



Freedom of Press & its Implications

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ABSTRACT

Press and media are the vital way to express and speak the views and opinions in free manner in the democratic country. Indian constitution has given the freedom of speech to the citizens of India under Article 19(1)(a)

It is settled law that the right to freedom of speech and expression includes liberty of the press. The press is supposed to guard public interest by bringing in front the misdeeds, failings and lapses of the govt. and other bodies exercising governing power. Press is the fourth valuable pillar of the democracy. In India press can act as bridge between the govt and the people.

Free press and Independent judiciary are the two institutions that can serve as powerful counter forces against corruption and malfunctioning in the govt. As Indian judiciary has contributed a lot for the independence of press from the control of the govt. as it was been depicted in many cases such as.

RomeshThappar v/s state of Madras
AIR 1950 SC 124.

The provisional Govt. imposed a ban upon entry and circulation of the petitioner's weekly journal 'Cross Roads' printed and published in Bombay. The majority of SC held the order as invalid as violative of freedom contained in Art 19(1) (a) and quoted.

“Liberty of circulation is an essential to that freedom as the liberty of publication. Indeed without circulation the publication would be of little value.”

Sakal papers (pvt) ltd v/s. Union of India .
AIR 1962 SC 305

The Supreme Court held that freedom of speech could not be restricted for the purpose of regulating the commercial aspects of activities of the newspapers. Then again

Bennett coleman and co. Vs. Unoin of India
AIR 1973 SC 106.

The supreme court laid down that freedom of speech and expression was not only in the volume of circulation but also in the volume of news and views as the freedom of newspapers to publish any number of pages as to circulate it to any number of persons and to fix price is each an integral part of freedom of speech and expression.

Indian Express Newspaper (Bombay) ltd. V/s Unoin of India

Freedom form interference from authority which would have the effect of interference with the content and circulation of the newspaper.

Susheil choudhary Vs. State of Tripura
AIR 1998 Gaw 28

The Court held the policy of the government of allotting the advertisement, discriminating against certain newspaper violated not only the freedom of press but also the equality clause contained in Article 14. Such policy affects the formation of healthy public opinion, necessary for good democracy.

R. Raja Gopal V/s State of Tamil Nadu
AIR 1995 SC 264

The Supreme court held that neither the government nor the official had any authority to impose a prior restraint upon publication of a material on the ground that such material was likely to be defamatory of them. The right to publish the life story of the condemned prisoners in so far as it appears from the public records, even without his consent or authorisation has been held to be included in the freedom of the press guaranteed under Article 19(1)(a)"

No prior restraint upon such publication can be imported. Pre-publication ban can be justified in the interest of justice when there is clear and imminent danger to the administration of fair justice and not otherwise.

Ajay Goswami V/s Union of India
AIR 2007 SC 493

The Court recognised the right of the adults to entertainment within the acceptable level of decency on the ground that it may not be appropriate for children.

Tata Press Ltd V/s Mahanagar Telephone Nigam Ltd.
AIR 1995 SC 2438

Supreme court held that commercial speech cannot be denied to protection of Article 19(1)(a) merely because the same was issued by the businessman.

The court explained the importance of advertisement in our democratic economy in the following words- "Advertising is considered to be the corner stone of our economic system. Low prices for consumers are dependent upon mass production, mass production is dependent upon volume sales and volume sales are dependent upon advertising, Apart from the life line of the free economy in a democratic country, advertising can be viewed as the life and blood of free media paying of the cost and thus making the media widely available to the masses." The court further said that examined from another angle, the public at large has a right to receive the commercial speech: Article 19(1)(a) not only guarantees freedom of speech and expression. It also protects the right of an individual to listen, read and receive the said speech. An advertisement giving information regarding the life of saving drug may be of much more importance to general public than to the advertisers who may be having purely a trade consideration.

So Indian judiciary has played a strong role in maintaining the freedom of press in India. As due to Supreme Court Judgments the following rights of the press has been confirmed in India ____

- No pre-censorship on press.
- No pre-stoppage of publication of articles and matter of public importance in the newspapers.
- Freedom of circulation.
- Freedom in volumes of news and views.
- Right to access to the source of information.
- No excessive taxes on press.
- No indirect attack on press
- Freedom of employment on editorial press.
- Commercial advertisement.
- Revelation of source by the journalist.

The most important ingredient of democracy is the existence of free and fearless press. The voice of the press is the voice of the people of the country. As most Indian citizens from rural areas receive their information about what is going on in the government and how it affects them through the filter of press. The press is the instrument of accountability and communication all over the country.

In modern scenario, The sources of the press are

- ★ Print – Newspapers
- ★ Electronic media. TV and radio Broadcasting.
- ★ Online press media- online news websites and blogs.

Today, Media has the power to form and alter opinions. Media can adversely affect the thinking capability of individual. It can have grave effects on their upcoming and thinking patterns. The daily newspaper and daily news on electronic media are practically the only material which most people read and watch. Media is a powerful tool which can guide the direction of our society today. Opinions can change overnight and celebrities can become infamous with just one wave by the media. Information on latest happenings reaches to people in just a matter of minutes. The news by media reaches even the remotest corners of the country. It bridges the gaps between the politicians and the people by the becoming their channel of communication. Articles and news are published in the press from time to time to expose the weaknesses of the government. The press plays a dual role which is very much positive and constructive. It gives the information of national and international news and happenings to the people

and notice of the programmes, policies and activities of the government. It keeps the government to know the problems, difficulties, hopes and aspirations of the people. The main areas on which media can have significant impact-

- Empowerment
- Social awareness and action
- Good Governance

As the press is the defender and protector of the rights and liberties of the people. It should always act like an impartial judge. we may say that press should behave as people's check on government.

Freedom of press is important but it is also a responsibility. In India, the media have responsibility to fight against backward ideas, social evils and communalism and help people to fight against poverty and other social evils. The main duties and responsibilities of the press and media are-

- They should work to strengthen the unity, sovereignty and integrity of india.
- They should build the atmosphere of unity and harmony among the citizens.
- They should enjoy and use greater opportunity of freedom of speech and expression.
- They should behave as independent checker on government and administrations.
- They should give detailed information about the country to all over India.
- They should become necessary organs for fulfillment of democratic ideologies.
- They should raise voice against any dictatorship, corruption and malpractices prevalent in the country.
- They should raise voice against any social evil and wrong.
- They should behave as the internal vigilance & liberty in the country.

So Freedom of press means an atmosphere in which media professionals like journalists, reporters, correspondents, editors and columnists can work and publish the true facts without fear and any threat. Press can publish any news and opinions on any issues without facing any restriction and prohibitions. In India media has played a historical role in providing information to the people about social and economic evils. The media have informed the people about the tremendous poverty in the country, the suicide of farmers in various states, honors killing in many places by khap panchyats and corruption issues etc.

But this freedom is not absolute and arbitrary. As Article 19(2) contains the grounds on which restrictions on the freedom of speech and freedom can be imposed .These grounds are –

- (a) Security of the state.
- (b) Friendly relations with foreign states.
- (c) Public order.
- (d) Decency of morality.
- (e) Contempt of the court.
- (f) Defamation.
- (g) Incitement of an offence.
- (h) Sovereignty and integrity of India.

These restrictions work as the checkpoint on the freedom of press and media because today media has great responsibility to see that the news that they present, is accurate and serve the interest of people. The media should take care of to investigate any news item before reporting it. Due to there are some dangers also which can influence the freedom of press which are-

- Ownership of newspaper industry.
- Predominance of some newspaper groups and chains.
- Journalists are under the pressure of the capitalistic owner.
- Advertising interest influence the presentation of news and comments.
- Control over economic management of press.
- Yellow journalism lay giving biased and coloured news.
- Paid news culture, which involves some one paying newspaper and getting something favorable to him published

There are fundamental threats to journalists and media. laws, statutory regulations, intimidation, tax fines, highly concentrated ownership by politicians and others with conflicting interests may limit the freedom of acquire and access information or may lead to threat to freedom of expression. In most extreme cases journalists are murdered and imprisoned as the recent example is the murder of journalist Gauri Lankesh. The rapid growth in number of media organisations in print, online and television sectors along with increasing commercial pressures has meant that objectivity in reporting has suffered significantly.

Overhype and aggressive coverage is the new phenomenon of selling news in these days as it

increases Target Rating Point (TRP) the news is to indulge in sensationalism. They spread rumours, do character assassination, mudslinging and black mailing. These activities are against journalistic ethics. Some newspaper encourages communal feelings among various sections of the people and spread communal hatred. Sometimes media present twisted or distorted news that may contains an element of truth but also an element of untruth. So the time has come when some introspection by Indian media is required. Many citizens have started saying that the media have become irresponsible and wayward and need to be reined in .

Mass media has a prominent role to play in modern society. It can bring about radical changes and improve social situation as it influences our social, civil, cultural, political, economic and aesthetic outlook, Television and radio have made a significant achievement in education. Rural illiterate masses are obliged to media for making them aware of all the events in their language. The media also exposes the loopholes in the democratic system which helps the government in filling the vacuums of loopholes and making a system more accountable and answerable to the citizens. So in modern times Free press fulfills certain objects in spite of its negative effects as the positive effects of free press are-

- It helps the citizens to have understanding of each other and overcome their differences around the world.
- It allows the diffusion of different cultures by showing different culture practices.
- It spreads the electronic duplication of information by reducing the production cost and spreading the education to the masses.
- It promotes the consumer products to the masses which initiates the sales of the product.
- In today life, Media is the most richest source of entertainment. It entertains people by music and varied television programs.
- Mobile phones and radio are the easiest media forms to get short lined and brief news around the world.
- The most prominent feature of media is that it educates people in the matters of health, mental diseases, environment measures, spiritualism, meditation, medication, sports and politics.
- Media provides the latest news in a very short span of time. Distance is not a barrier.

- Media updates the citizens daily with the happening of their surroundings, about the country and also about the world.
- The different talent hunts shows of comedy, singing and acting help to find the hidden talent from the country.
- Our future generation, our children learn a lot from media. As quiz programs, annual programs help to increase the knowledge of the children.

In spite of many advantages of media, There are some negative effects which are due to the existence of the free press and media which are-

- Increase in advertisement in television and radio is making them less attractive and entertaining.
- Newspapers are geographically selective.
- Neglect of socialization with friends, family and neighbors as people spend too much time on the internet and watching TV.
- Prolonged watching of TV leads to many health problems as eyesight problems, fatness and mental anxiety, hearing defects etc.
- Addiction to some TV programs and to internet lead to decrease in productivity.
- Media glamorised drugs and alcohol as from advertising such things, the use of this thing is showed to appear cool.
- Media also lead to the loss of reputation by spreading rumours and by fraud.

So, Media has some negative impact also. But it is upto the citizens to use it wisely for the best impact.

Press freedom is one of the corner stones of democracy. The key to press freedom is the institutionalized commitment of government to permit the flow of ideas without prior or post influence or control of the state officials. The hallmark of such independent flow is diversity of news and information. This pluralisation of ideas including dissent from official policies, is fundamental. Right conclusions are more likely to be gathered out of multitude of tongues than through any kind of authoritative tongue. The face of Indian media has been fast changing with the growth of internet, the phenomenal rise of satellite and cable networks, the continuing growth of regional press. But even then, we may say that one of the great achievements of India is our free and vibrant press which is an accomplishment of direct relevance to the working of democracy. The survival and flowering of Indian

democracy owes a great deal to the freedom and vigour of press.

To conclude we may say that in democracy, the government cannot function unless the people are well informed and free to participate in public issues by having the widest choice of the alternative solution of the problems that arise. The press is the defender and the protector of the rights and liberties of the people. It should never shirk from its responsibility. It should always act like an impartial judge. Press as a conscientious body of the society, should not misuse its freedom. A free press and independent media primarily are enablers of basic human rights and channels through which citizens communicate. The recent massive and revolutionary digitization of media and information has magnified great impact on societies, politics and debates. Digitisation adds new layers to questions about access, quality and objectivity of information. Powerful impact of independent journalism creates anxiety to those who seek to hide corruption, abuse of power and injustice from public eye. So judiciary must lead in keeping media independent, plural and diverse and defend the position, freedom and security of journalist and bloggers. Because in Indian democratic society, press acts as a mediator between the masses and the elected representatives. Media should pay less attention to show activities of film stars models. Cricketers, fashion parades and astrology but to emphasis the socio-economic issues, Media has great responsibility to fight against backward ideas such as casteism, communalism, poverty and other social evils

Free press is the heart and soul of political intercourse and is a public educator. In this world no one is perfect, and so is the media. Media should raise upto the aspirations of people for which it is meant. As the America Press commission has said that Freedom of press is essential to political liberty. When man cannot freely convey their thoughts to one another. No freedom is secured. Where freedom of expression exists the beginning of a free society and means for every relation of liberty are already present. Free expression is therefore unique among liberties".

So we may conclude in the words of father of the nation, Mahatama Gandhi" The role of journalism should be service". So the press of the largest democracy of the world should work to make brighten the sun of justice in all over the country.