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Freedom of Press in Democratic Society with reference to India

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ABSTRACT

Freedom of press is essential for a healthy democracy. It fosters voices and props up debates, educates the public and thinks governments accountable. The freedom of speech and expression is enjoyed to the fullest in the largest democracy, the country of India, they allow this in accordance to the provisions of the Indian constitution the Article being the 19(1). However, holding the opinion that press freedom in India exists and is protected by the constitution, I am forced to admit that the reality is somewhat different. Only those points of interest pertinent to the evaluation of a free press in the democratic nation are discussed herewith in the abstract. The remaining analysis studies the legal frameworks in India that protect the press freedom. Finally, it acknowledges the challenges that media undergo including decline in rankings of press freedom and outside pressure from government. This battling on how to balance between national security issues and the right to know is well illustrated by the case of India. This article also provides legal aspect of press freedom in India. Examining legal framework, constitutional provisions and other. This article also gives an overview of contemporary position of press freedom in democratic society.

Keywords: Democracy, Constitution, Press, Contemporary.

I. INTRODUCTION

Press (media) means news industry of the mass media aimed at delivering news and information to the public, via print media including newspapers and newsmagazines, broadcast news including radio and television and online newspapers over the World Wide Web. The press is considered the leading source of information to the people of the United States. It helps us to know what is happening around the world, in our immediate community, or even in the region. In-between updates of the latest news and specific investigative articles, the press provides the view of the world and all of its complications. With this knowledge, people become in a position to participate in the process and make the society a better place.

Press in its modern manifestation plays an important role of the intermediary between the

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community of individuals and the world within which the latter exists. It employs a large population of employees including journalists, editors, and broadcasters who are assigned the tasks of retrieving, processing, and delivering information through various media channels. Earlier, this function was performed by printed dailies and periodic newspapers and magazines but now the press has gone beyond the print media and has diversified to broadcast media in the form of television and radio news, and new forms of media that are emerging in the context of new information technologies such as the internet news websites and applications and social media. Instead of just bringing news to the citizens, the press is extremely important in encouraging formation of opinions and debates. The investigative journalism acts as a watchdog in society by establishing the truths that could potentially be buried. Using anybody's vices and misdeeds to start a discussion is what the press does, compelling governments, corporations, and the media alike to work harder at being better citizens. This makes it possible to generate talk and make up for the check and balance within a healthy democracy. Another function of the press is as a leader in change of society. As it can expose social injustice, raise awareness of the minority groups, and champion for the changes, the press can contribute to the formation of a better and fairer society. Besides, the press has a role in informing and or entertaining the general public. Most people turn to it for coverage and news analysis, deep reports and features, and cultural coverage offer information and a relief from their daily grind.

II. THE INDIAN CONTEXT: A SYSTEMATIC FRAMEWORK

According to the Indian constitution, press freedom is a fundamental right under the Article 19(1)(a) of the Constitution of India that guarantees freedom of speech and expression. This apparently leaves open the freedoms of media. However, the picture is more nuanced.

Legal Restrictions: Using such laws as seditious and defamation laws, governments can clamp down on dissenting voices. It means that these laws, supposedly for national security or to protect people's reputations, can be abused for silencing critics.

Physical Threats: Journalists especially those as who work in the middle of the battles or topics that are considered sensitive may experience aggression and or violence. This leads to what may be termed as the causal culture that festers the climate of fear, self censorship.

Media Ownership: There has been a centralization of the media ownership by large corporations, thus putting the media in a compromised position of providing information that does not go against the policies of their benefactors.

India's Press Freedom Ranking

Despite India having equal rights provisions, it has steadily ranked lower on the World Press Freedom Index of the Reporters Without Borders index. Immersed in the large global environment of press freedom in the 2023 global index, where India dropped to 161 of 180 countries, we can see that Pakistan journalists encountered difficulties.

III. EVOLUTION

The Evolving Landscape of Press Freedom in India: A Life's administrative trajectory is the result of a delicate game of democracies balancing. This essay focuses on India and the struggle of the nation to accommodate the freedom of press on its way to embracing and developing democratic principles. This section will thus seek to describe press freedom in India with respect to its developmental period up to the modern times.

The situation regarding the freedom of the press in India has rather evolved to be more diverse and ambiguous in the recent past. Key underlying factors include political considerations, economic constraints and opportunities, and technology.

Early Struggles and Colonial Legacy:

India at the eve of colonialism had a great tradition of public and intellectual debate, yet the freedom of the press was an Anglo-Indian innovation.

Newspapers only began appearing in the 18th century, and as you know, they were concurrently accompanied by anti British sentiments which were subsequently averted with attempts at censorship. Press freedom evolved as a struggle in the course of the Indian independence struggle with presses and newspapers used as instruments of the nationalist movement.

Post-Independence Promise and the Emergency Shadow:

The Indian Constitution came in to force in 1950 would pave the way for a free Press with Article 19(1)(a) guaranteeing Freedom of Speech and expression. The celebrated judgement of the Supreme Court of India is few of the following, -Romes Thappar vs. State of Madras (1950) which has fortified press freedom. The Emergency that happened in 1975 can be regarded as an oppressive era, because the Indian government heavily censored freedom and quelled turmoil. The tumultuous period shows exactly why freedom of the press is a very delicate and fleeting privilege.

The Post-Emergency Era:

Strategic Management of Transitions and Change in the Context of Perceived Barriers

After the proclamation of the incessant Emergency, India's media is quite dynamic and

multifaceted.

However, press freedom continues to face challenges:

Legal Restrictions: It was established that laws such as sedition or defamation laws may be utilised as tools by the political elites to suppress rather than encourage criticism.

Physical Threats: Despite being in the line of duty to inform the public and pass on messages from leadership, journalists who cover sensitive subjects, or areas that involve conflict are at high risk of violence and intimidation.

Media Ownership: Leaving aside questions about the accuracy of this description, the concentration of media ownership in the hands of large corporations threatens free media and independent reporting by presenting the risk of serving the interests of the owners.

The Digital Age and New Frontiers:

There are new opportunities for independent journalism resulting from the increase in social media networks and online newspapers. While big questions like freedom of speech and freedom of press are being answered, a set of new questions emerges, such as fake news, cyberbullying, and surveillance.

IV. FREEDOM OF PRESS IN A DEMOCRATIC SOCIETY

The major issue that has led to debate now and then, here and there across the globe and it has reached the case of India. This means that the free practice and operation of journalism is among the most respected principles in any functioning democracy. It allows for:

Informed citizenry: This means that people can know what and who to vote, NGO's or support and the kind of society they want if they have a variety to read or watch.

Holding power accountable: A free press in government can foster corruption and malfeasance by uncovering governments' misconducts and reporting same.

Public discourse: The availability of a free press means that people and the general public can express their opinions within the society hence being vital to a democracy.

While studying Indian media and freedom of the press, it is crucial to mention that freedom of the press in India enjoys the greatest protection among all kinds of freedom in the country.

The Constitution of India holds freedom of speech and expression under the Article 19(1)(a), which also entails freedom of press in India. This means journalists have the right to: This means journalists have the right to:

Provide the public with real information and admit to a free press untamed by regimes and

political movements.

Post it online for readers without editing or removing any of the information provided by the miners.

Introduce the idea of criticizing the government and its relative policies.

Press freedom, as with most other freedoms, is not absolute in India and has been subject to certain restrictions over the years. Despite these protections, press freedom in India faces challenges.

Despite these protections, press freedom in India faces challenges:

- i. *Defamation laws:* These laws can be used to suppress dissent as the business of journalism is the bearing of witness to the truth, and it can take great expenses of time and money to defend a case.
- ii. *Lack of whistleblower protection:* Journalists who seek to investigate a story and who use sources that seek anonymity can be mimed or threatened.
- iii. *Government pressure:* Some of the Journalist have received threats, intimidating and harassing messages from the government or become the subject of surveillance.
- iv. *Media ownership:* Through this, concentration of the media ownership through a few big conglomerates can limit the network of views in society.

According to the recently released Worldwide Press Freedom Index, India ranked 136 out of 180 countries, which translates to a poor score of 27.18.

World Press Freedom Index is prepared by the ex- political pressure group, Reporters Without Borders, to evaluate countries in terms of press freedom. In the year 2023, India has deteriorated its position on the index and has been placed at position 161 out of the total 180 in this regard, which is not a healthy sign.

Media can be defined as an institution that is travestine, independent and vigils in a healthy democracy. Various threats have raised their head threatening press freedom and hence India must work towards safeguarding media. These are amongst; changing laws to ensure that defamation laws are not harsh on the journalists, offering protection for whistleblowers and maintaining ethical standards among journalists.

V. THE CONTEMPORARY POSITION OF FREEDOM OF THE PRESS IN DEMOCRATIC SOCIETIES

The place and role of the press in modern societies based on democracy cannot be

overemphasized as it constitutes one of the several freedoms stretching across political and public domains. However, in the last decade, this long standing and greatly valued freedom has started to be threatened by a number of actors, and therefore challenges the very fundamentals of democratic society. This article will discuss the current state of press freedom within democratic societies, the new challenges and dangers which are present, and how this specific freedom may be protected moving forward.

Evolving landscape: The culture of using new technologies has greatly influenced the media in the current society by providing increased access to information and communication. Although this technological advancement has fostered the decentralization of news reporting and encourage the practice of citizen journalism, it has never been without challenges that affect traditional media industries leading to shrinking revenues, job losses and more importantly fake news. Social networking sites have become rapidly influential channels for the mediation of information and thus political discourse. Though these ideas have made it possible for more people to connect and engage, they have also been accused of the spread of fake news, creation of bubbles, and the deterioration of the credibility of mainstream media outlets.

Emerging Threats: In this 21st century Democracy and press freedom are under great threat from emerging and classic challenges. These threats include:

- i. *Governmental Interference:* In most democracies, governments try their best to tame the media through oppression, intimidation, and legal proceedings. The government also targets media practitioners and organizations which report on official misconduct, challenge government policies, or investigate corruption by responding with defamation suits, regulatory measures or even physical attacks.
- ii. *Corporate Influence:* The major concentration of media ownership especially in the hands of a few large corporations has however provoked debate in regard to the independence as well as the diversity of the media. Media moguls and other corporate owners can skew news and information in a way that is advantageous to them, often ignoring valuable public interest and engaging in scandal mongering where topics are not financially beneficial for executives.
- iii. *Digital Disinformation:* With the growth of the free internet, cynical political leadership and mercenary journalism, the world has gained the diffusion of the lie and propaganda which at the present time threatens democracy and discussion. Misleading information, fake news, and conspiratorial narratives dominate the Web sphere, disorienting and dividing the population.

- iv. *Violence and Harassment*: Journalists are at risk of threats, harassments, and physical attacks in doing their job in different countries in the internet age and pre-Internet period. As per the Committee to Protect Journalists, several hundred journalists are jailed, threatened, or murdered each year and the offenders go scot free.

VI. CASES HIGHLIGHTING PRESS FREEDOM IN INDIAN DEMOCRACY

Those who say that Indian democracy being so alive is as alive as the Indian media and they are two of the two are perfectly true. But it is important to point out here that freedom in this frontier has not been achieved without cost and several archetypal examples will highlight this.

1. *Romesh Thappar vs. State of Madras (1950)*³: Perhaps it can be said to be the most important judgment because in this case, during the determination of the scope and meaning of the freedoms of speech and expression including the freedom of the press under chapter III of the India constitution under Article 19(1)(a). But it also endorsed the ‘fair and bona fide qualified rights’ which are the host country laws which exist for exercising sovereignty, security, public order, decency or morality. This has been exercised by those in the leadership to suppress freedom of the press and even extend to the extent of imprisoning the few journalists who tries to unveil the truth.

Issues: Therefore, the case is clear and distinct that it is not an or Lady for the press freedom and freedom of speech to debate in the benefit of the state security. But it also gives the government the social-legal permission to limit the press liberty which is 到 be oppressed.

2. *Express Newspapers vs. Union of India (1985)*⁴: It was only in this case that prior restraint was an issue when the government sought to ban the visions newspaper on the grounds that the article published was sensitive in nature and had what appeared to be link with national security. It also changed the prior restraint that it made concerning freedom of press and in fact was instrumental in the expansion of the freedom element of the freedom of press.

Issues: Partial progression but fully as the case, the case went on not to expunge restrictions fully. However, the following has remained clear: They still have to undergo bureaucratic formalities which have not stopped being a throttle on investigative journalism; the la remains ambiguous.

3. *Prashant Bhushan vs. Union of India (2020)*⁵: This was a case of professional misconduct and contempt whereby the Contemnor boasted of insulting judges on social media platforms.

³ 1950 AIR 124

⁴ 1986 AIR 515

⁵ Suo Motu Contempt Petition (CRL.) N0.1 of 2020

Subsequently the court exonerated Bhushan but insisted that the freedom of speech and the freedom of the press be careful because there was a hint understood to have been given by the government.

Issues: Strange to say, but the problem of destructive use of contempt laws is still relevant to journalists and ordinary citizens.

4. Recent Cases of Sedition and UAPA Charges: Several have been charged with sedition and UAPA especially where critical journalists work which is in Kashmir now. Its harms can be, for example, long detention, which has a negative impact on journalistic work.

Issues: These are clear examples where the government uses harsh laws to suppress the voices and punish the citizens and journalists who dare to speak out and report the government's appropriation on sensitive issues.

VII. LAWS AND REGULATIONS

Thus, the institutional setting for freedom of press in India based on the constitution and consisting of legal provisions can be presented as ambiguous. Here's a breakdown of the key rules, acts, and laws: Here's a breakdown of the key rules, acts, and laws:

Constitutional Foundation:

Article 19(1)(a): This is what something that is considered as the essence of press freedom in India. It affirms the freedom of speech and expression which covers freedom of the press. This makes it possible for journalist to write on various issue without much restriction from the government.

Reasonable Restrictions (Article 19(2)):

This article also start by accepting that freedom of speech is not absolute. The government can impose restrictions in specific situations, but these restrictions must be "reasonable. " Here's what these restrictions cover: The government can impose restrictions in specific situations, but these restrictions must be "reasonable. " Here's what these restrictions cover:

The Indian Penal Code (IPC): This code has other sections which if exploited eliminates the freedom of the press. These sections include:

- i. *Defamation (Section 499)*: Safeguards people's image from defamation and slanderous remarks by other people.
- ii. *Sedition (Section 124A)*: Unknown as its chief goal to curb content that exhort Violence or Expression of Disaffection against the government. However, this law is considered

to be as archaic and which is violated with impunity in order to suppress opposition.

- iii. *Obscenity (Sections 292-294)*: Controls the extent of obscene material that is produced and printed in the.
- iv. public domain.
- v. *Incitement to violence (Section 153A)*: It does not permit content that will spur ethnic or any other type of conflict.

Other Laws:

- i. *Official Secrets Act, 1923*: Guardian of classified information though its application has been criticized for being too restrictive in its targeting of newsworthy information.
- ii. *Contempt of Court Act, 1971*: Safeguards the privileged status and power of the courts while at the same time can be applied as a tool to muzzle dissenting voices regarding court rulings.
- iii. *Balancing Act*: In essence, the judiciary has a critical function in determining the extent to which the press freedom is constrained in a more coherent manner by detailing the meaning of the “reasonableness of restrictions.” Basic common law freedom rulings by the Supreme Court have pointed out that such restrictions cannot be utilized to shut down worthy criticism or media investigations.
- iv. *Fake News*: Misinformation – the use of false information – is on the increase and this presents a challenge. Laws such as Information Technology Act exist to fight it, but there is a clear demarcation line between social regulation and censorship.
- v. *Media Bias and Regulations*. In India, media bias or misleading information is restricted under the certain constitutional amendments as described by the country's constitution. The media crime is covered by the Indian Penal Code (IPC) which is applicable to all substantive aspects of criminal law.

VIII. INDIA'S CONSTITUTION HAS SEVERAL ARTICLES THAT DIRECTLY AND INDIRECTLY PROTECT FREEDOM OF PRESS

Directly protecting freedom of press (1 article): The first part of the article 19 of the Universal Declaration of Human Rights states that ‘Everyone has the right to freedom of speech and expression’ this right can be understood to include freedom of the press.

Indirectly protecting freedom of press (3 articles):

Article 14: Right to equality – This is a provision that ensures equal opportunity by enabling all

media stations to exercise their operations and reach their consumers.

Article 19(1)(c): Right to form associations – This enables the journalists to form press associations which may be in a position to demand for their right to exercise that freedom for the media.

Article 19(1)(g): Right to enter into any agreement – This means that the profession of journalism may without hindrance enter into contracts with its clients/followers.

Thus, there are four Articles in the constitution of India that directly or indirectly protects Press Freedom.

Other Regulatory Bodies:

- Press Council of India (PCI): An independent government agency which protects the rights of the media to operate freely and to practice good politics. However, it cannot impose its decisions or provide sanctions for noncompliance.
- Ministry of Information and Broadcasting (MIB): This is a government body charged with coming up with policies regarding the media but it can in one way or the other interfere with the content.
- Investigating Attacks on Journalists: If the authorities guarantee a fast and blind probe of the cases of attack on media employees and trial of the culprits, the message of prevention will be sent effectively.
- Promoting Media Literacy: It is therefore essential for the citizens to education on appreciating real news as opposed to fake news through media literacy public acts. Therefore, press freedom is enhancing and protecting to ensure the journalist and media practitioners perform their duties as required. In light of these challenges, it is crucial to safeguard and strengthen press freedom in India:
- Reforming Sedition and Defamation Laws: Changing these laws, making the test for the invocation of these laws more stringent, and guaranteeing the right to protest against injustice are the first steps towards making this environment more favorable for critical journalism.
- Investigating Attacks on Journalists: If the authorities guarantee a fast and blind probe of the cases of attack on media employees and trial of the culprits, the message of prevention will be sent effectively.
- Promoting Media Literacy: It is therefore essential for the citizens to education on

appreciating real news as opposed to fake news through media literacy public acts.

- **Supporting Investigative Journalism:** Independent media houses and investigative journalism platforms should be supported to foster investigation into corrupt practices and bring to book culprits.
- **Encouraging Diversity in Media Ownership:** People should be allowed to own media houses and this way we have many voices in the nation and in the world.

IX. CONCLUSION

The functionality of the fourth region and democracy relies on the legal tools that protect press freedom. For example, reporters and other members of the media have applied numerous legal tactics to contest against censorship pressures and to preserve the principle of having an information access process that is free, intimidate and independent, despite the risks caused by media censorship. Strategic litigation acts as a weapon in the hands of journalists in their struggle against laws and regulations in the field of censorship and asserting their rights. Sometime breakthrough is even reached via a precedent case that supports freedom of the press. Through global advocacy, the campaigners give the journalists who are in danger a chance to voice out their plights and in the same fashion, expose the governments' abuse of the press freedom. Through digital security measures like source masking, privacy-enhancing software and messaging apps journalists have gained freedom to report without fear of being monitored or hacked, reprising their sources. In addition to this, press freedom and journalistic credibility may be increased by coming up with other laws and programs such as anti SLAPP legislation, laws that protect people who blow the whistle and among others the rules of transparent ownership. The value of openness, responsibility and honour in journalism are being pointed out through this action that helps public confidence in the media become even stronger. Preserving press freedom is an ultimate responsibility that falls on a community of international stakeholders with concerted actions by international organizations, governments and civil society. States can make sure that journalists can perform their significant function as democracy watchdogs, making the authorities responsible to citizens for their power and informed citizens, by keeping legislative protection in place, providing media literacy, and creating atmosphere where freedom of expression is considered as the highest good. By lending support to press freedom we honour and nurture basic democratic principles and each and everyone's fundamental (uncancellable) right to seek, get, and spread information which they hold the right to.

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