

Role of Media and Right to Privacy In India : A Legal Perspective

Ajay Narwal

B.A LLB (Hons)., University of Petroleum and Energy Studies, Dehradun, India

ABSTRACT

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Right to information and the right to communicate the information through media have been guaranteed under Article 19(1) (a) of the Constitution of India. In the case of State of Uttar Pradesh v Raj Narain, the Supreme Court of India held that Article 19(1) (a), not only incorporates, to guaranteeing freedom of speech and expression, but also guarantees the right to receive information on matters concerning in respect to public interest. However, there is a need to balance the right to information with the right to privacy which has been raised.

Keywords : Human Rights, Right to Privacy and Media, Press Complaints Commission

I. INTRODUCTION

In India presently there is no independent statute protecting privacy, the right to privacy is a deemed right interpreted under the Constitution of India. The right to privacy can be traced from the fundamental rights provided under the Indian constitution; i.e. the right to freedom under Article 19 and the right to life and personal liberty under Article 21 of the Constitution.

The judiciary has recognized the right to privacy as a fundamental right, inferred in the right to life and liberty guaranteed to the citizens of the country under Article 21". The legal system of India has made certain exceptions to the rule of privacy in the interest of the public, mainly, after the enactment of the Right to Information Act, 2005 (RTI). The RTI

Act, provides for an exception under section 8 (1) (j)¹, which states that disclosure of any personal information which is not concerned to any public activity or of public interest or which would cause an unwarranted invasion of privacy of an individual.

II. Role of Media

Media plays several roles in a democratic country like India as following:

- Media provides the citizens of the country fair and adequate information. Media shall not tarnish the facts; they shall present them as they are to the people.
- Media is considered as the fourth pillar of democracy. It makes us aware about all the happenings inside and outside the country in

¹ Right to Information Act, 2005, Section 8 (1) (j).

various activities like politics, sports, economic, social and cultural activities, judiciary etc.

- It is not wrong to say that the media helps the government to run the country as it point out the loopholes in their policies and helps the government to fill all those loopholes and helps in making the system democratic, accountable and responsible.
- It plays a wide role in broadening the thinking of the citizens, by empowering them with knowledge. India is a country where there is a significant rate of illiteracy, it is the duty of the media to provide knowledge and broaden their views.
- It must fairly criticize or point out any activity that is against the spirit of justice or the essence of democracy.
- Media acts as a link between the government and the people and also acts in a very powerful manner with the capability to change the opinion of the people. It has the ability to change the perceptions. Due to which it has obtained the trust of the public. Media, through its various means of newspapers, television, etc. rules the thinking of people.
- The media has assisted in structuring the democratic society by giving importance to issues which were regarded as to be private like domestic violence, and sexual harassment etc.
- It identifies the concept practices and plays an important role in initiating the proper procedure against the people who are accused of any anti-social activities, regardless of any political connection.
- It brings the spirit of unity and brotherhood among the people, and furnishes faith in democracy and justice.
- Media nowadays touches every aspect of a person's life. It helps in molding the thoughts of the people, educating them and helps in spreading awareness among the people.

If the media adheres strictly to its duties and responsibilities then the democracy would be maintained in its true sense by the citizens of India.

III. Importance of Freedom of Press Media

Media plays a most important and dynamic role in a democratic society. For the effective functioning of a democratic society there should be a pre requisite existence of a well-informed and an aware society. It is important for media to provide the relevant and correct information to the society in a timely manner. The importance of media arises from the importance of information; human beings must be stayed informed. As a prudent citizen of the country must be informed about the activities happening in the surrounding, Media plays its part by keeping everyone updated.

IV. Constitutional Status of Media in India

When the leaders of soon to be great India drafted the constitution, the question was of having a different provision for press as in American Constitution, or to incorporate the freedom of press in right to speech and expression as in England.

The Chairman of Drafting council Dr. Babasaheb Ambedkar emphatically contended that: "The press is merely another way of stating an individual or a citizen. The press has no special rights which are not to be given or which are not to be given or which are not to be exercised by the citizen in his individual capacity. The editors of press or the manager are all citizens and therefore when they choose to write in a newspaper they are merely exercising their right of freedom of speech and expression and in my judgment therefore no special mention is necessary of the freedom of press at all". Hence, the right to speech was included in freedom of speech and expression i.e. Article 19(1) (a) of the Indian Constitution.

Unconstrained press is the precondition of a democracy. The requirement for a free press is more in a country like India. Without a separate article in the Indian constitution for press or media, the independence of the press was shielded and promoted by the judiciary of India.

4.1 Protection of Freedom of Press/Media by the Indian Judiciary:

In the case of **Romesh Thapar v. State of Madras**,² the court stated that right to circulation is as vital as right to distribution. In another case of **Sakal News Papers v. Union of India**,³ the court observed a backhanded exertion by Government to limit the freedom, by passing the Newspaper (Price and Pages) Act 1956, which engaged the public authority to control the space for advertisement, was opposed by the judiciary as it would have direct consequences on circulation.

4.2 Restriction of Freedom of Press/Media by the Indian Judiciary:

The Indian judiciary not only guarded the right of press or the media, yet additionally confined it in the benefit of the nation. In the case of **Dr. D.C. Saxena v. Hon'ble the Chief Justice of India**, the court stated that, the freedom of speech plays such an important role in democracy, society is equally authorized to modulate freedom of speech or expression on their half. The reason being is, viz., that society both accepts it and on the other hand tries to suppress it.

V. Freedom of Speech and Expression and Information U/A 19(1) (a)

The right to communicate and receive information is a part of the right to freedom of speech and expression Under Article 19 (1) (a) of the constitution of India. Every citizen has a Fundamental Right to use the best medium to communicate and receive information. The State is under obligation to respect

the Fundamental Rights of the citizens of our country, and is also equally under an obligation to ensure conditions under which the Right can be significantly and effectively be enjoyed by each and everyone one. Freedom of speech and expression is a basic right and cannot be separated from a democratic society.

Presently everyone around the world has moved towards the advancement of right to freedom of expression. In this reference Article 10 of the European Convention on Human Rights, provides that everyone shall have a right to freedom of expression and the right shall include freedom to have an opinion and to receive information and ideas without any interference by the public authorities. Further, Article 19(1) and 19(2) of the International Covenant on Civil and Political Rights declares that everyone shall have the right to have opinions without interference, and everyone shall have the right to freedom of expression, and this right shall include freedom to seek, receive and communicate information. of ideas of all kinds, either orally, in writing or in print, in the form of art or through any other media of his choice.

Similarly, Article 19 of the Universal Declaration of Human Rights, 1948 provides that everyone has the right to freedom of opinion and expression and this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In the Indian reference, Article 19(1) (a) of the constitution guarantees to all citizens' freedom of speech and expression. And also applies some restrictions under Article 19(2)⁴, which authorizes the State to make any law in so far as such law imposes reasonable restrictions on the exercise of the rights conferred by Article 19(1) (a) of the constitution in the interest of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, morality, contempt of

² Romesh Thapar v. State of Madras, A.I.R. 1950 S.C. 124.

³ Sakal News Papers v. Union of India, A.I.R. 1962 SC 305.

⁴ INDIA CONST. art. 19. (2).

court, defamation and incitement of offence. Thus, every citizen has a right to receive information and that right is acquired from the concept of freedom of speech and expression mentioned under Article 19(1) (a) of the Constitution of India.

In the case of **Kaleidoscope (India) (P) Ltd. v. Phoolan Devi**⁵, the Judge of the trial restricted the showcase of the controversial movie Bandit Queen both in India and abroad. The trial court reached to a sufficient conclusion by establishing the fact that the film infringed or violated the right to privacy of Phoolan Devi, In spite of the fact that, she had given her copyright in her writings to the producers of the film. The Division Bench upheld the decision of the trial court. The Court noticed that even assuming that Phoolan Devi was a public figure whose private life was exposed to the media; the question arose was to till what extent the private matters relating to rape or the alleged murders committed by her could be commercially exploited, and not just as news items or matters of public interest.

It shall be, however, be considered that freedoms under Article 19, including Article 19(1) (a), are available only to the citizens of India. An alien or foreigner has no rights under the given Article because he/she is not a citizen of India. Thus to confer or take protection upon a non-citizens a person has to depend upon and apply under Article 21 of the constitution of India, which is available to all persons, whether citizen or non-citizen.

VI. Limitations of Media

Limitations of media are as following:

1. Excessive fallacies:

The imperfections that sprung up because of the high levels of inconsistencies and inaccuracies. The level of inaccuracy noticed is even higher when the public gets first-hand information of a news story. Almost 50

percent of the public reports having had first-hand information of a news event at some time even though they were not personally part of the story.

2. Sensationalism by media:

The media generally neglects the issues which are important for the public and needs to be addressed on a global platform. But they tend to show sensational issues like entertaining or spicy stories of Bollywood or sports, famous personality committing suicide etc.

3. Poor coverage of important issues:

Indian media nowadays generally showcases the issues that are more entertaining for the public. This provides them with a good TRP that helps them earn more by getting sponsors that pay more and hence, the issues that need to be addressed which are important for the public did not get the attention of the common public. The best example is Deepika Padukone a famous Bollywood personality was summoned by NCB on drug case on 25th September. This was the highlight of every news channel. But on the same day farmers were on national protest. News of farmers protesting didn't get any attention. This shows how news channels are neglecting the important issues.

4. The media's short attention span:

The media searches for a hot topic and keeps on showing it for days till it brings TRP. But as soon as the topic shines away they rarely keep the follow up which is very important and crucial.

5. Focuses on huge profit margins, not serving the public:

There have been many incidents in recent past where it has been observed that when the elections are near the media publishes the news that is favorable to a particular political party or particular candidate for monetary or other consideration. This is generally called or known as paid news. Today the term "paid news" has taken a different dimension and is now deeply rooted in every form of media present. And it is becoming highly structured and organized.

⁵ Kaleidoscope (India) (P) Ltd. v. Phoolan Devi, A.I.R. 1995 Delhi 316, ILR 1996 Delhi 586.

6. Trials by media:

This concept draws attention from the late 20th and 21st century. This illustrates the role played by the media in judicial proceedings. The trials by media are generally in the cases the murder. Here the media displays its perceptions of whether the accused is guilty or innocent. And the people reading or hearing media's perceptions creates a character picture of the accused and people tend to pass their judgement even before the official judgement is revealed or even before the commencement of trials. Because of this the right of an accused for fair trial is encroached on. Within the light of above truths it isn't conceivable for democracy to succeed or be enjoyed in genuine spirits. But it isn't conceivable to oversee the media by point by point legislation. The News Broadcasters Affiliation (NBA) has issued the rules. Few set rules are as under:

a) Impartiality and objectivity in reporting -

Television news business is directly proportional to accuracy of the news. The viewers of the news channels want the news to be fast as bullet but at the same time the news should be accurate and precise. And it's the job of news channels to keep it accurate and balance it with speed. If some errors occur then the channels should be transparent about it and should accept their mistake and correct it. All the channels should try and show not anything but the truth and make the viewer understand the importance of truth. Truth will be a defense in all cases where a larger public interest is involved, and in even these cases, equal opportunities will be provided for individuals involved to present their point of view.

b) Ensuring neutrality

TV News channels must not partner with any political party, player and actors in any dispute or conflict rather should maintain neutrality and present their point of view. In spite of the fact that lack of bias does not continuously come down to giving break even with space to all sides, news channels must endeavor to guarantee that affirmations are not

depicted as reality and charges are not passed on as an act of blame.

c) Reporting on crime and safeguards to ensure crime and violence are not glorified-

Television news has greater reach in terms of size of audience it caters to, therefore, it has more impact than any other form of media. And this makes it more necessary for the tele news to show reports or news that does not glorify the acts of murder, robbery or rape etc. Specific care must be taken not to broadcast visuals that can be prejudicial or inflammatory. None of the acts should be glamorized and should maintain a good taste and decency.

d) Sex and nudity

News channels should always be aware that they are being watched by families together. So, they should not show any nudity of the male or female. Channels should not show any explicit images of sexual activity or acts of sexual violence like rape or molestation, pornography etc.

e) Privacy

As a run the show channels must not interfere on private lives, or individual undertakings of people, unless there's a clearly established larger and identifiable public interest for such a broadcast. The basic rule that news channels abide by is that the interruption of the private spaces, records, transcripts, phone discussions and any other material will not be obstructed, but only when justified within the public interest. Although, it is already known that the pursuit of the truth and the news is not possible through predetermined principle of prior permission, subsequently door stepping people or specialists for the reason of news gathering may be utilized only in case of larger public issue. Moreover, in the case of minors the consent of parents or legal guardians must be there before broadcasting their private life.

7. Need for Limitation on Freedom of Press

The press is a useful and an essential instrument for the information and exchange of views and opinions in a modern democratic society. The question arises as to the need of any form of regulation or control. The liberty is not absolute and has some restrictions or exceptions, to the freedom of press. The press is not free to ruin or exploit a reputation or to break the confidence or to harm the course of justice or to do anything that is unlawful.

The need for restriction and the amount of restrictions applied must be reasonable in the public interest. The reason behind this is that, Freedom carries with it a responsibility even for press media; freedom of the press does not mean freedom from responsibility for its exercise.

The press is not entitled to any absolute freedom.⁶ The society has a responsibility itself to maintain the public interests, apart from the freedom of expression. Not only freedom of the press, but no constitutional right is absolute.

Rights depend upon the existence of the State and the maintenance of order so that the rights may be secured and enforced. Hence, no right or freedom can be allowed to exercise in such manner as would risk the existence the state or the maintenance of public peace and order, or diminish the public morality, or a fair and unbiased administration of justice, which are necessary for an enlightened existence. The implementation of an individual right must be in the correlation rights of other persons and should be similarly safeguarded or protected.

8. Meaning of Right to Privacy

Fundamental a right of a person also includes privacy and most of the governments all over the world are doing the most they can to protect their citizen's privacy. So, every person has the right to know what kind of information is taken about him and that is the reason for accessing personal information of the user.

⁶ Kochuni v. State of Madras, A.I.R. 1960 S. C. 1080 (1099).

The meaning of privacy is largely dependent on the context and environment it is being used. In many countries around the world it is being used concurrently with data protection, which interprets privacy in terms of management of personal information. In India, privacy means providing a barrier for society to not to intervene into someone's private life.

Allan Westin, author of "Privacy and Freedom", stated privacy as the, 'desire of people to choose freely under what circumstances and to what extent they will expose themselves, and their attitudes and their behavior to others.'

The Right to Privacy means the right to be let alone, the right of the person to stay from any publicity and the right to live its own life without any external interference of any private individual. It avoids illegal disclosure of someone's personal information. It is the right which empowers the person to review his information, ask for corrections if present and to receive information prior to any disclosures.

9. Interpretation of Privacy under the Constitution of India

Right to privacy is every individual's fundamental right. In the Indian Society the right to privacy has become a fundamental right, which is interpreted under the right to life and personal liberty, Article 21 of the Indian Constitution. Every citizen of India has a right to privacy or right to be let alone and has the right to safeguard his own privacy, and that of his family, marriage, procreation motherhood, child bearing, education etc. and no person can publish anything relating to such matters without the consent of the person concerned. The right to freedom of speech and expression and the right to privacy are two sides of the same coin. One person's right to know and be informed may violate another's right to be left alone. Just like the freedom of speech and expression is vital for the dissemination of information on matters of public interest, it is equally

important to safeguard the private life of an individual to the extent that it is unrelated to public duties or matters of public interest. The law of privacy seeks to balance these competing freedoms. However, the freedom of media can't infringe the right to privacy.

The right to privacy is recognized as a fundamental right under the Constitution of India. It is guaranteed under the right to freedom Article 19 and the right to life Article 21 of the Constitution. Article 19 (1) (a) guarantees all citizens the right to freedom of speech and expression. It is the right to freedom of speech and expression that gives the media the right to publish any information. Reasonable restrictions on the exercise of the right can be imposed by the State in the interests of sovereignty and integrity of the State, 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.⁷

Article 21 of the constitution talks about, the Protection of life and personal liberty - No person shall be deprived of his life or personal liberty except according to procedure established by law.⁸

Right to privacy has been recognized as an implicit right by the court under right to life. In the case of **R.Rajagopal v. State of T.N.**⁹ And in the case **PUCL v. U.O.I.**¹⁰, the courts held that the right to privacy is an essential and important ingredient of the right to life. In the case of **PUCL v. UOI**,¹¹ it is known as the wire-tapping case, the question before the court arose was that whether wire-tapping was an infringement of a citizen's right to privacy. The court held in the above

mentioned case that an infringement or violation on the right to privacy depends on the facts and circumstances of a case. It also observed that, telephonic conversation is an important aspect of a person's private life. Right to privacy would definitely include telephonic conversation in the privacy of one's home or office. Telephone-tapping would, thus, violate Article 21 of the Constitution of India unless it is permitted under the procedure established by law. It is further observed that the right to privacy also derives from Article 19, when a person is talking on telephone; he/she exercises his right to freedom of speech and expression.

In another case of **Kharak Singh v. State of U.P.**¹², in this case police surveillance was being challenged in reference to violation of the right to privacy; the Supreme Court held that domiciliary night visits were violative of Article 21 of the Constitution and the personal liberty of an individual. The court, therefore, has interpreted that the right to privacy is not an absolute right, but is a restricted right which is considered and differs on the basis of a case to case.

10. Right to Privacy and Media

In the present modern world we cannot deny the fact that the media is powerful in the present world and it closely absolutely influences everyone's life and society. We the people get everyday information from all over the world via media; newspaper, magazine, television, and Internet. The media is a globalized industry, which keeps us updated with the news in our surrounding society.

Media provides us the information that is essential for our daily life and for the future decisions of our life. Media provides information through various means like newspaper, television, magazine etc. for entertainment, knowledge and update about the events or activities happening around the world. For information or business issues we have access to the

⁷ Sonal Makhija, Privacy & Media Law, (July 19, 2011), <https://cis-india.org/internet-governance/blog/privacy/privacy-media-law#14>.

⁸ INDIA CONST. art. 21.

⁹ R.Rajagopal v. State of T.N. (1994) 6 S.C.C. 632.

¹⁰ A.I.R. 1997 SC 568.

¹¹ A.I.R. 1997 SC 568.

¹² AIR 1295, 1964 SCR (1) 332.

internet. Each group of people grasps information in the different ways. The development of technology contributes the media to become the important part of everyone's life.

Everything and every activity occur around us are brought to people's acknowledgement rapidly since the technology is dynamic and has become so advance such as some of resources like digital camera, live news report via Internet and satellite network. Due to high advantages of media technology, some of the concerns are that; how we can manage with the media for proper influence on our lives.

It is essential that personal life of people must be protected and the right to privacy does not get infringed by the conduct of media.

The press sometimes crosses the limits and expression by media has become a trade, which every industry follows. The columns of daily paper are filled with gossips. And a person under the refining influence of culture has become more sensitive to publicity towards his reputation, so that the modern activity and invention have, through invasion upon his privacy, subjected him to mental pain and distress, more than that of a physical injury.

10.1 Freedom of Press and Privacy

The freedom of press has been impliedly interpreted under Art.19 of the Constitution of India. Certain restrictions are applied on the freedom of expression under Art. 19(2), the privacy has not been added as a ground for imposing reasonable restriction. So, if a women who has suffered or is a victim of sexual assault, kidnapping, or a similar offence should not be humiliated of her name due to the incident being published in press media.¹³

The freedom of speech and expression as stated under Art.19 (1) (a) of the Constitution also provides for a

¹³ R. Rajagopal v. State of Tamil Nadu, AIR 1995 SC 264.

police officer to take or seize the documents, newspaper and to search the suspected place that are infringing the right to privacy.¹⁴ Journalist having the duty to assist the state in solving a offence and bringing justice, having such information cannot indicate as right to privacy as it is not an absolute right.¹⁵

10.2 Privacy vis-à-vis Media under Common Law

Privacy in the present time has been an issue of political concern. The legal definitions of privacy have been broadened by legislation through enactments and mostly by judiciary or by adopting the concept of common law system.

In respect to protection of privacy vis-à-vis infringement by media, the judicial approach is not very specific or transparent. In India there is no specific legislation or provision which directly protects right to privacy against excessive publicity by press.

One of the main motives of media is to cover up the gap between govt. and the public wrong. In the case of **Destruction of Public and Private Properties v. State of A.P.**¹⁶ the Supreme Court held that media must be unbiased and neutral, and responsible of reporting sensitive issues, like of crime, violence, protest, or matters relating to national security and respect privacy.

10.3 International Conventions on Media and Privacy

1. United Kingdom:

In the UK, a self-regulatory body named The Press Complaints Commission is present. The PCC has pen down all the rules and regulations that are needed to be followed by journalists. According to the rules laid

¹⁴ State of Maharashtra v. Sanghraj Damodar Rupawate (2010) 7 SCC 398.

¹⁵ People's Union for Civil Liberties (UPCL) v. Union of India, AIR 2004 SC 456.

¹⁶ A.I.R. 2009 S.C. 2266.

down by PCC, privacy of every person should be respected and editors should have a reason for violating the privacy of a person. This includes the clicking photographs of the person with his/her consent whereas in India photographs in public places are taken without the person's consent.

Like PCI norms, PCC has also produced some guidelines when minors are being reported who have been a victim of sex assault. As per the guidelines, the identity of the minor is always protected, over that the identity of the relatives and parents are also not disclosed until their consent is taken. Moreover, the details related to the minor's sex, race, religion etc., is not revealed.

2. France:

French protect the privacy of the citizens of their country under: Article 9 of the Civil Code.

It provides that; everyone has the right to respect for his private life. Without prejudice to compensation for injury suffered, the court may prescribe any measures, such as sequestration, seizure and others, appropriate to prevent or put an end to an invasion of personal privacy; in case of an emergency those measures may be provided for by an interim order. The right to privacy allows anyone to oppose dissemination of his or her picture without their express consent.

Article 9 is applicable to both public and private spheres. It is applied on both printing the information and gathering the information. Moreover, violation of privacy in France is a criminal offense.

11. Media and Infringement of Right to Privacy

Nowadays there is an open struggle between "informational activism" and the right to privacy. Recent innovations and business strategies call attention to the steps that need to be taken to protect the privacy of the individuals. Instant photographs

and media institutions have infringed private and domestic life. For many years there has been an urgent need for law to provide some resolution for the unauthorized access to someone's private information and evil invasion of print media into privacy has been felt since very long but recently it is being debated by law makers. The requirement of such a protection is a must. The press is violating each and every bound of privacy and decency. Gossip is no longer a single person thing but has been traded for money. Gossip involving a famous celebrity becomes the headline of the next day's newspapers. To fulfill a lustful taste the points of interest of sexual relations are spread broadcast within the columns of the everyday papers. With the advancement of civilization and man under influence of culture ended up becoming more delicate to publicity. So, privacy has become a basic fundamental right for every citizen. But a series of new inventions through invasion upon his privacy has led people to more distress and mental illness.

In this similar to other branches of commerce demand is more than supply. Each gossip raises the interest of the person to know more, increasing the gossip meter resulting in lowering social standards and morality. Even harmless gossip when widely spread becomes a source of evil and can harm someone. It is both not harmful and perverts. When personal information through the media reaches everyone and becomes public it is not unreal that mindless people forget the importance of privacy and other issues of social concern. Hence, media should be careful or rather restrain while publishing about someone's personal life.

11.1 To Safeguard the Identity of Children

Media is not permitted to reveal the identity of children. The Juvenile Justice (Care and Protection of Children) Act states that the media are not allowed to disclose or reveal the names, address and schools of juveniles which in further leads to their identification.

If the interest of children is involved, disclosing the identity of the child in care will help him more is an exceptional case of the previous statement.

Likewise, the Convention on the Rights of the Child (CRC) states as following:

Article 16 provides that;

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, or to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 40 of the Convention, states that the privacy of a child accused of infringing penal law should be protected at all stages of the proceedings.

The all kinds of media have been diminished to stick or follow these guidelines.

11.2 To Safeguard the Identity of Rape Victims

Disclosing the identity of rape victims has been made punishable in the court of law under Section 228A of the Indian Penal Code. In a recent case, where an international student studying at Tata Institute of Social Sciences (TISS) was raped, the media did not respected the privacy and the identity and over that did the character shaming of the girl. In this case the media did not reveal the name of the girl, but they disclosed the name of the university and course she was admitted to, violating the norms of the Press Council of India (PCI). PCI norms stated neither the name nor any pictorial representation of the moment of grief of the victim should be disclosed. In the case of Aarushi murder, media violated PCI norms many times.

VII. CONCLUSION

Media has one of the most important parts in a democratic society. Freedom of press is important for the proper functioning of the society. But there needs to be some restrictions to it, to have some control.

Right to privacy does not have a status of absolute right. There are certain exceptions to right to the privacy like, overriding public interest, safety and security of the State, which are applied in most countries, as analysed in the topic Role of media and Right to privacy, infringement of right to privacy by media is common all around. But in some countries like UK, France, the right to take a photograph of a person is forbidden, in a public sphere. In India media has failed to adhere to the ethics and also there are no such guidelines or restrictions imposed on photographing a person without his/her consent.

The media in India infringes Right to privacy on a regular basis, like overlooking the issue of privacy to satisfy morbid curiosity.¹⁷

Media must avoid the breach of privacy by verifying whether the information is of public domain or not. It must publish the information of any private person by his/her consent only and must respect the privacy of a person. In India there needs to be a specific provision regarding the infringement of Right to privacy by media.

¹⁷ Press Council of India, NORMS OF JOURNALISTIC CONDUCT, 6. Privacy