MEDIA – THE FOURTH PILLAR OF DEMOCRACY

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Is the media as the 4th pillar of democracy losing its credibility?

ABSTRACT:

At times Media tells half the truth and even lies. The authenticity of the news is no more guaranteed. Almost every media group has ideological or political bias and in many cases they are owned by the party heads. Media serves its prejudice and spread propaganda. They even indulge in doing media trial. 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.

“A key ingredient of an effective development strategy is knowledge transmission and enhanced transparency. To reduce poverty, we must liberate access to information and improve the quality of information. People with more information are empowered to make better choices. For these reasons I have long argued that a free press is not a luxury. It is at the core of equitable development. The media can expose corruption. They can keep a check on public policy by throwing a spotlight on government action. They let people voice diverse opinions on governance and reform and help build public consensus to bring about change”¹

Keywords: Indian, Democracy, Citizen, Media, 4th Pillar.

INTRODUCTION:

In this age of technology, we are bombarded with information. The perfect blend of technology and media has left no stone unturned in unearthing corruption and politics in our society. Media has strength and ability to change both social and government attitude towards various key problems. All journalists have responsibility to report unbiased, accurate information as they receive from reliable sources.

¹ World Bank, James Wolfensohn, said in a 2002 report.
FREEDOM OF EXPRESSION IS VITAL TO DEMOCRACY:

Freedom of speech is the foundation of all democratic organizations. Similarly, the freedom of speech of the press is the Ark of the Covenant of Democracy because public criticism is essential to the working of its institutions.

The freedom of the press serves the larger purpose of the right of the people to be informed of a broad spectrum of facts, views and opinions. The media is vital in the role it plays in uncovering the truth and rousing public opinion, especially in the face of wrongdoing and corruption.

Freedom of expression is a preferred right which is always very zealously guarded by this Court. In Odyssey Communications (P) Ltd. v. Lokvidayan Sanghatana, the Hon’ble Supreme Court held that the right of a citizen to exhibit films on the State channel – Doordarshan is part of the fundamental right guaranteed under Art. 19(1)(a). The court held that this right was similar to the right of a citizen to publish his views through any other media such as newspapers, magazines, advertisements, hoardings and so on.

THE DUTY OF MEDIA:

While there is a duty cast upon the media to report accurately and honestly and keep the citizen informed of what the government may choose to hide, there is a corresponding duty to avoid sensation, graphic pictures, strong adjectives and provocative display. Since there is a little or no time to edit or censure instantaneous coverage, there is an onerous burden on the reporter to use his discretion to report the truth but ensure that in doing so he does not fuel or incite further violence. While it is difficult and perhaps undesirable to lay down strait-jacketed rules on reporting during communal incidents, Gujarat ought to be a grim wake up call for reform and self-regulation in the media.

RIGHT TO INFORMATION, GOOD GOVERNANCE VIS-A-VIS ROLE OF MEDIA:

One of the objects of a newspaper is to understand the popular feeling and give expression to it; another is to arouse among the people certain desirable sentiments; the third is fearlessly to expose popular defects.

-Mahatma Gandhi

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5 Madhavi Goradia Divan, Facets of Media Law 211 (Eastern Book Company, Lucknow, 2010).
Media has four basic responsibilities as the fourth pillar of democracy -

1. It should tell the truth.
2. It should be unbiased.
3. It should not act to spread propaganda.

Media has got liberal **freedom of speech** which means media can criticize the government, its policies, question the wrong move of government etc and government cannot and should not interfere with the working of media.

Today, media is considered the fourth pillar of the state all over the world; first and foremost British Member of Parliament Lord Macaulay had given this status to the media. If media person close their eyes the government officials will do what they want, so media plays a very important and impartial role between government activities and general public, so much so that it is said that the freedom of media is the guarantee of success of republic government.

Media plays a crucial role in shaping a healthy democracy. It is the backbone of a democracy.

**DISTINCTION BETWEEN FAIR CRITICISM AND DEROGATORY STATEMENTS:**

Media even has the Rights to fairly criticize judgements. There lies an explicit distinction between fair criticism and derogatory statements. The right to criticize judgements has been recognised and reiterated on a number of occasions. Bonafide criticism of any system or institution including judiciary is to improve its public image and therefore does not amount to contempt: A citizen is entitled to bring to the notice of the public at large the infirmities from which any institution including judiciary suffers from. Indeed, the right to offer healthy and constructive criticism which is fair in spirit must be left unimpaired in the interest of the institution itself.

In *Ajai Kumar Goyal v. Anil Kumar Sharma*⁷, the Hon’ble Supreme Court observed that the right of media to make fair criticism on the functioning of subordinate judiciary is allowed so long as it does not undermine the integrity and dignity of the judiciary.

The fourth functional canon is that the fourth estate should be given free play within responsible limits even when the focus of its critical attention is the court, including the highest court.⁸

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PRE-CENSORSHIP OF MEDIA IS VIOLATIVE OF THE ART. 19(1)(A):

Connected with general public order controls is the issue of pre-censorship. Prohibition of entry and circulation or pre-censorship of a newspaper or a journal or the telecast by media may mean a restriction on the freedom of press.

An examination of the opinions delivered in twin cases of Romesh Thappar\(^9\) and Brij Bhushan\(^10\) discloses that the impugned Acts were held unconstitutional because the prohibition of entry and circulation and pre-censorship stood unreasonable which ipso-facto made the Acts bad because they could not be related to one of the purposes mentioned in Art.19(2). Thus, the media, particularly the electronic media, plays an important role in shaping society’s views and influencing the way people think and behave.

MEDIA VS. THE SECURITY OF THE STATE:

The role of Media in raising awareness on human rights, civil and political rights can never be underestimated. It helps to muster people to recognize and protect human rights and helps in bringing the violators to justice. It’s reporting of cases of human rights violations and other criminal cases and punishments helps in bringing down the incidences of abuse and violation. By exposing every crime, Media has far reaching effects as it puts pressure on authorities to implement laws properly so that justice can be provided. Thus Media is an implementer of law and acts as a watchdog on anything susceptible. It creates pressure on agencies to implement laws properly. Thus Media is a diagnostic and analytical tool for discussing the different problems and their improper implementation, if any.

The expression 'security of state’ refers to right of the state to maintain its own existence. It has two aspects, external and internal. When there is external aggression or threat thereof, the state may impose restrictions on freedom of the press, it cannot allow disclosure of war measures or movement of armed forces, which may help the enemy but the right of the people to discuss the defence policy of the government or to criticise the conduct of armed forces cannot be barred\(^11\).

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10 Brij Bhushan And Another v. The State Of Delhi, A.I.R. 1950 S.C. 129.
TRIAL BY MEDIA:

A free press is one of the very important pillars on which the foundation of the rule of law and democracy rests. For rule of law and orderly society, a free responsible press and independent fiduciary are both indispensable and both have to be there.\(^{12}\)

‘Trial by Media’ is a phrase popular to describe the impact of television and newspaper coverage on the reputation of a person by creating a widespread perception of guilt regardless of any verdict in a court of law.\(^{13}\)

The press has no doubt the rights and duty to inform the public about crimes and bare facts relating to investigation, arrests and the like.\(^{14}\) In *Prabha Dutt v. Union of India*\(^ {15}\), the petitioner was seeking to interview the condemned prisoners Billa and Ranga. The Hon’ble court held that the press does not have an absolute or unrestricted right to information and there is no legal obligation on the part of citizens to supply that information. It was also observed that the interviews of the victims become necessary as otherwise the correct information may not be collected but such access has to be controlled and regulated and the Pressmen are not entitled to uncontrolled interview as well.\(^ {16}\) Hence, with the approval and consent of the victim, the press and media have an explicit right to interview them.

CONCLUSION:

Media should remain within its limits and keep the honourable status of Fourth Estate intact and it should not misuse its rights by forgetting its accountability. According to *Sir Acton*, power corrupts, and absolute power corrupts absolutely. Especially, in a democracy where media enjoy sufficient freedom, responsibility becomes—almost—most important. With great power comes great responsibility.

Thus, Media in spite of all its handicap still stands as the most vital pillar upholding its credibility as the most vital organ in our democratic nation.

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\(^{12}\) Rajendra Sail v. M.P. High Court Bar Association and other, AIR 2005 SC 2473.

\(^{13}\) Available at: http://www.answers.com/topic.trialbymedia

