

Impact of Media Art on the Legal and Administrative Systems of the Country

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Abstract

In a free nation like India, the media may make or break an issue. Maintaining a democratic society relies heavily on the constructive function and use of the mass media. The transition from police state to welfare state has occurred in our nation. This shift has made the state much more accountable. There has to be a lot of regulations made by parliament or by the administrative body in order for people to operate in such a more responsible way. These laws should be widely disseminated to the people that they were enacted to protect. Without people understanding their responsibilities and legal protections, the rule of law itself becomes meaningless. Under these circumstances, the law risks becoming a toy in the hands of those who would abuse it. Media alone may represent whatever development the government has done or whatever is the new area where our country should concentrate.

Justice is demanded by the public with the aid of print and social media. It is clear that in the modern period, social and legal issues that have received media attention have had greater legal backing and have come to a quicker resolution than those that have not. The media's role in promoting awareness of the Right to Information Act has been shown to be beneficial to government and the nation at large. People are more aware of their rights now than ever before. The public's heightened knowledge may serve as a potent spur in the battle against corruption in government agencies. The public's perception of the media has been damaged by a few powerful individuals and institutions. These individuals and groups are publishing false information that contributes to widespread rumours via improper means. It has sparked tensions among various social groupings. These hoaxes incite violence and disrupt established social order. It must be restrained. The Fourth Pillar of Democracy is the Media, as history has shown.

Keywords: Passing Off, Infringement, Goodwill, Reputation and misrepresentation, well-known trademarks, Common Law.

Introduction

The people themselves are the source of authority in a democratic society. The laws of such a society would need to protect people's basic liberties. Any statute that violates this freedom is deemed unconstitutional because it is harmful to the public interest. In democratic countries, citizen engagement in the legislative process is crucial for a number of reasons, including the promotion of open communication between politicians and the general public and the prevention of violations of basic liberties.

An additional feature of the lawmaking process is the notion of "Judicial Review," which gives the courts the authority to nullify statutes that go beyond their constitutional authority. This feature of the legislative process allows the judicial branch to take note of legislation that often run afoul of the constitution. The term "media" is used to include a wide range of media types. The media plays a crucial role in society because of its ability to disseminate information and let the public voice their opinions via debates and conversations. And there is no better place to express oneself freely than through this media. The media's role in a democratic society is so crucial that it has been dubbed "the fourth estate." Press media, television media, and the internet media are the three main types of media.

PIL (public interest litigation) and judicial review are two mechanisms often used in democracies to protect individuals' rights when their government fails to do so. However, for a democracy to work well, the media must fulfil a dual purpose:

- ✓ Its primary responsibility is to report on and investigate legislation.
- ✓ Second, it should tally public sentiment and provide that information to policymakers.

Weighing the advantages and negatives of media influence and looking at specific examples where media coverage led to the creation of new laws or changes to existing ones, this talk will examine the effect of the media on the legislative process. Press freedom in India and the law will also get some attention.

Media and the society

The media's contributions to social harmony have been substantial. When disasters like floods, earthquakes, heavy rainfall, etc. strike, the media carries the voices of the victims. It's a useful tool for the administration to use in determining which areas need immediate attention. It's clear that reporters get there far before government workers and aid do. This move by the media is very much to be commended. Such watchful media is essential for the good of the nation. The media not only serves to enlighten the public, but also to keep them apprised of the government's doings. Authorities positioned in the middle of the supply chain may sometimes conceal governmental activities.

Only the media can inform the people in this situation about the services offered by the government. Those who attempt to hide in the supply chain's middle will be arrested. What this implies is that the media acts as a link between the people and their government. The media in our nation has often shown this. It's obvious whenever a natural disaster strikes our nation. The media's on-the-ground reportage during the recent flood in Kerala was an invaluable service to the government and the people. Many individuals have been aided as a result, and the media's coverage of the initiative has been crucial in getting the word out to the general public.

The phrase "trial by media" has gained popularity over the past few decades to describe the effect of print and television coverage of a case by the media's attempt to hold the defendant guilty even before his trial and irrespective of any verdict in a court of law.

In India, the criminal justice system operates on the presumption of innocence unless guilt is established beyond a reasonable doubt. Due to their need for exclusive coverage, the media will go to great lengths to conduct and publish interviews with witnesses, family members of the victim,

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members of the legal profession, etc., all of which might taint the impartiality of the judge or jury. Since news quickly reaches the masses, this does have an effect on public opinion.

The previous ten years have seen a dramatic increase in the media's role in bringing instances of corruption, murder, rape, homicide, sexual harassment, terrorism, etc., to justice. It is possible that the accused may be prejudiced at trial and will have a harder time establishing his innocence as a result of media activity, which in turn puts pressure on the settling authorities to do justice to the victims. Trial by media refers to the effect of media coverage, such as newspapers and television shows, on an individual's image through cultivating a general consensus of guilt independent of any legal determination.

In today's global society, press freedom is often seen as a proxy for citizen liberties. Every person has a right to be informed about issues that impact them, and this right should not be overstated. It's interesting to consider the extent to which the modern media may shape public perception, as the stories it reports on are often accepted at face value without being verified. While "Guilty beyond a reasonable doubt" & "Innocent until proved guilty" are important concepts in every trial, the media in India often ignores them.

In an effort to increase viewership, the media often resorts to labelling innocent people as guilty before a trial has ever begun. The media seldom considers how their emphasis on one-side delegations and the easy road of merely fueling public fury without attempting to uncover the truth might be quite harmful. The media has a significant impact on public opinion.

Newspapers, TV news, radio, and other media outlets not only disseminate information, but also help shape what the public talks about after the fact. The widespread reporting of crimes presents difficulties for law enforcement and defence teams. The media and the judicial system are complementary to one another because they both place man at the core of their respective spheres of influence. The media investigates, finds, and exposes man's accomplishments and blunders, while the judicial system handles the legal issues he causes.

Discovering the truth, upholding democratic ideals, and tackling social, political, and economic challenges are all activities in which the media and the court participate. The media has been described as a watchdog for society and an ally to justice.

The media asserts that it has the right to look into, uncover, expose, and bring attention to criminal situations in the name of the First Amendment's protection of free speech. It states that in a democratic state, the right to information belongs to the people. The media must tell the public about the criminal and the crime, as a result. Therefore, it need the opportunity to engage in pre-trial publicity. On the other hand, the judicial system is well-aware of the accused person's constitutional rights to a fair trial and due process of law. The judge must strike a balance between conflicting basic rights since pre-trial publicity might jeopardise a fair and a swift trial. The right to a fair trial for the accused must be safeguarded and promoted with the media's freedom of speech and the public's right to know.

The press is often cited as a key component of a healthy democracy. It plays several important functions in modern life. The media has a significant impact on shaping public opinion and may drastically alter how individuals see the world. Media outlets deserve praise for pioneering a new

norm in which they assist in the prosecution of criminals. The right to freely express oneself is one of the most fundamental and valuable protections guaranteed by the United States Constitution.

Indian people have complete freedom of expression according to Article 19(1)(a) of the Indian Constitution. If citizens do not have the right to freely acquire and disseminate knowledge, then democracy is nothing more than a meaningless catchphrase. Article (2) makes it clear that this right can be limited by law only in the interest of the integrity and sovereignty of India, the safety of the State, friendly relations in Foreign States, safety, decency, or morality, or in relation to disdain of court, defamation, or encouragement to an unlawful public assembly or demonstration. There is no denying the media's influence on the legislative process.

Media as a connecting link between the masses and the lawmakers:

- ✓ An important function of the media in a democratic government is to provide a forum for the discussion and debate of proposed laws, helping the general public better understand their significance and implications.
- ✓ The media also uses interactive measurements to infer the general public's view of a legislation.
- ✓ As a result, legislators often look to the media to gauge public sentiment on proposed legislation.
- ✓ As a result, the media is often seen as a conduit between the general public and the legislative branch, so influencing legislation in some kind.
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- ✓ However, not all forms of media are equally influential in shaping legal policy. Statistics indicate, for instance, in India:
- ✓ Newspapers published in English have a far smaller audience than those published in vernacular languages.
- ✓ Furthermore, many people rely on broadcast media, such as television, radio, and the like, as their primary source for daily news.
- ✓ Additionally, with the development of the internet, e-news portals as well as social media have emerged as the modern means of interaction and data consumption because of their efficacy in dispensing a variety of information and convenience, which allows for a more widespread audience to have their voices heard.

Recent years, however, have seen a shift in the dominance of traditional media over digital platforms, with the result that digital media now has the potential to significantly alter the legislative process.

Usefulness of the Media in Courts and Legal Proceedings

o ensure public confidence in the fairness and integrity of our judicial system, all legal proceedings are always conducted in open court.⁹ The news media in our nation are allowed to publish judicial decisions. There are rules on how the media may report on a court's ruling. The media are prohibited from using the verdict to attack the judge. The publication of court directives, orders, or

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judgements is subject to the fair use principle in its entirety. Since the media can instantly distribute information to the public, their usefulness in comparison to the old ways of doing things is growing steadily. It is possible for court orders to be published online the very same day they are issued. It might take a while for the physical copy to be sent out, as is customary. The parties are updated instantly. The conventional way of judicial proceedings has been supplanted by the media's convenience. In the past, information on court cases was very hard to get. The defendant must be present in court and maintain constant vigilance. The current scenario is evolving daily. The media is often allowed inside courtrooms, barring exceptional circumstances or a judge's exclusion order. The current case status is quickly updated online. The timing and accuracy of this aids all involved parties. The public's trust in the judicial system was restored as a result of the increased transparency in government and the courts.

Many times the media has been instrumental in bringing about justice for the underprivileged. The media's focus on those without means to access the justice system has ethically compelled the system to take action. It is very uncommon for police stations to reject filing a First Information Report. The media leaks have led to a number of lawsuits being filed, and they are rather extensive. The media serves as watchdogs, keeping tabs on such happenings. These matters affect the population at large. The media plays a key role in lifting the curtain on corruption in the United States. When a politician is linked to a corrupt government employee, the media often breaks the story. The public's trust in the media is bolstered as a result of these revelations. If people are aware that they are being watched, they are more likely to behave responsibly. The media can keep an eye on things. Corruption, favouritism, and illegality have a harder time of it because of the media's vigilance.

When a case is headed for court, the media often gives it extensive coverage. A "media trial" describes this situation. When a high-profile figure, such as a celebrity or politician, gets involved in a scandal that has the potential to shock and dismay the public, the media steps in to handle the situation. Sometimes the innocent might be harmed by a trial in the media without going through the proper channels. The court places little weight on popular opinion on the incident. The public may feel compelled to take sides in the media trial. The witness's objectivity and integrity might be compromised as a result of this. Peer pressure might cause the witness to modify its testimony. There is little need for a media trial of the event. These matters need judicial resolution. The case can't go to court without the media taking the effort to get it there. The media should not speculate on the outcome of the case while it is still before the court. It's important to keep the media out of the courtroom when they start encroaching on the boundaries of free speech. The media should not commit contempt of court. The media's influence should be limited at a particular level. The media must take precautions to avoid being found in contempt of court.

Media impact on lawmaking

Many individuals think more carefully and rationally about a legislation after being exposed to media coverage of the issue. Protests occur when the general public has the view that a legislation infringes upon their basic liberties. When these demonstrations get widespread media attention, they force the relevant authorities to reevaluate or modify a specific legislation.

As a result, media has sufficient influence to convince authorities to alter the trajectory of the legislative process. Numerous examples exist of the media rising to prominence:

- ✓ The media's amplification of popular anger against rape and public attitudes about the country's then-existing rape laws in the Nirbhaya Rape Case resulted in historic changes to the criminal code of India, notably the provisions for murder under the Indian Penal Code.
- ✓ Just as the media's relentless coverage of Justice K. S. Puttaswamy & Anr. v. Union of India & Ors. made sure that the public's privacy concerns were heard far and wide, so too did this case pave the way for the Indian judiciary to recognise "Right to Privacy" as a Fundamental Right under Part III of the Indian Constitution.
- ✓ Media, in particular, is effective in obliging the authorities because it puts them under regular public scrutiny, which increases their sense of duty and guarantees a rational law-making process.

Impact of media on lawmaking process : a curse

As long as the media is committed to informing the public accurately and objectively about legislation and amplifying real popular opinion, it will have a beneficial effect on the lawmaking process.

This, however, does not rule out the possibility of a media outlet publishing a manipulative narrative about legislation and the goal they want to accomplish by spreading false information or biased news to the point that public opinion is distorted and exaggerated. There may be major consequences for a democratic society's ability to make laws if this continues.

In such a situation, politically charged media pose a grave danger. The media exerts its influence because of the information it disseminates and the public opinion that results from that information. The people will be misled and have their opinions drastically altered by politically biased media. It's possible that a censored media won't be able to report accurately on the impact of new regulations. Such media won't be able to convince lawmakers to move quickly.

Safeguarding Freedom of the Press

The Indian Constitution's drafters understood the significance of protecting citizens' right to free expression. Therefore, Article 19 of the Constitution was established to protect this privilege. Press freedom is included in this clause as well.

We take note that Article 19(1)(a) does not specifically reference "Freedom of the Press." This is due to the fact that the equal value of the press' and an individual's right to freedom of thought and speech was established during the discussions of the constituent assembly. As a result, we didn't think it necessary to dwell on press freedom specifically.

There are three main components to the right to free expression. These items are:

- ✓ Unrestricted access to any and all forms of knowledge production,
- ✓ Publicational independence,
- ✓ The right to move around freely.

Article 19(1)(a) would be broken if any one of these provisions was compromised.

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The necessity of a free press to a functioning democracy has been reaffirmed by the courts on several occasions.

In the first case, *Indian Express Publications v. Union of India*, it was decided that the press is an essential cog in the wheel of democracy.

The English-language periodical *Cross Road*, produced and published in Bombay, was prohibited by the Government of Madras in Case -II: *Romesh Thappar v. the State of Madras*. Since "without liberty of distribution, publishing would be of little value," this was seen to be an affront to the right to free speech.

People need to be able to freely share and disseminate their ideas, views, opinions, and thoughts in order to keep a society working democratically. At the same time, press freedom rests on the notion that citizens in such countries have a right to know. But remember, with independence comes duty. At this point, it is crucial to prevent abuse by setting realistic limits.

Article 19(1)(a)'s protection of press freedom is therefore qualified by the limitations set out in Article 19(2). These limits prevent free speech from being abused. But there have been times when lawmakers have tried to further limit journalistic freedom by passing new laws.

Case -III : The Daily Newspapers (Price as well as Page) Order, 1960 was found to be in violation of Article 19(1)(a) in the matter of *Sakal Papers (P) Ltd. as well as Ors. v. Union of India* because it enforced an unreasonable limit on the amount of pages as well as the size which a newspaper could issue for the price that was fixed.

The media is an institution that may greatly impact the lawmaking process in a democracy, and as such, it must be protected from any element of pressure or prejudice in order to effectively influence public opinion.

Summary

The media may alter the course of a nation's history. Improved inter-personal communication is made possible by the use of many forms of mass media, such as print, social, mass, electronic, etc. The proliferation of news outlets has increased public view to government operations and other once secret processes. Officials must follow the same legal protocol as the person making contact with them, regardless of whether or not they have been advised of this fact. The proliferation of media outlets has also contributed to the decline of corrupt practises. Officials and anyone who could have planned or accepted bribes are now living in constant dread of being exposed. The growth of the media has helped the court system and the tribunal. In a matter of minutes, the wrongdoer's actions may be broadcast to the world through social media. In today's free media world, it's not hard to get thousands of people interested in a single topic.

In cases where physical evidence is lacking or if a key witness recants out of self-interest or fear of reprisal, digital evidence such as photographs, videos, and audio recordings may be used to prosecute the case until the perpetrator is brought to justice. There have been many more sting operations, and evidence of the crime is not hard to get. Press freedom and free speech must grow in tandem with the country's progress. The biggest obstacle in this industry is protecting press freedom and the safety of journalists. No media worker worth their salt would put themselves in

harm's way for the sake of their job. This kind of thing is to be avoided. Reporters covering stories in dangerous places should have their own security precautions taken care of. Then, and only then, will society be able to fully reap the benefits of a free and open media.

Conclusion

It's crucial that the media expand its coverage of the legislative process so that more people have access to information about the laws being drafted. Controlled by politicians, the media spreads propaganda on proposed or passed legislation, swaying public opinion in favour of one political faction at the expense of the others.

Freedom of the press, high-quality reporting, and accessibility are all essential. Modern evidence suggests that only a small percentage of legislation really get media attention.

References

1. V. N. Shukla's Constitution of India, 13th Edition.
2. The Media's Role in Lawmaking: A Case Study Analysis Lotte Melenhorst.
3. Dr Rusha Mudgal & Prof. (Dr.) Pooja Rana, Future of Print and E-Newspaper In India: A Critique, EPRA International Journal of Multidisciplinary Research (IJMR), 159-164 (2020).