

# Impact of Media on the Law Making Process: A Blessing

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**Abstract:** *We are currently Live in modern and digitalized era! That time period when everyone expects us to be aware of everything going on around him. Definitely by digital means. We now have a variety of ways to access information thanks to technology. And one method to be informed about everything is through the media. The only way to keep up with every action is through the media*

**Keywords:** Media, Justice system, freedom of speech, Democracy

## 1. Introduction

Democracy is practiced in India. There are basically four key pillars that we must establish for it to be autonomous and democratic. These four crucial components include:

- 1) Legislative
- 2) Executive
- 3) Judiciary
- 4) Media

Making laws is the primary responsibility of the legislative, after which the Executive performs its duties. The application of such laws is essentially what executive does; Justice is delivered with the aid of the judiciary. Last but not least, the media needs to make sure that whatever they report is in the public interest.

Multiple forms of communication are collectively referred to as "media." In addition to playing a significant role in the broadcast of information, the media also helps the general public express their opinions by using debates and conversations that are purposefully structured. Additionally, it is by far the best medium for exercising one's right to free speech. The media has gained the moniker "the fourth estate" because to its clear relevance to democracy. The three main categories of media are press media, broadcast media and internet media.<sup>1</sup>

Democracies frequently use procedures like judicial review and public interest litigation (PIL) to prevent the infringement of people's basic rights. However, it is crucial that the media in such a society plays a dual role for the democracy's smooth operation.

- First, it needs to make sure that the laws passed by the legislature are covered and that they are scrutinized.
- In addition, it need to compile public sentiment and alert those in charge of crafting laws to it

### Media Trail

The media is a key player in this sort of cases. In essence, they do all of the job, including inquiry and examination. And it is undoubtedly those who find someone guilty before the court does.

### Why Media Trail?

A media trial may be necessary occasionally. The media trial plays a crucial role in cases that are being kept secret from the public. A person can only learn about what is truly happening around him or her through the media.

### Constitutionality of Medial Trail

Despite the fact that the term "media trial" is never explicitly defined. But under Section 19 of the Indian Constitution, the media is indirectly given this power<sup>2</sup>.

### Freedom of Press [Article 19]

Every citizen has the right to freedom under Article 19 of the Indian Constitution. In addition to this, Article 19 clause 1 guarantees our right to free expression. The freedom to express one's opinions is guaranteed under this article.

We note that Article 19 (1) (a)<sup>3</sup> does not specifically reference "freedom of the press." This is due to the fact that the equal status of the press and an individual's right to free speech and expression was established during the debates and discussions of the constituent assembly. Thus, there was no need to specifically mention press freedom.

The judiciary has given the importance of freedom of speech in various judgments;

- In the case of *Indian Express Newspapers v. Union of India*, it was determined that the press is crucial to the functioning of democracy
- The entrance and distribution of the English periodical "Cross Road," produced and published in Bombay, were prohibited by the Madras government in *Romesh Thappar v. the State of Madras*.<sup>4</sup> As "publication would be of little value without liberty of circulation," this was deemed to be a violation of the right to freedom of speech and expression.

### Impact of Media in Law Making Process: A Blessing

Media is a joining link between the masses and the legislators

<sup>1</sup>*The Media's Role in Lawmaking: A Case Study Analysis* Lotte Melenhorst.

<sup>2</sup><https://www.lawteacher.net/free-law-essays/commercial-law/effect-of-trial-by-media-before-courts-law-essay.php>

<sup>3</sup> Article 19 freedom of speech and expression

<sup>4</sup> [theindiankanoon.org](http://theindiankanoon.org)

- In a democracy, the media is essential to the law - making process because it scrutinizes new laws and amplifies its underlying principles so that the general public may evaluate them and establish their own opinions.
- Law makers use media as a medium to access opinion of general public on new legislations that are made.

#### **Which form of media influences the public the in a greater way?**

- Various sections of the society depends on the broadcasting i. e. television, radio etc.
- Newspapers in English are less read compared to newspaper of regional languages.
- E - news portals and social media have also developed into modern forms of communication and information consumption since the invention of the internet due to their effectiveness in disseminating a variety of information and ease of access, which gives the general public a bigger platform to express them and be heard.<sup>5</sup>

In the recent times, digital media is being used on the regular basis by many people and it is having a very effective influence on the people.

#### **Media Impact on Law Making Process Positively**

People who have been exposed to a lot of information about a particular law through the media will think about it carefully and come to a well - informed conclusion. People protest against laws that, in the eyes of the public, violate basic rights. When such demonstrations are well covered by the media, they gain momentum and force the relevant authorities to reevaluate or modify a particular legislation.

As a result, the media has a good chance of influencing the government to modify the way laws are made. Numerous instances show how the media is advancing:

- The Nirbhaya Rape Case<sup>6</sup> resulted in ground - breaking changes to Indian criminal law, notably the provisions for rape under the Indian Penal Code. Public anger against rape and public opinions about the country's then - existing rape laws were greatly reinforced by the media.
- In the case Justice K. S. Puttaswamy & Anr. v. Union of India & Ors, the state was compelled to acknowledge privacy concerns, which further paved the way for the judiciary to recognize "Right to Privacy" as a Fundamental Right under Part III of the Indian Constitution. The case involved the pressing concerns of the public regarding privacy, which were made to be heard far and wide by the constant media attention that it received

#### **Impact of Media Trail**

There are several instances where the media has intervened and found someone guilty before the court has. The media's meddling is becoming worse. The case's processes are being hampered by the media.

According to a saying, "A person is presumed innocent until and unless proven guilty"

How then is someone being deemed guilty by the media without any verification or investigation? Media is completely unaware of the significant impact their accusations have on the lives of those they accuse.

In our nation, the court has the responsibility of determining whether a defendant is guilty or not. The media is not required to do this! Media should understand that publicly disclosing all relevant case details is not the right course of action.

## **2. Conclusion**

The fourth most significant pillar of our democracy, the media, is the lifeblood of our government. It serves as the skeleton of our civilization. Therefore, it is our responsibility to fix its flaws. Many fundamental rights have been granted to people in nations like India. So, we can't totally deny the media's rights. Considering that it would likely go against our Constitutional norms. The freedom of speech and expression is one of our fundamental rights under the Indian Constitution. Additionally, in an effort to preserve harmony in our nation, the legislature has placed restrictions on people's freedoms of speech and expression. The media must comprehend that part of its job is to bring up concerns that the public is dealing with. For individuals unable to speak for themselves, the media can serve as a voice. Because India has a judiciary for this purpose, the media shouldn't render verdicts.

<sup>5</sup><https://legalviews.co.in/articles>

<sup>6</sup> [thelegallock.com](http://thelegallock.com)