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### Media's Hamartia: An Insight into Its Lack of Consequences

by  
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Dearest Media,

You are a master of disguise. Of all the roles that you adroitly play, our favourite is of the surreal world of social change and liberation. But be careful comrade, for the camouflage is peeling off.

— Author 2

*Abstract* — In the course of this paper, the authors have first gone through a brief history of media in India to clarify the objectives behind the birth of the media, verify the ends that it was supposed to achieve and then draw comparison with modern times. Later, various legal amendments that the media has rendered possible have been highlighted. Then the authors have treaded towards the focal point of this paper, which seeks to highlight the great German playwright Bertolt Brecht's sad prognosis of how a powerful institution like the media is running the risk of adding to the already existing pile of 'institutions without consequences', and thus arguing that the media is hiding behind its outward demeanour of a 'hegemonic monolith', taking pride in its own unquestioned and unregulated method of dissemination and perpetuation. The inference explores whether the media has the substance to justify the designation of the Fourth Estate and plays its rightful role in strengthening democracy or whether it is merely providing a cathartic platform to the masses to purge their anger and emotions rather than creating unrest as desired by Brecht, thus curbing rebellion while cleverly embodying it.



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### INTRODUCTION


Rabindranath Tagore once said, "To know where we are heading, we need to know where we come from." Doing exactly the same, this paper seeks affiliation to the exploration of beginnings, a careful retrospective look at the objectives, in order to verify motives and then seek comparison to the contemporary times. This paper is not going to bring ignominiousness or dishonour to the Fourth-Estate which has worked to fulfil various magical ambitions of the Indian democracy as a versatile institution, or to even discuss malicious gossip that media sometimes tends to produce, but seeks to question the macrocosm or birth of an institution like media, putting the Fourth Estate on stage: Ask relevant questions and seek answers. Superannuated and irksome examples may lead this paper, but the theory of Bertolt Brecht which will embody them, will surely deconstruct the temper against those examples.

### EXPLORATION OF BEGINNINGS

Years of protest and rebellion by Raja Ram Mohan Roy, the Father of Indian Journalism, led to the enforcement of one of the most seminal laws in the history of women empowerment. Lord William Bentick abolished *Sati* by the 11<sup>th</sup> Regulation of

1829.<sup>1</sup> However, Raja Ram Mohan Roy, the pioneer of this movement, found himself triumphant and yet perplexed. While the law had been passed on paper, how were the people to be informed about it and implementation rendered possible? He, at that very moment, saw the newspaper as a powerful medium of communication and the nation saw the emergence of the Media. Furthermore, he sought newspapers and journals as a medium to promote social change and make it effective, for he believed that the law by itself did not and could not accomplish social change.<sup>2</sup> Being the first one to comprehend and promote the twin purposes of journalism, or the media as it is called these days<sup>3</sup>, he used it as a vital tool to 'propagate, popularize and campaign against *Sati*'<sup>4</sup> and thus enforcing the law, taking upon himself and the Press, the responsibility of facilitating the implementation of laws. This is because in those days, when the fear of the East India Company was so inherent, and haunted the masses, law alone could not eliminate all the evils.<sup>5</sup> This strong ideology, however, did not seep into pre-independence India so easily, as he was attempting the conception of free press at a time when the country was colonized literally as well as symbolically. Thus, he judiciously and prudently

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impressed the British administrators with the usefulness of the press as a source of feedback.


Connecting all the dots together, the nation saw the emergence of early newspapers, and then their subsequent and more powerful offspring like the *Bengal Gazette* which was the first Indian owned English Daily launched by Raja Ram Mohan Roy himself.<sup>6</sup> To a population heavily subdued by the Whiteman's burden, plagued by lack of communication, a virtual absence of information and rigidity of religion<sup>7</sup>, the emergence of newspapers was quite a sigh of relief and a ray of hope. Also most commonly, it was observed that even in the three presidencies - Bengal, Bombay and Calcutta, the administration was slow to strike the roots at the village level. Only the revenue department was effective in realizing the dues from landholders and cultivators through the ubiquitous '*patwari*'.<sup>8</sup> For the rest, the police as custodians of law and order was largely an urban phenomenon. Munshi Premchand's '*daroga*' meaning 'constable' was very much the feared man, but his number was hardly adequate to cover the *kasbas* and small towns. In such situations, newspapers had to perform the non-penal function of constabulary. Thus, the Press was surely Ram Mohan Roy's weapon for effective social change. For abolishing *Sati*, the movement against prohibition of child marriages and popularizing widow re-marriages, newspapers did the due for him, thereby establishing the primary as well as the most essential function of the medium.

A few decades later, another inspiring name was added to the ranks of journalists: Mahatma Gandhi, who in 1919 took over *Young India* from Jamnadas Dwarkadas of Bombay and started a Gujarati weekly called *Navjivan*. Like a poet's muse, he too outrightly spelt out his perception in the 'Hind Swaraj', about the objectives of a newspaper, reiterating Raja Ram Mohan Roy in his prudent mention, "One of the objectives of a newspaper is to understand popular feeling and to give expression to it; another is to arouse among the people certain desirable sentiments; and the third is fearlessly to expose popular defects."<sup>9</sup> These principles formed the foundation of a large number of newspapers and journals that were buoying directionless in the sea of untamed ideas and information.

Another set of decades later, the Apex Court, which also forms one of the four estates of democracy, acknowledged the principal purpose of the media in *Parmanand*

*Katara v. Union of India*<sup>10</sup>. The case had come before the Supreme Court under Article 32, quoting a newspaper report 'Law helps

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*the injured to die*' published in the *Hindustan Times*, where a scooterist was injured by a speeding car and a man helped him by taking him to the nearby hospital where doctors refused to attend the patient asking them to go to a 20-kilometre far hospital handling medico-legal cases. But unfortunately, before reaching the hospital, the patient died. In the writ petition, the petitioner contended, "...every injured citizen brought for treatment should instantaneously be given medical aid to preserve life and thereafter the procedural criminal law should be made relevant in order to avoid negligent death"<sup>11</sup>.

In response, the Medical Council of India in their affidavit submitted that they have their procedures and ethics in place and further contended that:

"...it is for the Government of India to take necessary and immediate steps to amend various provisions of law which come in the way of Government Doctors as well as other doctors in private hospitals or public hospitals to attend the injured/serious persons immediately without waiting for the police report or completion of police formalities".


However, what the Union of India responded with was surprising, educative as well as amusing, given the seriousness of the issue and the universality of the problem. The Union of Indian contended:

"...there are no provisions in the Indian Penal Code, Criminal Procedure Code, Motor Vehicles Act etc. which prevent Doctors from promptly attending seriously injured persons and accident cases before the arrival of Police and their taking into cognizance of such cases, preparation of F.I.R. and other formalities by the Police".<sup>12</sup>

Justice Ranganath Misra once again establishing the relevance and role of the media gave directions:

"We are of the view that every doctor wherever he be within the territory of India should forthwith be aware of this position and, therefore, we direct that this decision of ours shall be published in all journals reporting decisions of this Court and adequate publicity highlighting these aspects should be given by the national media as also through the Doordarshan and the All India Radio".<sup>13</sup>

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This assertion was specifically made to avoid the perpetuation of popular and 'propagated' beliefs that do not find any real mention on paper. Further Justice G.L. Oza observed:

"The Medical Council of India along with their affidavit has filed Code of Medical Ethics which everyone in the medical profession is expected to follow, but still the news item which is the starting point of this petition is of 1988. The Code of Medical Ethics framed by the Medical Council was approved on 23rd Oct., 1970. This only reveals an unfortunate state of affairs where the decisions taken at the higher level are good intentioned and for public good but unfortunately do not reach the

*common man and only remain text-good to read and attractive to quote".<sup>14</sup>*

So the role of the Media and the Press has been made quite lucid on occasions and 'should have' remained its foundation. The purpose of quoting these renowned people and this exceptional court decision that has explicitly brought out the objective of the media is just to take all the readers back to the origin and the intended purpose of this Fourth Estate.

### **THE DUTIFUL MEDIA FULFILLING THE ASPIRATIONS OF DEMOCRACY**

The Media, as is popularly hailed, has in its kitty quite a few cases that have led to the much awaited amendments in law, all for the benefit and service of the society. It has brought about some seminal decisions from the courts and stood tall as a powerful and potent fourth pillar of the Indian democracy.

*Tukaram v. State of Maharashtra*<sup>15</sup>, famously known as Mathura Rape Case is one such example. A girl aged between 14-16 years was raped by two policemen in the Chandrapur district of Maharashtra. She had developed a relationship with Ashok who was the cousin of her employer. When the girl's brother came to know that Ashok and her sister are planning to get married, he went to the police station alleging that his sister had been kidnapped by Ashok and Mathura's employer. All four of them were called to the police station, and at 10:30 pm when everyone was leaving, the head constable asked Mathura to wait at the police station. Mathura was then raped in the latrine. The Sessions Court acquitted the two accused but they were later convicted by the High Court of Bombay. However, the High



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Court judgment was reversed by Justice Koshal, Supreme Court, who stated that as there were no injuries shown in the medical report, the story of '*still resistance having been put up by the girl is all false*' and the alleged intercourse was a '*peaceful affair*'.<sup>16</sup>

Following the decision of the Supreme Court, there was a huge disagreement seen from the side of the public. The Mathura case created a nationwide campaign on the issue of custodial rape, following the open letter written in September 1979 by four legal academics - Upendra Baxi, Lotika Sarkar, Vasudha Dhagamwar and Raghinath Keklar - to the Chief Justice of India. It was only after a strong pressure from the feminists groups and media coverage that a bill was introduced on 12 August 1980 in the Lok Sabha that suggested major amendments to rape law. Resulting in the Criminal Law (Second Amendment) Act, 1983, the amendment brought about changes like 'in camera' proceedings of rape cases, redefining consent in rape cases, and also introduced the inclusion of rape by police and public servants, etc.

Another similar outrage was encountered in the well known *State v. Ram Singh*<sup>17</sup>, famously known as Delhi Bus Gang Rape, where a 23-year-old woman was brutally tortured and gang-raped in a moving bus on Dec 16, 2012 by five men and a juvenile. The woman later died in a Singapore hospital. With accused Ram Singh committing suicide, only four accused— Vinay, Mukesh, Pawan and Akshay, faced the trial where all of them have been given capital punishment by Justice Yogesh Khanna. The sixth accused, a juvenile, has faced proceedings before a Juvenile Justice Board. The brutal gang-rape sparked massive protests in New Delhi and other cities, with people demanding death for the accused.<sup>18</sup> The remonstrated democracy called for various amendments in rape laws which resulted in Criminal Law (Amendment) Act, 2013. As per the amended law, a rape convict can be sentenced to rigorous imprisonment for a term of not less than 20 years, which may extend to the remainder of the convict's natural life.<sup>19</sup> It also provides for death sentence being given to repeat offenders.<sup>20</sup>

And for the first time, stalking and voyeurism have been defined as non-bailable offences if repeated for a second time, while acid attack convicts can get a 10-year jail sentence.<sup>21</sup>

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The media, without any wavering, played the role of the *Sutradhar* beading the thread, mobilizing not just the general public but also the judiciary to render justice not just on paper but in practice. The Fourth Estate has effectively played the cumbersome role assigned to it by Democracy at occasions more than once and most of us undeniably vouch for that with innumerable examples.

It informs, educates, refutes, confronts, gossips, sensationalizes, spreads muck and then cleans it up. It does everything to keep up to the cumbersome job it is assigned by Democracy. Then why suddenly adorn this new attire of 'rebellion and social change'- that hasn't been designated under the job responsibilities? What the authors wish to contend is that it has the option of being a powerful medium of information and voicing opinions and that is it. Because if it is really embodying rebellion and social change, then it should actually work towards it and not merely use the façade to boost business. This is where the authors would like to bring in Bertolt Brecht.

#### **MEDIA LACKING CONSEQUENCE: A MERE CATHARTIC PLATFORM**

This paper seeks to equate the role that the famous German playwright Bertolt Brecht envisaged for theatre to the role that media should be playing in contemporary times, thus putting forth the irresolute oscillating nature of the Media as its biggest fallout, despite its laudable performance.

Bertolt Brecht is hailed as one of the most important people in the study of drama and is most famous for his formulation of what is famously known as 'Epic theatre'. This, as he conceived it, was a form of political theatre that was designed to change the society by changing the way people thought. Brecht, often addressed as the dramatic Picasso<sup>22</sup>, went diametrically against the well-established Aristotelian theatre, which was famously and successfully put up on stage by the Bard - Shakespeare, and chose a different path altogether by using the same familiar techniques to de-familiarize the action on the stage. While the Aristotelian drama emphasized the seizure of the audience by the manipulative action of the play and aimed at total absorption of the audience in the heightened emotion and drama of the action on stage, Brecht constantly attempted to make the audience aware of the medium itself.

He worked on strengthening the audience's hold on reality - not the magical reality as dramatized by the actors on the stage, but the reality outside the theatre, thus deconstructing the typical theatrical illusion that allowed a convenient escapism to the masses. He consciously worked towards waking

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up the audience to the underlying reality of the times, thereby leading them from a 'general passive acceptance' of things to the required state of 'suspicious enquiry' for which one had to develop 'that detached eye with which Galileo (Life of Galileo) observed the swinging pendulum'.<sup>23</sup>

Theatre too, he believed must 'provoke' and 'amaze' the audience to create a

complex pleasure. For this, he famously used the A-effect i.e. the alienation effect. So while most dramatists saw achievement in engrossing and absorbing the audience into the fictional world of the play, Brecht characteristically made an extra effort to make the audience aware of the medium itself. This new alienation was trying to dislodge phenomenon from the overwhelming sense of normality and familiarity, for it is this normality that prevents us from grasping and understanding the truth and the reality.<sup>24</sup> For a Marxist modernist like Brecht, the aim was to use the means of representation to create an understanding of the rules by which the society was 'governed' in order to change it. He thus related alienation as a theatrical technique for social transformation and ideological changes.

He made every effort to remind the spectators that they were in a theatre watching an enactment of reality and not reality itself. This was done by flooding the theatre with bright lights (not just the stage), having actors play multiple characters, having actors also rearrange the set in full view of the audience and 'breaking the fourth wall' by speaking to the audience in between the action of the play.<sup>25</sup> Fragmentation, contradiction and interruptions were thus an indispensable part of his plays with non-realistic scenic designs and announcements of change in scenes and visual captians that interrupted the action.

The idea was thus the creation of a critical consciousness. And while the Aristotelian drama saw a heavy purging of the emotion of pity and fear as the culmination of a popular and market viable drama where the audience were made to cleanse themselves of the complexities rendered by the play, Brecht could not tolerate this catharsis from the audience and rather trained them to never be able to retire, by refreshing themselves from a satisfaction of purged emotions. Brecht's plays do arouse pity and fear, inevitably. But the premium of tragic pleasure is re-coined into a sober and exact knowledge of the problems at hand.<sup>26</sup> As soon as the spectator, following the emotions of the actor, becomes heated, the author cools him off and re-establishes the distance necessary to clear understanding.<sup>27</sup> The distancing



which Brecht desires is complemented by his concreteness which makes any escape from the reality demonstrated upon the stage impossible.<sup>28</sup>

He wanted the audience to take the unrest back home and foster change since the events were not lent remoteness anymore but were to be seen as something that is constructed. He thereby rendered an audience capable of changing the master narrative of domination and power rather than seeing it as a distanced and thereby unchangeable phenomenon.

Years later, with the advent of the radio as a medium of communication, he reiterated his idea in his essay - '*The Radio as an Apparatus of Communication*' stating that whatever the radio sets out to do, it must strive to combat that lack of consequences which makes such asses of almost all our public institutions. We have a literature without consequences, which not only itself sets out to lead nowhere, but does all it can to neutralize its readers by depicting each object and situation stripped of the consequences to which they lead.<sup>29</sup> We have educational establishments without consequences, working frantically to hand on an education that leads nowhere and has come from nothing.<sup>30</sup>

The parallel that this paper wishes to draw thereby is that media as we see in the 21<sup>st</sup> century is the sad embodiment of the Aristotelian theatre which has dolefully become an easy platform for the masses to purge their emotions with no real

ideological change striking the society. It is running the risk of adding to the pile of the pre-existing institutions without consequence; it may be powerful enough to mobilize thousands of people in support of Mathura or Jyoti (Delhi gang rape case victim) on the street, but is unable to prevent the hundreds of cases that flood the newspaper the next morning.

Of what consequence is this so called radicalism then? Complementing this and exposing its implication on the society, is Karl Marx's theory of the base and superstructure explaining how the ruling ideology always belongs to the ruling class and institutions like the media, schools, law etc just form a part of the superstructure created by the ruling class to render longevity and power. So is Media the superstructure of a larger narrative of domination, which is intentionally being adorned with slight pangs of rebellion in order to satisfy the receivers and wishfully curb larger rebellion? It surely is not working towards any honest attempt at changing the ideology of people by highlighting the problems and the loop holes in futility.



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Complementing this with Raymond William's idea that at any point in a society there exists a dominant, emergent and a residual force, tirelessly working towards consolidating their power; the Media seems to be assuming each role in turns. Confused as it seems about its real purpose, it becomes the dominant whenever more beneficial to serve the purpose of the ruling class. At other times assumes the silent, restrained attempt of the residual crawling to club with the dominant and finally sometimes coming out in the open like a lioness embodying change and rebellion as the emergent - resolute and determined to overthrow the dominant.

Is the media confused about its purpose? Or is this a carefully constructed role that it is playing? Thus it is, in Brecht's terms, only forging ahead to sadly add to the already existing pile of 'institutions without consequences,' therefore shaping our thoughts, curbing them by allowing them a platform for purification and acting like a superstructure to the base.

Brecht, however, didn't want the audience to purge their emotions of anger and fear in the form of tears and go home empty headed. Now our intention is to bring in the same ideology in the context of media. Brecht broke the 'fourth wall' and got the audience involved, we wish to break the illusionistic embodiment of rebellion by our dear hard working 4<sup>th</sup> estate. What is happening is that the media while embodying rebellion is unfortunately only allowing us to purge our emotions. It is powerful enough to mobilize the public and judiciary, but is unable to prevent the hundreds of cases that flood the newspapers the next morning. Of what consequence is this so called radicalism? Such radicalism and rebellion survives in millions of air conditioned rooms, news hours with prime time TRPs and national and international debates and structured discussion, without any real consequences.

### **CONCLUSION**


*"Bana hai shah ka musahib phire hai itrata  
Warna shehr mein Ghalib ki abroo kya hai"*

—Mirza Ghalib

Brecht envisaged theatre to perform the role play of this great Guru and this paper desires the Fourth Estate to take the reins in its hands rather than being a mere cathartic platform. What is interesting to note is that this new form of catharsis supplies such immense satisfaction that we voluntarily dispense our duties charmed

by its pseudo power and this propagated dereliction of duty curbs social and political change, while embodying rebellion to the highest degree of satisfaction of the masses. Posing as the mouth

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piece of the problems and aspirations of the masses, the media is digging us deeper into the surreal world of change and freedom that it disguises itself in. The world, however, waits for a time when this compelling and potent platform - the Fourth Estate - will render possible a wave of ideological changes rather than purging them and allowing the receivers to stagnate.

For, while Plato endlessly waited for an institution to deconstruct the myth of the cave and provoke a radically new understanding of social reality, the diligent, hardworking Fourth Estate - the hegemonic monolith of Indian Democracy only seemed to have valorised and reinforced the illusionistic reality of the prisoners inside the cave. However this new actor on the stage of truth would likewise on behalf of the profit motive has preferred that we remain in front of the wall imagery, eternally imprisoned. The Media is involuntarily allowing, or as a democratic requirement, offering a platform for the masses, where all their emotions and anger are being emptied and thus all their bitterness and outrage is purged. It is for this reason that legal amendments are taking place, like that mentioned supra in the paper (amendments after Mathura Case and after Delhi Bus Gang Rape), but the number of rape cases are only swelling. Proving that media is just adding up to another pile of institutions which have no consequences, like we have literature and various academic institutions in India with no consequences.

Being the Fourth Estate, with no elections like legislature, no selections like executives and no appointments like judiciary, it is itself such a utopian institution. Even though media doesn't go through screening like other three estates, it continues to exist, thus outselling the real. Therefore such utopian expectations can only be fulfilled by a utopian institution like media and the unprecedented power that it possesses. It is time the media used that power to bring about strong ideological changes and some real transformation that the society is awaiting. It should now cease to be a vagabond.

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<sup>1</sup> G.S. Bhargava, *The Press In India Overview* (1, *National Book Trust* 2005).

<sup>2</sup> *ibid* (n 158).

<sup>3</sup> *Ibid* (n 130).

<sup>4</sup> *ibid*.

<sup>5</sup> Obero in (1) 2 *ibid* 2.

<sup>6</sup> *ibid* 24.

<sup>7</sup> *ibid* 3

<sup>8</sup> *ibid*.

<sup>9</sup> *Mahatma Gandhi, Hind Swaraj* (1st ed Rajpal & Sons 2010) 15.



<sup>10</sup> *Parmanand Katara v. Union of India*, (1989) 4 SCC 286 : AIR 1989 SC 2039.

<sup>11</sup> *ibid* 2040, 2041.

<sup>12</sup> *ibid* 2043.

<sup>13</sup> *ibid*.

<sup>14</sup> *ibid* 2044.

<sup>15</sup> *Tukaram v. State of Maharashtra*, (1979) 2 SCC 143 : AIR 1979 SC 185.

<sup>16</sup> Geetanjali Gangoli, 'Indian Feminism: Law Patriarchies And Violence India' (Ashgate Pub Co 2007) 81.

<sup>17</sup> SC No. 114 of 2013.

<sup>18</sup> Ians, 'Delhi gang-rape: protest over juvenile's 'light' punishment', Hindustan Times, (31 Aug. 2013).

<sup>19</sup> Nirnimesh Kumar, 'Amended rape law not applicable on convicts', The Hindu (11 September 2013).

<sup>20</sup> *ibid*.

<sup>21</sup> *ibid*.

<sup>22</sup> Berthold Viertel, 'Bertolt Brecht, Dramatist', (1945) 7 THE KENYON REVIEW 467, 68.

<sup>23</sup> Bertolt Brecht, 'A short Organum for the Theatre, in Approaches To Literary Theory' (Anand Prakash 2002) 70, 85.

<sup>24</sup> *ibid* 85.

<sup>25</sup> *ibid* (n 159) 470.

<sup>26</sup> *ibid* 470.

<sup>27</sup> *ibid*.

<sup>28</sup> *ibid*.

<sup>29</sup> Bertolt Brecht, 'The Radio as an Apparatus for communication, in New Media Theories And practices Of Digitextuality' (Anna Everett et al 2003) 29, 30.

<sup>30</sup> *ibid* 30.

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