

How Free is the Indian Media?

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Network 18, which is the mother organisation for CNN-IBN, CNBC Awaz, CNBC 18, etc., has recently been purchased by the Reliance Group. Rajdeep Sardesai, the Chief Editor of CNBC-IBN and his wife, Sagrika Ghosh who is Deputy Chief Editor, are reported to have gone on long leave after the merger and are unlikely to return. Raghav Bahl, the Chief of Network 18, is also likely to leave. The question arises whether they are leaving on their own volition, or they are being ousted. Should management have the power to arbitrarily remove staff because the editors do not necessarily agree with the agenda of the new owners? On the answer to this question hinges the whole issue of autonomy of the media. The Preamble to the Constitution guarantees liberty of thought and expression. Article 19 guarantees freedom of speech and expression. This provision not only covers individuals, it applies to the media as a whole because ultimately expression is given through the media, which is a major organ for ensuring free speech. This freedom can be regulated only to the extent that Article 19 (2) provides, but subject to this there should not be and constitutionally cannot be any restriction of the freedom of the Press. When Jawaharlal Nehru was asked his opinion about the autonomy of the Press he said that he favoured editorial autonomy, but not ownership autonomy.

In a democracy people have a right to their own opinions, subscribe to their own ideologies, have their own plan of action and have their own means of expressing themselves. Included in this is the right to peaceful protest, to criticise, even to condemn a course of action which is felt to be inimical to public interest. Of course whilst doing this one has to be careful that one does not impinge upon the rights of others and to this extent the Legislature is competent to enact laws which, without infringing anyone's rights also ensure that there is harmony and that different opinions, expressions or actions do not curtail anyone else's rights, nor lead to violence. It is the job of the media to provide a platform for airing criticism of government, political parties, the corporate sector, the bureaucracy, the establishment as a whole. Government cannot in any way restrict this function of the media and, despite the aberration of the Emergency, government has learnt to live with a free Press which may be annoying because it is critical, with the result that attempts at censorship have all failed. To that extent one can state that the media enjoys a very high degree of autonomy and freedom in India.

Is there a case to argue after making the above statement? I would submit that there is because the second part of Nehru's statement was that autonomy did not extend to ownership of the media. Just as government cannot interfere with editorial freedom ownership of the media cannot also be allowed to interfere with editorial autonomy. Our Press has seen great editors such as M. Challapathi Rao, Khushwant Singh, N.Ram, C.R. Irani, Arun Shourie, Sham Lal, Rahul Barpuite and people of that calibre. They were honest to their principles, gave complete freedom of reporting subject only to such reporting being truthful, they did not permit the owners of the newspapers to dictate terms to them and even in the Emergency many of these great editors stood their ground. The early days of independence saw the flowering of our free Press which made us all proud. The newspapers became the Fourth Estate and thus the fourth pillar of the Constitution whose duty was to zealously guard the freedoms embodied in the Constitution.

When Samir Jain succeeded to the ownership of Bennet Coleman which owns the Times of India, Economic Times, etc., things began to change. Now the newspaper came to be looked upon as a commercial venture, to attract income and profit through advertisement. Obviously companies and people would advertise most in newspapers which had a high circulation and, therefore, growth of circulation became one of the factors in the management of newspapers. The format of the newspaper and the reader interest that the publication attracted replaced public interest as the main concern of the newspapers. The editor now became part of the commercial team and it was his job to make the newspaper attractive so that it could sell more. Newspapers moved away from being guardians of our democratic rights and instead became the instrument through which advertisement could be attracted and profits maximised. What newspaper owners looked for was not so much an editor as a business manager. Keeping government happy so that advertisements would roll in became more important than maintaining high standards of reporting and editorial writing and from that day on the autonomy of the media became jeopardised.

It costs money to produce a newspaper, a journal or to run a TV or Radio channel. The media has now become another avenue for investment of capital by businessmen and because it gives business interests a platform for expression, big business is interested in media ownership. That is how monopolies are created and if there is monopolistic ownership of the media, then the media cannot be autonomous because it has to serve the interests of the person who owns it. To the extent that editorial policy is dictated by the owner or the management the Indian Press is not free. In order to restore genuine freedom the law must ensure that there is neither cartelisation, nor monopolistic ownership of the media. The equity base of the media company has to be extremely wide and there should be a restriction on number of shares that an individual or a group can own. If the number of stockholders is large and the law ensures professional management, with there being a very strong watchdog to ensure that there is no infringement of editorial freedom, then our media can enjoy autonomy. As already stated the likelihood of government censorship is remote. If we also ensure that there is no censorship by the management then India will have a truly free Press.

One should not be afraid of this. Article 19 of the Constitution does permit reasonable restrictions by law, which means that there is legal protection against defamation and libel, the media cannot carry items which are likely to lead to a major law and order situation, nor can the media be used for the purpose of endangering the security and integrity of the nation. The more free the Press the more vibrant will be our democracy. Ideally we should move towards the situation which prevails in Britain. The Prime Minister, Margaret Thatcher, told the Director General of BBC that BBC must not carry items relating to the Falklands War which might affect the morale of British troops. The D.G's answer was a classic. He said, "Madam, maintaining the morale of British troops is the responsibility of government. Reporting the truth is the responsibility of BBC and we shall continue to do so". Mind you, BBC is owned wholly by the British Government!
