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FREEDOM OF PRESS AND ELECTRONIC MEDIA IN INDIA- Soumya Singh¹**ABSTRACT**

The freedom of the press has become widely recognized as one of the **essential elements** of democracy. The level of press freedom varies from country to country and over time, but legal restrictions on the press in all democratic governments are theoretically the same.² Through this article, I aim to analyze the **freedom of the press in India in light of Article 19** of the Indian Constitution in this article. A free press has been equated to democracy's oxygen; one cannot exist without the other. Our actual experience since independence, particularly in the last decade or so, suggests that a free and watchful press is essential for containing corruption and injustice, at least to the extent that public opinion can be roused by newspaper investigations and remarks. I would like to shed some insight on **the constitutional and legal** dimensions of Indian media independence. The press is a potent antidote to government officials abusing their authority, as well as a means of holding elected officials accountable to the people they were elected to represent. Today, a state's democratic credentials are measured by the degree of **journalistic freedom** it enjoys. This article will cover a wide range of topics in the Indian press, including the **growth and evolution** of press freedom in India, the **changing face** of the Indian press, and the **current state** of the Indian press and its **accomplishments**.

HISTORICAL BACKGROUND

*“Liberty of the Press is indeed essential to the **nature of a free state**, but this consists in laying no previous restraints in publication and not in freedom from censure for criminal matters*

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² J. P., “Thoughts on the Liberty of the Press” The Belfast Monthly Magazine, Vol. 1, No. 4 (Dec. 1, 1808), pp. 261-263, retrieved from https://www.jstor.org/stable/pdf/30072113.pdf?ab_segments=0%2Fbasic_SYC5055%2Ftest&refreqid=search%3Ae1b3e9fc916f2d5080a339034b5c0b38%20,%20visited%20on%20March%2028,%202020

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when published.”³

The Indian press has a long history dating back to the British administration's time in the country. The British government enacted legislation to control the press, such as the **Indian Press Act of 1910, the Indian Press (Crisis) Act of 1931-32**, and so on. During the Second World War (1939-45), the official exercised extensive powers under the safeguard of India statute, which included permitted press supervision. In the meanwhile, any news associated with the conference has been declared illegal. There is a shift in perspective in the post-sacred period. **Article 19(1)(a)** of India's constitution states that all nationals have the right to free speech and articulation. Unlike the US constitution, the Indian constitution does not explicitly grant press freedom. Nonetheless, it is now widely accepted that the words "discourse and articulation" in article 19(1)(a) also include the right to freedom of the press. The ability of the press to be flexible implies the possibility of expert hindrance, which could cause impediment to the content and course of daily newspapers. Article 19(1)(a) of the constitution is subject to the limitations set forth in article 19(2) of the constitution.

RESEARCH QUESTIONS

- How and to what extent does article 19 of the Indian Constitution empower the freedom of press?
- What are the many facets of press freedom in India's constitution and laws?
- What have been the most significant changes in the Indian press since independence?
- What is the current state of the Indian press and why?

ANALYSIS

Constitutional principles underpin any legal system. The Indian legal system, which is founded on Indian Constitutional law, is no exception. To put it another way, every right, liberty, power, immunity, or liability must first be established in the constitution before it may be asserted. Similarly, the right to freedom of the press has been enshrined in the constitution, and citizens of India can exercise it. The Indian constitution recognizes press freedom in two areas: the

³ Dr. P. C. Alexander, "Liberty of The Press- Its Legal Restrictions" The Indian Journal of Political Science, Vol. 8, No. 2 (October—December, 1946), pp.683-688, retrieved from https://www.jstor.org/stable/pdf/42743158.pdf?ab_segments=0%2Fbasic_SYC5055%2Ftest&refreqid=search%3A3001b6668a0ca672161c1665d5dd01c2.%20visited%20on%20March%2028,%202020

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Preamble and Article 19(1)(a), which addresses the right to **freedom of speech and expression**.

In modern liberal democracies, freedom of expression is frequently viewed as a core concept, with the goal of prohibiting censorship. Article 19 (1) (a) of the Indian constitution mentions freedom of expression as one of the fundamental rights. The right to freedom of the press is included in this and is afforded the same protection. Many other core human rights are impossible to enjoy without freedom of expression and opinion. Allowing individuals to investigate and report on human rights violations in public makes it far more difficult for those who are guilty to hide behind a cloak of silence and ignorance. Similarly, freedom of expression contributes significantly to other important aspects of good government, such as the rule of law and democracy. The media plays a critical role in investigating and criticizing government actions, compelling officials to manage resources and develop policies in an open and equal manner.⁴

The right to print and publish is included in press freedom. It signifies that a person expresses himself through the medium of printing. "The Supreme Court took it for granted that the freedom of the press was an essential aspect of the right to freedom of speech and expression," according to **Romesh Thappar v. State of Madras**⁵ and **Brij Bhushan v. State of Delhi**⁶. In the case of Romesh Thappar, Justice Patanjali Shastri stated that freedom of speech and expression included the spread of ideas, and that this freedom was guaranteed by freedom of circulation. As a result, it is apparent that the right to freedom of speech and expression includes the right to freely publish and disseminate one's ideas, thoughts, and other viewpoints using any and all means at one's disposal. In India, press freedom is on a par with citizen's freedom of speech and expression, and there is no distinction between the press and citizen's freedom of speech and expression.⁷

The right to freedom of speech and expression is not unlimited, and its exercise is subject to restrictions set forth in clause 2 of Article 19 of the Constitution; these **limitations apply to freedom** of the press as well. If the limits are relevant to one or more of the purposes listed in clause" (2) of Article 19, Parliament or state legislatures may legally pass a law restricting the

⁴ V. Govindu, "Contradictions in Freedom of Speech and Expression" The Indian Journal of Political Science, Vol. 72, No. 3 (JULY - SEPT., 2011), pp.641-650, retrieved from <https://www.jstor.org/stable/41858840.%20visited%20on%20March%2029,%202020>

⁵ Romesh Thappar V State of Madras A.I.R. 1950 S.C. 124

⁶ Brij Bhushan V State of Delhi A.I.R. 1950 S.C. 129

⁷ D. K. Singh, "Freedom of the Press in India", retrieved from <http://14.139.60.114:8080/jspui/bitstream/123456789/688/34/Freedom%20of%20the%20Press%20in%20Ind%20a.pdf.%20visited%20on%20March%2029,%202020>

right to freedom of speech and expression. These constraints must be reasonable, and 'reasonability' is a justiciable concept. However, unlike in the United States, Indian courts do not have the authority to create new limits as exceptions to this constitutional freedom, and the validity of a statute restricting this freedom must be judged solely on the basis of the acceptable limits.

The restriction imposed must be backed up by legal authority. Executive orders or administrative instructions, like any other basic right, cannot be reduced by executive orders or administrative instructions that are not backed by law. The law must fall squarely within one or more of the permissible restrictions listed in Article 19(2) of the Indian Constitution, such as state security, sovereignty and integrity, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation, and public order, decency or morality.

The freedom to disseminate knowledge can be threatened in a variety of ways, with media freedom being particularly vulnerable. The **threat of pressure** on journalists is extremely real. Informal censorship refers to a range of acts by government authorities, ranging from phone calls and threats to violent attacks, all aimed at preventing or punishing the publication of critical content. Journalists' right to protect their sources is also critical in guaranteeing the free flow of information on matters of public concern. The right to access the sources of such information is a consequence of the right to gather information. "The right to collect information would be worthless if the right of access to the sources of such information were not provided," the Supreme Court stated in **Prabha v. Union of India**⁸.

Prior to 1947, the Indian press had to contend with a number of legal restrictions. **Censorship** is the most serious of the state's limits on press freedom. In India, the press has been subjected to censorship since its inception. The purpose of the Official Censor was to prevent the publication of any criticisms of the government or any of its officers. It was forbidden for the press to make any comments about the state of the public credit or the East India Company's income. Many English officials questioned the appropriateness of granting freedom of the press in India from the beginning. Elphinstone believed that a free press was unnecessary in a despotically run government.

The establishment of the Indian National Congress and the spread of Nationalist ideology throughout the country fueled the press's fight for privileges and rights⁹. The Indian Press Act,

⁸ Prabha V Union of India AIR 1982 SC 6

⁹ J. P., "Thoughts on the Liberty of the Press" The Belfast Monthly Magazine, Vol. 1, No. 4 (Dec. 1, 1808),

passed in 1910, required owners of printing presses to deposit a security deposit with the government, but it was widely criticized. It was seen by detractors as a convenient tool used by the British government to suppress anti-government works. Between 1908 and 1935, a slew of press laws was enacted in an attempt to rein in the **Indian press's anti-British tone**. A review of the records demonstrates that the Indian press and political literature lent their full support to the national cause, and the British's extreme measures did not dampen the nationalist press's spirit. Because of the revival of political terrorism, the British took a hard line against Indian nationalists. The appearance of nationalist periodicals and tracts, according to British authorities, fostered a political environment favourable to revolution.¹⁰

The printing industry's **technological success** has resulted in unanticipated structural changes in the print media industry. It has not only aided in better design and layout, as well as a more appealing presentation with improved colour scheme in paper printing, but it has also made it possible and economically viable to print more multi-edition copies faster and at a lower cost, with better get up and attractive type, allowing the press to cater to more readers stationed at various locations. The development of telecommunication services and transportation infrastructure has permitted news reporting from even the most remote and desolate locations, and **rapid transmission and dissemination** of news has resulted in faster and wider circulation of newspapers with better news content.

Today's print media readers have a wide range of options to choose from among magazines devoted to specific issues, thanks to the various information easily available as a result of technological innovation. The **increased participation of women** in journalism has ushered in a new age for women's socioeconomic advancement. The media boom in India has necessitated the inclusion of women in both the public and private sectors of the media. This has resulted in women journalists not just having a source of income, but also having adequate and effective representation in the media. Such journalists have demonstrated not just their talent and dedication, but also their ability to analyze and handle women's concerns with greater sensitivity.

Investigative journalism, in its current incarnation as a sting operation, has ushered in a new age in press history. It has given the press a stronger standing and aided in the enhancement of

pp. 261-263, retrieved from

https://www.jstor.org/stable/pdf/30072113.pdf?ab_segments=0%2Fbasic_SYC5055%2Ftest&refreqid=search%3Ae1b3e9fc916f2d5080a339034b5c0b38%20,%20visited%20on%20March%2028,%202020

¹⁰ V. Venkat Raman, "The Indian Press Act Of 1910: The Press and Public Opinion at Crossroads in the Madras Presidency 1910-1922" Proceedings of the Indian History Congress, Vol. 60, Diamond Jubilee (1999), pp.863-871, retrieved from <https://www.jstor.org/stable/44144157?seq=1> , visited on March 29, 2020

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the press's image as a vigilant watchdog of society. In today's media environment, the press has become critical in determining the country's political, economic, social, and cultural agenda. India has seen a boom in electronic media and online news services since the 1990s. The media has gained such a strong hold on the public's consciousness that it now has a significant influence upon people's liking, disliking, and interest in various news segments.

The Indian press is undergoing a shift as a result of changes in the country's polity as a result of rapid **socioeconomic progress**. Liberalization, globalization, and competition from electronic media are forcing print media to adapt new technologies, resulting in a more professional appearance and greater sensitivity to market forces. Today, India's print media structure maintains a product range that is incredibly diverse in terms of languages, management structures, topics, and news content.

For print media to flourish and survive in the face of today's and tomorrow's rapid challenges, it will require **dynamism and swift response**. Almost all newspapers in India are available online, and they provide up-to-date news and information not just about India but also about other regions of the world. Today's readers are looking for more than just standard news stories; they want to know what's going on in the world. In today's media environment, journalism appears to be more of a job than a mission. The print media is blind to its position as the Fourth Estate on purpose. To say the least, this trend is not only sad, but it also deserves to be strongly opposed by civil society.

Conclusion

The foundation of democracy is a free press. However, governments all over the world have been staunch opponents of press freedom and all democratic movements. The current state of press freedom is the consequence of centuries of hard-fought victories in the name of the people¹¹. In a democracy, press freedom is viewed as vitally important. A free press is not only an important component of democracy, but it is also a requirement for a democratic society to function properly. Members of a democratic society are expected to **participate actively** and intelligently in the activities of their community, whether local or national. The press, namely newspapers and magazines, has a substantial share of the **responsibility** for meeting these needs, as they are the primary source of information, discussion, and advocacy for the general public.

¹¹ Sarkar, R.C.S: The Press in India at p.4

The freedom of the press and journalistic ethics are hot topics in India today, with the term "press" embracing both print and electronic media. A genuine discussion on the subject is required. Because the media has grown in prominence and power, that discussion should include questions about the press's obligations. The importance of press freedom stems from the reality that most citizens' expectations of personal familiarity with current events are unachievable. As a result, when looking for news, the media is acting on behalf of the general population.

It is the means by which people have unrestricted access to information and ideas, which is necessary for informed self-governance, i.e., democracy. In India, the media has always played an important role in informing the public about social and economic issues. The media has informed the public about the country's **extreme conditions** such as poverty, farmer suicides in many states, so-called honour killings in numerous places by Khap panchayats, corruption, and other issues. The Indian media should be applauded for this. The media, on the other hand, bears a significant obligation to ensure that the news they broadcast is **truthful** and serves the **public interest**. If the media spreads incorrect information that can hurt a person's or a group's reputation, it can cause significant harm because a person's reputation is a valued asset. Even if a comment is later corrected by the media, the damage done may be irreversible. As a result, any news item should be thoroughly investigated by the media before being reported.¹²

¹² Markandey Katju, "Freedom of the press and journalistic ethics" The Hindu, June 2, 2011, retrieved from <https://www.thehindu.com/opinion/lead/freedom-of-the-press-and-journalistic-ethics/article2071551.ece,%20visited%20on%20March%2030,%202020>