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**“Dharma is to protect the Needy”**

**Article on**

**ROLE OF MEDIA IN GOVERNANCE**

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### **ABSTRACT**

It is true that the government has the responsibility to govern the country as they are chosen by the public through elections. But, sometimes, the Government misuse their power and do something which does not concur with the duties they were allotted. In all the cases where the government misuses its power, it becomes imperative for the media to report such an issue and bring it to the notice of both the government as well as people so that the Government can try to rectify it and the people can keep that in mind while electing the government next time. Media must act as a mirror for the government and must act as a deterrent authority for the government. Instead, the media nowadays is acting like a puppet of the government. Most of the media houses act as a spokesperson for one or the other political party, making it impossible for citizens to make an effective judgment during elections while casting their vote.

Currently, Indian Media is dealing with a lot of problems which have been discussed in this paper like the problem of Fake News, Paid News, Biasness, Fake TRP etc. The paper traces some of the judicial pronouncements which The Hon'ble Supreme Court has delivered and also critically analyzes the role played by media in deciding the outcome in the Landmark case of *K.M Nanavati*. The paper also gives suggestions as to what role the media should play in ensuring good governance and also how it can effectively do so and ensure a better governance.

**Keywords:** Good Governance, Paid News, Freedom of Press, Media Bias

*"One of the objects of newspaper is to understand the popular feeling and give expression to it, another is to arouse among the people certain desirable sentiments; the third is fearlessly to expose popular defects".*

- MAHATMA GANDHI

## Introduction

Today, the world is encountering remarkable challenges in promoting governance, democracy, transparency, freedom of press and economic development. Good governance is essential for a nation's long-term sustainable development. The media, which is considered the fourth pillar of democracy, is an important information source and plays a crucial role in shaping a healthy democracy and bolstering good governance, but the media has failed miserably in ensuring that.

Media's Role in promoting good governance with respect to a vast country like India is most pivotal and this crucial fact has come to be well recognized both by policy-makers as well as the common people. There has been little to no systematic effort to explore the empirical relationship between the media and governance. With the spread of modern communication technologies and the existence of an unfettered and independent press, the media are essential for democratization and guaranteeing good governance through freedom of expression, transparency, accountability, rule of law and providing a pluralist platform for political expression about controversial issues.<sup>1</sup> And instead of that the only thing Indian media nowadays is doing is spreading political ideologies.

Today, due to the fast-changing media and communication environments, people are interconnected more than they were ever before. While most people are acknowledging the fact that the influence and impact of changing media and communication on governance outcomes is growing day by day, the degree to which new media landscapes are contributing to a more informed, peaceful and accountable society still remains in question.<sup>2</sup> Some People think that

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<sup>1</sup> Norris, 2010; Scholte, 2002.

<sup>2</sup> <https://gsdrc.org/professional-dev/media-and-governance/> (Accessed on 07.05.2021)

Technically superior, young and educated citizens have the potential to be democratically, socially and economically transformative. While others think that increasingly fragmented and co-opted media and communication environments are driving political polarization, extremism and violence.

In the 21<sup>st</sup> century, Access to the internet and mobile phones has risen rapidly. Radio and TV were the key sources of information for most people, which has now transformed to Internet and Mobile Applications. Over the last couple of decades powerful changes in media markets have had a substantial impact on patterns of information, communication and governance: the number of media stations has rapidly increased as they are now working not only in the print sector, but also in the television sector as well as the online sector. However, media environments have also become increasingly fractured, as more and more stations cater for specific ethnic, linguistic or religious communities; advertising models are functioning which has made it difficult for them to sustain quality journalism. To add fuel to this, many political, religious, ethnic or other factional actors have now stepped in to support media outlets to promote their own agendas. This has often led to suspicion towards the authenticity of these media organizations.



### **What is Governance**

The term '*Governance*' is not new, it is as old as 'Human Civilization'. In fact, this concept can be traced as far as back to Aristotle (484-425 B.C.) in his seminal work "Polity" or even further back to Confucius (511-479 B.C.), who considered good governance as a wise government that acted meritoriously, satisfied the citizens' public demands and responsibly promoted harmony in society (Palmer, 1997).

Due to the ever-expanding scope of the term '*Governance*'. It is very difficult to concise its definition in a single definition as even the World Bank has given two definitions of the term '*Governance*'. The first definition is exclusively related to the exercise of political power to deal with the nation's affairs. The focal point of the second definition is the use of power in the management of a state's social and economic resources for development.

The concept of governance is not to be equated with government. Government is a set of institutions, while governance is about how governments and other social organizations interact, how they relate to citizens, and how decisions get made in an increasingly complex world.<sup>3</sup>

### **What is Good Governance**

The origin of the concept of Good Governance can be traced back to the Ancient Greek period through Aristotle's fundamental statement that 'the state came into existence for the sake of mere life, but continued for the sake of *good life*'. The term 'good life' here can be replaced with 'Good Governance'. According to *John Locke*, governments shall govern as long as they can protect the interest of the people or the trust of the people that they have placed in them.<sup>4</sup>

The *World Bank* defines: "Good governance is epitomized by predictable and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; a strong civil society participating in public affairs; and all behaving under the rule of law".<sup>5</sup>

### **Role of Indian Judiciary in Protecting the Independence of Media**

Even though the media has wide powers, Indian Government has tried to curtail their powers every now and then. In the garb of protecting violence, hatred etc., governments usually step on the shoes of Media by restricting their powers and in many instances and landmark cases, the courts have tried to protect the independence of Media.

- *Romesh Thapar VS State of Madras*<sup>6</sup>

In this, the petitioner, who was a communist, published a few articles in his weekly English magazine called Crossroads that expressed his skepticism in regard to the foreign policies of the then Prime Minister Pandit Jawaharlal Nehru. During this time, a communist

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<sup>3</sup> Plumptre & Graham, 1999

<sup>4</sup> Sabine George, History of Political Theory, New York: Hault, Rineheart and Wintson (1961)

<sup>5</sup> Yadav Lal Babu, Role of Media in Promoting Good Governance, <http://www.jdhr.org/publications/media-and-development> (2001) (Accessed on 04/05/2021)

<sup>6</sup> AIR 1950 SC 124.



movement was gathering steam in Madras and the authorities felt that the petitioner's articles might escalate the issue. So, in 1950, the Government of Madras imposed a ban on the entry and circulation of the magazine in these areas by passing an order against it.

Matter went to The Hon'ble Supreme Court and the apex court held that the impugned order violated Article 19(1)(a) i.e., Fundamental right of freedom of speech and expression enshrined in the Constitution of India and declared Section 9(1-A) of the Madras Maintenance of Public Order Act, 1949 as ultra vires after applying Doctrine of Severability.

- *Sakal Newspapers VS Union of India*<sup>7</sup>

In this case, the Government's Newsprint policy which restricted the number of pages which could be printed in a newspaper as per Newspaper (Price and Page) act, 1956 was challenged. This was seen as an indirect effort by the Government to restrict the freedom of speech and expression, as the government could now regulate the space for advertisement as well. The Hon'ble Court held that freedom of speech and expression includes freedom of propagation of ideas, ensured by freedom of circulation, thereby, struck down the impugned act as it directly impacted the circulation of Newspaper.

### **Role of Judiciary in Restricting Freedom of Press/Media**

In India, the judiciary has not only protected the rights of press but has also constrained it in the interest of justice. The Supreme Court in *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*<sup>8</sup> observed that all commercial advertisements cannot be denied the protection of Article 19(1)(a) of the Constitution, merely because they are issued by businessmen. Advertising pays a large portion of the costs of supplying the public with newspapers.<sup>9</sup> The court in the case of *Dr. D.C. Saxena VS the Chief Justice of India*<sup>10</sup> alleged that if preservation of democracy is the foundation for free speech, then, society is equally authorized to regulate freedom of speech or

<sup>7</sup> AIR 1962 SC 305

<sup>8</sup> AIR 1986 515, 1985 SCR (2) 287

<sup>9</sup> <https://globalfreedomofexpression.columbia.edu/cases/indian-express-newspapers-bombay-private-ltd-v-union-of-india/> (Accessed on 09/05/2021)

<sup>10</sup> AIR 1996 5 SCC 216



expression through democratic action if the cause is evident i.e., a person has a right to speak or say anything he likes or wants or express his views, opinions in any manner he likes but, that freedom is not absolute as it can be curtailed under Article 19(2) of Constitution of India on the grounds of sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

### **Activities of Indian Media which discredits Good Governance**

India is home to many Major Media Houses responsible for providing true, unbiased Information to citizens of the country. By this way, the Media has the power to contribute towards good governance and keep a check on Government. Media has the responsibility to question, credit and discredit any or every policy of the Government as they are the voices of the people and the media can play a very important role in getting their voices heard by the Government. Amidst all these powers and responsibilities, the Indian Media has failed to live up to the expectation as often they indulge in the activities which discredits Good Governance and in turn are gradually losing trust of the citizens of the country.

Some of the ill activities in which media houses indulge are:

#### **1. PAID NEWS**

Paid news in print media refers to those articles in newspapers, magazines and the internet which indicate favorable conditions for the individuals or institutions that have paid for it. Now, we have paid news not only in print media but also in Television Media and Electronic Media as well and has become a blot on our democracy. Paid News is not a new practice, it has existed for long decades, but recently it has started getting institutionalized, not by dishonest individual reporters, but rather by the media houses themselves.<sup>11</sup> The report says “The phenomenon of *paid news* goes beyond the corruption of individual journalists and media companies. It has become

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<sup>11</sup> Press Council Report, 2013

pervasive, structured and highly organized and in the process, is undermining democracy in India.”<sup>12</sup>

The ‘*private treaties*’ are another technique of paid news in which media corporations pay media companies in shares for advertising or for other favorable treatment. Securities Exchange Board of India (Hereinafter referred to as SEBI) felt that “Such brand building strategies of media groups, without appropriate and adequate disclosures, may not be in the best interest of investors and financial markets as the same would impede in them taking a fair and well-informed decision”<sup>13</sup>

The Menace of Paid News can completely destroy the fundamental principles of free and fair media and it is very necessary to root it out to ensure healthy democracy and good governance.

## **2. FAKE TRP**

Nowadays, instead of transmitting news and information, media houses have started focusing more on revenues. The very recent example of it came in October 2020 when ‘HANSA’ which is one of the Broadcast Audience Research Council (BARC)’s vendors on engagement with panel homes or people’s meters alleged that certain television channels were rigging Television Rating Point (Hereinafter referred to as TRP) numbers and showing Fake TRP numbers to attract more advertisers which would in turn lead to more revenue.

The complaint was filed and police investigated and found that some of these households were being bribed to tune into Republic TV and a few other channels; however, these findings were denied by Republic TV.

The Special Investigation Team (SIT) of the Mumbai Police arrested a total of 13 persons. However, on 10<sup>th</sup> February 2021, ARG Outlier Media, the company that runs all Republic TV Channels told Bombay High Court that the charge sheet of Mumbai police in the TRP Case did

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<sup>12</sup> Paid News: How corruption in the Indian media undermines Indian democracy. [www.thehindu.com/openion/columns/sainath/paidnews](http://www.thehindu.com/openion/columns/sainath/paidnews) (2013)

<sup>13</sup> Sainath P., Paid news pandemic undermines democracy, The Hindu, Kochi, 10 May (2013)

not disclose any evidence against Republic TV and its Editor-in-Chief Arnab Goswami who was also named accused in the case.<sup>14</sup>

As of 25<sup>th</sup> April 2021, there is no decision on this matter. so, it is too soon to say whether there is any truth to the allegation put on Republic TV. But, even allegations like these on Indian Media puts a dent on its truthfulness and its veracity. It has now become very difficult to even trust Indian Media, so expecting Media to help in Good Governance is a distant dream.

### **3. BIASNESS/PARTIALITY**

It is true that each Individual has an opinion and can take sides in any situation but, this is not expected from The Media as it is the only source of information for people and thus, cannot be expected to take sides.

A biased or a partial media has been prevalent in our country for a very long time. For Example: In *K.M. Nanavati v State of Maharashtra*<sup>15</sup>, where a Naval Commander point blank fired 3 Gun Shots on a civilian in his house because his wife was having an extra-marital affair with that civilian. According to many people, this was an open and shut case but all the Naval officers and Parsi Community were supporting the Naval Officer. Along with them, a very popular Newspaper 'BLITZ' completely sided with the Naval commander and printed stories siding with one party only.

On December 2, 1961, BLITZ published an article headlined '*The President must pardon Nanavati*': "If a member of the Fighting Forces always has to entertain the fear that some moneyed and leisured man might be consoling his wife, in his absence, he will be more worried than if his pay is not sufficient to meet the regular expenses of his household... People want to ask the top authorities to consider what will be the moral effect on those whom you invite to join the Defence Forces if and when they observe that those in authority take a technical view of the invasion by the wealthy of their unprotected homes."<sup>16</sup>

<sup>14</sup><https://timesofindia.indiatimes.com/india/no-evidence-against-arnab-in-trp-case-chargesheet-republic-tv-to-hc/articleshow/80784959.cms> Accessed on 12 March 2021

<sup>15</sup> 1962 AIR 605 1962 SCR Supl. (1) 567

<sup>16</sup><https://www.mansworldindia.com/entertainment/cinema/love-death-and-scandal-in-bombay-nanavati-case-inspired-film-rustom-the-real-story/> (Accessed on 09/05/2021)

Another recent incident of Sushant Singh Rajput suicide case turned into a media circus as some News channels stated targeting the female friend of the movie actor and made it so difficult for her that she couldn't even get out of the house without getting ambushed by the reporters. She was defamed, her name was maligned, her family was targeted in front of the whole country. Many News Reporters even declared her as abettor in the suicide, knowing that the case was still pending in the Court. This definitely garnered some TRPs for them, but they sure lost the trust of people as clear biasness was seen.

There are a lot of other cases as well in which the media has shown biasness. Not only this, now a days, Indian Media is clearly politically motive i.e., Almost all the media houses in India are backed by some or the other political party or they openly favor policies of one party and reject policies of other which makes it difficult for the citizens to trust them, let alone expect them to contribute in good governance.

This biasness of Indian Media completely shows that Indian Media is not playing the role it should, in ensuring good governance, rather they have now become a puppet of some political parties or of some very influential people.

### **The Role, media should play in Indian Democracy**

*“If it were left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.”*

– THOMAS JEFFERSON

Media plays a very crucial role in shaping a healthy democracy and in ensuring good governance. As an important source of information, the media has been functioning as the heart of democratic society and Good governance.

In India, media is considered as the backbone of democracy so, it must play some significant roles in Indian democracy like:

1. Work as a watchdog of the government and carry out every report of the action of administration which keeps the people informed about the day-to-day happenings taking place around them.

2. The media is considered the fourth pillar of democracy. So, it must act like a mirror which shows the bare truth even if sometimes it is harsh.
3. The media must make themselves responsible for exposing loopholes in the democratic society, which will ultimately help the government in making a system more accountable and responsive.
4. Media has the capacity to swing perceptions or evoke emotions amongst people and can also make or break the opinion of the people. So, it must act carefully before doing anything unethical.
5. Media plays a very important and crucial role in enlisting and educating the people. So, Media must expose any and every corrupt practice which takes place in the country. Thereby, putting a check on corruption in the society.

## **Conclusion**

India has the largest democracy in the world and it is widely accepted that the media has a powerful presence in the country. But, in the current scenario the Indian media has been subject to a lot of criticism for disregarding its obligation to social responsibility and by engaging in all possible ill practices. Constant repetition of the news, especially sensational news, breeds apathy and insensitivity like it happened in the case of Sushant Singh Rajput suicide case, daily reporting of covid-19 cases etc. Though the media has at times successfully played the role of a watchdog of government activities and has also aided in participatory communication, a lot still needed to be done.

Although the Indian constitution does not have an exclusive act defining the liberty of the press, it is evidently included in the freedom of speech and expression under the Article 19(1)(a). So, it must not try to violate it because the freedom of press in the country is a blessing for the people. However, this blessing can go terribly wrong when manipulations set in.

Democracy is not at all possible without active and neutral media. Media employs the tools of discussion, opinion polls, debates, and write ups to stimulate authorities for taking appropriate action. It is important for the media to aim for Citizen -friendly democracy as only that approach can strive in a vast and diverse country like India.