

## A STUDY OF FOURTH PILLAR OF DEMOCRACY-MEDIA

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### ABSTRACT

Media holds a strong power and responsibility in a democratic society. They are the ones who can influence the thought process of millions of people. A media that is free to put forth harsh and genuine realities of the society, independent from all political and religious influences and powerful to make the guilty suffer is proof of effective democracy. The great importance and power of the media make people to consider it the fourth pillar of democracy. It is considered as the eyes, ears and mouth of the people. The freedom of the press is not explicitly mentioned in the Indian constitution but it can be derived from Article 19(1)(a) of the Indian Constitution i.e. freedom of speech and expression. However, along with time, media deviated from its ultimate task of providing authentic information and started playing the game of TRP. Media trials is also an emerging issue. In the present time, the media is just a puppet of political and religious dominant people. The aim of this paper is to answer whether it is correct to consider media as the fourth pillar of democracy.

**Keywords:** Media, democracy, Rights, Constitution.

### 1. INTRODUCTION:

Democracy is defined as "government of the people, by the people, for the people," or "ruling of the people, through their elected representatives." The three pillars of democracy, the Executive, Legislative, and Judiciary, keep democracy balanced, but in this period, democracy is leaning toward the fourth pillar, the media. Thomas Caryle coined the phrase "Media as the Fourth Pillar of Democracy." The democratic system's merit is that it allows for freedom of expression and provides space for each individual. While media is used to keep people informed about diverse social, political, and economic activities, it also serves as a mirror to the world, reflecting the true and harsh truths of the world, as media is widely trusted and people always trust truthful and honest news. The media can have their own opinions, but they can post them in editorials for the public to judge.

The major objective of the media is to deliver factual news to all types of viewpoints in front of the public, but the truth is not always displayed by the media, causing people to suffer and, ultimately, democracy to be lost. The media has been receiving a lot of contracts involving the transfer of shares between media and non-media companies, which leads in the dissemination of obfuscated news, a phenomenon known as the paid news syndrome. India is the world's largest media market and the fourth pillar of democracy. In the financial year 2020, India has over 143 thousand registered newspapers and periodicals, a major rise from the previous year, and there are currently 900 licenced private satellite television stations in the country as of February 2021. Despite this, social media platforms such as Facebook, WhatsApp, Twitter, and others exist today, and they are mostly used to display entertainment, politics, and business advertisements. The media may be thought of as a two-sided weapon: an accountable media and an unaccountable media, both of which have the ability to push the nation to new heights by providing strong support and also have the ability to destroy the nation. For a democratic country's system to function to its maximum capacity, public engagement is required, which necessitates the dissemination of information to a large number of people, referred to as mass media.

### 2. REVIEW OF LITERATURE:

**Kumar Pratiyush and Singh Kuljit (2019)** "Media, the Fourth Pillar of Democracy: A Critical Analysis" The media may be thought of as a two-sided weapon: an accountable media and an unaccountable media, both of which have the ability to push the nation to new heights by providing strong support and also have the ability to destroy the nation. For a democratic country's system to function to its maximum capacity, public engagement is required, which necessitates the dissemination of information to a large number of people, referred to as mass media. The media was once considered as the people's voice, but it has

now become synonymous with falsehoods, hostility, propaganda, blackmailing, and so on. It is clear from its perception that the media's standard has worsened by leaps and bounds. As a result, new laws, norms, frameworks, or guidelines are urgently needed to curb media's negative effects and restore the mainstream, which appears to have vanished in contemporary India.

**Thajaswini.C.B (2020)** “Media – The Fourth Pillar of Democracy” At times, the media tells half-truths and even outright lies. The authenticity of the news is no more guaranteed. Almost every media organisation has an ideological or political leaning, and many of them are owned by political leaders. The media promotes bias and propaganda. They even take part in media trials. In the name of moral policing every now and then opinion building is served by them. Despite so many pitfalls, the fact remains that Media is the guardian angel of the liberties that are possessed by every citizen in India. Media has armed the common man with the weapons of knowledge and awareness and is rightly the fourth pillar in a democracy. This is the aspect that the present paper primarily discusses.

**Koenane M L and Mangena F (2017)** “Ethics, accountability and democracy as pillars of good governance” Ethics, accountability, and democracy are frequently separated in postcolonial and post-apartheid contemporary Africa. This article contends that the three are inextricably linked, and that if they are divorced, the results can be disastrous. Democracy, it is further asserted, entails more than merely voting. It also entails holding the government responsible for its acts. This is feasible if citizens exercise their rights and impose democratic values. Citizenship had a moral and political dimension for early Greek thinkers, particularly participation in public affairs, often known as civic virtue. There can be no democracy without democratic values, according to the article. As a result, citizens have a right to expect professional behaviour from government officials, particularly the President and his cabinet ministers. To do this, the government must build an ethical foundation or moral framework that goes beyond ethical norms of conduct.

### **3. OBJECTIVES OF THE STUDY:**

The major objectives of the present research study are as follows:

1. To study the Fourth Pillar of Democracy.
2. To study the Various Dimensions of Media.

### **4. RESEARCH METHODOLOGY:**

Every research is necessary a specific methodology so for the present research has used specific methodology. For the collection of data, the researcher has used the secondary source. The study is descriptive in nature. Secondary data required for the study are collected from books, journals and other Government websites, periodicals, and reports etc.

### **5. LIMITATION OF STUDY:**

The major limitation of this research is that the present research is related to only Media. Researcher is not covered all dimensions of Media. The conclusion of this research may not be applicable to other.

### **6. CONSTITUTION AND MEDIA:**

The media has a significant influence on the public, and they play an important role in the formation and dissolution of governments. As a result, it is not incorrect to assert that the media plays a significant role in the formation and dissolution of governments, and that it influences society. The media is governed by a variety of laws and regulations. The right to freedom of speech is stated in Article 19 of the International Covenant On Civil And Political Rights, which states that everyone has the right to hold opinions without interference and the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, orally, in writing or in print, in the form of art, or through any other media of his choice. The media regulations are similar to the Indian Constitution in that they are both stringent and flexible. The right to freedom of speech and expression is guaranteed under Article 19(1)(a) of the Indian Constitution, which is followed by Art.19(2), which imposes some reasonable restrictions and states: Nothing in sub-paragraph (a) of clause (1) shall impair the operation of any existing law, or prohibit the State from passing any law restricting

the exercise of the right conferred by the said sub-clause in the interests of India's sovereignty and integrity, the State's security, friendly relations with foreign states, public order, decency, or morality, or in relation to contempt of court, defamation, or incitement to an offence. The media is a cornerstone of democracy, particularly in a mixed economy. The American Constitution, on the other hand, states that Congress may not enact legislation that restricts freedom of expression or the press. When we compare the provisions of the American and Indian Constitutions, we find that the term "freedom of the press" is not mentioned expressly in Art.19(1)(a), but when we apply a liberal interpretation to the article, we discover that it encompasses not only the freedom of the press, but also "anything that is written," "any gesture or representation in the form of indication," "electronic media," and "social media."

#### **7. JUDICIAL PRONOUNCEMENT:**

In numerous judgments, the Supreme Court has declared that freedom of the press is a basic right that is protected by the right to freedom of speech and expression. In *Brijbhushan v. State of Delhi 1*, it was held that in India, freedom of speech and expression authoritatively embraces the freedom of press, print, and electronic media, affecting the right to freedom of speech and expression under Art.19(1)(a). The Supreme Court of India concluded in *Printers (Mysore) Ltd. v. Assistant Commercial Trade Officer 4* that, while freedom of press is not a fundamental right, it is inherent in freedom of speech and expression. The Supreme Court concluded in *R.Rajagopal v. State of Tamil Nadu 5* that neither the Government nor officials had the right to impose a prior restraint on publishing of a material on the grounds that it was likely to be defamatory to them. The Supreme Court acknowledged the extent of press freedom as an essential prerequisite of a democratic form of governance and regarded it as the mother of all other rights in democratic society in *Re: Vijay Kumar*.

#### **8. VARIOUS DIMENSIONS OF MEDIA:**

##### **8.1. MEDIA AS A PLAYER:**

Man has represented his thoughts through diverse channels such as symbols, signals, speech, script, print, and now computer language since the dawn of legal history and beyond legal memory. Because ideas and information are so vital to the evolution and survival of a free and democratic society, it is impossible to attain this goal unless each individual has the fundamental freedom to express his or her thoughts and opinions. The right to free speech and expression was born out of this. The Preamble to the Indian Constitution declares that citizens of India have the right to freedom of thought, expression, and belief. The Preamble, focusing on the Indian Constitution's basic goal, guarantees every Indian citizen freedom of speech and expression, religious independence, and the right to follow one's own beliefs. Fundamental Rights are addressed in Part III of the Indian Constitution. The right to freedom is guaranteed under Articles 19, 20, 21, and 22 of the Constitution, with the goal of ensuring individual rights that the Framers of the Constitution regarded essential. Article 19 of the Constitution guarantees the freedom of speech and expression, which is the most important of the six freedoms. Every Indian citizen has the constitutional freedom to freely express their thoughts, feelings, and convictions. They have the right to seek, receive, and transmit information and ideas for this purpose. The exercise of freedom of expression necessitates a means through which information and ideas may be disseminated, hence the media must be free as well. Our Constitution does not specifically mention media freedom as does the US Constitution; nonetheless, it is implicit in Article 19 (1) (a) of the Indian Constitution 16. The Supreme Court, on the other hand, has concluded that press freedom is incorporated in the guarantee of freedom of expression, which also encompasses the right to publish and transmit information. As a result, the Supreme Court ruled that there was no need for a separate clause protecting press freedom.

##### **8.2. THE FREEDOM OF MEDIA:**

The right to free speech and expression is a crucial component of democracy. It is guaranteed by the Indian Constitution as well as the Universal Declaration of Human Rights, as well as other international charters and treaties that have been adopted to ensure the protection of human and fundamental rights. It follows from these principles that people have

the right to receive news and views without of intervention and to propagate them across national borders, as part of the democratic process. In practice, the media is the one who exercises this right on a daily basis. Thus, the right to free speech and expression involves two major fundamental rights: the right to receive news and views and the freedom to disseminate news, information, and perspectives. These freedoms are substantially dependent on the ability of all media participants to carry out their roles as collectors and transmitters of news and ideas without hindrance.

### **8.3.CONSTITUTIONAL PERSPECTIVE OF MEDIA:**

As stated in *Maneka Gandhi v. Union of India*, freedom of speech and expression is a vital part of liberty. Commercial speech was determined to be an element of freedom of speech and expression in this case. Part III of the Indian Constitution, the Chapter on Fundamental Rights, was not added as a popular concession to post-World War II international sentiment and thought on human rights. The demand for constitutional safeguards of human rights for Indians dates back to 1895, when Lokmanya Tilak, a lawyer and a prominent freedom fighter, introduced the Constitution of India Bill, also known as the Swaraj Bill. Freedom of speech and expression, as stated in *Maneka Gandhi v. Union of India*, is an essential component of liberty. In this case, commercial speech was ruled to constitute a component of freedom of speech and expression. As a popular concession to post-World War II world sentiment and philosophy on human rights, Part III of the Indian Constitution, the Chapter on Fundamental Rights, was not included. The call for constitutional protections for Indians' human rights stretches back to 1895, when lawyer and independence fighter Lokmanya Tilak introduced the Constitution of India Bill, commonly known as the Swaraj Bill. The Indian Constitution's "Founding Fathers and Mothers" placed a high value on freedom of speech and expression, as well as freedom of the press. They believed that freedom of speech and the press were essential to the functioning of a democratic system. They felt that freedom of political opinion is vital to the concept of a free press, and that the right to criticise the government is at the heart of that freedom.

### **9. THE CONSTITUTION OF INDIA AND THE MEDIA:**

The Indian Constitution gives the media great power. Article 19(1) (a) of the Indian Constitution states that "all citizens shall have the right to freedom of speech and expression." However, it is now widely accepted that the terms "freedom of speech and expression" in this Article also refer to press freedom. Article 19(1)(a) of the Constitution is subject to various limitations outlined in Article 19(2). "India's sovereignty and integrity, the security of the state, cordial relations with foreign states, public order, decency or morality, contempt of court, and defamation or incitement to a crime" are among the grounds for prohibitions.

#### **9.1. Role of media in present society:**

The modern period is characterised by technological advancements. A large portion of our society is now connected to a virtual means of communication. Televisions, mobile phones, and other devices are examples of these modes. The world is advancing at such a fast pace that there are numerous incidences that occur every day and must be reported to the public so that they are aware of what is going on in their country and around the world. These instances could be related to politics, religion, economics, health, and so on. The media's job is to keep people informed about all of these political, social, and economic events. The media acts as a mirror, reflecting the truth and reality to the people. In addition, the media serves as a conduit between the public and the government. In a number of cases, media pressure has resulted in the investigation being completed considerably more quickly and fairly. The media played an important part in the Nirbhaya case by demanding justice for the victim. Furthermore, the media's portrayal of the case prompted a large number of people to protest the incident on a large scale, putting pressure on the government to conduct a fair and prompt investigation. After years of fighting, the accused were ultimately given the death penalty, and justice was served by amending the rape laws. Similarly, in the Asaram Bapu and Ram Rahim cases, the media was the one that reported minute-by-minute facts, bringing the

issue to the attention of the entire country. By doing so, the media ensured that the trial would be free of any corruption or political or religious pressure. At long last, justice was served.

### **9.2. Media during COVID-19:**

As a very active member of society, the media has played a critical role in safeguarding the public interest. COVID-19 is a pandemic that is currently affecting the planet. In such a case, the media's responsibilities double. When people are going through difficult times, the media is the one who relays information from the authorities to the people, and vice versa. They're also reporting on the unpleasant realities of a lack of ventilators, oxygen, and vaccines, putting pressure on the government to act as fast as possible. Migrant workers have been known to travel considerable distances to reach their homes, making the government accountable for its actions. Because of the media, the judiciary has become aware of certain societal issues and has taken suo motu action to ensure that people are treated fairly. When people were not properly cared for in hospitals and were dying, the Supreme Court intervened suo motu and ordered authorities to make correct arrangements, holding governments accountable and delivering justice. As a result, in such a case, it is the media that offers information to the authorities and aids in ensuring that everyone is treated fairly.

### **9.3. Media as a Problem:**

We have a long history of fiercely independent reporting. In reality, the press exposed the majority of the major scams. The cops simply followed them around. The low-paid journalist must be praised for obtaining information that appeared to be unreachable to the country's top vigilance teams<sup>32</sup>. Although it is difficult to argue that the media plays an important role in society, it is also true that there are issues within its own fraternity. Because the media frequently broadcasts incorrect news, viewpoints, and stories in order to boost TRP for their own stations. Even though they were not involved in the narrative, the majority of public reporting indicated that they had previous knowledge of the news. Lack of adequate editing has also contributed to the media's demise and has given the industry a poor name. The media houses are focusing less on critical concerns and more on entertaining issues in order to gain market share. Defamation, contempt of court, and media trials are some of the most common media fallacies, all of which severely undermine the credibility of the media.

### **9.4. Negative aspects of the media:**

There are two sides to every coin. On the one hand, the media is an important part of democracy, but there are significant flaws in its structure. The following are the most important among them:

#### **Media trial:**

In today's world, media trial is a growing issue. Sometimes, in addition to educating the public about an incident, the media takes on the role of the judiciary and makes a decision even when the case is still pending in court, based on the facts available to the news channels, which may or may not be accurate. A media trial is what this is called. This has an impact on judicial decisions and obstructs true justice administration. The Sanjay Dutt case, the Sushant Singh Rajput case, and other well-known examples are among those where we can clearly see this happening. The primary harm it causes is that it instils in the minds of others an opinion that tarnishes the image of the person accused. The media is oblivious to the idea that a person is accused until he or she is found guilty by a court. For example, numerous TV channels concluded that Rhea Chakraborty is the genuine accused in the Sushant Singh Rajput case based on their own information. They went so far as to demand her arrest. This painted a terrible impression of her in the minds of the general public, and she has had to endure a great deal as a result.

### **10. CONCLUSIONS:**

The way Indian media is dealing with society's fury is undeniable. The media industry was originally thought to be the most crucial part for raising one's voice and being heard, but shifting values and money invested in it has severely harmed its credibility. In trying to curb the negative features of media, regulations and regulatory organisations appear to be a bit flippant. The media has the ability to affect a person's perception on everything it distributes.

It has the ability to impact individual thoughts and change entire dynamics through people who perceive different points of view from it. The media must denounce wrongdoing and applaud good deeds on a merit-based basis in order to restore its lost reputation. It should place a greater focus on fair reporting. Because the media is such an important cog for the people, it should place a greater emphasis on societal core concerns and portray them to the public in a more realistic and free of all the negative consequences that media has today. The media must recognise its essential freedom and adhere to the law; it should not assume the powers of the state or the judiciary, nor should it stray from its objective and balanced reporting. While it is also important to recognise that any unwelcome control of the media in a democracy will jeopardise society as a whole, the law must be construed in a way that ensures that the media is aware of its rights and responsibilities without violating any provisions of the law of the land in force.

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