to the request -
  - Request has been made to the **PIO** - the reply is to be given within **30 days** of receipt (*but computed from the day after it is received by the PIO of the transferee authority*).
  - Request has been made to an **APIO** - the reply is to be given within **35 days** of receipt.
  - Information concerning **Corruption** and **Human Rights violations** - provided within **45 days** but with the prior approval of the **Central Information Commission**.

- **Life or Liberty** of any **person** is involved - the PIO is expected to reply within **48 hours**.
- The information paid for - the reply of the PIO, necessarily limited to either **denying the request** (in whole or part) and/or **providing a computation of "further fees"**
- Information is not provided within the time period - treated as deemed refusal. *Refusal with or without reasons may be ground for appeal or complaint.*
- **Information** not provided on time prescribed - **provided free of charge.**
- Central Departments as of 2006 - *fee of Rs. 10 for filing the request, Rs. 2 per page of information & Rs. 5 for each hour of inspection after the first hour.*
- The *applicant* is a **Below Poverty Card** holder, then *no fee* shall apply. Such BPL Card holders have to provide *a copy of their BPL card* along with their *application* to the **Public Authority**.
- **States Government** and **High Courts** fix their **own rules**. **Chief Information Commissioner (CIC)** is the *head of all the information officers*.
- The **State Information Commission** will be selected by the **State Government** through a *Gazette notification*.
- It consist of *One State Chief Information Commissioner (SCIC)* and not *more than 10 State Information Commissioners (SIC)* to be appointed by the **Governor**.
- End of the year **CIC** required **report** contains –
  - the **number of requests** made to **each public authority**
  - the **number of decisions** where applicants were **not given permission** to access to the **documents** which they request, the provisions of the Act under which these **decisions** were made and the **number of times** such provisions were filed
  - **details of disciplinary action** taken against **any officer** in respect of the administration of the Act
  - the **amount of charges** collected by each **public authority under the Act**
- PIO deal with requests –
  - ✓ persons **seeking information** & where the **request** cannot be made in **writing**
  - ✓ to **render reasonable assistance** to the person to reduce the same in writing

### **Not open disclosure**

The following is exempt from disclosure -

- **Information**, disclosure of which - affects the *sovereignty and integrity of India, the security, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence*
- **Information** - expressly **forbidden** to be published by **any court of law or tribunal** or **the disclosure** of which may constitute **contempt of court**
- **Information**, disclosure - which would cause *breach (violation) of privilege of Parliament or the State Legislature*
- **Information** including *commercial confidence, trade secrets or intellectual property*, disclosure - which would *harm the competitive position of a third party*, unless the competent authority is satisfied that *larger public interest* warrants the disclosure of such information
- **Information** available to a person in his **fiduciary** (*Legal or ethical issues of confidence*) **relationship**, unless the competent authority is satisfied that the **larger public interest** warrants the disclosure of such information

#### **4. Concept of Stereotypes**

A stereotype is a fixed mental image of a group that is frequently applied to all its members.

A stereotype is a commonly held public belief about specific social groups or types of individuals. The concept of 'stereotypes are standardized and simplified conceptions of groups based on some prior assumption.

It is derived from Greek words (stereo) solid and (typos) impression; "solid impression"

In other words, stereotypes are an economical way of viewing the world. Because individuals cannot personally experience most of events in which they have an interest they rely on the testimony of others to enrich their improvised knowledge of environments. Stereotypes are simple, dimensional portrayals of people. Usually based in sex, race, religion, profession or age.

- Filmmakers often rely heavily on stereotypes, because they are quick & simple way to establish a movie character's traits. Blonde women are dumb, foreigners are villains, Mexicans are lazy and blacks are great athletes.
- Teenaged characters are variously shown as sex-crazed, uncivilized, moralistic or shallow and they tend to be bumped into groups of either popular kids or girls.
- The film industry today is more sensitive to issue of culture and greater than it once was, but many movies still perpetuate common misconceptions about groups of people such as oversimplified and inaccurate.
- Portrayals can profoundly affect how we perceive one another, we relate to one another & how we value ourselves.

- Because children have a limited experience of the world, they are particularly vulnerable by media stereotypes. Even animated movies have snare of stereotypes because they are familiar clearly understood. Kindly grandfather is Pinocchio; wicked stepmother in Cinderella all stereotypes known & understood by children parent should teach their kids to recognize media stereotypes ads to understand how they influence us.

Have your kids water must for stereotypical portrayals of children & teens in movies. Seeing inaccurate portraits of them, which help them to understand the concept of stereotyping. Discuss stereotypes of old films with children example for negative stereotypes & distort the history.

### **Role of stereotypes in Media content**

Stereotyping in production of media content may be in evitable should be deployed to confront those stereotypes that are partially offensive unfair to segments of society. Media content of all kinds news, entertainment, advertising bond with stereotypes, primarily harm have accrues from stereotyping is that it leads to discrimination & prejudice.

Stereotyping, however does not concern just matters of cultural discrimination or prejudice, Prevalence of stereotypical symbols & messages in media content implicates the persistent question of what media's role in society should be.

Media serve as social engineer, attempting to construct a more equalitarian culture or should they simply reflect society's values. Advertiser stereotypes large segment of population. Advertiser shapes society values & our view of the world; you will believe it essential that advertisers become aware of how they portray different groups. Ethical dimensions of media's role dispelling stereotypes involves continuous struggle to balance commercial & mass appeal of stereotypes against values of accuracy, fairness & respect for individual members of society. Media stereotypes of minorities, women, and the elderly, disabled must visible and criticized.

In Asian countries, traditionally, the female's role was to be in charge of domestic matters, such as serving her husband, looking after her children, and performing household chores like cooking and cleaning. This type of female was appreciated as "virtuous". An old Chinese proverb on women states; "Talentless is virtuous: Tolerance" and obedience" were women had no right to go to school. Schooling was available only for a rich family's male figures. Family was the single content of a women's life, which in turn was regarded as yet another virtue.

## **5. Indecent representation of women (Prohibition)**

### **History of the legislation**

The introduction of the Rajya Sabha Bill against Women's Indecent Representation in 1986 was in response to a women's movement which called for a legislative action against the negative depiction of women in the country. The bill was introduced by Margaret Alva in the Rajya Sabha and became law in October 1987 by way of enactment.



The legislation intended to regulate women's and representation in mainstream media, especially in print. It was implemented to ensure that women's representation in the media was not indecent through ads, magazines, publications, and illustrations.

### **Objective of the Act**

The law on obscenity is codified in sections in this country-The Indian Penal Code Section 292, Section 293 and Section 294. Despite these provisions, in publications, especially in advertisements, there is a growing indecent representation of women or references to women, which has the effect to denigrate women but is also derogative of women. While there may be no specific intention, these advertisements, publications, etc. have a depraving or corrupting effect. A different legislation is, therefore, necessary to prevent the indeterminate representation of women effectively by means of advertisements, books, pamphlets etc.

### **Defining "indecenty"**

In Section 2(c) under the Indecent Representation of Women Act, 1986, the term "indecent representation" is defined as meaning "indecent representation of women" in any way to have the effect of being indignant or derogative of a woman, or of being corrupt or of being susceptible to public morality, or moralistic depravity. The word "indecent representation" is defined in the 1986 law, with emphasis on "depriving or corrupting" content, and this is confused with morality. In the 1970s and 1980s, women's organizations protested the indecent portraiture of women primarily focused on nudity and sexually provocative or overtly typical portrayal of women and thus strengthened the belief that the expression of sexuality, in particular the expression of a woman, is an obscenity.

### ***Section 5: power to enter and search***

Section 5 of the Indecent Representation of Women Act, 1986 gives power to the officer to enter and search any premises within the region

### ***Section 6: penalties***

Section 6 of The Indecent Representation of Women Act, 1986 imposes a penalty on the offender. The terms and a fine extending to ten thousand rupees and the terms if a second or subsequent prosecution occurs, the penalty may not be less than six months but may extend to five years and may also extend, at least, to ten thousand rupees shall substitute for words or fine which may exceed two thousands rupees. The words in case of a second or later conviction to a sentence of no less than six months but which may extend up to five years and not less than fifty thousand rupees but may be extended to five lakh rupees shall, however, be replaced by the words. Their sentence shall not extend to five years.

## **6. Cyber law in India**

## **Cyber Crime**

Crime is a social and economic phenomenon and is as old as the human society. Crime is a legal concept and has the sanction of the law. Crime or an offence is a legal wrong that can be followed by criminal proceedings which may result into punishment. Any criminal activity that uses a computer either as an instrumentality, target or a means for perpetuating further crimes comes within the ambit of cybercrime.

### **Why Cyberlaw in India?**

When Internet was developed, the founding fathers of Internet hardly had any inclination that Internet could transform itself into an all pervading revolution which could be misused for criminal activities and which required regulation. Today, there are many disturbing things happening in cyberspace. Due to the anonymous nature of the Internet, it is possible to engage into a variety of criminal activities with impunity and people with intelligence, have been grossly misusing this aspect of the Internet to perpetuate criminal activities in cyberspace. Hence the need for Cyberlaws in India.

### **What is the importance of Cyberlaw?**

Cyberlaw is important because it touches almost all aspects of transactions and activities on and concerning the Internet, the World Wide Web and Cyberspace. Initially it may seem that Cyberlaws is a very technical field and that it does not have any bearing to most activities in Cyberspace. But the actual truth is that nothing could be further than the truth. Whether we realize it or not, every action and every reaction in Cyberspace has some legal and Cyber legal perspectives.

The subject of cybercrime may be broadly classified under the following three groups. They are:

#### *1. Against Individuals*

- a) Their person &
- b) Their property of an individual

#### *2. Against Organization*

- a) Government
- b) Firm, Company, Group of Individuals.

#### *3. Against Society at large*

The following are the crimes, which can be committed against the following groups

Against Individuals:

- i. Harassment via e-mails.
- ii. Cyber-stalking.
- iii. Dissemination of obscene material.
- iv. Defamation.

v. Unauthorized control/access over computer system.

vi. Indecent exposure

vii. Email spoofing

viii. Cheating & Fraud

Against Individual Property:

i. Computer vandalism.

ii. Transmitting virus.

iii. Unauthorized control/access over computer system.

iv. Intellectual Property crimes

v. Internet time thefts

Against Organization:

i. Unauthorized control/access over computer system

ii. Possession of unauthorized information.

iii. Cyber terrorism against the government organization.

iv. Distribution of pirated software etc.

Against Society at large:

i. Pornography (basically child pornography).

ii. Polluting the youth through indecent exposure.

iii. Trafficking

iv. Financial crimes

v. Sale of illegal articles

vi. Online gambling

vii. Forgery

## **7. Types of Cyber Crimes**

The different kinds of cybercrimes are:

**Unauthorized Access and Hacking:** Unauthorized access means any kind of access without the permission of either of the rightful or person in charge of the computer, computer system or computer network. Hacking means an illegal intrusion into a computer system and/or network. Every act committed towards breaking into a computer and/or network is hacking. Hackers write or use ready-made computer programs to attack the target computer. Some hackers hack for personal monetary gains, such as to stealing the credit card information, transferring money from various bank accounts to their own account followed by withdrawal of money. Government websites are the most targeted sites for the hackers.

A hacker is an unauthorized user who attempts to or gains access to an information system. Hacking is a crime even if there is no visible damage to the system, since it is an invasion in to the privacy of data. There are different classes of Hackers.

a) **White Hat Hackers**- They believes that information sharing is good, and that it is their duty to share their expertise by facilitating access to information. However there are some white hat hackers who are just "joy riding" on computer systems. Eg. company technical experts

b) **Black Hat Hackers**- They cause damage after intrusion. They may steal or modify data or insert viruses or worms which damage the system. They are also called "crackers".

c) **Grey Hat Hackers**- Typically ethical but occasionally violates hacker ethics Hackers will hack into networks, stand-alone computers and software. Network hackers try to gain unauthorized access to private computer networks just for challenge, curiosity, and distribution of information. Crackers perform unauthorized intrusion with damage like stealing or changing of information or inserting malware (viruses or worms).

### **Web Hijacking**

Web hijacking means taking forceful control of website of others. In this case the owner of the website loses control over his website and its content.

### **Pornography**

Pornography means showing sexual acts in order to cause sexual excitement. The definition of pornography also includes pornographic websites, pornographic magazines produced using computer and the internet pornography delivered over mobile phones.

### **Child Pornography**

The Internet is being highly used as a medium to sexually abuse children. The children are viable victim to the cybercrime. Computers and internet having become a necessity of every household, the children have got an easy access to the internet. There is an easy access to the pornographic contents on the internet. The pedophiles then sexually exploit the children either by using them as sexual objects or by taking their pornographic pictures in order to sell those over the internet.

### **Cyber Stalking**

In general terms, stalking can be termed as the repeated acts of harassment targeting the victim such as following the victim, making harassing phone calls, killing the victims pet, vandalizing victims property, leaving written messages or objects. Stalking may be followed by serious violent acts such as physical harm to the victim. Stalker even uses very filthy and obscene language to invite the interested persons. In online stalking the stalker can make third party to harass the victim.

### **Denial of service Attack**

This is an attack in which the criminal floods the bandwidth of the victim network or fills his e-mail box with spam mail depriving him of the services he is entitled to access or provide. This kind of attack is designed to bring the network to crash by flooding it with useless traffic. But, like Virus, new DoS attacks are constantly being dreamed up by Hacker.

### **Virus Attacks**

Viruses are the programs that have the capability to infect other programs and make copies of it and spread into other program. Programs that multiply like viruses but spread from computer to computer are called as worms. These are malicious software that attaches them to other software.

### **Software Piracy**

Software piracy refers to the illegal copying of genuine programs or the counterfeiting and distribution of products intended to pass for the original. These kind of crimes also include copyright infringement, trademarks violations, theft of computer source code, patent violations etc.

### **Salami Attacks**

These attacks are used for the commission of financial crimes. The key here is to make the alteration so insignificant that in a single case it would go completely unnoticed. E.g. a bank employee inserts a program, into the bank servers, that deducts a small amount of money (say Rs. 5 a month) from the account of every customer. No account holder will probably notice this unauthorized debit, but the bank employee will make a sizable amount of money every month.

### **Phishing**

Phishing is the act of sending an e-mail to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft. The e-mail directs the user to visit a web site where they are asked to update personal information, such as passwords and credit card, social security, and bank account numbers that the legitimate organization already has

### **Sale of illegal articles**

This category of cybercrimes includes sale of narcotics, weapons and wildlife etc., by posting information on websites, auction websites, and bulletin boards or simply by using email communication.

### **Online gambling**

There are millions of websites; all hosted on servers abroad, that offer online gambling. In fact, it is believed that many of these websites are actually fronts for money laundering. Cases of hawala transactions and money laundering over the Internet have been reported.

**Email spoofing :**

E-mail spoofing is e-mail activity in which the sender addresses and other parts of the e-mail header are altered to appear as though the e-mail originated from a different source. E-mail spoofing is sending an e-mail to another person in such a way that it appears that the e-mail was sent

**Cyber Defamation**

When a person publishes defamatory matter about someone on a website or sends e-mails containing defamatory information to all of that person friends, it is termed as cyber defamation.

**Forgery**

Computers, printers and scanners are used to forge counterfeit currency notes, postage and revenue stamps, mark sheets etc. These are made using computers, and high quality scanners and printers. by someone else.

This includes theft of information stored in computer hard disks, removable storage media etc.

**Email bombing**

Email bombing refers to sending a large number of emails to the victim resulting in the victims email account (in case of an individual) or mail servers (in case of a company or an email service provider) crashing.

**Internet time theft**

Internet time refers to usage by an unauthorized person of the Internet hours paid for by another person.

**Theft of computer system**

This type of offence involves the theft of a computer, some part(s) of a computer or a peripheral attached to the computer.

**Physically damaging a computer system**

This crime is committed by physically damaging a computer or its peripherals.

**Breach of Privacy and Confidentiality**

Privacy refers to the right of an individual/s to determine when, how and to what extent his or her personal data will be shared with others. Breach of privacy means unauthorized use or distribution or disclosure of personal information.

Generally for protecting secrecy of such information, parties while sharing information forms an agreement about the procedure of handling of information and to not to disclose such information to third parties or use it in such a way that it will be disclosed to third parties.

**E-commerce/ Investment Frauds**

An offering that uses false or fraudulent claims to solicit investments or loans, or that provides for the purchase, use, or trade of forged or counterfeit securities. Merchandise or services that were purchased or contracted by individuals online are never delivered.

## **Cyber Terrorism**

Targeted attacks on military installations, power plants, air traffic control, banks, rail traffic control, telecommunication networks are the most likely targets. Others like police, medical, fire and rescue systems etc.

- Cyber terrorism can be conducted remotely, a feature that is especially appealing to terrorists.
- Cyber terrorism has the potential to affect directly a larger number of people.