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Scope for scandal ✓

Omnibus orders restraining media should not end up as a tool of harassment

It is quite regrettable that politicians are often hit by scandals arising from leaked footage purportedly showing them in intimate proximity with women. The latest episode involves former Karnataka Minister Ramesh Jarkiholi, who resigned in the wake of visuals allegedly showing him in such a situation. Speculation about the existence of more such compact discs that could surface in the media has resulted in a lawyer and BJP member obtaining an interim High Court order, that media organisations should abide strictly by the Programme Code prescribed under the Cable Television Networks (Regulation) Act. About 70 media organisations, including television channels, social media platforms, digital media outlets and newspapers have been arrayed as respondents. The order is unexceptionable. The broadcast media are expected to conform to the Code. However, when such an omnibus order is passed, it could become a tool of harassment. Under the Act, district magistrates, sub-divisional magistrates and police commissioners are the 'authorised officers' to ensure that the Programme Code is not breached. The Bengaluru Police Commissioner has also issued an order prohibiting the broadcasting of anything that breaches the Code. The Code, which is part of the Cable Television Network Rules, is widely worded. For instance, anything that offends good taste or decency, or amounts to criticism of friendly countries, are violations. It also considers defamation, half-truths and innuendo as potential violations. In the absence of judicial orders, it may be unsafe to leave such matters to the discretion of the 'authorised officer'.

A key consideration to decide on the content of any broadcast that may be controversial is whether it touches upon any public interest. In this case, it is not merely the private moment of a serving Minister, but his public conduct that is under scrutiny – for the allegation is that he had promised a job to a woman in exchange for sexual favours. That he and others said to be contemplating preventive legal action against the future release of such footage were defectors who brought about the fall of the JD(S)-Congress government not long ago, would impart the episode with a deeper cause for a thorough investigation. Of course, in the absence of any complaint from the woman, or even any knowledge about her, it is difficult to prove any wrongdoing. And not even public interest can justify a flagrant breach of privacy of anyone, or the depiction of women in a derogatory manner. But sections of the media may have considered that there is enough public interest to draw attention to the footage, even if they had no intention to air it. The onus is on media outlets to show discretion in dealing with such 'leaks'. Greater discretion may be warranted for political leaders, especially those with a record of political dishonesty, for it is difficult to blame the public if they expect the worst of them.