



ISSN: 0976-3031

Available Online at <http://www.recentscientific.com>

CODEN: IJRSFP (USA)

International Journal of Recent Scientific Research
Vol. 8, Issue, 6, pp. 17537-17540, June, 2017

**International Journal of
Recent Scientific
Research**

DOI: 10.24327/IJRSR

Research Article

MEDIA AND DEMOCRACY - AN INSEPARABLE BONDING

Madhubrata Mohanty

Faculty of Legal Studies, S'O'A National Institute of Law (SNIL), Campus-2, S'O'A University,
Near SUM Hospital, Bhubaneswar, Odisha, India

DOI: <http://dx.doi.org/10.24327/ijrsr.2017.0806.0375>

ARTICLE INFO

Article History:

Received 20th March, 2017
Received in revised form 29th
April, 2017
Accepted 30th May, 2017
Published online 28th June, 2017

Key Words:

Constitution, Democracy,
Government, Media

ABSTRACT

The media is considered as the watchdog of the democracy as it has the power to create a check on the three official branches of the government- the executive, legislature and the judiciary. It works as a powerful remedy to all kinds of abuse of power by the government by making the people aware of the various steps taken by the government. In a democratic set up the elected representatives are responsible to the people whom they have promised to serve & it is the media only who can help the electorate to make responsible judgments in analysing the conduct of their representatives. The media always tried to provide comprehensive information on all vital issues of the country's social, economic and political sphere. The democratic credentials of a state are judged by the extent of freedom the press enjoys in that state. This mandate is clearly visible under the Indian Constitution though not explicitly as that of the American Constitution, but impliedly within the purview of Article 19(1)a ensuring freedom of speech & expression. Giving justification for not mentioning freedom of press expressly in the Constitution, Dr. Ambedkar, the Chairman of the Drafting Committee of the Constitution in his speech in the Constituent Assembly Debates have rightly lamented, "Press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity. The Editor of a Press or the Manager is merely exercising the right of the expression, and therefore, no special mention is necessary of the freedom of press."

Copyright © Madhubrata Mohanty, 2017, this is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution and reproduction in any medium, provided the original work is properly cited.

INTRODUCTION

The very definition of democracy implies the concept of participative governance, and there comes the vital role of the media that informs the people about all the issues relating to the country's social, economic and political conditions that enable them to review the working of their representatives whom they choose govern them. In a democratic set up, the value of an open society and transparency is of enormous importance as the people here has a right to know the functioning of the various wings of the government. The relationship between the government and the subjects in a democracy largely depend upon the transparency of the information as an informed society can scrutinize the political process more effectively. In order to create a more equitable democratic society, the media has a larger progressive role to play. It is the media only that shapes the involvement of the people in the policy decisions of a democracy in an organized manner. An informative and critical media is a necessity for a healthy democracy as it plays a key role in disseminating the

information on the functioning of the government thus making people aware of their entitlements and obligations.

The basic tenet of a democracy is based upon the right its subjects to have full and complete knowledge of the governmental function without governmental interference, which is possible only through a free media. That democracy is successful where the media enjoys greater independence and the reports of the journalists carry utmost credibility. Media works as the most influential source of public opinion as it channelizes all information accessible to the common people. Media and democracy are complementary and supplementary to each other as both are essential for the existence of each other. Without democracy, a free media can hardly survive and without media, a healthy democracy is simply unthinkable.

Role of Media in a Democratic set-up

As per the view of the Indian Press Commission, "Democracy can thrive not only under the vigilant eye of its Legislature, but also under the care and guidance of public opinion and the Press is par excellence, the vehicle through which opinion can become articulate." In all democratic countries, freedom of

*Corresponding author: **Madhubrata Mohanty**

Faculty of Legal Studies, S'O'A National Institute of Law (SNIL), Campus-2, S'O'A University,
Near SUM Hospital, Bhubaneswar, Odisha, India

press is being enjoyed as the most cherished right as it is supposed to guard the public interest by bringing the misdeeds, failings and lapses of the government to fore.

Media helps to achieve some of the substantive values of democracy. In a democracy, the value of an open society and transparency is of enormous importance as the people have a right to information regarding everything going on within the democratic set up. Media has a major role in the effective working of a parliamentary democracy. The relationship between the government and its subjects largely depend upon the efficiency of information transmission. A true democracy always gives paramount importance to the diverse views of its subjects which is only possible through a vigilant media. DOUGLAS, J. of the American Supreme Court in the case of *Terminiello v. Chicago*¹ has rightly observed that 'acceptance by government of a dissident press is a measure of the maturity of the nation'. Moving further the American Supreme Court in *Beauharnais v. Illinois*² has emphatically said that it has power to nullify 'action which encroaches on freedom of utterance under the guise of punishing libel'. Though no specific express provision is there ensuring freedom of press in India, still the Indian Supreme Court has laid emphasis on the importance of a free media in a number of cases in order to maintain the sanctity of a democratic country. In *Re Harijai Singh*³ the Supreme Court held that 'the purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate cannot make responsible judgments. Freedom of press is the heart of social and political intercourse. It is the primary duty of the courts to uphold the freedom of press and invalidate all laws or administrative actions which interfere with it contrary to the constitutional mandate'.

The media can play a meaningful role in democratic development only when it is free and independent from the control of the government. The ultimate aim of the media is to protect the public interest and this can only be done when plurality of voices with diverse views can be represented through various outlets. Michael Walzer, a prominent American political theorist and public intellectual, describing the relationship between a democratic state and a democratic civil society once reiterated, "only a democratic state can create a democratic civil society, [and] only a democratic civil society can sustain a democratic state", a similar formulation of a reciprocal relationship between a democratic state and a free, fair, as well as fearless media can be made as "a democracy can ensure a free media but a fair and fearless media can ensure more freedom and more democracy". Freedom of press is so indispensable in a democracy that without the former, the existence of the latter cannot be thought of. Press in India has sustained a major setback in 1975, when the then Prime Minister of India, Mrs. Indira Gandhi declared an Emergency on the ground of internal disturbance. All freedoms were curtailed including the freedom of the press. Even supply of electricity was cut off from the areas in New Delhi where the major publishing houses were situated and the published news papers were destroyed by the instruction of the government. However, it was the vibrant press again whose active role to

save the democracy from the hands of dictatorial leadership led to the defeat of the Congress Party in the next Lok Sabha election in 1977 giving the country its first ever non- Congress government under the leadership of Prime Minister Mr. Morarjee Desai. Time and again, it is the media only that has guided the people of this country to take a correct decision while choosing their elected representative. As rightly lamented by Mathew, J. in the case of *State of U.P. v. Raj Narain*⁴:

"In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security."

The Constitution of India ensures liberty of thought, expression, belief, faith and worship in its preamble itself, thus signifying the importance it emphasizes on freedom of speech & expression, but nevertheless it has intended to secure the liberty of one at the cost of liberty of another. As has been rightly commented by Patanjali Sastri, J. in A.K Gopalan's case 'man as a rational being desires to do many things, but in a civil society his desires will have to be controlled with the exercise of similar desires by other individuals'. Thus one has a right to propagate his own ideas through any communicable modes but subject to the reasonable restrictions imposed upon Art. 19 (2). In a civilized society it is the duty of a prudent citizen to show respect towards others' feelings before exercising one's own.

In order to enhance the standard of journalism and to promote its growth and to make comprehensive study on the working of the Press in India, the government has appointed the First Press Commission in 1952 under the chairmanship of Justice Rajadhyaksha. The commission has suggested several recommendations including the follows-

That a Press Council is to be established with the objective of-

1. Safeguarding the freedom of press & to maintain its independence.
2. Prescribing a minimum code of conduct amongst the professionals to enhance the quality of publication.
3. Inducting a sense of responsibility amongst the persons associated with the press.
4. Reviewing the developments likely to restrict the supply and dissemination of news of public interest and so on and so forth.

Moreover, the Commission was of the opinion that freedom of press refers to receive and to impart information through any communicable modes without any interference from the government. Freedom of press includes freedom to publish, to access and to circulate the information to all without any geographical barrier so as to create public opinion in matters relating to public interest.

¹ 337 U.S. 1

² 72 S.Ct. 1070

³ AIR 1997 SC 73

⁴ (1975) 4 SCC 428

The Second Press Commission appointed in 1978 was of the view that the Press had to play a very responsible role in the development of the country for which it had to be widely accessible by the people in order to reflect their problems and aspirations relating to the government. The Commission suggested in clear terms that the central focus of the press should be development, so that a self-reliant and prosperous society could be built up and for ensuring the same steps should be taken to make the responsible press to be a free press and vice versa. The Commission in this regard recommended establishing a harmonious relationship between the government and the press.

Freedom of press- as Recognised by the Judiciary

Freedom of press has always been a recognized as a cherished right in all democratic countries. It is the duty of the press to safeguard public interest by bringing the lapses and misdeeds of the government and its agencies into fore. Giving a judgment of far-reaching importance, the Gauhati High Court in *Dainik Sambad v. Tripura*⁵ held that 'Freedom of press should receive a generous support from all those who believe in the participation of the people in the administration as the society has an interest in the freedom of press'. When the authority of the press to criticize and comment on the conduct of the public officials was raised in the case of *R. Rajgopal v. State of Tamilnadu*⁶, the Supreme Court justified that freedom of press extends to engaging in uninhibited debate about the involvement of public figures in public issues, but in case of their private life, a proper balancing between freedom of press as well as their right to privacy is to be maintained. In *Rangarajan v. P. Jagjivan Ram*⁷ while considering a matter regarding imposition of pre-censorship of a film, the Court has observed, 'In democracy, it is not necessary that everyone should sing the same song. Freedom of expression is the rule and it is generally taken for granted. Everyone has a Fundamental Right to form his own opinion on any issue of general concern. He can form and inform by any legitimate means. The democracy is a government by the people via open discussion'.

Discussing the importance of open information to be available with the public for good governance the Apex Court in *S.P. Gupta v. Union of India*⁸, popularly known as the Judges Transfer Case-I has held that "if secrecy were to be observed in the functioning of government and the processes of government were to be kept hidden from public scrutiny, it would tend to promote and encourage oppression, corruption and misuse or abuse of authority for it would be all shrouded in the veil of secrecy without any public accountability. But if there is an open government with means of information, available to the public, there would be a greater exposure of the functioning of the government and it would help to assure the people of a better and more efficient administration. There can be little doubt that exposure to public gaze and scrutiny is one of the surest means of achieving a clean and healthy administration". Again in the case of *People's Union For Civil Liberties (PUCL) and Another, Petitioner v. Union of India and*

*Another*⁹, *With LokSatta and Others v. Union of India*, the Apex Court giving a verdict of far reaching importance, held that: "The foundation of a healthy democracy is to have well informed citizens-voters. The reason to have right of information with regard to the antecedents of the candidate is that voter can judge and decide in whose favour he should cast his vote. It is voter's discretion whether to vote in favour of an illiterate or literate candidate. It is his choice whether to elect a candidate against whom criminal cases for serious or non-serious charges were filed but is acquitted or discharged. Exposure to public scrutiny is one of the known means for getting clean and less polluted person to govern the country". The court upheld the need for enabling the voters to know relevant antecedents of the candidate contesting the elections.

CONCLUSION

The electronic media is playing the most significant role these days in educating the rural illiterate masses regarding the various welfare measures and schemes of the government through various awareness programmes and advertisements. As democracy is the government of the people, thus the voice of the people can only be ventilated through an impartial media. People never forget the assurances or promises made by the members of the various political parties during the election. Any visible departure from the promises shows a completely opposite result in the next election. But it is possible only through a vibrant media that reminds people every time regarding the false assurances made by the political parties. During the time of election, it is the media only that keeps a vigilant eye on the political parties to see whether any of them have violated the code of conduct or not, and if found anything violative then immediately brings it to the notice of the voters as well as the election commission so as to bring a check on the conduct of the parties. Not only in political sphere, but in societal sphere also media brings the true picture of the society with its changing needs before the people. It creates resentments amongst the people to raise their voice against various social evils and history says how the voice of the people was instrumental in abolishing heinous practices of our past like Sati pratha, child marriage, bonded labour system and many more. In a democratic set-up, the media acts as a passage through which both the government and the citizens get chances to ventilate their views. Without the active role of the media, no democratic government can think of its sustenance. Media is the channel through which communication of all welfare measures taken by the government reach large number of people simultaneously. India is a country where more than fifty percent of the population lives in villages, who are hardly conscious of the various policies and programmes of the government and the media here plays a major role in educating them to achieve the advantages of such programmes. For example, the recent monthly radio programme of the BJP led government in India 'Mann ki Baat' (voice of the Heart), where the Prime Minister, Mr. Narendra Modi addresses the whole nation through his inspirational speech regarding the various issues and policies of the government and interacts with the people to know their views directly through media. The response to this programme is very high as people from each corner of the country get the

⁵ AIR 1989 Gau 30

⁶ AIR 1995 SC 264

⁷ (1989) 2 SCC 574

⁸ 1981 SCC Supp. 87

⁹ 2003(001)SCW 2353 SC

chance to participate in it and appreciate it as through this programme they are getting the opportunity to convey their grievances directly to the Prime Minister. In this manner the media and the government walks together in a new direction with a hope to ensure a better dimension to the concept of democracy as the people's government in reality.

Sometimes misleading interpretations and excessive coverage by the media on sensitive issues with a view to gain high TRP creates negative impact on the people especially on those who do not have that much exposure to analyze one issue in its proper perspective. Sometimes the media even crosses the boundary and gives comments on pending judicial trials thus encroaching upon the right to privacy and fair trial of an individual. The impact of media sometimes goes down to that extent when people without analyzing the pros and cons of a particular matter comes down to streets within no time and stage protests leading to communal riots.

Repeated telecasting of sensational news too has much more negative impacts on young minds who mostly try to find out faults with the system- be it the case of reservation issue or sedative speech by the students in Universities. Wrong priorities by the media sometimes create big problems for the smooth functioning of a democratic system. At the same time it also cannot be ruled out that it is the impact of media only that has brought serious scams into limelight thus making the people aware of the misutilization of public fund. All these analysis prove the inseparable nexus between the media and democracy for which without the active role of media the success of a democratic set- up cannot be thought of, but at the same time it can also not be ruled out that a proper check and balance is highly required to be imposed on the freedom of media that is sine qua non of healthy growth of a democracy.

Reference

1. Constitution of India- by Dr.M.P. Jain
2. Constitutional Law of India- by Dr. J. N. Pandey.

How to cite this article:

Madhubrata Mohanty.2017, Media and Democracy - An Inseparable Bonding. *Int J Recent Sci Res.* 8(6), pp. 17537-17540.
DOI: <http://dx.doi.org/10.24327/ijrsr.2017.0806.0375>
