



Role of Media in the Present Scenario in India: A Case Study

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Abstract— This study examines the role of media in contemporary India, highlighting its significance as the “Fourth Pillar of Democracy.” It explores how print, broadcast, and digital media contribute to transparency, accountability, and citizen engagement while promoting legal awareness and social participation. The research underscores the transformative impact of digital platforms and social media, which have democratized information dissemination and facilitated citizen journalism. At the same time, the study identifies critical challenges, including political and corporate influence, sensationalism, misinformation, and declining press freedom, which threaten media credibility. The legal and regulatory framework, including constitutional provisions, the Press Council of India, IT Rules, and judicial safeguards, is analyzed to understand how media freedom is balanced with responsibility. The findings reveal a dynamic tension between freedom and accountability, emphasizing the need for strengthened self-regulation, ethical journalism, and digital literacy. The study concludes that a free, responsible, and ethical media is indispensable for sustaining democracy and protecting citizens’ rights in India.



Keywords— Legal Framework, Democracy, Freedom of Speech, Constitutional rights.

Introduction

The media in India has evolved into a powerful institution that shapes public discourse, influences governance, and acts as a bridge between the state and society. Often described as the “fourth pillar of democracy”, it plays a crucial role in upholding constitutional values by ensuring transparency, accountability, and the dissemination of information. In a diverse democracy like India, where citizens rely heavily on information to participate in decision-making, the media assumes an indispensable role.

From a legal perspective, the significance of the media lies in its constitutional foundation. Article 19(1)(a) of the Indian Constitution guarantees the *freedom of speech and expression*, and although it does not explicitly mention “freedom of the press,” the Supreme Court has consistently interpreted it as encompassing press freedom (Legislative Department, 2024). However, this right is not absolute. It is subject to reasonable restrictions under Article 19(2) in the interests of sovereignty, security of the

State, public order, decency, morality, defamation, contempt of court, and incitement to offences. This duality—freedom versus regulation—creates an ongoing legal debate about the extent of the media’s autonomy.

The present scenario highlights both the empowering role and the problematic dimensions of media. On the one hand, the media has brought issues like corruption, gender violence, and environmental degradation into the spotlight, thereby strengthening democratic participation. On the other hand, challenges such as *media trials*, *fake news*, *commercialization*, and *political bias* raise questions about accountability, ethics, and compliance with legal principles such as *the right to a fair trial* and *the right to privacy*.

Therefore, the study of the media’s role is not just a matter of political science or sociology but also a crucial subject of legal inquiry. By analyzing statutory frameworks, judicial pronouncements, and case studies, this research aims to evaluate how media functions within the

boundaries of law, how it influences justice delivery, and how it must adapt in the age of digital transformation.

Background of Media in India

The history of media in India is closely linked with the country's socio-political evolution. It began during the colonial period with Hicky's Bengal Gazette (1780), the first newspaper, which primarily catered to Europeans but soon became critical of British authorities. In the 19th century, Indian-owned presses like *Samachar Darpan* (1818) and *Mirat-ul-Akhbar* (1822, edited by Raja Ram Mohan Roy) reflected reformist ideas. Newspapers such as *The Hindu* (1878) and *Kesari* (1881, edited by Bal Gangadhar Tilak) played a significant role in nationalist mobilization. The British recognized this power and imposed restrictions like the Vernacular Press Act (1878) to suppress dissent.

During the freedom struggle, newspapers edited by leaders like Mahatma Gandhi (*Young India*, *Harijan*) became platforms for political awakening and social reform. The media acted as a unifying force, raising consciousness against colonial rule.

After Independence (1947), the media's role shifted toward nation-building. Print media flourished, while All India Radio (AIR) became a key tool for mass communication, focusing on education, agriculture, and development. Television entered in 1959 and expanded during the 1982 Asian Games, making Doordarshan a household name.

The 1991 economic reforms transformed the media into a commercial industry. Private television channels, 24x7 news networks, and regional newspapers expanded rapidly. The era witnessed a blending of information and entertainment, raising questions of ethics and sensationalism.

The 21st century marked the digital revolution. With widespread internet access and smartphones, social media, online news portals, and OTT platforms have become dominant. Citizen journalism gained ground, but challenges like fake news, corporate control, and press freedom concerns also emerged.

Thus, the journey of Indian media—from colonial resistance to democratic watchdog and now a digital powerhouse—illustrates its enduring significance as the “Fourth Pillar of Democracy.”

Relevance of Media to Law and Democracy

Media in India today holds critical relevance for both law and democracy. As the “Fourth Pillar of Democracy,” it acts as a bridge between the state and citizens, ensuring transparency and accountability. Through investigative journalism and continuous scrutiny of government actions,

the media strengthens the rule of law by exposing corruption, custodial violence, environmental violations, and misuse of power. It also promotes legal literacy, informing people about their constitutional rights, recent judgments, and policy changes.

In the democratic sphere, the media provides a platform for public opinion, amplifying the voices of diverse communities and marginalized groups. Social media and digital platforms have further democratized discourse, enabling citizen participation in governance. Campaigns such as anti-corruption movements or environmental protests gained momentum due to extensive media coverage.

However, challenges remain. Rising concerns about fake news, corporate influence, and political bias often distort democratic debate. Excessive sensationalism and “trial by media” sometimes undermine the principle of a fair trial. Moreover, declining press freedom rankings indicate pressures on journalistic independence.

Objectives of the Study: -

- i. To examine the role of the media as a democratic watchdog.
- ii. To assess the influence of the media on law and justice.

Constitutional Framework of Media in India: -

Media in India is not granted a special or separate constitutional status, yet its freedom and functioning derive from the broader guarantees of freedom of speech and expression under the Constitution. The constitutional framework provides both rights and restrictions, making the media a vital component of Indian democracy.

1. Constitutional Provisions

- i. *Article 19(1)(a): Freedom of Speech and Expression*
This is the foundational right that ensures freedom of the press and media. Although “freedom of the press” is not explicitly mentioned, the Supreme Court in *Romesh Thapar v. State of Madras (1950)* clarified that freedom of speech includes press freedom.
- ii. *Article 19(2): Reasonable Restrictions*
The State may impose restrictions in the interests of sovereignty and integrity, security of the State, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, and incitement to an offence. These restrictions directly apply to the media.
- iii. *Article 361A (42nd Amendment)* grants immunity for the publication of parliamentary proceedings,

reinforcing the media's role in reporting legislative debates.

2. Judicial Interpretation

The judiciary has expanded press freedom through various rulings:

- i. *Indian Express Newspapers v. Union of India (1985)*: Freedom of the press is vital for democracy.
- ii. *Bennett Coleman v. Union of India (1973)*: Newsprint control policy restricting circulation was struck down as violative of press freedom.

These judgments affirm the media's constitutional role as the "Fourth Pillar of Democracy."

3. Regulatory Framework

Although protected by constitutional rights, the media is subject to laws like the Press Council Act (1978), Cable Television Networks Act (1995), Information Technology Act (2000), and recent IT Rules (2021), which regulate digital platforms. These frameworks often create debate about balancing free expression with accountability.

4. Present Scenario

In the digital era, the constitutional framework faces new tests:

- i. The rapid spread of misinformation challenges public order and integrity.
- ii. Increasing government regulation of OTT and digital platforms raises concerns of censorship.
- iii. India's declining press freedom rankings highlight growing tensions between constitutional guarantees and political realities.

Legal and Regulatory Framework Governing Media in India: -

Media in India function within a broad legal framework that derives from the Constitution, statutory laws, and regulatory bodies. The framework is designed to balance freedom of expression with reasonable restrictions, ensuring media independence while maintaining accountability.

1. Statutory Laws Governing Media

- i. **Press and Registration of Books Act, 1867** – Governs printing presses and newspaper registration.
- ii. **Indian Penal Code (IPC), 1860** – Provisions on defamation (Sections 499–500), obscenity, hate speech, and sedition (though diluted by recent Supreme Court rulings).

iii. **Press Council Act, 1978** – Establishes the *Press Council of India* to maintain ethics and standards in journalism.

iv. **Cable Television Networks (Regulation) Act, 1995** – Regulates cable TV networks and program content.

v. **Information Technology Act, 2000** – Governs digital content, cyber laws, and online platforms.

vi. **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** – Provides oversight on social media, OTT platforms, and digital news media.

vii. **Cinematograph Act, 1952 (amended 2023)** – Governs film certification through the *Central Board of Film Certification (CBFC)*.

viii. **Contempt of Courts Act, 1971** – Restricts the media from publishing anything that could prejudice court proceedings.

2. Regulatory and Oversight Bodies

- i. **Press Council of India (PCI)**: A quasi-judicial body to preserve press freedom and maintain standards.
- ii. **Prasar Bharati (1997)**: Governs Doordarshan and All India Radio as autonomous public service broadcasters.
- iii. **Central Board of Film Certification (CBFC)**: Certifies films for public exhibition.
- iv. **News Broadcasting & Digital Standards Authority (NBDSA)**: Industry body regulating private television news channels.
- v. **Ministry of Information and Broadcasting (MIB)**: Primary government authority overseeing print, electronic, and digital media policies.

3. Judicial Safeguards

Indian courts have consistently expanded media freedom:

- i. *Romesh Thappar v. State of Madras* (1950) – First case affirming press freedom.
- ii. *Bennett Coleman v. Union of India* (1973) – Upheld the right to circulation and criticized restrictions on newsprint.
- iii. *Indian Express Newspapers v. Union of India* (1985) – Declared press freedom vital for democracy.

Judicial Approach towards Media Freedom and Responsibility

- i. The Indian judiciary has been pivotal in defining the scope of media freedom and responsibility. Although the Constitution does not explicitly guarantee press freedom, the Supreme Court has consistently read it into Article 19(1)(a). In *Romesh Thappar v. State of Madras (1950)* and *Brij Bhushan v. State of Delhi (1950)*, the Court struck down censorship orders, affirming press liberty as essential for democracy (Basu, 2022). Later, in *Bennett Coleman v. Union of India (1973)*, restrictions on newspaper circulation were invalidated, recognizing the right to circulation as part of free expression.
- ii. The judiciary has also expanded the media's role in disseminating information. In *Cricket Association of Bengal (1995)*, the Court held that citizens have the right to receive information and declared airwaves as public property. Similarly, in *Indian Express v. Union of India (1985)*, excessive state interference in newspapers was curtailed.
- iii. At the same time, courts have emphasized responsibility. In *Sahara v. SEBI (2012)*, the Court warned against media trials prejudicing ongoing proceedings and allowed postponement of reporting to ensure fair trial rights.
- iv. Thus, judicial approach balances freedom with accountability, safeguarding media as the "Fourth Pillar of Democracy" while cautioning against sensationalism, disinformation, and contempt of court.

Contemporary Challenges in Media Regulation in India

Media in India operate within a complex democratic framework, but rapid technological growth and political-economic pressures have created serious challenges in regulation.

1. Digital Media and Fake News

The rise of social media and online platforms has amplified issues of misinformation, disinformation, and hate speech. The absence of clear boundaries between professional journalism and user-generated content makes regulation difficult. The IT Rules, 2021 have attempted to regulate digital platforms, but they have been criticized for potential threats to free expression.

2. Political and Corporate Influence

Ownership concentration in media houses raises concerns about bias and selective reporting. "Paid news" and political propaganda often blur the line between journalism and advertisement, undermining credibility.

3. Trial by Media and Ethics

Excessive sensationalism, particularly in crime and celebrity cases, has led to "trial by media," prejudicing judicial proceedings and eroding ethical standards. Courts have repeatedly urged restraint, but enforcement remains weak.

4. Censorship and Press Freedom

India's declining rank in the World Press Freedom Index reflects growing concerns over censorship, harassment of journalists, and curbs on dissent. Regulatory measures sometimes appear as tools of control rather than balanced oversight.

5. Regulation of OTT and Streaming Platforms

The surge of OTT platforms has raised debates about content regulation, morality, and censorship. While the government seeks accountability, creative communities fear curbs on artistic freedom.

Media Ethics and Self-Regulation in Legal Perspective: -

Media ethics refers to the moral principles guiding journalistic practice, including fairness, accuracy, accountability, and responsibility. In India, the Constitution guarantees freedom of speech and expression under Article 19(1)(a), but also allows reasonable restrictions under Article 19(2). These legal boundaries make ethical self-regulation essential to balance media freedom with social responsibility.

Legal Framework

- i. *Press Council of India (PCI), 1978*: Frames ethical codes and adjudicates complaints against journalists; its recommendations promote responsible journalism.
- ii. *Cable Television Networks (Regulation) Act, 1995*: Prohibits programs violating decency, morality, or public order.
- iii. *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*: Regulates digital platforms and OTT services to ensure adherence to ethical norms.
- iv. *Contempt of Courts Act, 1971*: Restricts the media from prejudicing judicial proceedings.

While legal frameworks set minimum standards, ethical guidelines demand higher accountability, e.g., avoiding misrepresentation even in legally permissible contexts.

Self-Regulation Mechanisms: -

- i. *News Broadcasting & Digital Standards Authority (NBDSA)*: Monitors impartiality,

decency, and factual accuracy in news broadcasting.

- ii. *Editors Guild of India*: Issues ethical guidelines and protects press freedom.
- iii. *Internal Codes of Media Houses*: Emphasize accuracy, privacy, and avoidance of sensationalism.

Findings and Discussion: -

The study reveals that the media in India continues to play a critical role in democracy, acting as a watchdog, information provider, and platform for public discourse. Print, broadcast, and digital media collectively shape public opinion, highlight governance issues, and hold authorities accountable. Social media and digital platforms have democratized information, enabling citizen journalism and wider participation in debates.

However, findings indicate significant challenges affecting media effectiveness. Political and corporate influence often biases reporting, while sensationalism and “trial by media” sometimes undermine journalistic credibility. Digital platforms face issues of misinformation, fake news, and echo chambers, complicating ethical reporting and public perception. Press freedom, though constitutionally guaranteed, has been constrained by regulatory ambiguities, arrests of journalists, and declining global rankings.

Despite these challenges, the media remains indispensable in promoting transparency, legal awareness, and social mobilization. Investigative reporting has successfully exposed corruption and environmental issues, influencing policy decisions. Self-regulation mechanisms and ethical guidelines, though not fully enforceable, contribute to responsible journalism.

In discussion, it is evident that the media in India operate in a dynamic tension between freedom and responsibility. Strengthening ethical practices, ensuring regulatory balance, and fostering digital literacy are essential to preserve media as the Fourth Pillar of Democracy, capable of safeguarding citizens’ rights and strengthening governance.

Conclusion and Suggestions: -

Media in India remains the “Fourth Pillar of Democracy”, playing a vital role in promoting transparency, accountability, legal awareness, and citizen engagement. It has evolved from traditional print and broadcast outlets to a diverse digital ecosystem, enabling wider participation but also introducing challenges like misinformation, sensationalism, and political or corporate influence. While constitutional guarantees protect media freedom,

regulatory ambiguities and declining press freedom rankings highlight persistent risks.

Suggestions: -

1. Strengthen self-regulatory mechanisms like PCI and NBDSA to ensure ethical journalism.
2. Promote digital literacy among citizens to identify misinformation and fake news.
3. Ensure independent and balanced regulation of OTT and social media platforms.
4. Encourage editorial independence by reducing corporate and political pressures.
5. Foster training in ethics and responsible reporting for journalists.

With these measures, the media can remain free, responsible, and accountable, reinforcing democracy and safeguarding citizens’ rights in contemporary India.

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