

“Crack in the Pillars: Will the Indian Democracy Sustain?” Is the Media as the Fourth Pillar of Democracy losing its Credibility?

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Abstract

This essay seeks to ascertain the lack of credibility of the media on various fronts and its failure to uphold essential journalistic morals. The fatal shortcomings of the media have been highlighted through incidents like Operation 136, the murder of Gauri Lankesh and the Kasaganj communal riots. This inability to recognise their responsibility has led to a deepening of the cracks in the pillars of democracy.

Introduction

“Information is the currency of democracy.”

-Thomas Jefferson.

Visualize a soaring skyscraper standing tall on its foundation consisting of four pillars. Over the course of its rich history spanning almost a century, cracks have begun to develop on its base due to the excessive pressure being applied to it. Its occupants try to cover up these cracks with sub-standard and cheap materials contrary to what its founders used and then they continue to live there in ignorance of the very evident problems developing on the lower floors. The occupants of the higher floors forge ahead with their plans to develop this building by adding additional floors with garish features much to the dismay of the occupants on the lower floors who are unable to access even basic amenities.

The Indian democracy was founded on three original pillars i.e., the legislature, the executive and the judiciary. The makers of the Constitution envisaged a system of checks and balances in which the three separate wings would keep a check on each other¹. These organs are separate and independent in their functioning with minimum encroachment allowed on each other's areas of specialization, which is essential for there to be synchronized functioning of the democracy². Montesquieu's original theory of separation of powers has become diluted in the modern democracies with the recent judicial precedents which have expanded the freedom of speech and expression. The above has made media an important aspect of democracy, so much so that it is considered as the fourth pillar.

A democracy cannot be sustained unless all its citizens have the right to participate in the affairs of the polity of the country. This right would be meaningless unless the citizens are well informed regarding all aspects of an issue in respect of which they are required to

¹ Montesquieu, *The Political Theory of Montesquieu* (Melvin Richter, CUP 1977).

² VN Shukla, *Constitution of India*, (13th edn, 2017) 394-403

express their views³. *The participation of people in a democracy is an indictment of a ubiquitous political system.* The media acts as an important mechanism for keeping voters informed about polling dates, the electoral process and about the role that they play in the democratic governance of the country⁴. An independent and good media atmosphere ensures that authentic and accurate news is available to the citizens of this country. But lately, with the commercialization of news, the media houses are infusing themselves into commercial ventures with a primary motive of profit making⁵.

Political Bias in Journalism

Interference of political parties and politicians in the work of journalists and news agencies can have a devastating effect on the free flow of information in society. Media through its various channels are now being known to publicize and promote the political agenda of the parties that they associate with. Media outlets polarise their readers into different political camps through biased reporting with the key casualty being the ability of the citizens to understand the objective truth. In a report to the government TRAI (Telecom Regulatory Authority of India) recommended that legislation is required to be formed to empower journalists to express themselves freely⁶.

The risk to unbiased flow of information due to biased ownership creates lack of transparency especially during elections. The spread of propaganda by the media is selective and is occasionally completely blown out of proportion. By broadcasting and carrying out practices like conducting opinion and exit polls, drawing personality sketches of politicians and making observations on who seems to be winning and why, the media starts to influence rather than inform the public. This not only leads to misrepresentation but also corrupts the sanctity of the electoral process. It is especially so, considering the era we live in where digital media has a great influence on the decision-making power of the public⁷.

One of the largest TV networks, CNN-IBN and the Eanadu group of regional language channels is directly controlled by one of India's richest man, Mukesh Ambani having interests in various sectors like textiles, natural resources, energy, petrochemicals, telecommunications and retail. News24 is owned by Anuradha Prasad, the wife of opposition Congress Party leader Rajeev Shukla who has been associated with corruption and spot-fixing scandals in the IPL. These media agencies provide biased opinions defeating the purpose of responsible journalism and reporting.

³ *Namit Sharma v. Union of India*, (2013) 1 SCC 745.

⁴ Stanley Kelley, 'Elections and the Mass Media' (1962) *Law and Contemporary Problems*.

⁵ Bernd Hamm, 'The end of democracy as we knew it' (2015) *Foresight*, Vol. 17 Issue: 2 161

⁶ Ravi S. Jha, 'India's Free Press Problem', (CJFE 22 June, 2016) <https://www.cjfe.org/indias_free_press_problem> accessed 20 Sept 2018.

⁷ Joan Rydon, 'Fiji and the Export of Electoral Systems' (2001) 16 *Australian Parliamentary Review* 4.

Operation 136:

Operation 136 was a sting operation conducted by the investigative journalism agency Cobrapost run by Aniruddha Bahal, the co-founder of Tehelka⁸. The sting operation which derives its name from the rank India received in the World Press Freedom Index of 2017, exposed several large and regional media houses who were prepared to enter into a ‘cash for coverage’ deal with an undercover reporter. The names include Rajat Sharma, an editor for India TV known to be close to Prime Minister Narendra Modi, India’s largest Hindi newspaper Dainik Jagran, entertainment and news television company SAB Group, the English newspaper DNA which is owned by Zee and local Uttar Pradesh channel Hindi Khabar.

The reporter, Pushp Sharma posed as ‘Acharya Atal’, a representative of an organization promoting Hindutva for electoral purposes. At times he referred to his organization as the ‘sanghatan’ which led certain media executives to believe that he was associated with the Nagpur based RSS (Rashtriya Swayamsevak Sangh). His proposition was to promote the Hindutva agenda with a multi staged plan in a run to attain votes for the 2019 elections. The plan of action was to initially run soft Hindutva content with majorly religious material, slowly transitioning to semi political material such as character assassinations of Opposition leaders like Rahul Gandhi, Mayawati and Akhilesh Yadav. This would be followed by content which would eventually lead to polarising Hindus and Muslims. The degree of enthusiasm shown by the companies varied but the response ‘Acharya Atal’ received was uniformly positive. None of the business executives seen in the videos released by Cobrapost.com seem to consider the situation problematic that a client wanted to use their platform to *influence the election and damage the crux of the democratic system or that the boundary between advertisement and news coverage was being increasingly blurred.*

Shooting of Gauri Lankesh:

The Supreme Court has often supported freedom of the press and upheld a liberal atmosphere for journalists⁹. Despite this there have been many attempts by influential politicians to suppress and often threaten journalists who might expose any corrupt activity carried out by them. Gauri Lankesh, an esteemed journalist also met with a similar fate. She was known for her critical view of Hindu nationalist politics and sympathetic nature towards Naxalites and Maoist Rebels. These views made her a target for a lot of people and she was even appealing a conviction of defamation. On 6th Sept 2017 she was found dead after being murdered by unidentified gunmen on motorbikes¹⁰. She fought against the communal elements and believed in secularism the same way it has been enshrined in our Constitution. Incidents like these, suppress the few unbiased and impartial journalists, who are also forced to keep mum

⁸ The Wire Staff, ‘Large Media Houses Accused of Striking Deals for Paid News’ *The Wire* (New Delhi 27 March 2018)

⁹ *Romesh Thappar v. State of Madras* AIR 1950 SC 124; *Brij Bhushan v. State of Delhi* AIR 1950 SC 129; *Sakal Papers Ltd. v. Union of India* AIR 1962 SC 305

¹⁰ Staff Reporter, ‘Indian Reporter Shot Dead’, *BBC* (Bangalore, 6 Sept 2018)

out of fear. *For the promotion of a democratic society, a free responsible press is required and people who try to create obstructions should be considered enemies of the democratic system and need to be dealt with in an appropriate manner.*

The Kasaganj Communal Riots:

The Kasaganj communal riots in Uttar Pradesh serve as an example of how misinformation and biased reporting by media can drive a situation beyond repair and create communal divides. The riots took place on January 26, 2018 on the occasion of Republic Day celebrations. The Muslim community in an area were organising a flag hoisting ceremony, when certain motorbike-borne Hindutva activists insisted the ceremony be stopped for them to pass through even though there was another path just 100 meters away. Eventually this led to a heated spat which turned violent when one of the ‘activists’ threw saffron color on a child¹¹.

The Kasaganj district like many other small towns across North India has seen a religious divide which has been furthered on political considerations. As the altercation took place, a regional section of television media reported the incident as one in which there was violence inflicted upon Hindus by the Muslims in that region for organizing a ‘Tiranga Yatra’. This led to a misconception being created in the minds of the public and further led to colossal damage and communal unrest, leading to the burning down of Muslim shops and houses and ultimately driving them out of the district. The media has a responsibility to provide authentic information as it carries the burden of trust which the citizens of the country place upon them. *Misinformation is more destructive than ignorance as can be understood from the above riots.*

Trial by Media

The practice of media trials has taken the judiciary by storm and created immense difficulties in delivering justice. The Supreme Court has observed the impact of television and newspaper coverage on a person’s reputation which create widespread perception of guilt, regardless of any verdict in a court of law¹². One of the most famous incidents is the widely covered trial of OJ Simpson in the 1990s which caused a huge racial divide in the entire United States dividing the white and African American community. Although he was found not guilty by the court he was still considered guilty by the public due to the media bias against him¹³. A similar instance was seen in India during the infamous case of KM Nanavati v. State of Maharashtra¹⁴ where the unprecedented media coverage caused the accused to be considered as innocent by the jury in the Sessions Court, though subsequently the Supreme Court held him guilty of murder under S. 302 of the IPC, sentencing him to life imprisonment. *The media bias provokes an atmosphere of public hysteria akin to a lynch*

¹¹ Ajoy Mahaprashasta, ‘Kasaganj: The Anatomy of a Communal Riot’ *The Wire* (Kasaganj 7 Feb 2018)

¹² *RK Anand v. Delhi High Court* (2009) 8 SCC 106

¹³ Christopher B. Mueller, ‘OJ Simpson and the Criminal Justice System’ (1996) 67 U. Colo. L. Rev. 727

¹⁴ AIR 1962 SC 605

mob. This makes a fair trial nearly impossible. Regardless of the result of the trial, in public perception the accused is already held guilty and would be unable to live his life without intense public scrutiny¹⁵.

Conclusion

Our democracy is more buoyant than we expected it to be but it is not invincible. The collapse is occurring slowly with faint tremors in the skyscraper now and then. Before these tremors lead to an earthquake that would threaten the very foundations of our democracy we should make the required changes. To bring about preciseness and veracity in media reporting and journalism, media houses should be administratively as well as financially independent. Media reports should be based on thorough analysis of the problem at hand, substantiated with accurate facts, data, statistics and diverse opinions. There is a strong opinion that the media lacks credibility and broadcasts information based on their commercial commitments, political connections, and what the editor wants to read instead of bona fide news. In order to change this opinion of the public, the media is required to have editorial independence and transparent ownership. It is time that the media recognizes and respects the integral role that it plays as the fourth pillar in the functioning of democracy.

¹⁵ Claudia Santoro, *Racial Hoaxes to Media Hypes: Fake News' Real Consequences*, (2018) Amsterdam University Press <<https://www.jstor.org/stable/j.ctt21215m0.20>> accessed 23 September 2018