



## Right To Privacy: Whats That? Asks Media

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**ABSTRACT**

Privacy is the asset of an individual. Every human being will have some or the other matter or issue which they consider private; which they do not want the world to know. Respecting the privacy of an individual is our duty. Thus the media should also respect the privacy rights of all, be it film celebrities, politicians, sports stars a layman too. But an analytical view into the functioning of media offers a clear picture that privacy is barely respected by them. "Everything is their cup of tea". The Indian constitution too provides Indian citizens protection from violation of privacy rights. If the media is announcing some private matter, which if not done will affect the security of the nation or well being of the society it is accepted. But media many times gets into the bedrooms of celebrities, their health records or files, their family fights or husband wife relationships, extra marital affairs, divorce, children and several other issues which are completely personal and are not necessary for the public's knowledge. This paper tries to look into these issues in detail, provide cases to substantiate the same and also provides feasible solutions for it.

**KEYWORDS**

privacy, personal information, Paparazzi, muckrakers, human right

**INTRODUCTION**

Privacy law refers to the laws which deal with the regulation of personal information about individuals. Privacy laws can be categorized into general privacy laws and specific privacy laws<sup>1</sup>. There is no specific mention of right to privacy in Indian constitution. It is protected under Article 21 of Indian Constitution – Right to life and liberty. Right to privacy covers a series of issues. Anything relating to a person's family, health, gender, procreation, children need not be discussed in public. Every individual has a right to safeguard these issues from public eye. However, if he/she wishes to make them public, then there is no violation of the law.

According to black's Law dictionary, right to privacy is "right to be let alone, the right of a person to be free from any unwarranted publicity, the right to live without any unwarranted interference by the public in matters with which the public is not necessarily concerned."

**OBJECTIVES**

- The paper tries to provide insights on right to privacy and media
- It makes an analysis of the reasons for violation of privacy rights by media
- The paper provides certain case studies to substantiate that privacy is indeed violated by media
- It tries to provide possible solutions regarding the

Media has a responsible role to play in the construction of a humanistic society. Termed as the fourth estate and watch dog of democracy; media is always under speculation by the public. Media keeps an eye on the society and in turn society keeps an eye on media. In the process of revealing information to the society; performing its function of dissemination of information; creating awareness about various socio-economic, political, religious and page 3 information to the public; media may many times traverse in the wrong path. It is not false that media at times have displayed 'I do not care' attitude towards law as well as sentiments of the public.

A major criticism against media today is that it is violating the right to privacy of individuals time and again. Is it a latest development? Did media ever respect the privacy rights of a per-

son? An analysis of the media scenario may surprise the public as media has always drowned privacy of people in deep sea.

**CASE 1**

As early as in 1997 media encroached on privacy rights of Diana, the princess which resulted in her death. Caught in a restaurant dining with her boy friend, journalists were adamant on getting this rare photo to their file. What followed was a cinematic car chasing for a long distance, which finally climaxed in an accident and death. The question here is why was this photograph so important for media? Shouldn't the media respect the privacy of a person? Why were the reporters stubborn on getting that photo though it did not have an element of public interest? Raising TRP by few millions or the credit of providing a 'scoop'? Did the media learn out of this experience? A definite NO...

**CASE 2**

Issues concerning the health of a person are covered under right to privacy. Dorothy Barber of Kansas City was diagnosed with a rare disease of losing weight despite having sufficient food. She felt hungry soon after having meals and after consumption of heavy food too, she was losing weight. Times magazine came up with an article on her titled 'Starving Glutton'; accompanied by her photograph on a hospital bed. Missouri court said "Because Barber's condition was not contagious; there was no need to reveal her identity to the public. Time could have informed the public about her newsworthy disease without the embarrassing revelation of her identity."<sup>2</sup>

Every detail about a celebrity is closely monitored by the public and is of great interest. Don't we remember the kind of coverage media provided for Aishwarya Rai's wedding, Virat Kohli and Anushka Sharma's suspected relationship, Yuvraj Singh and his suffering due to Cancer? It is a clear example of their privacy violated by media. These are issues which will not affect the public interest or the national interest. But why do the media go crazy reporting them?

**PAPARAZZI**

Paparazzi journalism has its own share in violating the privacy rights. Paparazzi are believed to refer to an annoying noise of a buzzing mosquito. Journalists are referred to as paparazzi as they can get as irritating as a fly. The adamant nature of journalists to reveal information without considering the emo-

tions or feelings of others gets highlighted here. Paparazzi are considered as a nuisance in many countries. This particular practice of paparazzi journalism took away the life of Diana. Cut-throat competition among media houses is undoubtedly one of the reasons for violation of privacy right of individuals. With the mushrooming of 24X7 news channels the situation worsened. Media is under constant pressure to telecast news throughout the day. As a result, editors have become negligent on violating the law. It is also true those stories on private life of celebrities in particular and common public in general interest majority of the population. TRP ratings for these stories always top the list.

Every media channel has huge amount of personal stuff of public telecasted every day. It is important that there has to be an element of public interest for the media to report about it. If the issues is not affecting the national safety or security or public good; the media need not report it. Why media should hurt the sentiments of people and report about issues when it is absolutely personal. Several people have criticized media on this practice. There exists contradiction between right to know and right to privacy. Public have a right to know, they have a right to get accurate, objective information. But at the same time it must not encroach on another person's right to privacy. As far as the matter does not harm other's privacy, media can bravely report about it.

Sheikh Noorul Hassan mentions in his article that sting operation is a major human right violation by media.<sup>3</sup> He further questions, why doesn't the media file a case and submit its (recorded findings) as proof? Why action is not taken? TRP alone is important he opines. The celebrities, politicians rarely get a private life. They live in a glass house. It is felt that every individual has a right to know, comment and criticize about celebrities. Their personal life is barely respected.

Supreme Court made the following observations – A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child bearing and education among other matters. No one can publish anything concerning the above matters without his/her consent whether truthful or otherwise. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages.<sup>4</sup>

There is no clear cut law binding the media on right to privacy. Self-restraint by the media which is so often recommended will not be effective as it gets washed away in the race of TRP. In our nation, sting operations can be conducted without prior notice which can lead to violation of privacy rights. In America there is a law binding media regarding conducting sting operations. Usage of a hidden camera is the last resort for collecting information, which is not so the case in our nation. A law should be enacted that gives standing instructions to the media on what can be reported and what not. A parliamentary committee also slammed Indian government for poor privacy laws in India.<sup>5</sup>

There are three moral principles that under grid the ethics of privacy for news people. The first principle promotes decency and basic fairness as non-negotiable. The second is redeeming social value as a criterion for selecting which private information is worthy of disclosure. The third principle is that dignity of persons ought not to be maligned in the name of press privilege.<sup>6</sup>

Protecting privacy is a moral good. We are individual beings; therefore we need privacy. We are social beings; therefore we need public information about each other.<sup>7</sup>

## CONCLUSION

Media is not to be criticized always. Media is a mirror to the society. Several stories have come to limelight only because of media which otherwise would have been buried deep down. The society gets to know about the fate of bureaucrats, celebrities and even laymen only through media. The real face of celebrities and politicians need to be displayed for the public to know. The media has to be appreciated for the neutral and factual reporting they provided in cases like Salman Khan speedily driving his car over innocent people sleeping on the pavement which resulted in death or Sanjay Dutt and his case in the court, politicians involved in scams and scandals should be broadcasted. These are issues where celebrities have violated the law or caused damage/harm to society and public. The point is that media has to understand the extent to which they can report on personal issues of people.

Media can courageously report about the private issues of any individual IF THERE IS AN ELEMENT OF PUBLIC INTEREST. Media can even defend itself on grounds of 'public interest'. If the issue is of grave importance and involves an element of public interest, if the matter is to be reported for the benefit of the public; then right to privacy is not encroached by the media. Property accumulated by wrong means must definitely be informed to the public, but Sonia Gandhi being diagnosed by cancer need not be informed if she prefers to keep it personal. MP's watching pornographic films in the parliament must be informed but whom is a celebrity dating need not be publicized by the media. The media should know its limitations. What to report and what not is to be decided by the media house. Putting a boundary for itself, media should see to it that privacy of other individual is not encroached. Respecting the sentiments of others has to be learnt by the media. As Theodore Roosevelt rightly termed journalists as muckrakers and said "the men with the muck rakes are often indispensable to well being of society; only if they know when to stop raking the muck".

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