

# KnowLaw Journal

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## Role of Free Press in a Democracy

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### Abstract

Democracy cannot succeed without the media or a free press. Simply said, democracy is the rule of the people, by the people, for the people. In this view, a democratic society requires a free press's active and alert engagement. It is the people's voice. It is critical to the development of a healthy democracy. The media is seen as the beating heart of a democratic society. It informs individuals in all countries of the world as a vital source of knowledge. The media is commonly referred to as the fourth pillar of democracy. It raises people's awareness of various events in areas such as sports, politics, economics, and social issues, among others. Media serves as a mirror that reflects basic truth, which can also be unpleasant sometimes. In this research paper the author explains how the media house is corrupted which leads to undermining the Indian Democracy, and further explains Article 19 (1) of the Indian constitution. The present paper is an attempt to examine the role of a free press in a democracy.

### Keywords

India, Democracy, Media, Corruption, Religious Orthodoxy

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## Introduction

In a democracy like India, where the theory of separation of powers is the cornerstone of administration, the media or press is regarded as the fourth pillar of a democratic society after the executive, legislative, and judiciary. The relationship between the media and the general public has vastly improved over time. The media (print and electronic) has become an integral part of the lives of Indians, who rely heavily on it for pleasure and information. Starting with concerns affecting the average man, their sentiments, needs, and expectations, and every element of their life that is strongly linked to the media. The media keeps people awake, and there's no doubt that it's become one of the most powerful tools for social change. In a democratic setting, the media helps to foster democratic norms and principles while simultaneously speeding up progress<sup>2</sup>.

Distribution of knowledge has been the trigger in the entire epilogue of our vigorous march towards modernity since the start of human civilization, and even in epochs preceding it. For example, it was the otherwise simple creation of the printing press and the dissemination of knowledge from it that redeemed Europe from the clutches of a dark age and religious orthodoxy and repositioned it as the herald of industry. In today's post-modern and neoliberal period, where data is treasured as the new currency, information and its dissemination have

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<sup>2</sup> Mohd Ayub Mir, *The Role of Media in Indian Democracy* (2019) 6 IJRAR, 584.

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taken on an entirely new significance, particularly in welfare states with democratic forms of administration.

Democracy when visualised from the panoramic perspective often reverberates popularly as a form of government which is of the people, for the people and by the people or as a form of government where subjects are the sovereign or as a form of government enshrining utmost lucidity in its social contract, however, the same democracy when visualised from worm's-eye view then it is perceived as an animated superstructure beautifully balancing itself defying gravity upon the buoyancy of four golden pillars viz, the three wings of government equidistant from each other by virtue of the Montesquieu principles have their respective roles, the fourth pillar popularly known as the Press or Media is placed equidistant from the rest three with the role of keeping the other pillars under surveillance and to send alarm signals whenever these pillars discontinue being equidistant by displacing themselves or if either of them began to rust from inside so that the superstructure does not crumble.

## **Objective**

1. To study why the role of media is important for the development of democracy
2. To scrutinise the inter-relationship between the press and the Indian constitutional landscape.
3. To elucidate and anatomise the role that ought to be played by a responsible press, especially in its operation within the world's largest democracy.

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4. To investigate the role undertaken by the press within the precincts of Indian socio-political and legal landscape.

## Research Question

- 1) Whether or not the freedom of the press is important in Indian Democracy?
- 2) What is the role played by the press in reality in the Modern era of Indian Democracy?

## Hypothesis

- The freedom of the press is very important due to the higher level of corruption growing between the Indian government and the press.
- The role played by the press in reality in this era of Indian democracy is like a watchdog of our democracy & ruling party and also democratic society after the executive, legislative, and judiciary. The relationship between the media and the general public has vastly improved over time.

## Scope

In democracies, the media is fundamental to political life. It provides facts to inform us better about the issues that matter to us. It provides criticism and debate to ensure that that information is tested and examined from all points of view.

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## **Methodology**

The research method used in this project is the Doctrinal research method. Doctrinal research is a theoretical study where the mostly secondary source of data is used to seek to answer one or two political propositions or doctrines or questions. The sources referred to for this research project are from various websites and journals.

## **Role of Free Press in a Democracy**

Freedom of the press is a non-negotiable requirement for any democracy to thrive and for citizens to retain control over their chosen service providers, namely the government. Be it in the establishment of democracy, as a medium of social change, as an instrument of awareness, as a whistle-blower of any unscrupulous practices within the precincts of power corners, as a ferocious critic of governance failures, and so on, the role of the press in any democracy is indispensable. It would not be incorrect to think of the press as the sense organs in the anatomy of the society or nation<sup>3</sup>.

The fourth pillar of democracy is the news media. The media plays an important role in fostering a democratic culture that transcends the political system and gets ingrained in public awareness over time. The media provides the political information on which people base their decisions. They identify issues in our culture and provide a forum for discussion. They also act

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<sup>3</sup> Singh, M. (2017). *V.N. Shukla's Constitution of India*. 13th ed. Lucknow: Eastern Book Company, pp.137-138.

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as watchdogs, revealing faults and wrongdoings by individuals in positions of power. The media has a critical role in fostering a democratic culture that goes beyond the political system and, over time, becomes ingrained in the public consciousness. The role of the media in a democracy is just as important as that of politicians, and it should never be overlooked.

The press's duty as a 'watchdog' is a traditional description of the news media's job in particular. Depending on the nature of the medium in question, as well as the condition of democracy and development in a given country, this watchdog position might take different shapes. Essentially, this role is to provide information and serve as the public's "eyes and ears" in monitoring what is going on in society by reporting on daily events as they occur.

The media also reveals flaws in the democratic system, allowing the government to fill in the gaps and make the system more accountable, responsive, and democratically friendly. As a result, democracy without the media is like to a vehicle without wheels<sup>4</sup>.

There is no doubt that the media has done a commendable job at times in informing people about the harsh realities of life, exposing corruption in our society, raising public awareness, and so on, but I believe that there is still much more to be done. Media is growing more popular among people from all walks of life, and it has the capacity to significantly influence the ideas of its readers/viewers. Media should be neutral in expressing opinions, but it should also

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<sup>4</sup> B.Mugundhan, C. Renuga, 'A Study On Freedom Of Press In India: With Reference To Article 19' (2018) International Journal of Pure and Applied Mathematics 3957-3973.

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strongly avoid exposing views that can impair social cohesion and lead to profound distrust, tension, and needless violence that results in the deaths of innocent people. The media should inform the public about the consequences of various government activities.

## **Role of Media from a Legal Perspective**

In a democracy like India, where the theory of separation of powers is the cornerstone of administration, the media or press is regarded as the fourth pillar of a democratic society after the executive, legislative, and judiciary. The relationship between the media and the general public has vastly improved over time. The media (print and electronic) has become an integral part of the lives of Indians<sup>5</sup>, who rely heavily on it for pleasure and information. Starting with concerns affecting the common man, their sentiments, needs, and expectations, and all areas of their life that are directly linked to the media. Media keeps the people awakened and there is no denying the fact that it has become one of the major instruments of social change.

Media enhances democratic norms and principles while also speeding up development in a democratic setting. The press's role in a democracy can be varied and viewed from numerous angles, but it must operate within the confines of the Grundnorm, or the country's fundamental document of governance, the Constitution of India. The preamble to the Indian constitution says that every citizen of India would have freedom of thought, expression, and conviction.

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<sup>5</sup> Ajun Kumar, "*Role of Media in Democracy*", available at <https://www.google.com/amp/s/legadesire.com> accessed on 20-January-2019.

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The media derives its rights from Article 19(1)(a) of the Indian Constitution which talks about the Freedom of Speech and Expression as freedom of the press is not particularly stated under the Indian Constitution<sup>6</sup>.

Article 19(1) reads as 19(1) All citizens shall have the right - (a)to freedom of speech and expression. The right is subject to reasonable restrictions set out in Article 19 (2) which states that “Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the-

- sovereignty and integrity of India
- the security of the State
- friendly relations with foreign States
- public order
- decency or morality or
- in relation to contempt of court, defamation or incitement to an offence.”

In this context, Dr. B.R. Ambedkar, the Chairman of the Drafting committee powerfully argued that - *“The press is simply another way of describing a citizen or an individual. The media has no superior privileges which are not to be given or which are not to be exercised by the voter in his separate capacity. The executive of the press or the editor are all citizens and therefore*

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<sup>6</sup> Sakal Papers(P) Ltd v. Union of India, AIR 1962 SC 305.



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*when they select to write in a newspaper, they are just exercising their right of freedom of speech and expression and in my decision then no special mention is necessary of the freedom of the press at all”<sup>7</sup>.*

Hence, in the Indian Constitution, the right to press was inserted in freedom of speech and expression i.e., Article 19(1)(a). A free press is a need for democracy and is more important for a huge democratic country like India.

In India in the absence of any exact article in the constitution for a free press, it was the judiciary that promoted and safeguarded the independence of the press. In ***Brij Bhushan v. State of Delhi***,<sup>8</sup> the honourable Supreme Court held that freedom of speech and expression guaranteed under Article 19 (1) (a) can be curtailed only and only by adhering to a strict interpretation of the grounds given under Article 19 (2). The facts of the case were that an English weekly was subject to pre-censorship on the ground of “public order” which was not included as a ground under Article 19(2). The court held that since public order was not a restriction under Article 19(2), thus, the right to freedom of expression cannot be curtailed on this basis. This led to the grounds of “public order” and “Friendly relations with foreign states” being added by the Constitution (first amendment) Act, 1951.

The Supreme Court in ***Romesh Thapar v. State of Madras***<sup>9</sup> observed that the right to circulation is as important as the right to publication.

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<sup>7</sup> Constituent Assembly Debates, Vol. VII p 780 (2nd December 1948)

<sup>8</sup> *Brij Bhushan And Another v. The State of Delhi*, 1950 AIR 129, 1950 SCR 605

<sup>9</sup> *Romesh Thapar v. State of Madras*, AIR 1950 SC 124

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In *Sakal News Papers v. Union of India*<sup>10</sup> indirect effort by the Government to restrict freedom, by passing the Newspaper (Price and Pages) Act 1956, which empowered the government to regulate the space for advertisement, was struck down by the judiciary as it, would have a direct impact on circulation.

If the judiciary has protected the rights of the press it has also constrained it in the interest of justice.

The Apex court in *State of Bihar v. Shailabala Devi*<sup>11</sup> held that speech and expression on part of an individual which inflames or boosts ferocious crimes such as murder, etc. will undermine the security of the state and circulation and publication of such content needs to be curbed. The court in the case of *Dr. D.C. Saxena v. The Chief Justice of India*<sup>12</sup> has held if the preservation of democracy is the foundation for free speech, society equally is authorized to regulate freedom of speech or expression through democratic action. The cause is evident, e.g., that society accepts free speech and expression and also puts restrictions on the right of the majority. The above discussion clearly elucidates the magnitude of the press's inter-relationship with our Grundnorm, the Indian Constitution, on both qualitative and quantitative levels. In terms of the privilege and immunity that should be available to them against state actions that restrict their freedom of speech and expression, the drafters of our constitution have equated and treated otherwise differently placed subjects, namely, the disseminators of knowledge or the press and

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<sup>10</sup> Sakal Papers (P) Ltd. v. Union of India, AIR 1958 SC 578.

<sup>11</sup> The State of Bihar v. Shailabala Devi, 1952 AIR 329, 1952 SCR 654

<sup>12</sup> Dr. D.C. Saxena v. Hon'ble the Chief Justice of India, 1996 SCC (7) 216

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their receivers, i.e., the general public. Because of the absence of immunity, the press has become weak and prone to yield to authoritarian mandates as a result of this erroneous application of the equality doctrine in the name of idealistic objectives<sup>13</sup>. The judiciary has repeatedly intervened to protect press freedom, but if press freedom is reliant on the judiciary's suzerainty, it calls into question the foresight of the constitution's authors and the mediocrity of the press immunity granted by virtue of the world's largest democracy's constitution.

## **Corrupt Media and the undermining of Democracy**

Corruption in the mass media in India and elsewhere is as old as the media itself. If there is corruption in society, it would be unrealistic to expect the media to be free of corruption. India is the world's largest democracy. A vibrant and diverse mass media is an important pillar of democracy in the country. The independence of the media facilitates adherence to democratic norms. Article 19 of the Constitution of India confers the right to freedom of speech and expression to all citizens of the country and the media as well.

In recent years, corruption in the Indian media has gone way beyond the corruption of individual journalists and specific media organizations from "planting" information and views in lieu of favours received in cash or kind, to more institutionalized and organized forms of corruption wherein newspapers and television channels receive funds for publishing or

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<sup>13</sup> *Virendra v. State of Punjab, AIR 1957 SC 896.*

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broadcasting information in favour of particular individuals, corporate entities, representatives of political parties and candidates contesting elections, that is sought to be disguised as “news”<sup>14</sup>. News is meant to be objective, fair and neutral this is what sets apart such information and opinion from advertisements that are paid for by corporate entities, governments, organizations or individuals. What happens when the distinction between news and advertisements starts blurring, when advertisements double up as news that has been paid for, or when “news” is published in favour of a particular politician by selling editorial spaces? In such situations, the reader or the viewer can hardly distinguish between news reports and advertisements/advertorials.

Sections of the media in India have willy-nilly become participants and players in such practices that contribute to the growing use of money power in politics which undermines democratic processes and norms while hypocritically pretending to occupy the high moral ground. This has not merely undermined democracy in India but also tarnished the country’s reputation as foreign newspapers have started writing about and commenting adversely on such malpractices.

In the area of political “paid news”, given the illegal and clandestine nature of such malpractices, it is not easy to find clinching evidence that pins responsibility for such corrupt practices on particular persons and organizations. There is, however, a huge volume of

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<sup>14</sup> Hussain Md Bajlun Noor.2018, *The Role and Importance Of Media In Indian Politics*. Int J Recent Sci Res. 9(1), pp. 23451-23454. DOI: <http://dx.doi.org/10.24327/ijrsr.2018.0901.1472>.

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circumstantial evidence that points towards the growing use of the media for publishing “paid news” which is a form of electoral malpractice<sup>15</sup>. Identical articles with photographs and headlines have appeared in competing publications carrying by-lines of different authors around the same time. On the same page of specific newspapers, articles have been printed praising competing candidates claiming that both are likely to win the same elections. Nowhere is there any indication that the publication of such “news” reports has entailed financial transactions or has been sponsored by certain individuals or political parties.

## **How is the Freedom of Press threatened?**

The press is threatened around the world. Some places are worse than others, but even in democracies, press freedom can face many challenges. Organizations like Reporters Without Borders track the number of journalists harassed, imprisoned, or killed. This info gives the world a sense of how serious the problem is. There are many threats to a free press<sup>16</sup>, including:

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<sup>15</sup> Paid News; *How Corruption in The Indian Media Undermines Indian Democracy*, published by paid news channel (2013).

<sup>16</sup> Emmaline Soken-Huberty, *Why Is Freedom of The Press Important in a Democracy?* published by *Human Rights Careers*.

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## **Legal Threats**

Legal threats like libel and privacy lawsuits, source intimidation, and subpoenas for confidential information drain money and resources from news sources, delay or block stories, and make people afraid to talk to journalists.

## **Governmental Threats**

Government officials can make a journalist's job much harder and even more dangerous. Actions include threatening to take away licenses, using inflammatory language against the press, and tracking or even arresting journalists. This abuse of power sows distrust in journalists, makes them a target for violence, and dampens the media's ability to get out important stories.

## **Harassment And Physical Violence**

Being a journalist can be a very dangerous job. Harassment is very common, especially for female journalists. Stalking, threatening, doxing, and trolling all serve to intimidate journalists and discourage them from working. Harassment can escalate to physical violence and include attacks, bomb threats, stolen equipment, and murder.

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## **Conclusion**

Global democracy trends are continuing to deteriorate, and decisive action is required everywhere to strengthen critical aspects for democracies to thrive, such as free media. The increasing amounts of attention and collaboration democracies dedicate to the increasingly narrowing space for freedom of speech and growing dangers to media and journalists is commendable, but there is always room for improvement. In today's constantly changing climate, more cooperation and understanding of the issues and requirements of independent media and investigative journalism is critical. The media catalyses democracy and development by facilitating meaningful public participation. If the media is honest and committed to its work, democracy will run more efficiently, and the flaws in any democratic system will almost surely be filled to the people's satisfaction. On the other hand, if the media is biased, corrupt, and favours only one party or a few individuals, it can be exceedingly detrimental to democracy's smooth functioning. No one can achieve perfection; all one can do is aspire to do so. The same may be said of our media. Certainly, there is still much room for growth in terms of the media's ability to meet the expectations of the people for whom it is designed.

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