

The Fourth Estate Under Pressure: An Analysis Of The Media-State Relationship In Democratic India

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Abstract

This research paper provides a comprehensive analysis of the complex and evolving relationship between the media and the state in India, the world's largest democracy. It examines the historical trajectory of the Indian press, from its role as a catalyst in the independence movement to its contemporary position as a multifaceted institution navigating political pressures, commercial interests, and a rapidly changing technological landscape. The paper delves into the key legislative frameworks governing the media, including the Press Council of India Act, the Official Secrets Act, and the landmark Right to Information Act, analysing their implications for press freedom and accountability. Through an exploration of landmark events like the Emergency and ongoing challenges such as defamation laws, corporate ownership, and threats to journalist safety, this study assesses the current state of media freedom in India. It argues that while the media continues to perform its critical role as the Fourth Estate, its independence and efficacy are consistently tested by structural and overt pressures. The paper concludes by offering recommendations aimed at strengthening media autonomy, ensuring greater transparency, and reinforcing the media's indispensable role in upholding democratic governance.

Keywords: *Media-State Relationship, Fourth Estate, Press Freedom, Democratic Governance, Indian Media, Censorship, Right to Information, Political Pressure, Judicial Activism, Digital Media Regulation.*

1. Introduction

The relationship between the media and the state is a critical determinant of the health of any democracy. In India, this dynamic is particularly intricate, shaped by a unique confluence of historical legacy, constitutional mandates, socio-political diversity, and rapid technological advancement. The media, often termed the "Fourth Estate," is entrusted with the vital functions of disseminating information, facilitating public discourse, and holding those in power accountable¹. It serves as the lifeblood of democratic governance, enabling an informed citizenry to participate meaningfully in the political process.

The Indian media landscape has undergone a profound transformation since its inception during the colonial era. From being a tool of anti-colonial resistance, it has evolved into a vast and vibrant ecosystem comprising print, broadcast, and digital platforms². However, this evolution has been accompanied by persistent and new challenges. The state, tasked with maintaining national security and social harmony, often finds itself in a delicate dance with a media ecosystem striving for absolute freedom. This interplay is mediated by a web of laws, political imperatives, and economic realities.

¹ Prof (Dr) Lalit Kumar Deb, Mr. Prithivi Raj, and Mr. Swagat Dash, <i>Journalism, Press and Media Law (IIP Iterative International Publishers, 2023).

² Ayan Paul, "The Indian Media Revolution: A Multigenerational Analysis of Technology, Social Change, and the Ascendancy of Short-Form Video" (2025).

This paper seeks to investigate the history, significance, and contemporary challenges of the media-state relationship in India. It posits that while the foundational principles of a free press are enshrined and have been robustly defended, the operational independence of the media is constantly negotiated under pressures from political actors, corporate owners, and legislative tools³. The research will proceed by first contextualizing the relationship within India's democratic framework, then tracing its historical evolution, followed by a detailed examination of the governing legal architecture. Subsequently, it will analyse the multifaceted challenges to media independence, assess the media's role in democratic governance, and evaluate its current state, concluding with suggestions for a more robust and independent media sphere.

2. Contextualizing the Media-State Relationship in India

Understanding the media-state dynamic in India requires an appreciation of its foundational context, which is rooted in democratic ideals but complicated by ground-level realities.

- **Democratic Framework and Free Expression:** India's identity as a constitutional democracy is paramount. The Preamble and Fundamental Rights, particularly Article 19(1)(a) guaranteeing the freedom of speech and expression, form the bedrock of press freedom⁴. This constitutional sanctity provides a powerful legal and moral argument for media independence, establishing it as a prerequisite for a functioning democracy.
- **Constitutional Provisions and Reasonable Restrictions:** The same Article 19(2) that grants freedom also empowers the state to impose "reasonable restrictions" in the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency, morality, and in relation to contempt of court, defamation, or incitement to an offence⁵. This clause is the primary legal site of contention, as the definition of "reasonable" is often debated in courts, with the state and media frequently holding divergent interpretations.
- **Political Influence and Polarization:** The media in India does not operate in a political vacuum. Political parties and leaders actively seek to influence media narratives to shape public opinion. This has led to concerns about media polarization, where outlets align visibly with specific political ideologies, potentially compromising their objectivity and undermining their role as impartial watchdogs.
- **Media Ownership and Pluralism:** The structure of media ownership significantly impacts content and editorial policy. The concentration of media ownership in the hands of a few large corporate conglomerates with interests beyond media raises questions about conflicts of interest and the suppression of news that could adversely affect corporate or political allies of the owners. True media pluralism—diversity in ownership and representation of voices remains an aspirational goal.
- **Technological Advancements:** The digital revolution has democratized information dissemination, enabling citizen journalism and bypassing traditional gatekeepers. However, it has also introduced formidable challenges, including the viral spread of misinformation and

³ "IN-DEPTH EXAMINATION OF PRESS FREEDOM IN INDIA," The Amikus Qriaie, 2024 available at: <https://theamikusqriaie.com/in-depth-examination-of-press-freedom-in-india/> (last visited October 10, 2025).

⁴ "Freedom of Speech & Expression, Article 19(1)(a) of Indian Constitution," Drishti Judiciary available at: <https://www.drishtijudiciary.com/to-the-point/ttp-constitution-of-india/freedom-of-speech-&-expression> (last visited October 10, 2025).

⁵ NEXT IAS Contributors, "Right to Freedom (Articles 19 to 22): A Detailed Guide," 2025 available at: <https://www.nextias.com/blog/right-to-freedom/> (last visited October 10, 2025).

hate speech⁶. The state's response, through attempts to regulate digital media and intermediaries, has sparked fresh debates about the limits of free speech online and the potential for overreach.

3. Historical Background

The historical evolution of the Indian media provides critical insights into its contemporary character and its enduring struggle for autonomy.

3.1. The Early Press in Colonial India

The genesis of the Indian press in the late 18th and early 19th centuries was marked by its role as a platform for intellectual discourse and, eventually, anti-colonial agitation. Pioneering newspapers like the *Bengal Gazette* and vernacular publications such as *Samachar Darpan* and *Kesari* became instruments for shaping a nascent national consciousness. However, the colonial state viewed this with deep suspicion, leading to repressive measures like the Vernacular Press Act of 1878, which sought to stifle critical voices in the regional press⁷. This period established a historical pattern of the state attempting to control the media, and the media resisting in the name of public interest and freedom.

3.2. The Media in India's Struggle for Independence

During the freedom movement, the media's role became unequivocally political. Leaders like Mahatma Gandhi, through journals like *Young India* and *Harijan*, and Bal Gangadhar Tilak, through *Kesari*, used the press to mobilize mass opinion, articulate nationalist ideologies, and expose the injustices of British rule. Newspapers such as *The Hindu* and *Amrita Bazar Patrika* became pillars of the nationalist movement. This era cemented the image of the journalist as a crusader for truth and justice, a legacy that continues to inspire the profession. The persistent colonial censorship also ingrained a deep-seated aversion to state control in the Indian media's DNA.

3.3. The Post-Independence Evolution and the Shadow of the Emergency

The adoption of the Constitution in 1950 marked a new beginning, but tensions persisted. The First Amendment in 1951 itself introduced specific restrictions on free speech, indicating the state's enduring cautious stance. However, the most egregious assault on press freedom occurred during the Internal Emergency (1975-1977). Prime Minister Indira Gandhi's government imposed draconian censorship, jailed journalists, and forced newspapers to submit for pre-publication approval⁸. This period remains a dark chapter and a stark reminder of how quickly democratic norms can be suspended. The post-Emergency period saw a resurgence of a more assertive media, but the experience left an indelible mark, highlighting the fragility of press freedom in the face of an authoritarian state.

4. Press Law in India: Key Legislation and Regulation

The legal framework governing the Indian media is a mixed bag, with laws that both protect and potentially constrict its functioning.

- **The Press Council of India Act, 1978:** This Act established the Press Council of India (PCI) as a statutory, self-regulatory body for the print media. Its mandate is to preserve

⁶ Ishan Atrey, "INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES," 6 International Journal of Law Management & Humanities 1075–89 (2023).

⁷ rishabh, "Role of Press in Indian Freedom Struggle," 2024available at: <https://sleepyclasses.com/the-role-of-press/> (last visited October 10, 2025).

⁸ "Why a troubled Nehru got Constitution amended to restrict free speech," India Today, 2025available at: <https://www.indiatoday.in/history-of-it/story/pm-modi-congress-jawaharlal-nehru-freedom-of-speech-first-amendment-constitution-2676115-2025-02-07> (last visited October 10, 2025).

press freedom and improve standards. However, the PCI has been criticized for its lack of enforceable powers; its rulings, such as admonishments or censures, are largely moral in authority and lack legal teeth, limiting its effectiveness as a robust regulator⁹.

- **The Official Secrets Act, 1923:** A colonial-era relic, this Act is a significant tool in the state's arsenal. It criminalizes the disclosure of official secrets related to national security and defence. While protecting national security is legitimate, the Act's broad and vague definitions can be, and have been, used to target journalists and whistleblowers who expose government wrongdoing, creating a "chilling effect" on investigative journalism.
- **The Contempt of Courts Act, 1971:** This Act empowers the judiciary to protect its authority from acts that scandalize or lower its authority. While necessary to uphold the dignity of the courts, its application has sometimes been perceived as curtailing legitimate criticism and public scrutiny of the judiciary, leading to debates on balancing contempt laws with free speech¹⁰.
- **Defamation Laws:** Defamation remains a criminal offence in India (under the Indian Penal Code), unlike in many other democracies where it is primarily a civil matter. Criminal defamation, punishable with imprisonment, is frequently used by powerful individuals and entities to silence critics and journalists. The fear of protracted and costly legal battles often leads to self-censorship, undermining the media's watchdog function.
- **The Right to Information Act, 2005:** In contrast to the restrictive laws, the RTI Act is a transformative piece of legislation that significantly empowers the media. By granting citizens the right to access information from public authorities, it has become a powerful tool for investigative journalists to uncover corruption, inefficiency, and maladministration, thereby enhancing governmental transparency and accountability¹¹.

5. Media Independence and Challenges Faced

Despite a vibrant and often critical media landscape, the independence of the press in India faces multi-pronged challenges.

5.1. State Control and Censorship

Overt censorship is rare in peacetime, but more subtle forms of control are prevalent. These include the strategic use of advertising revenue to reward friendly media and punish critical ones, and the selective leaking of information to favoured journalists. The application of laws like the Official Secrets Act and sedition provisions creates an environment of intimidation, where journalists may think twice before reporting on sensitive issues concerning the military, intelligence, or Kashmir.

5.2. Political Pressures and Self-Censorship

Political pressure is a pervasive challenge. This can range from direct phone calls from political leaders to editors, to more systemic pressures like governments filing a multitude of legal cases against critical media houses. The result is often self-censorship, where editors and journalists, anticipating backlash or legal harassment, avoid or soften coverage of certain

⁹ "Regulation of media in India - A brief overview," PRS Legislative Research available at: <https://prsindia.org/theprsblog/regulation-of-media-in-india-a-brief-overview?page=37&per-page=1> (last visited October 10, 2025).

¹⁰ "Contempt of Court: Does Criticism Lower the Authority of the Judiciary? | Economic and Political Weekly," 2021 available at: <https://www.epw.in/engage/article/contempt-court-does-criticism-lower-authority> (last visited October 10, 2025).

¹¹ "A Deep Dive into India's Right to Information Act | Dheya Law," available at: <https://www.dheyelaw.in/the-dawn-of-transparency-understanding-indias-right-to-information-act> (last visited October 10, 2025).

subjects or individuals¹². The alignment of media houses with specific political parties further blurs the line between journalism and political advocacy.

5.3. Corporate Influence and Media Ownership

The convergence of media and corporate interests poses a grave threat to editorial independence. When large industrial conglomerates own news networks, there is an inherent conflict of interest. Critical reporting on issues like environmental violations, labour practices, or government policies that affect the parent company's business interests is often suppressed¹³. This "capture" of the media by corporate interests leads to a narrowing of the spectrum of debate and the marginalization of issues that concern the public but threaten corporate power.

5.4. Surveillance and Threats to Journalists

The safety of journalists is a pressing concern. India ranks poorly on global press freedom indices, partly due to violence against journalists, especially those working in regional media or investigating corruption and crime. Physical attacks, legal harassment, and online trolling campaigns are used to intimidate reporters. Furthermore, the emergence of sophisticated surveillance technologies, such as the Pegasus spyware, which can be used to monitor journalists, represents a grave threat to source confidentiality and the ability to conduct investigative work without fear.

6. Landmark Cases and Events

Several key moments and legal battles have profoundly shaped the media-state relationship.

- **The Emergency Era (1975-1977):** As discussed, this period was a watershed moment. The near-total suppression of the press demonstrated the vulnerability of constitutional rights during a crisis. The collective trauma of the Emergency forged a renewed commitment to press freedom in its aftermath, making it a central reference point in any discussion on state overreach¹⁴.
- **The Defamation Debate and Freedom of Speech:** The constitutionality of criminal defamation was challenged in the Supreme Court in the case of *Subramanian Swamy v. Union of India* (2016). The Court upheld the law, arguing that the reputation of an individual is an integral part of Article 21 (Right to Life). This judgment was a setback for free speech advocates, who argue that the threat of criminal prosecution disproportionately silences criticism and investigative reporting.
- **Media Trials and Judicial Activism:** The tension between media freedom and the right to a fair trial is epitomized by the concept of "media trials." In high-profile cases, blanket media coverage, often sensationalized and pre-judging the accused, can prejudice public opinion and undermine the judicial process. This has sometimes prompted the judiciary to issue gag orders or initiate contempt proceedings, leading to a complex dialogue between two pillars of democracy.
- **Digital Media Regulation and Intermediaries:** The introduction of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, marks a significant recent development. These rules impose a compliance structure on digital news

¹² "Political Pressures - (Intro to Journalism) - Vocab, Definition, Explanations | Fiveable," available at: <https://fiveable.me/key-terms/introduction-journalism/political-pressures> (last visited October 10, 2025).

¹³ Ishan Atrey, Jyotirmoy Banerjee, and Pooja Banerjee, "Decentralized Legal Governance For Circular Economy Models: Leveraging Smart Contracts To Foster Sustainable Industrial Practices In Aatmanirbhar Bharat" A Path to Aatmanirbhar Bharat.

¹⁴ "Press Freedom in India," Drishti IAS available at: <https://www.drishtiiias.com/daily-updates/daily-news-editorials/press-freedom-in-india> (last visited October 10, 2025).

publishers and OTT platforms and mandate intermediaries to aid in identifying the "first originator" of information. Critics argue that these rules give the executive excessive power to regulate online content, potentially leading to censorship and infringing on the privacy of digital citizens.

7. Media's Role in Democratic Governance

Amidst these challenges, the media continues to perform functions vital to Indian democracy.

- **The Media as the Fourth Estate:** The core function of the media is to act as a watchdog. Investigative stories, such as those on the 2G spectrum scam or the coal allocation scam, have exposed massive corruption, leading to public outcry, parliamentary debates, and judicial investigations. This accountability-holding role is the media's most critical contribution to democratic governance.
- **Holding the State Accountable:** Beyond exposés, the media holds the state accountable through daily scrutiny of policy decisions, parliamentary proceedings, and the implementation of government schemes. It acts as a bridge, communicating state actions to the public and public feedback to the state, facilitating a continuous feedback loop essential for responsive governance.
- **Shaping Public Discourse:** The media sets the agenda for public debate. By choosing which issues to highlight—be it farmer protests, women's safety, or economic policy—it shapes what the public thinks and talks about. A diverse and independent media ensures a multiplicity of perspectives, enriching public discourse and enabling the formation of a more considered public opinion.

8. Current State of Media Freedom in India

The contemporary scenario is one of concern and contestation. International rankings, such as the World Press Freedom Index by Reporters Without Borders (RSF), have consistently shown a decline in India's position, placing it in the bottom quartile of nations¹⁵. These reports cite increasing pressure from the state, attacks on journalists, and a politically polarized media environment as key reasons.

The implications for democracy and governance are significant. An intimidated or compliant media cannot effectively perform its watchdog role, leading to an accountability deficit. When public discourse is polarized or flooded with misinformation, citizens' ability to make informed political choices is compromised. The erosion of media freedom, therefore, directly correlates with the weakening of democratic foundations.

9. Recommendations

To strengthen the media-state relationship and reinforce democratic norms, the following measures are suggested:

1. **Legislative Reforms:** Decriminalize defamation, making it a purely civil offence. Review and amend archaic laws like the Official Secrets Act to incorporate public interest exceptions and clearer definitions to prevent misuse.
2. **Strengthening Institutional Autonomy:** Empower regulatory bodies like the Press Council of India with greater autonomy and some degree of enforceable authority to act against ethical violations.

¹⁵ The Hindu Data Team, "India's press freedom has rapidly declined in recent years | Data" The Hindu, 15 May 2024, section Data.

3. **Ensuring Journalist Safety:** Establish fast-track courts for cases of violence against journalists and implement stronger witness protection programs. The government must unequivocally condemn attacks on the press.
4. **Promoting Media Pluralism and Transparency:** Enact policies to prevent excessive cross-media ownership concentration and mandate greater transparency in the ownership of media companies.
5. **Fostering a Culture of Ethical Journalism:** Media organizations must invest in robust internal self-regulation mechanisms, fact-checking desks, and ongoing training for journalists on ethics and standards to rebuild public trust.
6. **Enhancing Media Literacy:** The state and civil society should collaborate on nationwide media literacy campaigns to equip citizens with the critical thinking skills needed to navigate the complex information landscape and identify misinformation.

10. Conclusion

The relationship between the media and the state in India is a dynamic and perpetual negotiation. Rooted in a constitutional commitment to free expression, the Indian media has a proud history of speaking truth to power. However, its journey has been fraught with challenges—from colonial repression and the darkness of the Emergency to the contemporary pressures of political polarization, corporate influence, and legislative tools that can be wielded to stifle dissent.

The media's role as the Fourth Estate remains indispensable for the functioning of Indian democracy. Its ability to inform citizens, hold the powerful accountable, and shape public discourse is a bulwark against authoritarianism and corruption. While the current landscape presents significant reasons for concern, the very existence of a vibrant, often fiercely critical media is a testament to the resilience of Indian democracy. The path forward requires a collective commitment from the state, the media industry, and the citizenry to safeguard this vital institution. The state must see a free press not as an adversary but as a partner in the project of democratic governance, while the media must relentlessly uphold its ethical responsibilities. The future of Indian democracy depends, in no small measure, on the health and independence of its Fourth Estate.