UNIT 7 DEMOCRACY AND THE FOURTH ESTATE

Structure
7.0 Introduction
7.1 Learning Outcomes
7.2 Concept of Democracy
  7.2.1 Freedom of Expression
7.3 Brief Introduction to the Four Pillars of Democracy
7.4 The Fourth Estate
7.5 Indian Constitution and Freedom of the Press
  7.5.1 Freedom of the Press-Article 19 (1) (a)
7.6 Attempts to Curb Freedom of Media
  7.6.1 Emergency and the Media
7.7 Roles and Responsibility of the Media in a Democratic Establishment
  7.7.1 Responsibility of Median in Democratic Country
  7.7.2 Media's Role in Indian Democracy
7.8 Let Us Sum Up
7.9 Further Readings
7.10 Check Your Progress: Possible Answers

7.0 INTRODUCTION

Democracy is fundamentally structured primarily on the freedom provided to the functioning of its Legislature, Executive, and Judiciary, and the autonomous status provided to the Media. Each of these four pillars must be strong for democracy to be strong, and they work in unison to support one another. A democratic system should act within its domain without losing sight of the larger picture. Media being the fourth estate, in this chapter, we will learn more about the functioning of the fourth estate in a democratic setup, particularly from an Indian perspective.

This Unit covers various aspects related to democracy and media. It begins by defining democracy and introducing the Four Pillars of Democracy. It then delves into the significance of the Fourth Estate and explores the concept of Freedom of the Press. The chapter also examines the relationship between the Constitution and the media, shedding light on the roles and responsibilities of the press. Furthermore, it discusses the media's challenges, including attacks to restrict media freedom. Finally, the chapter concludes with a summary of the key points discussed.

7.1 LEARNING OUTCOMES

After going through this Unit, you will be able to:

• understand the basic tenets of freedom of expression;
• discuss the factors that affect the freedom of the press and
• explain the role and responsibilities of media as a fourth pillar of democracy.

7.2 CONCEPT OF DEMOCRACY

India's democracy is regarded as the world's largest democracy. Democracy is described as the government by the people, for the people, and of the people. The primary merit of the democratic system is that it gives freedom of expression to its citizens, among the other Fundamental Rights guaranteed to them. The rule of the country is through its elected representatives.

The word "democracy" has its roots in the ancient Greek word "Kratos," which denotes "power" or "rule," and "Demos," which stands for "the people" or "the many." As a result, democracy is defined as "rule by the people" or "rule by the many." Alternatively, we might state that democracy is fundamentally a form of government in which the populace will have direct or indirect control over the political process through regularly elected representatives. Therefore, in this sense, it can be claimed that in a democratic republic like India, the people hold authority.

The preface of the Indian constitution is based on the concept of sovereignty. India offers a representative parliament where the government is always accountable to the legislature for its decisions and policies. Indian citizens enjoy Political Democracy, Social Democracy, and Economic Democracy. Thus promising social, economic & political justice to all its citizens by promising fundamental rights.

7.2.1 Freedom of Expression

From time immemorial, man has communicated his ideas through various means, such as symbols and signals. Expressions, either in the form of speech or printed, are also now adapted to suit innovative communication technology. The flow of information and ideas is crucial for developing and surviving the democratic society we live in. The Indian government, the Preamble of the Constitution of India, resolves to secure liberty of thought and expression in Part III of the Indian Constitution for the citizens of India. The Right to Freedom of Speech and Expression can be traced in Article 19 (1)(a).

Check Your Progress 1

Note: 1) Use the space provided below for your answers.
2) Compare your answers with those given at the end of the unit.

1. What is a democratic state?
2. Write briefly about Art 19 (1) (a).

7.3 BRIEF INTRODUCTION TO THE FOUR PILLARS OF DEMOCRACY

The balance of democracy is maintained by the three strong pillars of democracy: the Legislature, Executive, Judicial, and Fourth Estate.

The Executive: The Prime Minister's Office and several ministries comprise the Executive, which oversees numerous procedures. The Executive Body comprises the President, Vice-President, Prime Minister, Cabinet Ministers, Secretaries, and Civil Services.

The Legislative: The Legislature is the assembly making laws for political entities like a country or a city. The legislature enacts laws that are called primary legislation.

The Judiciary: A crucial aspect of democracy is the judiciary. The judiciary is responsible for enforcing laws. When a constitution has significant authority, a mediator who can protect citizens' rights should be present. The judiciary protects the rights of citizens guaranteed by the Constitution.

The Fourth Estate: In a democracy, the media is the fourth pillar. The media must play a significant role in maintaining democracy. It serves as a conduit between the government and the populace, educating the latter on the acts, regulations, and inefficiencies of the former. For a democratic country to operate its system to its best, public participation is imperative. It is essential to have a well-informed public, and disseminating information to the right-minded people effectively is the responsibility of the mass media.

7.4 THE FOURTH ESTATE

Media is known as the fourth pillar of democracy. Press and news outlets are called the fourth estate or fourth power because of their stated advocacy roles and their subliminal propensity to define political issues. Media is expected to function like a mirror that reflects the true and harsh realities of the world. However, a closer look at the functioning and content published details us that media functions like a double-edged sword today.

India is recognized as the place for the largest Media market, with over 82,237 newspapers published in English and other regional languages and more than 900 television channels dedicated to broadcasting news 24/7. However, though television channels owned by private agencies have been permitted to telecast news in India, private radio stations have not been permitted to broadcast news. In addition to all the formal sources of providing public news, there are uncontrolled, unrestricted new media
Platforms like WhatsApp, Facebook, Twitter, and many more, which pour news from the political, entertainment, and corporate world without any restrictions.

However, it is essential to note that the media's main function is to provide accurate news to its consumers. Among the many challenges, today's media faces the threat of fake news, paid news, or toned news on all platforms, and it goes uncontrolled in New Media platforms.

**Check Your Progress 2**

**Note:** 1) Use the space provided below for your answers.

2) Compare your answers with those given at the end of the unit.

1. Explain the significance of coordination between the four pillars of democracy.

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7.5 **INDIAN CONSTITUTION AND FREEDOM OF THE PRESS**

Speech and expression are essential components of democracy, and both the Indian Constitution and the Universal Declaration of Human Rights guarantee these rights.

Media plays an important role as it influences people in forming opinions and making decisions. Communication Theorists have proved that media content influences its consumers as it not only influences but also sets an agenda. Considering the influence and the reach, the Constitution of India has made certain provisions for laws and regulations that can govern the functions of the media. Some of the laws and regulations are discussed below:

7.5.1 **Freedom of the Press – Article 19(1)(a)**

The absence of legal and administrative restrictions on disseminating information, viewpoints, knowledge, and ideas is press freedom. From the world’s perspective, the origin of the concept of freedom of the Press took place in England. The invention of printing in the later part of the 15th century and the appearance of the newspaper as a powerful medium of expression made persecution for the expression of opinion, even in matters relating to science or philosophy, restored by both the Church and the State.

Newspapers played the role of opposition against monarchical absolutism and fought for Freedom of Expression. The enlightened public supported the cause. In his Areopagitica (1644), Milton argues "that free men must have the 'liberty to know, to utter, and to argue freely according to conscience, above all liberties". The newspapers won their Right to expression. The history of
press freedom in England thus represents a victory of the public over the authority of the licensor. In England, the term "freedom of the press" refers to the freedom to print and publish anything that is not illegal or otherwise unlawful, such as sedition, contempt of Court, obscenity, slander, or blasphemy. The freedom of the Press was first guaranteed by the Constitution of the USA in the year 1776. It is worth recalling the declaration made by Jefferson during his First Amendment towards Freedom of the Press. He said, "Were it left me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate to prefer the latter." Pt. Jawahar Lal Nehru, the first Prime Minister of India, echoed similar views: "I would rather have a completely free press, with all the dangers involved in the wrong use of that freedom, than a suppressed or regulated press." Voltaire once said, "I do not agree with a word you say, but I defend to the death your right to say".

Interestingly, contradicting the opinion expressed by Pt. Nehru, Mrs. Indira Gandhi, daughter of Pt. Nehru also adorned India's Prime Minister's position and never strongly believed in absolute freedom of expression. She first expressed her worries about the media in her speech to the International Press Institute Assembly in New Delhi on November 15, 1966. Where she accused it of giving the nation's student turmoil widespread coverage, she said, "How much liberty should the press have in a country like India, which is engaged in fighting a war against poverty, backwardness, superstition, and ignorance."

Mrs. Gandhi remarked that the country's main publications and journalists should decide whether to impose any limits on the Press. Nine years later, Mrs. Gandhi declared an emergency, prompting immediate action against the Press and the imposition of complete censorship.

The constitution of India has provided Freedom of Speech and Expression for its citizens under Article 19(1)(a) of the constitution, which deals with fundamental rights. The Freedom of the Press or media, which is an influential medium of mass communication, is not specifically mentioned in this article; however, it is implied. In the debates of the constituent assembly, Dr. B R Ambedkar, Chairman of the Drafting Committee, made special reference to the concept of "Freedom of Press" and said, "that no special mention of the freedom of the press was necessary at all as the press and an individual as a citizen are same as far as their right of expression is concerned". Supreme Court upheld this in the Romesh Thaper vs. State of Madras and Brij Bhushan vs. State of Delhi cases.

The Right to freedom of the Press includes the freedom to print, publish, and disseminate one's thoughts, opinions, and viewpoints through all media without restriction. Three key components make up press freedom. They are:

1. Freedom of access to all sources of information.
2. Freedom of publication, and

However, press freedom is not unrestricted. Particularly the freedom of expression of Mass Media, which can influence a large section of society, which comprises not only heterogeneous social, cultural, and educational
backgrounds but is also super sensitive to religious and political needs. The technological revolution has gifted mankind with not only multiple access to media. Still, it has also made provisions for morphing, slanting, tainting, and faking the content, which needs to be monitored in this era of technological revolution, where a tremendous amount of information is available at the fingertips and can be accessed. The unauthenticated information being published by multiple media platforms needs to be monitored. Pre-independence, there were several regulations to curb the freedom of the Press or media. However, after its independence, India removed many of the regulations in force. Some examples are the Vernacular Press Act of 1878, The Censorship of Press Act of 1799, The Press Act of 1835, and the Metcalfe Act.

The Constitution of India has made provisions to safeguard the benefits of the fundamental Right provided under Art 19(1)(a) by Art 19(1)(2), which lays reasonable restrictions on the freedom of expression in the affairs influencing the Sovereignty and integrity of the State.

The Indian Constitution's Article 19(2) lists the following legitimate limitations on the Right to free speech and expression:

**Sovereignty and integrity of the State:** The argument was included by way of an amendment to calm down the agitated response of the people, which was calling for separate entities for the various regions of India.

**Security of the State:** It is forbidden to exercise freedom of expression in a way that compromises the state's security in any way. Ex: State of Bihar v. Shailabala Devi

**Public Order:** The Constitutional (First Amendment) Act of 1951 inserted the word public order. Ex: Romesh Thappar v. State of Madras, where the Court had ruled that the freedom of speech and expression includes the freedom of circulation.

**Decency or morality:** Sections 292 to 294 of the Indian Penal Code provide more detail on this defence. Ex: Ranjit Udeshi v. State of Maharashtra.

**Contempt of Court:** An act of disdain, disobedience, or interference with a court's orderly procedure is known as contempt of Court. Examples are disrupting court proceedings, interfering with attempts to obtain evidence, destroying evidence, disobeying a court order, and intimidating witnesses.

**Defamation:** Writing, publishing, and speaking a false statement that harms someone's reputation and good name for personal gain is defamation, which is both a criminal and a civil offence. The Law of Torts governs civil defamation remedies. The ability to speak and express oneself freely does not involve doing anything that can compromise someone's status. Defamation seriously constrains the Right to freedom of speech and expression since it injures someone's reputation. The Indian Penal Code, 1860's Sections 499 and 500 allow the victim to bring legal action for defamation against the offender.
Check Your Progress 3

Note: 1) Use the space provided below for your answers.

2) Compare your answers with those given at the end of the unit.

1. Examine the Roles and Responsibilities of the Press while enjoying the freedom of expression in a multicultural, religious country like India.

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7.6 ATTEMPTS TO CURB FREEDOM OF MEDIA

A senior journalist, Kuldip Nayar, wrote to Mrs. Gandhi shortly after she declared the emergency, "If newspapers have criticized the government, it is largely because of its sluggish administration, slow progress in the economy field and the gap between promise and performance. My concept of a free press is to ferret out the truth and let the public know."

People's freedom of expression is crucial for maintaining a democratic way of life and for communicating their opinions to the general public. As an effective tool for mass communication, the media should be allowed to contribute freely to creating a robust, sustainable society. Denying media freedom directly relates to denying citizens the ability to shape public opinion.

There are numerous occasions where the government violated press freedom. For example, in Sakal Papers v/s Union of India, the Daily Newspapers (Price and Page) Order, 1960, which set the number of pages and size that a daily might publish at a price, was found to violate the freedom of the Press and to not be a reasonable constraint under Article 19(2). Similar to this, in Bennett Coleman and Co. v. Union of India, the Court ruled that the Newsprint Control Order, which set the maximum number of pages, was invalid because it violated Article 19(1)(a) and did not constitute a reasonable restriction under Article 19(2). The Government's argument that it would aid in the expansion of small newspapers was rejected by the Court.

Among many such attempts to curb the freedom of media, the imposition of emergency can be considered a major blow to the democratic situation in India and the media in particular.

Considering Indian Express Newspapers Vs. Union of India was related to interference from the authority in the circulation of newspapers. Speaking about the effectiveness of freedom of the Press regarding the content of circulation, the Court observed that expression means freedom from interference from authority. The Court's primary responsibility is to defend journalistic freedom. In the case of Brij Bhushan v. the State of Delhi, the validity of censorship was a point of discussion. An order was made in this case against the printer, publisher, and editor of the weekly Organiser. While many such cases are fought individually by respective newspapers or other
forms of media, a major threat to freedom of expression was experienced in India when the executive pillar of the country unanimously decided to curb the freedom of expression of the other three pillars of democracy.

7.6.1 Emergency and the Media

One of the most important instances of when freedom of the media was severely curbed was the declaration of an Internal Emergency in India in 1975. Mrs. Indira Gandhi, the then Prime Minister, following the Allahabad High Court judgment against her, decided to impose an emergency. The "darkest period" of independent India is often called the emergency period, which went on from June 25, 1975, to March 21, 1977. The rule limited the freedom of speech and expression and suspended all civil rights. The initial response to the emergency from mainstream media was shock. It was hard to believe that the Press and other pillars of democracy were under threat.

Interestingly, after the initial disbelief and protest, everyone bowed down to the pressure. In an interview, a senior political leader L.K. Advani, a major opposition figure at the time who later served as a minister in the Morarji Desai and Atal Behari Vajpayee administrations, emphasized, "When Mrs. Gandhi asked the media to bend, they crawled". This quote effectively sums up a large portion of the media response. Apart from Newspapers, Radio and Cinema were the other popular mass media formats available. The government controlled the cinema content using the censor board. The government did not encounter resistance from All India Radio's staff because it was under the Ministry of Information and Broadcast's supervision.

Check Your Progress 4

Note: 1) Use the space provided below for your answers.

2) Compare your answers with those given at the end of the unit.

1. Examine the status of the Press Freedom from the article 19(2)

2. Make a brief note on the Status of the Press during the Emergency in India.

7.7 ROLES AND RESPONSIBILITY OF THE MEDIA IN A DEMOCRATIC ESTABLISHMENT

The constitutional makers of India did not offer any separate provision for the Right to speech and expression. 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. Therefore when they select to write in a newspaper, they are just exercising their Right to freedom of speech and expression, and in my decision then, no special mention is necessary of the freedom of the Press at all". Despite the Indian constitution not providing any special privilege to the media, the judicial procedures have promoted and safeguarded the freedom of the Press. Media being an influential tool of Mass Communication in a country like India, it must be an autonomous institution to effectively perform its function as the fourth pillar of a democratic setup.

7.7.1 Responsibility of Median in Democratic Country

Media need to play a pivotal role in building a society for a better tomorrow. Some of the responsibilities of media are:

1. Media should provide the public with fair and factual information.

2. Dissemination of knowledge that suits the structure of Indian society, which is multicultural and multilanguage. With a major part of its population still being illiterate and poor, it is essential to control information that lacks credibility and flows through various forms of mass media, including internet-based applications. Enabling people to form the right kind of opinion is the primary responsibility of the media.

3. The responsibility of the media is not just information and entertainment but also education. Content of Media should necessarily highlight the way against the people who are accused of any antisocial actions, irrespective of any political connection.

4. The content published should build the faith of people toward democracy and justice. Sensationalizing an event should be avoided.

7.7.2 Media's Role in Indian Democracy

Media, the backbone of a democratic setup, plays a significant role among the general public.

1. **Watchdog Function**: The media works as a watchdog about the various activities of the government and carry fair report.

2. **Information**: Provided information should educate the media consumer about various activities that occur in society, e.g., politics, sports, science, development, etc.

3. **Educate**: The media should highlight the loopholes in a democratic society. Awareness, thus created, will ultimately help the government be accountable and responsive, which is the true essence of a democratic setup.

4. **Opinion formation**: Media is an effective tool for disseminating information; the role of media is to create the right opinion based on
5. The function of media is to provide the right kind of information related to critical subjects like childbirth, child care, domestic violence, sexual harassment, and many other similar sensitive areas that demand a break from stereotypical thoughts.

6. Media should emphasize providing information in an objective sense.

7. Revolutions in Information technology have brought a mammoth change in content and introduced various mass media formats. The content published on digital media like Facebook and Twitter and traditional media like print and audio-visual media play an important role in bringing in the desired social change. Ex: #metoo, stopping domestic violence, the importance of voting, and the plastic ban are some examples worth mentioning. The success of such campaigns highlights the content creation and positive use of the media for social change. When creating information appropriate for the social fabric, the wide reach and free dissemination of the internet and social media platforms are crucial components. It is interesting to observe the extensive use of new media platforms by political parties and government departments to promote the schemes. Such attempts can offer transparency in politics.

Check Your Progress 5

Note: 1) Use the space provided below for your answers.
   2) Compare your answers with those given at the end of the unit.

1. Write briefly about the role and responsibility of the Press in India.

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7.8 LET US SUM UP

For any democratic country, freedom provided to the fourth estate is very essential. Freedom of expression provides scope for the free exchange of ideas as media inspires people to think beyond social norms and gives a platform to exchange ideas and thoughts. People who are in power often try to bury the facts from the common man, and in a democratic setup in which the people form for the people and of the people, the media attempts to uncover the truth, thus becoming the voice of the people. It is very important to remember that the media is an autonomous body. It can challenge the Legislative, Executive, and Judiciary decisions, considered the Constitution's primary pillars.

Media is considered as a public educator, and the revolutions in communication technology have enabled access to information without restriction. By educating the public, the media impacts practically every element of our public life. The media can be used to raise awareness of factual news.
various rural development programs and to advocate family planning.

### 7.9 FURTHER READINGS


### 7.10 CHECK YOUR PROGRESS: POSSIBLE ANSWERS

**Check Your Progress 1**

1. A democratic state is a political system where power is vested in the hands of the people, allowing citizens to participate in decision-making through free and fair elections, ensuring individual rights, and promoting the rule of law and equality for all.

2. Article 19(1)(a) is a fundamental right in India's Constitution that guarantees freedom of speech and expression to its citizens, enabling them to voice their opinions, share ideas, and access information without fear of censorship or suppression by the government or authorities.

**Check Your Progress 2**

1. The coordination between the four pillars of democracy is crucial for the effective functioning of a democratic state. Each pillar—executive, legislature, judiciary, and media—plays a distinct role in upholding democratic principles. Coordination ensures checks and balances, prevents abuse of power, and safeguards citizens' rights. The executive implements laws, the legislature enacts them, the judiciary interprets and upholds them, while the media informs the public and holds institutions accountable. Proper coordination fosters a robust democratic system that promotes transparency, accountability, and society's overall well-being.
Check Your Progress 3

1. In a multicultural and religious country like India, the press has significant roles and responsibilities while exercising freedom of expression. Firstly, the press should uphold the principles of impartiality and accuracy in reporting, ensuring that diverse perspectives are represented without bias. Secondly, they must be sensitive to cultural and religious sensitivities, avoiding content that could incite communal tensions or offend religious sentiments. Thirdly, the press should act as a watchdog, exposing corruption and malpractices, irrespective of political or religious affiliations. Lastly, responsible journalism is crucial to fostering a harmonious and inclusive society where the rights and dignity of all individuals are respected. By striking a balance between freedom of expression and cultural sensitivity, the press can play a pivotal role in nurturing India's democratic fabric and promoting social cohesion.

Check Your Progress 4

1. As per Article 19(2) of the Indian Constitution, reasonable restrictions can be imposed on the freedom of the press on certain grounds, such as public order, decency, morality, sovereignty, security of the state, friendly relations with foreign states, and defamation. These restrictions aim to strike a balance between protecting press freedom and preserving the larger interests of society and the nation.

2. Press freedom was severely curtailed during the Emergency in India (1975-1977). Censorship was imposed, and many media outlets faced government control, leading to a clampdown on critical reporting. Journalists were arrested, and newspapers critical of the government were shut down. This period marked a dark phase in Indian journalism, highlighting the importance of preserving media independence and freedom of expression in a democratic society.

Check Your Progress 5

1. The press in India plays a crucial role in upholding democracy and informing the public. Its primary responsibility is to provide citizens with accurate, fair, and unbiased information. The press acts as a watchdog, holding those in power accountable and exposing corruption and wrongdoing. It also plays a vital role in shaping public opinion, promoting constructive debates, and safeguarding the right to freedom of expression. Responsible journalism is essential in maintaining the public's trust and contributing to India's well-informed and participative society.