



Media as backbone of Democracy and Law Enforcement

Abstract

Media has been the gatekeeper and watch dog of the society. It helps in building public opinion over prominent issues pertaining to judicial system of our country. India is recognized as the 'Fourth Estate' which occupies a prominent place in democracy along with the other three organs of the state – the legislature, the executive and the judiciary. For successful and smooth functioning in democracy all the organs should work together in coherence. Nowadays credibility of media has been questioned as the number of channels is increasing and they are developing sensational and self-manifested stories to popularize the concept of "breaking news". The current trend of media on reporting cases is known as "Trial by media" where half baked truth are presented which results in violation of individual human rights, hence affecting the media credibility and turning media into a circus who are running to enhance their TRP ratings. Impact of media is such that coverage on any case is given so much hype that a perception of guilt is created on the part of the accuse regardless of any verdict in a court of law and hence the accuse is held guilty prior to his trial. Recent examples are Arushi murder case, Priyadarshani Matto, Nitish Katera, BMW case etc. Media reporting on Sexual assault Victims is also questionable, victims usually don't speak due to fear and shame, and media should change its moorings and redeem its image of watch dog by ethical based reporting.

Keywords: Media, reporting, gatekeeping, Judiciary, Breaking News.

Introduction: This paper focuses on Media's role in strengthening the democracy and law enforcement system in India. Media is considered as the fourth pillar of our democratic setup, the legislature, executive and judiciary are the other three important pillars. Legislature prepares the law for the society, the executive body ensures that these laws are implemented and third is judiciary which ensures legality of all the decisions and actions made and hence prove to be a backbone. The Fourth estate i.e. media ensures that these three pillars are working in coherence, press has to operate within the constitutional provisions and statutes to act for welfare of public and serve the nations interest. Indian law is supreme above all, freedom of speech and expression has been guaranteed to each and every citizen, and it is ensured that this freedom does not violate any statutory provisions enacted by legislature and executed by the executive. In recent period, media's credibility has been questioned due to violation of this freedom as the number of channels is increasing and they are developing sensational and self-manifested stories to popularize the concept of "breaking news".

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regardless of any verdict in a court of law and hence the accused is held guilty prior to his trial. Recent examples are Arushi murder case, Priyadarshani Mattoo, Nitish Kater, BMW case etc.

Objectives and Methodology:

- To analyse the role of media in strengthening the criminal justice system of India.
- To understand the challenges faced by media to adhere its vital role of Watchdog.
- To suggest measure for effective implementation in criminal justice system through media.

On the basis of secondary data sources and some government crime records and amendments, we have analysed the data and used analytic and descriptive method to explore the topic.

Recently, through lobbying, mobilization of public opinion and negotiations, media has stirred the nerve of public advocacy. The growth of large number of news channels and their run for “breaking news”, has given rise to a major hotchpotch scenario today. In search of sensational news, media is presenting self-manifested stories, half-baked truth which has affected the credibility of media and as well as violation of human rights. This current trend of media on reporting cases is known as “Trial by media”.

Trial by media:

Trial by media has become popular in recent timeframe as the widespread popularity of visual media, the impact of television became such that people started believing what they were shown, without going into the depth of story. The coverage by media on a single issue is so much intensified these days, so much hype is created that, people themselves declare the verdict guilty without probing into the case or waiting for the final judgement of the court. Media today in order to sell their stories and boost their TRP ratings is violating the code of conduct. The cases are so much sensationalised that public hysteria develops which maligns the reputation of the accused and he has to suffer for his rest of life under public hatred, this involvement of media makes fair trial impossible.

Today due to advent of Globalization and technology crime rate is increasing day by day. It is becoming very challenging to prevent these crime issues and ensure justice. The criminal justice system of any democratic society is dependent on the efficient working of its pillars without any biasness. There is urgent need to bring systematic changes in the working of media and as well as Criminal Justice System, so that they can enact accordingly and bring harmony to people by safeguarding their rights through fair and timely decisions. There is a need to restore the lost faith of common man in Government, and in doing so media will play a crucial role.

Due to trial by media, interference in the administrative process of justice, the authority of courts has been hampered and lowered down, which has resulted in improper functioning of democracy as an independent judiciary. There is fear among the people regarding dispensation of justice. Media has misdirected the investigation process from time to time, by intervening into the investigation agencies. To highlight few examples we can take the famous Arushi murder case, Jessica Lal case, Nitish Kater, BMW case and other too in pipeline. Media has tried to come upfront without considering the intended effect and has usurped the prerogative of the court.

Violence against women and sexual assault:

Violence against women takes place in numerous forms, from domestic level to rape, child marriages, female circumcision, abuse or any other violation of fundamental human right. Violence against women has been affecting women worldwide, breaking the cultural and religious barriers. In a socio-economic and educated society, this problem should be condemned at once. Violence against women is proving an obstacle to the achievement of objectives of equality, peace and development of government.

Sexual assault is highly prevalent in developing society. Victims do not speak out because of shame and fear as thus it becomes the most under-reported offence. Sexual assault can take place at any time. To cope with this menace our government has passed many enactments in the Indian Penal Code such as:

- Section 304-B – dowry and death.
- Section 354- Assault against women or criminal force.
- Section 361- abducting, kidnapping a women.
- Section 372 – Trafficking of women.
- Section 372 – Rape.
- Section 494- remarriage.
- Section 498 A- Dowry cruelty.

These are some of the main offences under the IPC against women. During this study it was found that significant number of community tries to minimise or hide this physical and sexual violence. They are afraid that if they disclose these activities which were performed by some stranger, they will receive a negative response from the society. Here the role of media becomes important. Media should try to bring these issues by framing news by supporting the victims, media should try to confirm the acceptance of misconceptions and violence, and try to change society's attitude towards social violence by running prevention programs on air. Ethic based reporting is required for proper functioning of criminal justice system in India.

Article 19 (1) (a) of the Indian Constitution has given the right to freedom of speech and expression, this particular Article gives strength and birth to free, powerful and independent media. Media not only provides information, education and entertainment but also becomes a medium to express feelings, it gives shape to public opinions by promoting issues related to national, international or regional agendas. Media plays a crucial role in mobilizing public opinion by bringing unnoticed cases, helping them achieve justice. It is a conscious keeper and watchdog which should win the confidence of public. It should also give power to various functionaries of democracy by ethical and fearless reporting.

As we hear usually in superhero movies that with great power comes great responsibility. Media personnel's should recognize its importance; there is need of accountability and professionalism in reporting, and they should try to exercise their freedom within the boundaries of code and conduct and ethics. Media being a liable and dependent institution if found guilty of misusing the liberty there would be disorder and anarchy in the society.

This is the present situation which we are facing today. Television channels are running amidst the corporate hands, they in order to increase their TRP ratings are promoting sensational journalism or yellow journalism. There is a race to become the first among equals. Sting operations have become habit of news channels, through rise in technology its getting difficult to measure the truthfulness of these news. By

running propaganda based news content, is affecting the justice delivery system, which cannot be recognised as a part of responsible journalism.

The sensitivity of any issue should be handled with utmost care whether it is any kind of media, may be newspaper, radio or television. The content which they are broadcasting should be judged, the parameters should be cross checked if the photos of victims blood on the street they are showing, the images of dead bodies, the interview of grieving parents will effect to what level. Do they really require showing these content and images? The sensitivity of issue can intensify the feeling of violation of law. Media should not interview at inappropriate time like funeral, they should limit themselves from aggressive questioning, and they should prevent themselves from defaming the victim by holding him responsible for the crime. There is just no need of these things. News reports should be fact based. They should make public aware of every specific detail related to the incident. They should try to present both side of the story. Criminal justice system in India has taken steps to ensure that victim's identity should not be maligned. Media could not go beyond the mentioned guidelines, the reports could get banned and legal and severe action can be taken against the concerned organization.

Every coin has two side, similarly media has positive and negative aspects too. It has converted itself 'Janta Adalat' or a public court itself by starting interfering into the court proceedings. It has overlooked the principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. It has accused the victim and itself as started building public opinion by separate investigations. Our late Prime Minister of Independent India Pandit Jawaharlal Nehru once stated – "I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press". But he would have never expected that media could go beyond the work ethics. Every institution is liable to be accused and every freedom granted is not absolute.

Conclusion:

Media is capable of changing viewpoints and opinion of the society in no time, hence it has extremely vital and responsible role to play in moulding the sentiments and emotions of people in a right direction. People should be informed about public matters and government should be informed about the feedback from the people, it should play an active role in bringing out the accuse and help the criminal justice system to flourish. It should emphasis on the proper functioning of democracy. It should promote the public participation in all affairs of the community. Its main aim should be to achieve the objectives laid down by the government. It should keep people informed about the current social, economic and cultural aspects of life as well as the burning hot topics with utmost care and responsibility. They should not try to commit the contempt of court by misusing the freedom of speech and expression. And while dealing the victims of sexual assault they should take special care. Media should establish a balance between the society and the three pillars of the society.

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