
MEDIA: FREEDOM OF SPEECH & INDIAN DEMOCRACY

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ABSTRACT

Human Beings are considered as the most efficient and capable creatures on planet. The reason of their distinction is because of the communication skill and their senses. This article starts with introducing the term Human beings and communication, let us try to understand what exactly communication means. Basically, it is the mode of exchange of information and ideas from one human to another. These information and communication when shared on a public platform is considered as Media.

Information is a piece of knowledge shared between people. The necessity of information is the core value of democracy because knowledge helps to achieve accountability and decisions. The power of media has significant influence on the people of the nation. They claim to be the fourth pillar of democracy by saying that they are the medium between the people and government. Medium or channel is a great responsibility as because one information has severe consequences on the society.

Our Indian Constitution provides freedom to speech and expression as Fundamental Rights. It means that these rights cannot be taken away from an individual without reasonable restrictions. Going through the constitutional perspective, Article 19 deals with Right to Freedom of Speech and Expression which also includes Freedom of Press. This provision safeguards citizens to express their ideas and information freely.

Media has great powers and great powers comes with great responsibilities; hence this article shall acknowledge the readers about Media, it's constituents and its impact on individual and society. The need to introduce this article for readers is to let them know that how mis information or unverified information can lead to great loss.

This article shall cover the historical origin of Media, relevant and existing legislations on media and information. Moreover, the world is changing towards technology and adoption of digital methodology in Media and that should be addressed as because cyber issues is being identified because of it. The article will also mention about the basics of Information Technology Act and its features.

Further this article shall discuss the recent evolution of social media and its impact on society. The article shall focus on suggestive remedies and protective regulations for separate body of administrative and judicial structure for disputes relating to Media.

Introduction of Media in Digital Era

The media is a reflection of our society, and it shows what and how society acts. The sole medium that serves to enlighten people is media, whether it is print, electronic, or on the internet. It also assists in entertaining the audience, educating and making them aware of current events. Today, the media has taken on the role of our society's voice. The media and society are intensely connected. These days, it is easy to understand how much media has an influence on society. The media represents our society, how it operates, and what it consists of. Our civilization has seen an increase in the number of people's views and ideas as technology has advanced. Every technology, from the printing press to the most recent cell phones, has been embraced by our culture. People used to communicate via drawing and print forms in the past, but as time passed, the medium got more evolved.

People today are only a click away from any and all information available on the internet. Our civilization is informed, educated, and entertained by numerous types of media. Print media, such as newspapers, books, and magazines, is one type of media. One of the most widely utilised forms of mass communication is electronic media for disseminating information.

Social media is constantly becoming one of the most popular and widely used modes of communication. Social media has brought individuals from all over the world together on one platform to share their feelings, thoughts, emotions, knowledge, and so much more. Numerous social networking services, such as Facebook, WhatsApp, Instagram, Twitter, LinkedIn, Google +, and others, enable people to share their ideas, opinions, and thoughts on the same platform. The growth of science and technology has brought the globe closer together. People no longer have to wait for information to be disseminated; instead, every social media user has become a source of knowledge on their own. As every coin has two side similarly the use of media has some positive as well as negative impact in almost every aspect of our life. Further in this Article, the authors try to sum up that how this media effected our day-to-day life in both positive & negative manner.

History of Media in India

Television, radio, film, newspapers, magazines, and Internet-based Web sites/portals are all forms of communication in India. The Indian media has been active since the late 18th century, with print media beginning in 1780, radio transmission beginning in 1927, and the screening of Auguste and Louis Lumière moving pictures beginning in Bombay in July 1895. It is one of the world's oldest and largest media organisations. Throughout much of its history, media in India has been free and autonomous, even before the founding of the Indian empire by Ashoka the Great on the foundations of righteousness, openness, morality, and spirituality. The Indian media has a long history, dating back to the colonial period in the second half of the 18th century and continuing to the present as the world's biggest functional democracy in the twenty-first century. Apart from media, in this digital era social media & OTT platforms have emerged, they are also influencing and contaminating people's opinions. Unfortunately, all of the information that individuals require is available for free. Consumers of news, on the other hand, should keep in mind that when you obtain anything for free, you become a product yourself.

Media & Law

The freedom of the media is an integral part of freedom of speech and an essential requirement of a democratic system. This freedom is guaranteed by the Indian Constitution as a Fundamental Right. The media, which is required to protect individual rights, is also required to function within the framework of legal principles and regulations. These principles/statutes have been defined as minimal norms and are not intended to detract from greater levels of protection for freedom of speech.

The fourth limb of a democratic system is the media, with the other three being the legislative, executive, and judiciary. While the legislative creates laws for the society and the executive implements them, the judiciary is the third stepping stone that must ensure the constitutionality of all activities and decisions. To act in the public and national interest, the Fourth Estate, i.e. the press, must function within the framework of certain legislation and constitutional provisions. This demonstrates that no one is above the law. When India's Constitution guaranteed its citizens freedom of expression and speech, it ensured that the freedom was not absolute and that any expression, whether through words, speech, or visual medium, did not violate any statutory provisions enacted by the legislature and carried out by the executive. If the media, whether electronic or print, exceeded its jurisdiction, the courts stepped in to

guarantee that the media's violation of fundamental rights does not go unchecked.

The Press Council of India evolved from our framers of the constitution with the aim to guarantee that democracy can flourish only when its citizens have complete freedom of speech and expression subject only to reasonable restrictions. Even if it is not explicitly mentioned, the press is correctly included within the scope of Article 19 (1) (a). However, once the freedom struggle was done, it became clear that a new type of press was forming in the post-independence age, with rapidly shifting goals and objectives. The First Press Commission, established in 1954, thoroughly investigated the subject and advocated the formation of a Press Council as a peer body to regulate the conduct of their own brethren without any outside or governmental involvement. Since then, the Press Council of India has acted as a Court of Honour, guiding the print media along the path of ethical conduct while also safeguarding it from any onslaught on its freedom. The Press Council also serves as an advisory body to the government on subjects pertaining to press freedom, and has provided crucial advice on a number of legislations. These include libel, violation of privacy, right to information, legislative privileges, prevention of terrorist activities, and official secrets, among other things.

Apart from this, there are many legislations which has been enacted to deal every aspect of Media and the Media should work within the ambit of these legislations. Some of the legislations are as follows – The Information Technology Act, 2000, The Telecom Consumers Protection and Redressal of Grievances regulation, 2007, The Right to Information Act, 2005 etc.

Impact of Media on Indian Democracy

Our Indian Constitution is guided by the principle of Preamble which enshrines Sovereign, Socialist, Secular, Democratic Republic. The Preamble of Indian Constitution also focuses on Justice whether be of Social, Economic and Political. The word democracy can easily be understood as a state of nation where people can exercise their powers to choose the elected representative. Our Democracy includes political and social democracy.

Dr Ambedkar Said that “Political Democracy cannot last unless there lies at the base of its social Democracy”. Social democracy means that the equality between individuals must be protected at core to protect the justice system. Social justice can be achieved with direct implementation of abolishing all the discriminations based on colour, caste, race, religion and others. Next coming to the very basic of democracy is that if we have to achieve equality and

justice and save the democratic system where the power lies in the hands of people to choose their elected representative then it must be understood that people where ultimate power lies must be fed with proper knowledge and information. These information and knowledge about the governance system is achieved by good medium and that is Media. It provides opportunities to people to remove the ignorance and darkness.

The Republic includes sovereignty in the hands of people by way of elections so that every section of society has equal contribution of power irrespective of any discrimination. Now going forward, it is to be understood that how Media and the democracy is interrelated to each other. Media as simply means a mode of communication between people and state. It includes various means of communication that is Newspaper, News Channel, Electronic mode of information and relevant informative sources including social media and digital media.

Basically, the mass section of society needs platform to share their ideas and concerns which is integral part of freedom of speech and expression as enshrined under Article 19 of Indian Constitution. It is necessary to understand the true value of media by accepting the power of accountability. Our government and its policy can only be evaluated by the people if they get to know about it.

Imagine a condition where people have no option of accountability, then the ultimate aim of people's welfare will be a mere imagination and nothing else. Our Governance system is based on Legislative, Executive and Judiciary. Legislative performs Law Making Power, Executive performs Law implementation powers and Dispute resolution body. The influence of unbiased and positive information can lead to greater welfare of society.

Democracy also empowers people indirectly by giving the decision-making powers as because people elect the governance and they take decisions. Media by their power of exposure to news & information enjoy the liberty of being the fourth pillar of Indian Democracy. But the question arises as to how & to what extent the media can be helpful for people.

News & information should consist of verified, authentic & unbiased approach but certainly it has been understood that there are number of ways through which political agenda and commercial purpose play a big role in influencing the news channel. A recent trend has been observed where media is trying to interfere and exceed their powers by distributing separation of powers.

- **Trial by Media**

The governance system has its own separate defence agency which carries out the work of public safety and public security. Media overlap the powers and hence starts a parallel investigation which disturbs the entire judicial process. Our judicial system works on Facts, Evidence and Judicial process without giving any Biasness of what the mass thinks. The evidence and trial are within the judiciary and acts an independent body under Article 50 of Indian Constitution. This activity when performed by media through the mode of investigation or debate is wrong and contrary to the legal system. Trial by Media has a significant impact on public as because of the way of presentation and the spice of allegation which is unverified. Once this is made, the public creates a fake perception of an individual or body. This is an ultimate failure of the governance system.

- **Unverified Information**

We live in a society where mere allegation is equally harmful as conviction. A news spread without proper evidence is loss of person's reputation which is a clear violation of Right to Life under Article 21. As it is a well settled principle that right to life includes right to rightful reputation as reputation is your identity in the society. Any allegation put forward even for seconds out in open platform either by way of news or digital communication has potential.

Conclusion & Suggestions

As previously said, the media is a great source of information. However, the media's importance has grown significantly in recent years. In a democratic country, it is vital to have a free and fair media in order to maintain the spirit of democracy. It should not be subjected to any institutional pressure. However, a portion of the media is diverging from the true purpose and its impartiality, and is exercising its right to freedom of speech and expression in a way that negatively impacts a segment of society.

This is the moment at which they must be governed by some reasonable restrictions or regulations. It is also the responsibility of the media to recognise that people trust them, and it is their responsibility to deliver accurate, dependable, and authentic information; if this is not done, people will lose faith in the media, which would be the worst circumstance for a country like India to face.

Also, the administration should not try to influence the media for personal gain, and the media should not attempt to exert pressure on the judiciary. All of the pillars of a democratic country should be free of external and undue pressure in order for the country to function efficiently and the democratic spirit to be preserved. Everyone should be secular in nature and work for the common good.

The function of the media in India, the world's largest democracy, goes beyond simply conveying information and entertainment. It must also include educating the masses for their social upliftment. The media has an obligation to developmental journalism in a country where there is widespread poverty, unemployment, and underdevelopment. It has a role to play in the shaping of public opinion, which can drive political parties to confront the key challenges impeding the country's development.

Good governance is an ideal system that is impossible to realise. To put it another way, no government or community has ever claimed to have achieved absolute good governance. We can only get close to this by focusing our efforts on making this ideal a reality. India's transition from a developing to a developed country will be determined by the media's role in the country. The media, their significant roles, channels and contents, are considered to be the most powerful weapon to make this achievement a reality.