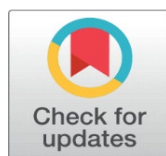
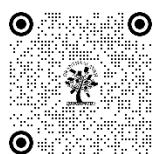


# THE ROLE OF MEDIA AND GAME OF TRP

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## ABSTRACT

The media, which is the fourth pillar of democracy, is crucial in influencing public opinion. People rely heavily on the media to raise their awareness and engage with the government. However, a few negative concepts also exist that cast doubt on the veracity of media reports. One of these is the TRP race. The race of TRP and the bad features of media trials have risen as a result of media organizations becoming more private. In most of these countries, privatization began spontaneously and was only later subject to government regulation. Eventually, the state or other public funds either took ownership of the media or sold them off. In other words, in countries where the media was socially owned, state-controlled media turned became state-owned media. For the media to adequately carry out its responsibilities, TRP should be regulated by appropriate regulation.

**Keywords:** Democracy, Media Trial, TRP

## 1. INTRODUCTION

Thomas Carlyle<sup>1</sup> created the phrase 'media as the fourth pillar.' "Only in an atmosphere that supports them can the media play a constructive role in democracy. They must have the necessary expertise to do the type of in-depth reporting that a modern democracy demands Effective judicial administration is served by a responsible press." In order for a democracy to run properly, no unneeded restrictions should be positioned on the media, along with it must be established the complete independence and liberty it be worthy of to influence its judgment to the public. The media must also do its share to discharge its responsibilities in a highly responsible, proactive, and impartial manner without displaying any prejudice by presenting the people with the truth. People are clued-up in relation to numerous aspect of life that they are often unacquainted of gratitude to the media.

<sup>1</sup>Thomas Carlyle (4 December 1795 – 5 February 1881) was a [Scottish](https://en.wikipedia.org/wiki/Scottish) essayist, historian, and philosopher from the [Scottish Lowlands](https://en.wikipedia.org/wiki/Scottish_Lowlands).

In the last two decade especially, there have been multiple illustrations that the media has presided over the trial of an accused individual and issued a decision prior to the court does. PriyadarshiniMattoo<sup>2</sup>, Jessica Lal<sup>3</sup>, NitishKatara's<sup>4</sup> murder, and the rape of Bijal Joshi<sup>5</sup> are some well-known criminal. incidents that would not have resulted in punishment but for the media's participation. Whereas cases like Arushi-Hemraj murder<sup>6</sup>, Sunanda Puskar<sup>7</sup> suicide etc, are some other cases also where media trial's negative impact was seen.

In India, media trials have become a significant problem that requires immediate attention due to its adverse influence on society as a whole. The impact of the media has suddenly increased, and it is now contesting the legitimacy of the legal system. The unfettered and unrestrained influence of the free press has made the court into little more than a mute bystander who is used as a scapegoat. With the help of the Constitution and technological breakthroughs, the media has advanced to the point where it is now influencing the minds of the people. The link between 'trial by media' and freedom of speech and expression, which includes freedom of the press, is examined in this research paper, This research work's major apprehension in this chapter is to focus on the causes, why media trials have become so popular in today's time.

## 2. HYPOTHESIS

- Media is surpassing its limit just for the sake of increasing the TRP.
- Privatization of media houses have increased the race of TRP and increased the negative aspects of Media Trials.

## 3. RESEARCH OBJECTIVE

- To Find out, whether or not India have a standardized framework for regulation for TRP?
- To examine weather or not media lost sight of the integrity of responsible journalism in order to maximize profit?

## 4. RESEARCH METHODOLOGY

Because it is based on fact-based situations, the research is contemporary in character. This research is purely doctrinal in nature. Statutes, international laws, conventions, and domestic laws are all analyzed in this field of legal research. Primary and secondary sources are also used in the research. "The statutes are the primary sources, and the case laws, books, and articles by distinguished authors, as well as the electronic data made available on the internal by various websites, periodicals, and newspapers, are the secondary sources."

## 5. PRIVATIZATION OF MEDIA HOUSES AND GAME OF TRP

The decision of the proprietors of the current media outlets was one of the fundamental concerns surrounding the changes in media systems. The media (radio and television systems) belonged to the government, to political parties and organizations, or to social groups. While there was a political consensus to leave the media to market forces in theory, there was no such 'consensus' on the privatization process. In the majority of these nations, privatization started on its own and was only subsequently regulated by the government. Media were eventually either sold off or came under the control of the state or different public funds. To put it another way, state-controlled media became state-owned media in those nations where the media was socially owned.

Up until 1991, all of India's television viewing was limited to the public service network Doordarshan.. The advent of commercial broadcasters into India was made possible by the early 1990s economic openness of India. There are now an enormous number of television channels. India has more than 200 digital channels by 2005. 800 television channels were available in 2012, up from 600 in 2010. There are more than 400 news and current affairs channels included in

<sup>2</sup> Santosh Kumar Singh v State through CBI CRIMINAL APPEAL NO. 87 OF 2007

<sup>3</sup> MANU SHARMA V. THE STATE (NCT OF DELHI)((2010) 6 SCC 1)

<sup>4</sup> Vikas Yadav v. State of UP, REVIEW PETITION (CRL.) NOS.268-270 OF 2017,

<sup>5</sup> Bijal Revashanker Joshi vs State Of Gujarat (1997)2GLR1147

<sup>6</sup> Dr. (Smt.) Nupur Talwar vs State Of U.P. And Anr. CRIMINAL APPEAL No. - 293 of 2014

<sup>7</sup> Subramanian Swamy & Anr vs Delhi Police & Ors W.P.(CRL) 1938/2017

this. Regional and specialized channels are growing as a result of the severe rivalry generated by technological advancements in broadcast and general entertainment channels.<sup>8</sup>

The media, however, may either bring the country to new heights or contribute to a condition of disarray, as we are all aware of. According to English author and former Whig member of Parliament Edward Bulwer Lytton, the media has a highly significant role because:

‘Under the absolute power of mankind, Pen power is greater than sword power.’

Today’s news stations, contrary to journalistic ethics, tend to focus on stories that would increase their television ratings (TRP) rather than the actual news. The media, formerly thought of as the watchdog, has now changed into a dog sitting about hoping for a bone. The media's exclusive emphasis on the Sushant Singh Rajput case is now the best illustration of this. The other problems, such as the pandemic, healthcare, Assam floods, India-China tensions, border conflicts, etc., are ignored and pushed to the side.

The news networks and newspapers now way out to doing whatever thing and everything they can to obtain sky-scraping TRPs due to the fierce rivalry in the media business. The just causes of actual, severe problems are unable to hold viewers' attention, which reduces their profit, prompting new channels to direct their wheels toward fun. The hype, spectacular, and voyeuristic prospects that entertainment offers have caused it to take up a significant amount of space on the news channel. One of the main causes for the transformation of news outlets and newspapers into infotainment channels that broadcast both enjoyable and educational information is competition. The news programme was forced to use drama to spice up and garnish problems in order to compete with other networks for viewers and revenue. In order to maximize revenue from viewers, infotainment will be visibly present on the news channel till Indian viewership develops. Paid news has also evolved into a popular means of generating revenue for news organizations by promoting organizations, goods, and services. This closely resembles an advertisement. Sensational TV, a spectacular, impacting, and theatrical design that depends supplementary on breaking headlines of all kinds more grave journalism, has replaced serious news reporting and analysis on news channels. Primetime has evolved into a venue for political discussions when officials from the major parties talk, less about the merits of topics and more about party opinions, rendering their participation irrelevant in terms of the issue. These are journalism's failures and shortcomings. Journalists cannot ignore their moral and ethical obligations to society. This is careless journalism, and it ought to be ignored. The job requires conveying society’s unveiled reality; hence it must be done without making any concessions in order to tell the truth.<sup>9</sup> Media outlets exist to disseminate information to the public about all global events, including both local and global issues that are of national and international significance. They provide the public with information and views from all groups with an interest in the general welfare in a fair, unbiased, accurate, and polite manner. The judiciary, the parliament, the executive branch, and the media are the fundamental four pillars of democracy. The fourth pillar of democracy is often referred to as the media. Transparency is ensured by the media, which is thought of as the most powerful force on earth and plays an important and dynamic role in every country. By serving as a link between the public and the government, the media protects the public interest. All state-related information is ultimately disseminated to the public through the media.

## 6. CONCLUSION & SUGGESTIONS

The problem of media trials is increasing in India very rapidly. Many laws have been passed in favor to protect the rights of media, but in restricting the rights of media, there are no legislations. Numerous judgments have also strengthened the media’s freedom to speech and expression. Time and again reasonable restrictions have been also imposed by respective judiciary to control media from misusing this important right, but tackling TRP race is seems to have no end. These efforts have helped to control the media trials as well as TRP competition temporarily; but got failed to find a permanent solution to curb the main problem. After examining every possible aspect, the researcher would like to propose the following suggestions:

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<sup>8</sup>Paravaze Ahmad Shah, <http://ignited.in/J/JASRAE/18/9>

<sup>9</sup> News, Channels have, Turned into, Entertainment, Channel,s, [https://w,ww.gr8am,bitto.nz.com/\(2018\)](https://w,ww.gr8am,bitto.nz.com/(2018)), <http://ggr.8am.bitionz.com/20.17/02.essay,-news-c.hann.els-have.-turned.-in.to.h.t.ml>

### • **Awareness programmes for media persons**

There should be recurring training, workshops and education sessions for journalists as well as editorial board on the Indian Constitution, and other relevant laws, such as “The Indecent Representation of Women (Prohibition) Act, Copyright Act, Right to Information Act, pertinent provisions of the Indian Penal Code and CrPC, civil and criminal defamation, IPR, Juvenile justice, POCSO, relevant provisions relating to reporting on rape and molestation, harassment in the workplace etc.” The media trial conducted in ‘**Parliament Attack Case**<sup>10</sup> ensued Afzal’s arrest was a classical example, researcher would like to cite, where lack of knowledge of law resulted in dramatization of an important case. A week after the attack on Indian Parliament, the main accused incriminated himself in a press conference called by the police. Even before the accused was put on trial, the accused’s confession had a terrible impact on the public’s conscience. Despite the astonishing lack of proof, one co-defendant of the primary accused in the same case was first given a death sentence for his suspected involvement. He was portrayed as a dangerous terrorist in front of the general population.

“This shows the ignorance of media about the basic principles of law established under the section 25 of Indian Evidence Act, 1872. Section 25 of Indian Evidence Act, 1872<sup>11</sup> prohibits the confession to the police as admissible evidence in the court of law. However, this drama was sufficient for the broader public to associate the accused with guilt. More than ever, our government must encourage media owners to fund media journalist training. Essentially, reporters and management working together to define standards of journalistic conduct and ensuring that these rules are followed may accomplish media accountability through self-regulation. As part of this, a system should be created to provide a way for those who have been wronged by any news or information item to contact an impartial tribunal. In order to prevent any form of difficulty for the public for whom they distribute news, a voluntary accord of media experts, journalists, and management or broadcasting organisations should commit itself to crafting good journalistic standards. It is comparable to living by the adage Prevention is better than cure.

Apart from legal education, to curb the menace of media trials and unhealthy journalism, special training should be given to media persons to handle cases with basic ethics where-

- (i) If the victim is a minor or an employee, names and anything that may be used to identify them or the attacker should be carefully avoided.
- (ii) It is best to avoid taking pictures of victims or of their homes, workplaces, etc.
- (iii) When reporting on situations involving inter communal or interreligious conflicts or disagreements, extra care and attention must always be taken. Such news reports should be released only after the accuracy of the information has been confirmed, and they should be presented with the appropriate caution and restraint to provide a setting that fosters societal harmony, amity, and peace.
- (iv) Extra caution should be taken while reporting on court and judicial topics. Inform the editorial team on the proper way to report on court hearings and other judicial affairs as well as legislative privileges. To guarantee that both the victim's and the accused's perspectives are covered without commentary. Media should also respect people's privacy while reporting any matter.

### • **A legal framework for the regulation of TRP is the need of the hour**

Without any sort of regulation, no human endeavour would ever succeed. No self-governing institution can work progressively without the theory of intended conformity. Merely framing new statutes and ethical norms won’t solve the problem which the Indian democracy is facing because of uncontrolled powers given to media. The trial of today takes place less in the courtroom and more in the family room. As a result of this change, people's rights may be impacted in ways never before witnessed. Print, digital, and social media outlets have entered a vicious competition known as ‘aggressive journalism,’ in which a swarm of cameras flash at the accused or suspected, and the officers involved are forbidden from transferring the persons of interest or asserted from their vehicles into the courts or vice versa. There was never any pressure on the media to boost TRP ratings or advertising income in the past. Thus, the journalists carried out their duties with courage and honesty, as well as with serious intent and conviction. They did not convict anyone without making a sincere effort to research the allegations, look into them, and reach their own unbiased judgments free from bias. What the government asserted, what the bureaucracy claimed, and what politicians smeared on them wasn’t all that was printed. This paved the way for their credibility and trustworthiness. However, the media has already

<sup>10</sup>State vs Mohd. Afzal And Ors; 2003 SCC OnLine Del 935

<sup>11</sup> A confession made to police officer cannot be used as evidence against an accused individual.

adopted a new role for itself in the form of a 'media trial.' Nowadays, media is an international, commercial enterprise. For them, the bottom line and viewership ratings are of paramount importance. Modern commercial media is too far removed from any notion of social duty to even be imaginable. That's because making money is their top priority. In today's society, however, the pursuit of wealth is not without its own costs. The rights of the accused, the victim, and the suspect are violated as a result.

An independent rating organization is desperately needed. Few numbers of measuring meters dispersed over our country of around 130 crore people determine the content. Additionally, they are subjected to a number of deceptions using secret algorithms in order to reach the King of Media, TRP. This idea controls everything by mesmerizing and hypnotizing people. To make the computation of TRP fair and accurate, the government can cooperate with the Increase the sample size, as suggested by the Telecom Regulatory Authority of India (TRAI), build a legislative framework for TRP regulation, and implement chip-based activity logs across all set-top boxes.

Regulation of Television Rating Points (TRP) will help to eradicate the issue of manipulating the viewers' minds just to increase Television Rating Points (TRP). The race of TRP is a metric used to gauge to make a show popular; which media outlets have adopted and it resulted in 'sensation over sense'. TRP regulation will assist in maintaining Professionalism and media ethics have fallen by the wayside in recent years. The researcher proposes that, the malpractices like media trials, aggressive journalism, political affiliation, paid news etc. by media houses maybe controlled if TRP race is regulated.

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