



Curbing on-air bigotry

The distinction between free speech and hate speech should be at the heart of regulation

The Supreme Court's posers to the Union government on the measures it can and is willing to take against communally slanted television coverage should not end in undesirable consequences. The questions appear to be an attempt to elicit a commitment to a course of action that will curb inflammatory journalism on broadcast media. However, the Court's warning that if the government fails to explain its mechanism to deal with the problem, it would create one on its own may take the debate down a slippery slope. The Court is hearing petitions against the communal colour given by some channels to the incidence of large clusters of COVID-19 infections among those who attended a Tablighi Jamaat event in New Delhi. The portrayal of the participants as intentional super-spreaders was vicious and motivated. Curiously, the Centre seems reluctant to intervene, while the Court seems to be batting for greater media regulation. The Centre's affidavit stated that media coverage "predominantly struck a balanced and neutral perspective" and that it was open to the viewers to choose from a number of varying perspectives given by different media channels. However, the Court is keen to know what action has been taken under the Cable Television Networks (Regulation) Act against offending broadcasters. One hopes that the Centre's position arises from a commitment to media freedom, and is not based on a partisan leniency towards channels that peddled a certain narrative that suited its interests.

The Court appears unconvinced that the present mechanism of self-regulation, the National Broadcasting Standards Authority, is effective. It would be in order if the self-regulation mechanism deals with departures from normative journalism. And the government is, in any case, empowered under the Act to prohibit transmission of programmes that violate the programme or advertising codes (Section 19) and even an entire channel, in public interest (Section 20). In the past, channels have been asked by the I&B Ministry to take some programmes off the air. There is no doubt that egregious violations of norms are not uncommon. Depending on the damage done to individuals or institutions, or even society at large, there is enough scope for action under the penal law. However, there is a class of violation of norms in broadcasting that stands apart. The case of Sudarshan News, which began a series that propagated hate against Muslims, is a flagrant example. The government has merely administered a 'caution' to the channel and asked it to moderate the content of future episodes and avoid breaching the Programme Code. In September, while ordering the suspension of further episodes, the Court distinguished between free speech and 'hate speech'. The distinction should be at the heart of any order creating a new mechanism, if at all one is needed, to deal with broadcast media excesses.