

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**
[ISSN 2581-5369]

Volume 4 | Issue 1
2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Media: Revitalization of Democracy

ANSHUMAN DAS¹

ABSTRACT

Freedom of speech and expression is the blood of democracy, palpitation of democracy, control of the administration and makes mindfulness among the individuals. Blood eliminates the dead cell in a similar way freedom of speech and expression eliminates the subjective government and spot a law based government In the Indian constitution, the phrase "Freedom of Press" is not expressly mentioned, but it is implicit under Article 19(1) (a). Freedom of media is the freedom of individuals, as they ought to be educated regarding public issues, we can say that Freedom of the press is the freedom of communication and expression through vehicles including diverse electronic media and published material. Once the media was profoundly viewed as the voice of individuals, however now it has become the equivalents of falsehoods, contempt, purposeful publicity, coercing. Technically a democracy stands on the pillars of judiciary, executive and legislature. But with the rise of the press and its power to reach every nook and corner of the state it can also be considered as the fourth pillar of a democracy The accompanying paper would discuss the contribution and necessity of freedom of the press in a democracy and importunes in constitution.

Keywords: *Freedom of Speech, Media, Democracy, Rights, Restrictions, Regulations, Expressions, Communications.*

I. INTRODUCTION

Indian Constitution is a magnum opus of Democratic type of Government. Its Preamble proclaims the democratic structure of administration in India at the earliest reference point. The Government of the people by the people giving just constituents and tying down central and basic liberties to all Indian citizens. Also, other than the three mainstays of democracy that are the legislature, executive, and Judiciary, there's a fourth pillar that completes a democracy is the media. Freedom of media is as important as the freedom of an individual to put it into a meaning, it can be said that freedom of press is the freedom of an individual. Freedom of medial is the key to the full functioning of democracy. Media has the power to influence and educate people both at the same time, it has the power to change the thought of

¹ Author is a student at School of Law, Kalinga Institute of Industrial Technology, Deemed to be University, Bhubaneswar, Odisha, India.

an individual it has a wide ambit in which it deals with the public as a whole. The constitution of India has not expressly mentioned the freedom of media, but it has implied it in article 19(1)(a).

Media alludes as a guard dog of society, is the watchman of the public intrigue and media go about as a course between governors and the administered remains profoundly imbued. It acts as the mirror of truth even how harsh the truth might sound. As media has a significant and essential influence in democratic government it additionally now and again ascends as a danger for democracy. In approaches to decipher the news in their particular manner from the genuine truth, in political races, in raising deceptive issues which can create conflicts in the middle of public and additionally in government. Media is something on which individuals trust and the error can change the impression of individuals additionally it can make a circumstance of misguided. Media has become an essential part of the life of an Indian citizen. There is no questioning on the fact that media has become an important influence in the social change.

In this paper, the function of media is centered around the soundness of democracy which incorporates the plan of elections set by media which straightforwardly relative to the decision of vote of the individuals. The media likewise has a dark side which may be unreal and many will never acknowledge the appalling side of it. Media can be unfeeling too, the competition of rivalry and market share percentage has seriously influenced in notoriety by and large. It is an enormous million-dollar venture and has superior availability it comes to monstrous and uncanny angle are before the average citizens that how media will, in general, make scorn, give bogus data, controlled realities, made sure about data of public in the public area are only a couple of possessions in the setting with the terrible aspect. The press is assume an imperative function also if we talk in context of inspiration yet the cons have ascended as a lot that the stars of press is being conquer. Media is the necessity of great importance an nobody hypocrisy can refuse the way of how significant press, “a pen is mightier than the blade”, or press is only a manikin of the administration in party or those who're having the cash.

II. THE EMERGENCE OF MEDIA IN INDIA

Throughout the entire existence of India, the media has been perceived as powerful, enthusiastic, and trustworthy in the socio, monetary, and political atmosphere of the country. The enactment relating to control media can be followed back to British time. The emergence of Media in India. The Indian press has a long history it leads back to the 18th century when

the print media had emerged around 1780 and also led to the emergence of radio broadcasting.

In 1799, Lord Wellesley proclaimed the press guideline act which forced a guideline for a mandatory print of names and addresses of printers, editors, and distributors also in the papers. Then in 1857, the gagging act was passed which made it mandatory to acquire a permit for running a print machine and gave wide powers to the government to restrict distribution or show of substance which as it would see it was against the government. Then comes the Press enrolment and Books Act, 1867 which continues staying in power to date. Then came the act known as the Vernacular Press Act, 1878 which stated that British emperor had the power to force limitations on the distribution of news and simultaneously oversee media as it is accepted that individuals effectively accept what is indicated rather than having their own conclusions and a will to know the reality. So it is the obligation of the media to show what is direct as it shapes the brain of individuals. A number of guidelines came to decrease the impact of the media thereby increasing a greater amount of British control. However, insurgency came in the historical backdrop of the media when the coming into power of the Constitution of India, 1950 which viewed freedom of presses as a central right. In spite of the fact that not explicitly referenced it is apparent that freedom of the media is inalienably justified of “freedom of speech and expression”.² Media in India has been kept independent for most of the time even before the establishment of a government and laws in the times of Ashoka the Great but as we know there was a time when the media had faced controlled and restricted to perform its duty it was the time of emergency declared by then Prime Minister Indira Gandhi.

III. LAW THAT REGULATED MEDIA IN INDIA

(A) Pre- Constitution law

- The censorship Act, 1799

This act was established by Lord Wellesley during the time when the French had invaded India. The basic idea of this act was to prevent French from publishing or writing anything against the Britisher. This act stated that anything before publishing had to take permission from the government the ambit of this act had extended in the era of 1807 which brought everything under the umbrella of the press this act had curtailed the freedom of

² Sehgal, D. (2020, May 21). Media-The Fourth Pillar of Democracy. Retrieved October 29, 2020, from <https://blog.ipleaders.in/media-fourth-pillar-democracy/>

speech and was an unreasonable restriction the provisions of the act got a bit ease of when Lord Hastings came to the power.³

- Licensing Regulations, 1823

This act stated that without a license if you publish it would be considered a penal offense which will amount to punishment this was brought at the time of the Governor-general at the time John Adams. This act was brought for one of the main reasons is that it was the time of emergence of Indian newspapers and also the time when the people were realizing it is the time to get freedom so to stop this movement this act was brought into the picture.⁴

- The Press Act of 1835

This act was for the regulation of print and publishing and also known as the Metcalf act as name after the governor-general of that time.⁵

- The Newspaper Act, 1908

It gave or empowered the magistrates to confiscate the property that belongs to the press with published anything regarding that likely to cause any kind of violence.⁶

- The Indian Press Act, 1931

This act had given enormous power to the government by which they can suppress the civil disobedience movement it stops the press from publishing anything in that matter and also it punishes anyone doing so.

(B) Post-Independence Law

- The Press Enquiry Committee, 1947

This act enacted comity which regulates and analyzes the press law in the country. The first decision of the comity was to repeal the Indian Press Act, 1931, and brought some changes in the Indian Pinal code regarding sec 124-A and 156.⁷

- The Press Act, 1951

This is one of the main act as it was passed by the parliament at the time of amendment of article 19(2) witch gave the power to the publicist demand for trial in front of the jury and

³ Availableat: <http://www.legalserviceindia.com/legal/article-407-is-the-media-as-the-4th-pillar-of-democracy-losing-its-credibility> (last visited on October 10, 2020),

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

also gave security to the press. The Press Commission had recommended in 1954 of an All India press council.

some other Acts passed include the Delivering of Books and Newspapers Act, 1954; The Working Journalists and Miscellaneous Provisions Act, 1955

IV. DIVERSIFIED ASPECTS OF MEDIA

- **Role of Media in Society**

From the ancient time of lawful history, man has been expressing his concepts through various means or modes like the script, print, signs, and signal, speech, and other kinds of code to communicate. The importance of information plays an important role in a democratic country like ours and the society of any country information plays a vital role as it the basic question of our survival of a free and fair democratic system this goal is impossible to achieve unless and until everyone in the society is given the fundamental right to give the free expression of free media and opinions. It was, later on, recognized by our law in constitution as the “freedom of speech and expression”. The preamble focuses on one of the main objectives which the preamble revolves around is the liberty of thought and expression which is also considered as the core of the constitution. Preamble assures that all citizens are entitled to “freedom of speech and expression” and independent to chose any religion of their choice and practice it, Part III of the constitution talk about the fundamental right which is given to each and individual in the society as mention in the following article 19,20,21 and 23. These are the vital rights that are guaranteed to an individual. Article 19 guarantees freedom of speech and expression⁸. All individual who is the citizen of India is entitled by the constitution their opinion and conviction. Indian constitution has not expressly mention the freedom of media as thin the case of Us constitution but it has been implied under 19(1)(a) of the Indian constitution. The Supreme court has stated that freedom of the press has been included under the freedom of expression which also gives the power to press to publish but with some reasonable restrictions as mentioned in article 19(2).even the apex court had stated that there is no need for a provision that deals with freedom of the press as it has already been implied under the Indian constitution.

- **The Freedom of Media**

Media freedom has various kinds sources of communication that operate in society. This term has an express idea that it extends to freedom of press to electronic media like radios,

⁸ Dr. B.RAmbedkar in Constituent Assembly Debate.

television, etc. Media ensures transparency i.e it follows the democratic principle of publicity. Publicity means getting information about the operation of the government and making it available for public debate and scrutiny. Freedom of speech and expression could be a very important part of democracy. It is mentioned in the constitution but still different measures in the form of rights, international treaties and charters have been adopted to ensure that the rights are given to the people. It helps to guarantee that people receive news without any interference of any kind. The key rights are the right to receive and speak the news, views and data.

- **Tax liability of Media**

The newspaper industry enjoys two fundamental rights i.e under Article 19(1)(a) the freedom of speech and expression and under article 19(1)(g) the freedom to engage in any profession, occupation, trade, industry or business. Since there can be no tax while exercising the right to freedom of speech and expression but tax is levied on engaging in any profession, occupation, trade, etc hence there can be tax on the newspaper industry. But when such tax enters the field of freedom and endangers it, it becomes unconstitutional. As long as the tax is within the limits and does not endanger the freedom, it will not contravene the provisions of article 19(2). In *Indian Express Newspaper v. Union of India*⁹, Court said that any tax to be levied on press should be “subject to review by the courts in the light of the provisions of the Constitution”.

- **Right to freedom of speech and expression has territorial boundary.**

The main question of whether the freedom of speech and expression has a limit to exercise or a territorial boundary to it this was answered in the case of *Maneka Gandhi v. Union of India*.¹⁰

The Supreme court answered it by stating that the freedom of speech and expression has no geographical boundary when it comes to exercising the right. It also said that the term expression *Caria vide* meaning in it includes gathering of information and also expressing it to others there is no restriction in regards to the right of the citizens of freedom of speech and expression is limited to the geographical.

- **Press Source Other Liberties**

The prominent example of importance of media and its stated as “The mother of all liberties” in a society is stated in the judgement of *Venkataramiah, J.* in the standing case of *Indian*

⁹ AIR1985 1 SCC 641

¹⁰ AIR 1978 SC 597.

Express Newspaper v. Union of India.¹¹ Some of the most debatable questions were answered in this judgments regarding the freedoms of media.

It was said that the imposition of duty on the petitioners who consumed large quantity of newsprint in the publication of the newspapers, periodicals, magazines, etc had the adverse effect on the freedom of speech and expression as guaranteed by the constitution as it led to increase in price of the newspaper which eventually led to decrease in circulation of newspaper. In this case, Venkataramiah J. stated that the press has a very important role in the democracy machinery and pointed out that significance of freedom of speech and expression in the following words :- “Freedom of expression has four broad social purposes to serve: (i) it helps an individual to attain selffulfillment, (ii) it assists in the discovery of truth, (iii) it strengthens the capacity of an individual in participating in decision making, and (iv) it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change. All members of society should be able to form their own beliefs and communicate them freely to others. In sum, the fundamental principle is the people's right to know. Freedom of speech and expression should, therefore, receive a generous support from all those who believe in the participation of people in the administration.” While admitting the significance of press in the democratic society, the court said the makers of the constitution have not provided the press with ant constitutional immunity against any taxes. At the same time they have protected the press by giving the impose taxes on newspapers on Parliament alone and nitre even given to the State Legislatures.

V. ROLE OF MEDIA IN DEMOCRACY

Democracy is a way to elect our representatives in an election, it is commonly defined as the government of the people, by the people, and for the people. Media plays a crucial role in Indian democracy. It is an important bridge between the government and the people. Democracy won't work as it was meant to be if there is no freedom of the press, as is the voice of the people but most importantly it must not become a part of a victim of any monetary gain or other political pressure. Media is considered as the backbone of democracy it enlightens the people of all the current affair and political debate so people get a deferent opinion of themselves or to understand the other part of the story. Media plays an important role in this process of election as it helps the voter as it brings in the light of the mater to whom to vote as it clears the fog of false promises and makes it clear for the voter to vote,

¹¹ (1985) 1 SCC 641

most of the rule system won't work as it is supposed to if the freedom is not given to the press. This is the voice of the public. It has a bigger role to play concerning society.

The most significant object in the planet which can control human personality is media. The foundation of democracy in India is press and media. The framework wherein sovereign lives possessed by the citizens are run by the chosen delegates is called democracy. Democracy works on the principle "of the people, by the people and for the people". Every citizen needs to take part in creating a strong political background for the country and media plays a key role in enhancing that process. People must be given total freedom to participate in the policy making process and to express their ideas. For this the perfect communication tool is mass media. Democracy and media have a very variable and complex relation. Media includes radio, television, newspaper, etc. In a democratic society, media plays a very important role as they enjoy a lot of power and fewer regulations. Even Pandit Jawaharlal Nehru held media as the "watchdog of our democracy". If there was no existence of media then the government would have ruled as per their wish without being accountable to the public for their decisions. This would have led to a corrupted system with no transparency.

Without freedom of media, the main goal of majority rules system are out of reach for a country. Media can help to achieve the democratic objective which includes teaching individuals, keeping a check on government approaches and security of human rights. In the contemporary world, media is said to be the fourth pillar of democracy.

Media plays a key role in keeping balance between majority elective system and individuals' privilege while guaranteeing straightforwardness and responsibility in all forms of public undertakings. Media brings out the truth into the limelight and reveals political hypocrisies which helps the common people to decide which party could do them better if it comes to power. The is connected to the public through media where they attempt to create impact among the people. The main objective of the media democracy system is to give a straightforward fair framework by making changes in the broad communication to give media and resident news coverage. The reason media vote based system differentiates itself from the private possession is because of the majority rule government beliefs present in it. It also affects the thoughts of communism, women liberation, etc.

Media majority rule government extends its relationship to the open circle. It helps to bring in things like expanding resident news coverage and dynamic investment of the residents. Media popular government has the methodology that each individual must be educated to

take interest in certain significant issue and open conversations. A democratic based media must be approved which works on the principle of transparency and comprehensiveness.

It is also held by the supreme court that freedom of press is important for a democratic system to work. The power of media has resulted in unfortunate patterns of rivalry, leading to sensationalized announcing giving the entrenched principle of sub-judice a pass by. Limitations on such media must be imposed in order to save the organisation of equity likewise to secure protection of person. But the positive aspect is far more than its negative aspect. Media is an important part of the democracy such as :-

- Finding defects in the working of the governing system of the country
- Promoting the idea of democracy and the information related to it therefore rejecting the corrupt policies
- Acting as a medium between the government and the general public
- promoting transparency in the democratic system

VI. FREEDOM OF MEDIA IN CONSTITUTION

As we know in the famous case of *Manika Gandhi v. Union of India*¹². It was stated that freedom of speech and expression are important aspects of liberty.

In the above statement, we can also say it includes freedom of media. To understand the freedom of media we need to understand the meaning of the freedom of speech and expression this one of the crucial right, can be also said an important privilege is given to the citizen under Art 19(1)(a) of the constitution this has given the liberty to the people to express their opinion. In the case of *Tata Press v. Mahanagar Telephone Nigam Ltd*¹³, it was held that commercial speech is considered an integrated part of the freedom of speech. One of the most important bill witches is known as the constitution of India bill commonly Known as the the swaraj bill witch was interpreted by an great revolutionary Lokmany Tilak which stated there is a chance in the future that the constitution would guarantee the citizen the freedom of the press.

The Indian constitution does not unequivocally state anything about freedom of press as in other hand case of the US constitution it has been impliedly mentioned. the freedom of the media is regarded as considered the species and freedom of expression is the genus.¹⁴

¹² AIR 1978 SC 597.

¹³ AIR 1995 SC 2438

¹⁴ Tanu Priya, Freedom of Speech And Expression Academike (2019),

The supreme court came to this conclusion through various decision conferred that freedom of the media is implied in the “freedom of speech”. The case of *Indian Express Newspapers v. Union of India*¹⁵ The Supreme Court had said the importance of the press it stated that the freedom of the press has not been expressly written down by the maker of the constitution in article 19 but it can be interpreted in the following manner within prevue of the definition of article 19 (1)(a). This expression basically any interference of an external or an internal factor such as the Administrative authority or any kind of government or non-government authority who would in any manner dominance over circulation of the newspaper. There can not be any interference when it comes to the benefit of the public.

So it is clear that freedom of the press is part of our constitution, as it enjoys the same amount of freedom of speech and expression as an individual citizen nothing more or less. The press has been also provided with some immunity but it is to the extend what they publish some of the examples are general law of land, taxation law.¹⁶

It has been seen in past in many of the judgment of the Supreme Court that when it some law comes in interference of freedom of press and which is beyond the restriction of 19(2) then it has been removed.

Freedom of Media and Constitutional Restrictions

The right to “freedom of speech and expression” is not an absolute right it has its own limitation or restriction provided in article 19(2). This restriction whare laid down by the famous case *Papnasam Labour Union v. Maduracoats Ltd*¹⁷.

1. The restriction must be reasonable and must not be an injustice or arbitrary
2. it must be reasonable and there must be a nexus between the objective and the restriction
3. The restriction must inflexible so it can vary from case to case
4. The judiciary must interpret this restriction ina a practical manner.
5. court has to see the social conduct then apply the restriction
6. Reasonableness must be both procedural and as well as substantive reasonability
7. the restriction must not be discriminatory it must follow article 14.

<https://www.lawctopus.com/academike/freedom-of-speech-and-expression>

¹⁵ 1989 SC 190

¹⁶ Everett, E., Allis, F. S., & Girouard, P. R. (1972). *The Edward Everett papers*. Boston, MA: Massachusetts Historical Society.

¹⁷ AIR 1995 SC 2200

Following Restriction, Which Has Been Laid Down Under Article 19 (2)

1. Sovereignty and integrity of state: Basically deals with nothing that is against the state in such manner that it would be discriminatory to the state reputation or serenity

2. Security of the country: Freedom of expression must not be in a sense that which would affect or hampers the security of our nation in any way. It has been also stated in IPC under sec 124A which says any speech or writing which brings dissatisfaction to the government would be punished. In the case of *State of Bihar v. Shailabala Devi*¹⁸ it was stated by the supreme court held that the speeches made which encourages to do crime are affecting the integrity of the state

3. Public Order

This was inserted in the constitution in the first amendment act *Romesh Thappar v. State of Madras*¹⁹, it was said to hear that right to circulation is well within the definition of the “right to freedom of speech and expression”.

4. Morality

If hampers morality in any manner in the society as discussed in the Indian Penal Code under sec 294 to 294 also in case of *Ranjit Udeshi v. State of Maharashtra*²⁰. The judgment of the supreme court was that sec 292 is valid and does not violate the constitution in any manner the restriction imposed under 292 is valid as it encourages public decency.

5. Contempt of court

It basically deals with the court order which has been passed and if given the restriction regarding publishing in media than it should be followed. In the case of *C.K. Daphtary v. O.P. Gupta*²¹ it was decided by the supreme court that Article 129 which states that the supreme court is the court of record this is a reasonable restriction imposed and also Section 228 of Indian penal code which talks about interpretation of a public servant seating in a judicial proceeding. are both constitutionally valid are reasonable restriction

6. Defamation

This one of the restriction which are commonly violated in the current time deflation is basically not causing harm to a person's reputation by speech or written or any other manner

¹⁸ AIR 1952 SC 329

¹⁹ 1950 AIR 124, 1950 SCR 594

²⁰ AIR 1965 SC 881

²¹ AIR 1971 SC 1132

it is an punishable offense under the Indian penal code under section 499 and 500²².

8. Other Restriction of Media in India

Legislation has imposed various other restrictions and rule over the function and working of the printing and the electronic media, Sahara India Real Estate Corp Ltd. v. Securities & Exchange Board of India had given an important judgment on 11 of September 2012 in this case the supreme court answered an important question which was of prior²³ restraint on media reporting of judicial proceedings is it constitutionally valid or not it went through a lot of debate and finally court took the help of the doctrine of postponement by applying this it was said the concerned court let it be the high court or the supreme court let it be can give direction to publication to delay in publishing the judicial decision given by the appropriate court. This was also included in the Press Council of India Act, 1978, the Prasar Bharti Act, 1990.²⁴

VII. MEDIA TRIAL

The media, which is regarded to be the fourth dimension of government, affects the level of democracy in any context and strengthens its role by elevating and developing the level of democracy. When the individual rights of the citizens is ignored by the executive or the Parliament for that matter with regard to rights mentioned in the Constitution, the Judiciary steps in. A country is said to be a democratic one when the people somehow are vested with the power to rule the country. In order to make a democratic kind of system completely operational, public participation is essential, which requires consistent succession of the distribution of credible information to the majority of people in many social problems. This is the reason why the role of media comes in. So basically the freedom given to media in a country tests the true level of democracy of that country. On the contrary, the other side of the coin cannot be ignored as the media sometimes is biased on basis of various factors that benefits a certain set of people and definitely disturbs and manipulate the opinion of the general public. This can undoubtedly create risk for the future of democracy of the country. This issue can be solved in a way that freedom should be given to media as to whatever they want to express but there must be some kind of punitive measures in case of biasness or any other kind of default. Protecting the essence and pillars of the democracy is not at all an easy task in the current scenario. Nevertheless, the government should look into the fact that every

²² Bert Bruser & Paul Schabas, Media and defamation law: cases and materials (2016).

²³Jain, Sankalp, Sahara India Real Estate Corp. Ltd. vs. Securities and Exchange Board of India: A Case Study (December 12, 2015). Available at SSRN: <https://ssrn.com/abstract=2799913> or <http://dx.doi.org/10.2139/ssrn.2799913>

²⁴Pratiyush Kumar, Media, the Fourth Pillar of Democracy, 6 IJRAR(2019)

aspect of democracy should be in favour of general public and should be based on transparency, accountability and fairness.

VIII. THE FOURTH PILLAR OF DEMOCRACY LOSING ITS AUTHENTICITY

Media is the fourth pillar of Democracy but as time has passed the reason this pillar was created has changed the object was too entitled people not to manipulate them. The most important factor in journalism is considered to be ethics and law. The word ethics has a wider definition of it means to be accountable being fairness and truth to the people which leads to responsible media. The multinational corporation when becoming a part of media changes how our constitution had portrayed it the way it is represented now it is as change the mind of the people for the sake of money and TRP. Ethic and principal have lost bits of existence when it came to earning money, media has been there to influence people in the right way where there are no biases to a particular party or a person even²⁵. The influence of the government nowadays is the same as it was in the time of the Britisher. We being independent our media is not anymore.

In this current time, we have seen that media instead of avoiding provoking people or sensationalism of media instead of that exaggerated the fact this is with leads to a disturbance within society. In recent time there is a lot of example regarding this as we have come across many. This rumored and creating a misconception leads to gain for TRP and in-process gain of money for the organization. It has been proven in many of the studies that media has the power to control the mind of citizens this is considered more dangerous than nuclear weapons.²⁶ The duty of media is to inform people not to pass judgment. This right remains curtailed by the judiciary. The authenticity is lost in the process of running behind the money. It is accepted that a prudent man can make a mistake and after all, it is humane and it can do an error but the person must be accountable for it which is missing in today's journalism leading to a void in the media. We as an educated citizen has to figure the difference between what is right and wrong but not to forget that there are people who have no idea about this and try to educate them to in the process.²⁷

²⁵ Is the media as the 4th pillar of democracy losing its credibility?, Legal Service India - Law, Lawyers and Legal Resources, <http://www.legalserviceindia.com/legal/article-407-is-the-media-as-the-4th-pillar-of-democracy-losing-its-credibility-.html> (last visited Oct 29, 2020).

²⁶ Sabeel, Kumar, D., & Kanchan, A. (2020, September 19). Are We Passing The Blame From Ourselves To The TRP-Hungry Media? Retrieved October 29, 2020, from <https://www.youthkiawaaz.com/2020/09/the-fallen-fourth-pillar/>

²⁷ Paul Chadwick Journalism has a vital role in a constitutional democracy, *The Guardian* (2019), <https://www.theguardian.com/commentisfree/2019/oct/06/journalism-media-boris-johnson-uk-government-supreme-court-brexitcourt>

IX. RECOMMENDATIONS

1. Codification of Legislative Privileges

Privileges given to the parliament and the state legislation to be till the extend of giving complain and not beyond it the court is the one witch is to decide the judgment by analysing the fact this principal followed, the principals followed now are hampering the basic principal of Audi alteram partem there no region for this fundamentally wrong aspect to be followed in India.²⁸

2. The Main Goal - Growth with Freedom

Media can make young democracy like to survive and develop its sense of social justice in order to serve the interest of the common people. A free media helps in developing citizens who a well aware of the current situation, problems faced by the country and the alternatives available to tackle them.

Many authorities have said that the right given in Article 19(1) is enough to protect the freedom of media. Moreover, National Commission to Review the Working of the Constitution recommended the inclusion of Freedom of media under Article 19(1) (a).

3. Media Needs to Move in Right Direction

The media need to get stricter with the commercialization process as it is now running behind the money it must start running behind the ethics that they have lost behind long back there must be strict rules so that it can be kept from the biasness of other factor which influence it to an extend how the judicial system is kept separate.

4. Uplifting Independent Papers

Positive steps must be taken in order to help the independent newspapers to grow and survive. They should be provided with assistance from general institution in order to help them grow as independent entrepreneurs.

5. Main Threat to the state

Still the most potential threat to media freedom is the state. This is our personal experience since independence so thus suggest that this resistance is necessary.

X. CONCLUSION

The way Indian society seas in the current scenario has changed due to the amount of manipulation of facts and figure for the monetary benefit of an individual. It was one

²⁸ Hadiya Khan, Freedom of press: Pillar of democracy, *International Journal of Law* (2018).

considered to be an important aspect to bring out the opinion in public it was the voice of people in form of media but the change in time has affected the basic object of this branch the ethics and principal are forgotten long back. The media has the ability to change the mind of people or to be precise to change the opinion of people it has a wide influence on the decision-making of an individual. The thought of an individual is an important aspect of freedom of democracy if it gets influence in the aright way is fine but when it is done in a wrong manner then it is a problematic issue. To reclaim its lost credibility It must right the wrong maid it wrong needs to be condemned and the right must be brought forward. The media must focus on the important aspect which would bring a change of life of people and portray in a manner the issue which is realistic and free from the influence. In conclusion for the healthy working of the democracy, the freedom of the press must co-exist with the freedom of speech and expression.
