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FREEDOM OF PRESS AND LEGAL RESTRICTIONS

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The independence of journalists and media organizations to work without censorship or undue intervention by governing bodies, businesses, or other influential institutions is known as press freedom. It includes the freedom to publish news, voice opinions, and distribute information without worrying about retaliation or legal repercussions. Press freedom is crucial for maintaining democratic values, encouraging openness, and guaranteeing social responsibility. It enables journalists to investigate and report on matters of public concern, function as a watchdog over the government's and businesses' actions and give the public access to various information and points of view. Numerous international treaties and legislation safeguard press freedom, although significant regional and national variations exist in how these laws and conventions are applied.

BACKGROUND

Although the history of press freedom guaranteed by the Constitution differs from nation to nation, it is frequently established as a fundamental right in constitutions and other legal documents. For instance, the US Constitution's First Amendment expressly guarantees freedom of speech and the freedom of the press, saying, "Congress shall make no law abridging the freedom of speech or of the press." Numerous court cases have interpreted this to offer solid protections for journalistic freedom. One significant case is *New York Times Co. v. United States* (1971), also referred to as the "Pentagon Papers" case, in which the Supreme Court held that the government could not prohibit the press from publishing secret material unless it presented a clear and present threat to national security. Several laws and common law precepts safeguard press freedom in the UK, even though there isn't an express constitutional clause protecting it. Common law upholds the fundamental right to freedom of expression, which includes press freedom, as established in the 2000 case of *R v. Secretary of State for the Home Department, ex parte Simms*. Article 19(1)(a) of the Indian Constitution, which also protects freedom of speech and expression, implicitly guarantees freedom of the press. *Romesh Thappar v. State of Madras* (1950) recognized that press

freedom is a part of the right to free speech and expression. These instances demonstrate the value of press freedom guarantees provided by the Constitution and the judiciary's role.

The News Broadcasters Association (NBA) is an autonomous organization that serves as a representative voice for Indian private television news and current affairs broadcasters. It creates and implements guidelines and an ethics code for television news networks. In *Romesh Thappar v. The State of Madras*, the Supreme Court noted in 1950 that press freedom was essential to all democratic institutions.

International Organizations: Press freedom in India is monitored by international organizations like Reporters Without Borders (RSF) and the Committee to Protect Journalists (CPJ), which also bring attention to press freedom violations worldwide, additionally in the number of views and news. The freedom of the press to spread and circulate without prior restrictions is guaranteed. Article 19(I)(a) would be violated, and the press would not be protected if a law was to single out the press for placing prohibitive burdens on it that would limit circulation, penalize personnel freedom of choice, prevent newspapers from being started, and compel the press to accept government assistance.

Press freedom encompasses several crucial aspects essential for democratic societies. Firstly, it guarantees the right to express opinions and share information without censorship. Secondly, it encourages diversity and pluralism in media, allowing various perspectives to be heard. Thirdly, it holds governments and institutions accountable by enabling journalists to investigate and report on issues of public concern. Moreover, it ensures access to accurate information, empowering citizens to make informed decisions. Lastly, it involves protecting journalists from threats and violence, safeguarding their ability to work independently and without fear. Overall, press freedom is fundamental for upholding democracy, transparency, and human rights.

PRESS FREEDOM AND ARTICLE 19

Under Article 19(1)(a) of the Indian Constitution, which guarantees the freedom of speech and expression under Part III (fundamental rights), press freedom is implied. The phrase "freedom of the press" is not used explicitly anywhere in the document. Still, it is made very evident in this debate in the Constituent Assembly when Dr Bhim Rao Ambedkar responds to a question about "Article 19 not including 'freedom of the press'" by stating that the press is simply another way to quote a specific citizen and that anyone choosing to write in a newspaper is merely exercising their right to free speech. As a result, the freedom of the press can be mentioned in various ways.

Public order refers to various activities that could jeopardize state security. The Supreme Court ruled in *Madhu Limaye v. Sub Divisional Magistrate Monghyr* SC that "no insurrections or riots or disturbance to public peace" is a reasonable interpretation of the term "public order." Moreover, it was argued that the reasonable limitations of A.19(2) of the Constitution do not safeguard this clause. The Supreme Court rejected this argument, ruling that a person may face prosecution under the clause, which falls under the category of reasonable limits, if exercising their right to free speech results in public disturbance.

For the state's security, the Supreme Court ruled in *State of Bihar v. Shailabala Devi* that remarks made by anyone, citizen or not, that incite individuals to commit crimes like robbery, murder, or dacoity pose an unquestionable threat to the security of the state. Therefore, such a speech will be viewed as disrespectful of the integrity or sovereignty of the clause, the state, and A.19(2)'s reasonable restrictions apply to the order to halt or restrict such communication.

The Supreme Court ruled in *Jagan Nath v. Union of India* that, for the purposes of Article 19, all commonwealth nations are foreign nations (2). But it's also important to remember that, for the purposes of the Indian Constitution, Pakistan and other commonwealth nations are not considered foreign states. Similar to the term "public order," friendly relations with foreign governments were also added to Article 19(2) of the Constitution through the Constitution (First Amendment) Act of 1951. Implementing this ban primarily aimed to combat hostile and false propaganda directed towards any foreign nation that might have amicable ties with the Indian Republic.

In *State of UP v. Ramji Lal Modi*, concerns were raised over the constitutionality of the Indian Penal Code's (IPC) Section 295A. The claim was that the part above violates Part III of Article 19(1)(a) of the Constitution, which guarantees the right to freedom of speech and expression. The petitioner, who held the positions of editor, publisher, and printer, was found guilty of violations under IPC Section 295A.

STATUS OF PRESS FREEDOM IN INDIA

Press freedom in India has always been seen as vital, and the nation's democratic fabric dramatically benefits from a varied and dynamic media environment. Regarding press freedom,

however, worries have been expressed recently because of the numerous obstacles and dangers that media outlets and journalists face. The growing politicization and polarization of the media is one major problem affecting press freedom in India. A lack of neutrality and biased reporting results from numerous media sources aligning themselves with political parties or ideas. This trend has prompted concerns about the media's ability to serve as the public's watchdog and to deliver factual and impartial information. The persistent incidence of violence, intimidation, and harassment directed towards journalists poses a significant obstacle to press freedom in India. Threats from governmental authorities, criminal organizations, or influential people looking to quell opposition are commonplace for journalists reporting delicate subjects, including corruption, human rights violations, or community tensions. Because of the physical attacks and even murders of journalists in certain instances, there is a culture of fear and self-censorship within the media.

In India, legal disputes are another danger to journalistic freedom. Sedition, criminal defamation, and internet content regulations are just a few of the laws in the nation that can be used to target journalists and stifle their freedom of speech. These rules have been criticized for their stifling effect on journalistic freedom and sometimes being used arbitrarily. Additionally, Concerns exist over the autonomy and independence of the regulating agencies in charge of the Indian media. The Press Council of India has been under fire for its apparent bias in favor of the government and lack of efficacy in upholding journalistic standards and defending press freedom.

The digital environment has also brought new difficulties for India's press freedom. The internet and social media have allowed independent journalists to report stories and the public to participate. Still, they have also been used to disseminate propaganda by governments and hate groups. The government's initiatives to control internet content, including internet shutdowns and intermediary liability laws, have sparked worries about censorship and the silence of dissident voices. Some areas of India's media ecosystem remain resilient despite these difficulties. Speaking truth to power, investigative reporting, and independent journalism are still values many journalists and media outlets adhere to. International organizations, media watchdogs, and civil society organizations are all essential in promoting press freedom and holding the government responsible for any infractions.

INSTITUTIONS RESPONSIBLE FOR FREEDOM OF THE PRESS IN INDIA

Press freedom in India is protected by several laws and agencies. A statutory organization called the Press Council of India (PCI) serves as a watchdog to safeguard press freedom and uphold the highest standards in journalism. It responds to press complaints, upholds media ethics, and counsels the government on press-related issues. Furthermore, by interpreting and implementing constitutional provisions that ensure freedom of speech and expression, the judiciary plays a critical role in maintaining press freedom. Through essential rulings, the Indian Supreme Court has continuously maintained the fundamental right to press freedom. In addition, several media associations and civil society organizations actively promote press freedom and aid reporters who are threatened or subjected to censorship. Press freedom in India is nevertheless threatened by issues including government censorship, legal intimidation, and violence against journalists, despite these safeguards. To preserve this fundamental democratic right, ongoing activism and vigilance are needed.

MEASURES OF PROTECTION

A comprehensive strategy comprising institutional, sociological, and legal measures must be implemented to guarantee a free and unbiased press in India. First and foremost, it is critical to fortify the legal safeguards for press freedom and journalists. It is imperative to enact strong legislation that protects journalists from intimidation, harassment, and arbitrary censorship. Furthermore, modifying current legislation to decriminalize defamation and guarantee increased openness in public affairs can protect journalists' freedom to report without fear.

Second, it's critical to create an atmosphere that supports investigative journalism. To help the public distinguish reliable information from propaganda or disinformation entails fostering media literacy among them. Education programmed emphasizing the value of a free press and promoting critical thinking abilities can enable the public to hold the government and media outlets accountable.

Thirdly, it is imperative to strengthen the autonomy and efficacy of oversight entities like the Press Council of India (PCI). By guaranteeing that these organizations have unbiased, varied members unaffected by corporate or political power, we can increase their legitimacy and effectiveness in resolving complaints and maintaining journalistic standards.

Fourth, a dynamic and inclusive press landscape depends on encouraging variety and pluralism in media ownership and content. The concentration of media ownership in the hands of a few conglomerates can be lessened, and different voices and perspectives can be fostered by promoting the growth of independent and non-profit media outlets and community-driven journalism initiatives.

Ultimately, promoting a culture of press freedom and ensuring journalists' security is critical. This entails denouncing and looking into attacks on journalists, bringing charges against those responsible, and giving journalists working in high-risk or conflict zones proper protection measures. Furthermore, educating journalists about digital security and safety procedures and providing them with training will help reduce the hazards of online abuse and surveillance.

By implementing these policies, India will demonstrate its commitment to press freedom and guarantee that reporters may work freely and independently, carrying out their vital duty as democracy's watchdogs.

In conclusion, despite various obstacles to press freedom in India, such as political meddling, violence against journalists, regulatory restraints, and cyber threats, a solid and resolute media community is still dedicated to protecting democratic principles and guaranteeing the public's right to information. It is imperative that these issues be resolved and press freedom is strengthened in India to preserve democracy and advance accountability and transparency.

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AIR 1962 SC 305

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