

The Erosion of The Fourth Pillar: A Critical Legal Analysis of The Indian Media Coverage In the Era of Pandemic

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Abstract: India is an abode to multi-talented and ambidextrous media covering wide range of 'flammable' issues. The recent past has made us to believe that our life is incomplete without the presence of media, especially be it social media or be it the electronic media. India considers media to be the 4th pillar of democracy. Even though there is nothing official about this statement, it has many folded aspects involved. In the past few years, the great Indian media has gone through a number of changes which have directly led to the wide-spread destructions among the public. It has imposed a very big and genuine question on the credibility and authenticity of the media whirling around us. Resultantly, the society has become prone to the content offered by the media in the guise of news. The right to freedom of speech as well as appearance is guaranteed below Article 19 of the Indian Constitution. The researchers, through the present research paper, shall test the hypothesis whether the Indian media has stayed true to its role of being the fourth pillar of democracy in the Era of Pandemic. This shall be carried out by analysing the topics discussed in prime-time TV coverage of some of India's prominent news channels like Republic TV, Times Now, NDTV India, Aaj Tak and Zee News during the Era of Pandemic.

Keywords: Freedom of Speech, Indian Media, Fourth Pillar, Prime Time TV.

1. INTRODUCTION

The right to speak freely of discourse and articulation has been viewed all the time as the underlying advance of partaking in one's freedom. It tends to be supposed to be the substance of all common freedoms an individual is qualified for appreciate under different worldwide and public regulation instruments. The freedom to offer one's viewpoints without state's impedance assumes a critical part in the advancement of the general. Publican a majority-rules society, the right to free articulation isn't simply a right of an individual, but also a right of the local community to hear and be informed, as has been said. With the advent of new technological advancements, one's freedom to speak freely of discourse and articulation is no longer limited to one's own thoughts and considerations via words, but now includes the media and press, as well as any other means of communication.

1.1. Freedom of Talking as a Human Right:

The Universal Declaration of Human Rights defines free expression as a fundamental human right in Article 19 [1]. Everybody has the privilege to opportunity of assessment as well as articulation," as indicated by Article 19 of the previously mentioned announcement. This right incorporates the opportunity to hold suppositions without obstruction and the opportunity to look for, get, and bestow data along with thoughts through any media and independent of wildernesses" [2]. The right to opportunity of assessment and articulation has additionally been broadly perceived by worldwide common freedoms regulation. The general ownership of common freedoms doesn't really imply that they are likewise implemented all around to similar sum and degree by all states as well as social orders all through the world. This implies that various understandings of this squarely in one's singular nations doesn't differentiate globally acknowledged standards of general basic liberties.

Besides, article 1 of the said declaration furthermore determines that, "all individuals are comparable in honors." Looking closing at those recently referenced references one can construe that the option to talk uninhibitedly of talk and verbalization being a right guaranteed by UDHR is a fundamental freedom which is unintentional to the satisfaction with respect to a person's various opportunities. The option to talk uninhibitedly of talk and

verbalization is furthermore seen in International Covenant on Civil and Political Rights [3]. Article 19 of the ICCPR states that-

Everyone will have the choice to hold ends without impediment and everyone will maintain the honor to the authority to talk uninhibitedly of talk and verbalization; the right will consolidate a potential open door to search for, get, and give information and considerations, taking everything into account, paying little notice to edges either orally or the sort of creating or print, as workmanship, or through a few different media of their choice.

Other fundamental rights instruments, such as the International Covenant on Economic, Social, and Cultural Rights, the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities, recognize it. Joined Nations on Freedom of Expression solidified General Comments elucidating more on article 19 of ICCPR. To be accurate, UN General Comment 34 broadly sees article 19 of ICCPR, with respect to the law of the Human Rights Committee on the right to chance of verbalization.

1.2. Sense of Freedom of Speech as well as Expression:

The chronicled part of the right to speak freely of discourse and articulation as basic liberty originates before any affirmation where it is perceived as general key basic liberty. The constitution of India ensures different basic privileges to its residents. India being the biggest majority rule government enables its subjects' opportunities under article 19 of the constitution. These consolidate the going with right to one side to talk uninhibitedly of talk and verbalization, right to gather tranquilly and without arms, potential chance to shape affiliations and affiliations, right to move straightforwardly all through the space of India, right to abide and settle in any piece of the district of India, and right to broadcast any calling or to convey any occupation or business. The expert will be transcendently be focusing in on article 19(1)a of the constitution of India. Article 19(1) An of the constitution of India guarantees that all inhabitants will maintain the choice to the authority to talk uninhibitedly of talk and verbalization.

This right has been held by the courts as a fundamental and inseparable piece of a majority rule nation. The right to speak easily of dissertation and articulation involves the option to communicate one's convictions, contemplations and conclusions unreservedly through listening in on others' conversations, writing, pictures, printing, cartoons as well as other modes. This solidly in a manner lays opinion in which a free resident appreciates before the general population. It is likewise crucial to bring up this right additionally stretches out to the outsiders living in India. This is in accordance with article 14 of the constitution that accommodates fairness under the watchful eye of the law for everybody. The right to speak freely of discourse and articulation opens up channels with the expectation of complimentary conversation of issues and assumes a basic part in general assessment on friendly, political, and monetary issues. In *Romesh Thappar v. Territory of Madras*, Chief Justice Patanjali Sastri saw that: "Opportunity establish at the frameworks of every single vote based association, for without free political conversations, no state funded instruction, so fundamental for the legitimate working of the course of well-known government, is conceivable. An opportunity of such plentifulness could imply dangers of misuse. However, the composers of the constitution might well have reflected with madison, who was the main soul in the readiness of the principal alteration of the government constitution, that is smarter to a pass on a couple of its harmful branches to their lush development, than by pruning them away, to harm the force of those yielding the legitimate natural products."

Opportunity must be recognized within the structure of every direct candidate organization, because without open political discourse, no state-funded education, which is essential to the legitimate functioning of well-known government, is not possible. A bountiful opportunity can be fraught with dangers if it is misused. However, the framers of the constitution may agree with Madison, who was the driving force behind the preparation of the most important change of the federal constitution, that it is better to leave some of its harmful branches for their succulent development, rather than to cut them off, this puts at risk the power of those producing legitimate natural produces.

The speak to right easily of dialogue and articulation likewise envelops the prospect of flow and proliferation of thoughts and considerations. As one partakes in his opportunities and freedoms, he needs to practice them with alert

and to guarantee that he doesn't hurt the privileges of others. The constitution is the preeminent tradition that must be adhered to and the right and methodology of getting to ought to have its underlying foundations and beginning ensured in the constitutions.

1.3. *Various aspects and challenges of Freedom of Speech & Expression:*

The Indian legal executive, being an observer of the Constitution, continues to expand the limits of the right to speak freely and. For popularity based foundation to endeavor subjects must put themselves out there with almost no authorization to what and how they disperse their viewpoints and thoughts. Article 19(1) a of the Indian constituents provides that all residents independent of shading, statement of faith, and religion reserve the privilege to speak loudly in issues of significance or in any case. Nonetheless, this accompanies a suspicion that men are sufficiently sane to realize what is positive or negative.

Society is truly developing and consistently changing and there the law for this situation the constitution should be adequately adaptable to adjust and unbending to the point of safeguarding its essential construction. The drafters of the constitution utilized a wide utilization of phrasing to provide food for the changing necessities of the general public. High court of India at ordinarily has described that the confrontations the right to speak freely of discourse and voicing should be comprehensively interpreted to incorporate the opportunity to course one's perspectives by expressions of recorded or mouth as a hard copy or through sound visuals. In this way, it incorporates the option to engender one's viewpoints through the paper base media or through some other communication station for example TV, radio and many more. On account of State of West Bengal v. Subhodh Gopal Boss and others the court held that these freedoms are extraordinary and essential privileges which are ensured and perceived as normal freedoms and are innate in the situation with a resident in the country.

1.4. *Freedom Of Press:*

According to the Indian constitution by the Article 19(1) to protects people through the freedom of speech and expression, although it makes no mention of press freedom. The term "speech and expression" has a broad range of meanings and connotations. The phrase expression means that the thoughts, ideas, or opinions are being transferred or channeled to a third party. As a result, there is an implicit assumption that press freedom is included in the same category as freedom of expression and speech.

In Bennett Coleman & Company vs Association of India, it is a settled perspective on the Supreme Court that the right to speak freely of speech and expression additionally includes opportunity of the press and dissemination along these lines. The appropriate for one to print and distribute what one satisfies, with no past consent. It was likewise held that inconvenience of pre-control on distribution is violative of the opportunity of the press, except if advocated under statement (2) of Article 19 [4]–[6].

The Supreme Court of India called attention to that correspondence needs in a majority rule society ought to be met by the expansion of explicit privileges like the option to be educated, the option to illuminate, the right to protection, the option to take part in open interchanges, the option to impart, and so forth, continued to see as follow:

In modern world liberty of Press is essential to social and political connections in today's free society. Media performances are now anticipated to serve the function of public coach, making formal and informal education imaginable in a broader range, particularly in the development of a scene where broadcast and different kinds of current communication have not yet influenced all of society. There are several regions that are inaccessible. There are several regions that are inaccessible. The motive for the media is to push the public concentration by distributing realities and feelings without which a vote based electorate can't make dependable decisions. Paper being assessors of information and perspectives having a direction on policy implementation frequently convey material which would not be tasteful to administrations and different specialists. The writers of the article which are circulated in the identifications must be reproachful of the activity of the Administration to uncover its shortcomings. This kind related articles will more often than not become an aggravation or even a danger to control."

The court for this situation drew out the meaning of the press in that the freedom of the press isn't really for themselves however to serve public at large. In this way, the press has an obligation in a popularity based construction to spread data to the majority. In Indian Supreme Court On account of R. Rajagopal vs Territory of Tamil Nadu, describe the public authority or its authorities reserved no privilege to force earlier restriction upon a distribution with the view that they might be maligned. Brief realities of the case are that the distributor of the Tamil week by week magazine who is likewise the applicant moved toward the court to limitation the public authority from encroaching to his right side of distribution of the denounced, Auto Sankar. The Court additionally held that the option to distribute the biography of a denounced detainee, to the extent that, it shows up from the openly available reports, even without his assent or approval, has been held to be remembered for the opportunity of the press ensured under Article 19(1)(a) of the Constitution.

1.5. *Commercial Advertising:*

Legal professions by the courtrooms have likewise explained that business promoting is additionally an integral part of business thus it is additionally defended by the speak to right freely of dissertation and pronunciation. The instance of Tata Press Ltd vs. Mahanagar Telephone Nigam Ltd is one position where the court held that notice even of business nature are covered under article 19(1)a of the Indian constitution. A common suit for order was recorded by Nigam and association of India asserting that there was a syndication in distribution of catalogs under the Indian Telegraph Act. The preliminary gave a directive on Tata Press which was additionally affirmed by the high court. Goodbye press spoke to the high court and the high court's organization was saved. The thinking behind this was that promotion is a sort of business discourse and is covered under article 19(1) A of the constitution. It was observed that however business discourse comprises of business exchanges, it likewise incorporates the spread of data with respect to an item which is helpful for public at large [6]–[8].

1.6. *Telecasting or Broadcasting Rights:*

The Indian Supreme Court has expanded the meaning of the right to speak freely of discourse and articulation to incorporate the option to get and communicate data. On account of Secretary, Ministry of Information and Broadcasting of India v. Cricket Association of Bengal, this was shown (CAB). Current realities for this situation are that six nations cricket matches were organized in 1993. Doordashan,[9], [10] a telecom station was requested by the Cricket Association from Bengal to broadcast the match. Sovereignities were consented to be paid to the channel for such administrations. Afterward, the broadcasting privileges were given an unfamiliar TV station. Taxi documented a thought under the watchful eye of the Calcutta high court expressing that they had broadcast privileges under article 19(1)a of the constitution to communicate the match. Along these lines the case arrived at the high court and the court held that Doordashan ought to give offices to broadcast. Under this case one can take note of that the majority of perspectives and a differentiated scope of suppositions is fundamental in a popularity based arrangement.

1.7. *Right to exhibition of films:*

Articulation which is specified under the right to the right to speak freely of discourse and articulation takes different structures from expressions of mouth, print, mimicry and movies to make reference to a couple. The courts in different decisions acknowledged that no question to movies and motion pictures was being safeguarded under the right to the right to speak freely of discourse and articulation. In K.A. Abbas v. Association of India, the issue of presentation of movies as a media of articulation preceded the Supreme court of India for its thought. Films are given accreditation under the Cinematograph Act, 1952 [11] where movies are arranged as "U" films relating that they have an unhindered view and "A" films which can be characterized to be grown-up appraised. The applicant went to court in the wake of neglecting to get a "U" film authentication for his image "A Tale of Four Cities,"

wherein he scrutinized the defendability of the cinematograph act as per article 19(1)a of the Constitution, which ensures the right to speak freely of discourse and articulation. The cinematograph resolution of 1952 was kept up with by the court as established, as well as the accreditation guidelines given to the not entirely set in stone to be legitimate. The court expressed that movies and motion pictures should be dealt with uniquely in contrast to different types of craftsmanship and articulation because of their proclivity to inspire various feelings in the overall population, and along these lines the movies are exposed to pre-restriction on the grounds illustrated in Article 19(1)a of the Indian Constitution.

1.8. *Right to Remain Silent:*

In one of the high court of India's cases it set out a crucial standard which gave residents an option to stay quiet as a type of discourse and articulation. This milestone case was between *Bijoe Emmanuel v. Province of Kerala* where current realities of the cases are that three youngsters were removed from school for declining to sing the public song of praise during petition get together. The three removed understudies used to stand up while the hymn was being played however didn't express any expressions of the tune being sung. The Kerala high court maintained the ejection in that the children had submitted an offense under National Honors Act, 1971. The Supreme Court turned around the choice and held that no individual can be constrained to sing the public song of praise assuming he has real complaints in light of strict convictions. The court additionally explained that article 51a of the constitution that forces an obligation on people to regard public goals and foundations, the demonstration of standing up and not singing isn't a type of disregard of such beliefs. Consequently, the removal was viewed as an infringement of their crucial right under 19(1) A of the constitution which likewise envelops the opportunity of quietness.

2. DISCUSSION

2.1. *Dilution Of Media Morality: A Worldwide Phenomenon:*

One will be highly mistaken if one claims that this phenomenon is particular to India or only the Indian subcontinent. The phenomenon seems to be a very worldwide phenomenon. Hundreds of journalists in countries like China and Saudi Arabia have been sent to prison over the years but the interesting trend is that in the recent years in the countries like the United States, Mexico, Ukraine, Argentina, Egypt, Philippines, Russia, Israel, Turkey etc. The governments have increasingly established their control over the modes of communication.

In the present instance, what the Rajasthan state government tried to do is exactly the same even though it is at regional level in India. The implications of this proposed bill turning into a full-fledged legislation would have been that the journalist would have been reduced to the status of a bonded labour.

2.2. *Media And The Political System:*

In the democratic setup where we are living today, the political system by a huge margin dominates the citizens and thus weakens their power. The leaders continue to be elevated to the position of superhumans whereas the general people continued to be relegated to the category of subhumans. The unleashing of the campaigns on social media against the people who have slightly different mind-set is a worrying sign for the health of our democracy.

This has a chilling effect, as the Hon'ble Supreme Court noted in the case of *Shreya Singhal against Union of India*. Parents are informing their children that they are very prominent on social media and that their freedom of speech and expression should be limited. This is the last thing which you want for the health of any democratic setup. The essence of democracy lies in the fact that each of its citizens irrespective of their race caste, class, gender and age may be able to express their views freely without any apprehension or any other undue influence or pressure from any

person or groups prevalent in the society. If this does not happen, then the citizens to an extent surrender the whatsoever little space they occupy for themselves. The more the citizens cede that space the more enfeeble they become. Again for a democratic setup to be fully functional and be healthy in its foundations, it is necessary that the plurality of ideologies is enhanced as well as given due importance so that the confidence of the people in the democracy remains intact.

In order for the idea of democracy to be successful in its rightful manner it is necessary that the understanding of being the people and staking the claim to the democracy remains intact. This idea of democracy is lost when the transformation of the consciousness of the people happens and it becomes the fear of the people. In a pluralistic democratic setup it is extremely important that the system works for the people and not the people working for the system. This is where the autocratic nature of various regimes across ages has been exposed. Regimes try to have and retain untrammelled power.

The relationship between the state and its subjects has always been a very peculiar one. Ever since the conception of the era of social contractualism, there has been an implied agreement that the subjects of the state have surrendered their rights to the state. At the same time, there are the views of Jurists like John Rawls “that liberty must strengthen the total system of liberty shared by all.” A similar view was also propounded by Jeremy Bentham in his Theory of Social Utilitarianism, which advocated for the maximum satisfaction of the maximum number of the people.

However, it has often been the case that the faith imposed by the people on the state has often being misused. The prime example of this fact can be seen in the pre and post world war era where a number of dictators and military rulers imposed their ideologies on the people directly or indirectly. The corresponding example of the late 20th century and 21st century would be the draconian statutes framed by the state. The fact lies that just because a statute has been framed by the legislature and not by a military ruler or dictator does not make a statute a divine one. Often, the restrictions which are imposed by the states over its subjects are in the name of larger public interest. The logical argument behind such legislations also adheres to the view that the social welfare is of paramount importance and it supersedes the individual interest. Unfortunately, the actual result is that there is an imbalance of power in the favour of the states and neither the larger public interest nor the individual rights are served.

Since 1970's there has been a trend of the Supreme Court expanding the scope of Article 21. In today's scenario there are plethora of judgements which extend the scope of right to life in various aspects like right to food, right to privacy, environment protection etc. Unfortunately, the Supreme Court lacks the same passion when it comes to the interpretation of Article 19. This is shown by the fact that only a few decisions have used the same approach as Article 21 in broadening the reach of article 19. The decision in this instance, on the other hand, was rather refreshing. The Supreme Court has not only given freedom of speech and expression in India a new lease of life, but it has also acted as the Constitution's rescuer for Indians. The court has offered greater and exceptional clarity to the jurisprudence of free speech and expression. Democracy, as everyone knows, is governance of the people, for the people, and by the people. This suggests that the paramount consideration is to be given to the people, and not the states. Even the Preamble of our Constitution begins with the words “*We, the people of India...*” One of the important aspects of any democracy is the realisation of the full potential of all citizens, which can only be achieved by not unnecessarily imposing unreasonable restrictions on the people.

2.3. *The Ill Effects Of Contemporary Television Debates:*

The successive television debates on a daily basis have done nothing else but to add to the mutual suspicion which the people among them have developed for each other at large. It also lays down the danger of hijacking the entire society and forcing each and every culture to mould itself into a unified one. This actually gives a feeling to a certain section of the society of being ‘othered’ by a major section of the society. The different voices tend to be silenced by such a development.

3. CONCLUSION

Thus, we as a society need to revisit the idea of India and spend our energies to visualise whether the envisage principles in the Preamble of the Constitution are actually been realised by the media and its role in contemporary times. This propensity of media bias to impact political support in India may contribute considerably to democratic backsliding by damaging journalists, impeding freedom of speech and transparency in government, and persuading voters. Media bias in itself creates democratic backsliding since the media neither trying to hold the government responsible nor educating the people about measures that bolster the incumbent's authority may encourage authoritarian behaviors.

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