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The Fourth Pillar Under Scrutiny: Myth, Mandate, and Media Responsibility in Modern Democracy.

Isha Pimpalikar

“There can be no higher law in journalism than to tell the truth and to shame the devil.” – Walter Lippmann¹.

INTRODUCTION

We are the world’s largest democracy, standing on the four pillars: the Legislature, the Executive, the Judiciary and the Media. These pillars of democracy are bestowed with duties towards democracy, but while we look closely into the Power Pyramid, these pillars rest upon one foundation: the Absolute Power of We, the People of India. If this foundation is cracked with apathy, lethargy and ignorance, no pillar can save the roof of democracy. The Vice President of India, Shri M. Venkaiah Naidu, said: *“The strength of a democracy depends upon the strength of each pillar and the way the pillars complement each other. Any shaky pillar weakens the democratic structure.”*² The first three pillars are the heavy, cold machinery of the state bound within strict boundaries of the Constitutional mandates, the Media is the Nervous System, the only part designed to feel, question, sense and reflect the State directly on behalf of the people.

This article delves into whether the Fourth Pillar still holds its constitutional ground in an age where every citizen is not only a consumer but a news maker. The problem is no media failure, but regulatory failure, laws built for traditional news now confront an ecosystem that remains ungoverned. When information is created and circulated by all, the absence of any enforceable duty on citizens to verify or engage critically exposes a gap that the law hasn’t addressed.

CONSTITUTIONAL AND JURISPRUDENTIAL FRAMEWORK

Justice Brandeis highlighted in Whitney v. California (1927)³ that free thought and speech are vital for discovering political truth, serving as a safeguard against dangerous ideas, while noting that an inactive populace poses the greatest threat to liberty.

Media is entrusted to maintain the seamless broadcasting of accurate information, fostering public awareness and, if necessary, challenging the responsible authority. The Grundnorm of India, the Constitution, does not expressly confer “duties of media” as an independent provision; these obligations are derived from Article 19(1)(a), read with the reasonable restrictions under Article 19(2). However, in the modern digital ecosystem, social media

¹ Anthony Lewis, A Preface to Liberty, N.Y. Times, Dec. 26, 1974, at 31 (quoting Walter Lippmann).

² Press Information Bureau, Democracy Depends upon Strength of Each Pillar: Vice President, Ministry of Culture (Dec. 8, 2019), <https://pib.gov.in/PressReleasePage.aspx?PRID=1595460>.

³ Whitney v. California, 274 U.S. 357 (1927).

dissolves the distinction between journalist and citizen. The Constitution continues to regulate only the speaker of traditional media, not the scale or impact of speech. This creates a regulatory collapse. While the institutional media remains subject to statutory discipline, individual actors, news reporters, driven by algorithmic amplification and follower incentives, operate in a largely grey area. This is due to a constitutional gap, where the right to free speech expands in reach without a corresponding evolution in fundamental duties upon citizens. The State is constrained from excessive intervention by Article 19(2), yet the absence of any enforceable civic duty allows misinformation, sensationalism, and “performative reporting” to flourish without legal consequence. What emerges is a tension between constitutional design and evolving technological reality.

The primary anchor for supervision over the press is done by the Press Council Act, 1978, it states, *An Act to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India.*⁴ This reflects a legislative recognition that freedom and accountability co-exist. The Cable Television Networks (Regulation) Act, 1995, regulates the operation of cable televisions, ensuring that broadcast materials adhere to prescribed norms of decency, public order. With the expansion of the dynamic definition of media, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which collectively impose obligations of accuracy, impartiality, and restraint on social media intermediaries, digital news publishers, and OTT platforms, aim for a safer, more accountable internet.⁵

The statutory frameworks are established with judicial pronouncements that complement and strengthen the liberty, freedom and responsibility of the press. In *Romesh Thappar v. State of Madras*,⁶ The Court located freedom of the press within the broader guarantee of Article 19(1)(a), thereby elevating it to a position essential for democratic functioning. However, this recognition was never absolute. Judicial interpretation has operationalised Article 19(2) through doctrines such as proximity to public disorder and the tendency to interfere with the administration of justice, thereby setting constitutional limits on media freedom without extinguishing its core.

Indian jurisprudence over media is not an isolated act but in conformity with the global trends. The Universal Declaration of Human Rights⁷ under Article 19, the guarantees freedom of expression. Justice Oliver Wendell Holmes Jr.⁸ said, “*The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.*” Similarly, the *European Court of Human Rights, Article 10 guarantees freedom of expression for “everyone”, it is the Court’s practice to recognise the vital role of “public watchdog” played by the press in a democratic society and the special position of journalists in this context*⁹.

⁴ The Press Council Act, No. 37 of 1978, India Code.

⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, pt. II sec. 3(i) (Feb. 25, 2021).

⁶ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124.

⁷ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

⁸ Oliver Wendell Holmes, Jr., Britannica, <https://www.britannica.com/quotes/Oliver-Wendell-Holmes-Jr> (last visited May 10, 2026).

⁹ European Court of Human Rights, Contributions to Public Debate: Journalists and Other Actors, ECHR Knowledge Sharing, <https://ks.echr.coe.int/documents/d/echr-ks/contributions-to-public-debate-journalists-and-other-actors> (last visited May 10, 2026).

The constitutional scheme recognises freedom of speech as a right enforceable against the State, yet remains silent on any corresponding civic obligation in its exercise. In a decentralised media, where every phone is a cameraman, this silence becomes a structural weakness. This asymmetry becomes critical in a digital environment where the receiver is simultaneously a producer and distributor of content. And this civic responsibility remains outside the enforceable domain of law. Even the framework of Fundamental Duties under Article 51A does not extend to the responsible dissemination of information, leaving a critical gap in the constitutional scheme. This raises a constitutional question yet to be answered: whether the evolution of speech into mass individual broadcasting requires a structured legal obligation.

MEDIA AS A DEMOCRATIC CATALYST

The perception of the media as an indispensable democratic pillar forms from its being resolute and curious, and above all, transparent. Newspapers like *Kesari*, *Harijan*, and *Young India* were more than just newspapers; they were the armour in the arsenal of common citizens to fight the mighty British Raj. These were the newspapers that had inculcated the value and importance of the Media.

An investigative journalist, Josy Joseph at an interview with Media Rumble says, we are in a 'Golden Era' for journalism because the truth has become a mirror, we are finally forced to investigate the reality¹⁰. Ultimately, achieving the motto, the *truth always triumphs. Satyamev Jayate*. In the modern information age, the role of the media is not merely to report, but to investigate, and verify, without amplifying panic, prejudice, or misinformation.

Even today, when the common man is dispelled by the system and its administrators, he instinctively turns to a newsroom instead of the court. The courtroom promises justice, but often demands time; the newsroom offers visibility and, with it, assures urgency. The whistleblowers, who risk their lives to unravel uncomfortable truths, use media platforms to speak truth and seek protection. The case of Satyendra Dubey, who exposed corruption in the Golden Quadrilateral¹¹ project and was murdered for his truth. This incident led to an amplified media coverage for a compelling judicial and legislative action, with an interim mechanism for whistleblower protection, which culminated in the Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004. These amplifications by the media triggered and escalated the grievance redressal¹².

Public movements surrounding incidents such as the Nirbhaya case drew attention, contributing to the constitution of the Justice Verma Committee¹³ and subsequent legal reforms. Environmental movements, including the Aravalli Bachao movement, further illustrate how media engagement can unite public consciousness around campaigns like Save the Lungs of India.

The Pune Porsche case demonstrates that when media coverage clings to a case, attempts to dilute accountability are almost impossible. It was crystal clear that the media does not

¹⁰ Josy Joseph, Interview at The Media Rumble, Grokipedia (Oct. 2025), https://grokipedia.com/page/Josy_Joseph.

¹¹ The Story of India's First Whistleblower: Satyendra Dubey, Whistleblowers Protection Blog (Nov. 27, 2021), <https://whistleblowersblog.org/global-whistleblowers/the-story-of-indias-first-whistleblower-stalled-progress-in-the-wake-of-satyendra-dubeys-2003-murder/>.

¹² Public Interest Disclosure and Protection of Informers (PIDPI), RailTel, <https://www.railtel.in/profile-5/pidpi-complaint.html> (last visited May 10, 2026).

¹³ Justice Verma Committee Report, Citizens for Justice and Peace (Jan. 23, 2013), <https://cjp.org.in/india-needs-safe-public-spaces-for-women-a-re-look-at-the-justice-verma-committee-report-2013/>.

manufacture reality or create any hoax; it operates as a magnifying force, ensuring that what might otherwise be suppressed remains within public visibility. Before the media became a battlefield of opinions, it was a bridge to spread information in places that were barely reached by the state. In regions like Mewat, grievances that never crossed bureaucratic tables were forced into response because they were aired, repeated, and heard. Radio did not give them a platform; it gave them presence.¹⁴

The role of the media¹⁵ assumes even greater significance during periods of systemic crisis. During the global COVID-19 pandemic, it extended beyond conventional reporting to perform a stabilizing function within society. By publicising critical health information, tracking developments, and facilitating public awareness, the media contributed to risk mitigation and informed civic behaviour. Its role was not confined to information alone; it also functioned as a bridge connecting policy, science and the public in a time of uncertainty.

STRUCTURAL PITFALLS

The suspension of Television Rating Points (TRPs) for news channels reflects a deeper distortion within the media economy. What began as a metric of audience preference evolved into a greed of editorial behaviour, prioritizing spectacle over substance. In such an environment, news risks being manufactured not around verified facts, but around engagement value effectively allowing “smoke to be sold without fire.” From a legal perspective, while Article 19(1)(a) protects editorial freedom, the State’s ability to intervene remains confined within Article 19(2). The temporary halt on TRP reporting signals an acknowledgement that unchecked news can deteriorate informational integrity.

Critical subjects such as climate crises and humanitarian emergencies often receive disproportionately low coverage compared to politically charged or entertainment-driven narratives. Additionally, data from organisations such as the Committee to Protect Journalists indicates increasing pressures on journalists worldwide, a reality that paradoxically coexists with selective silence within mainstream discourse. *Their very lives can be at risk, as the IFJ reported 111 journalists killed in 2025, as of early December*¹⁶. These patterns suggest that the challenge facing modern media is not merely external censorship, but also internal prioritisation where market incentives, political alignments, and audience preferences collectively shape what is amplified and what is ignored.

There is an undeniable upsurge in allegations surrounding fake news and misinformation. However, the continued existence and influence of media institutions cannot be simplistically treated as proof of their credibility or accuracy. Contemporary information ecosystems demonstrate that misinformation often travels faster and wider than verified reporting, driven by technological amplification, algorithmic bias, and market incentives. The question, therefore, is not whether misinformation exists, but how it is produced, circulated, and consumed within a democratic society. The failures of the media become equally visible in instances where reportage has crossed into speculation and intrusion, thereby declining the very principles it seeks to uphold.

¹⁴ How Sonam Wangchuk is Helping Leh Get its Own Radio Station, The Better India (Jan. 21, 2019), <https://thebetterindia.com/172352/sonam-wangchuk-save-radio-leh-viral-post-india/>.

¹⁵ Role of Media During the COVID-19 Pandemic, Indian Journalists Union, <https://iju.org.in/media-room/issues/244-role-of-media-during-the-covid-19-pandemic-and-its-impact-on-media> (last visited May 10, 2026).

¹⁶ International Federation of Journalists, IRIS 2025: News Sector Report (Dec. 2025), <https://www.kreativnievropa.cz/co5fokmmmap3aa309/uploads/2026/02/IRIS-2025-News-sector-EN.pdf>.

This pattern was vividly analysed in Sushant Singh Rajput's case media coverage, where sections of the media did not merely report developments but actively constructed sustained narratives, often disregarding the principles of privacy, mental health sensitivity, and the presumption of innocence. The shift from reporting facts to amplifying inference transformed coverage into a parallel arena of adjudication, raising serious questions about the erosion of constitutional safeguards in the pursuit of viewership.

THE RECIPROCAL MANDATE

The necessity of an unbiased press is not merely ethical but constitutional. The *K. M. Nanavati v. State of Maharashtra* illustrates how media portrayal can distract from the course of justice. Extensive coverage framed the accused not as an accused of homicide, but as a victim of betrayal, shaping public sentiment to such an extent that the jury returned a verdict influenced by popular opinion rather than legal evidence. The eventual overturning of the verdict by the higher judiciary exposed the fragility of adjudication when media narratives begin to substitute judicial reasoning. This is a staunch example of traditional media capable of influencing public opinion on a large scale. Think about public opinions shaped through digital platforms, which happens in real time without procedural safeguards.

Democracy has bestowed upon us the most exquisite right, the Freedom of Expression. This isn't a privilege for the journalist; it is a shield for the citizen. It allows a reporter in the Manipur hills or a small-town journalist like Shashikant Warishe¹⁷ to question the very people in power. The media's role is to show what happened and report to inform the citizens, but it is duty of the people to ask for accountability.¹⁸

The strength of the media, therefore, lies in its capacity to balance freedom with responsibility, vigilance with restraint, and influence with accountability. This article tries to depart from conventional critiques by criticising the crisis of media solely as an institutional failure, but within the interaction between media and public consumption. The media may present the narrative, but the acceptance, rejection, or interrogation of that narrative ultimately rests with the public that engages with it.

CONCLUSION

The crisis of the Fourth Pillar is not a collapse, but a misalignment. The Constitution protects speech, the law regulates institutions, but neither fully accounts for a world where every individual is now turned broadcaster. This creates a democratic rift where everyone is shielded with the right of voice without a parallel responsibility. Media is no longer the sole gatekeeper of information it is now only a part of wider ecosystem filled with noises and voices..

The question, therefore, is no longer whether the media has failed, but whether the constitutional and civic framework surrounding it has kept pace with its transformation. A free press can illuminate truth, but it cannot compel society to act upon it.

Deploying the greatest metaphor of our soil: The Bhagavad Gita. In the battle for Democracy, the Media is Krishna, the Charioteer. Krishna did not pick up a weapon; he did not fire the arrows. His role was to guide, to hold the lamp, and to hold the mirror up to Arjuna, the People.

¹⁷ The Killing of Shashikant Warishe, Forbidden Stories (2023), <https://forbiddenstories.org/man-accused-of-killing-journalist-in-maharashtra-received-payment-from-refinery-investigation/>.

¹⁸ Shashikant Warishe, Comm. to Protect Journalists, <https://cpj.org/data/people/shashikant-warishe/> (last visited May 10, 2026).

The Media shows you the battlefield and sounds the clarion call. But the bow and arrow of 'Action' are in the hands of the responsible citizens.

The Constitution anticipated a free press; it did not anticipate a society where everyone is the press. Until responsibility evolves alongside expression, the Fourth Pillar will remain structurally overburdened, expected to uphold a democracy that no longer speaks through it alone.