



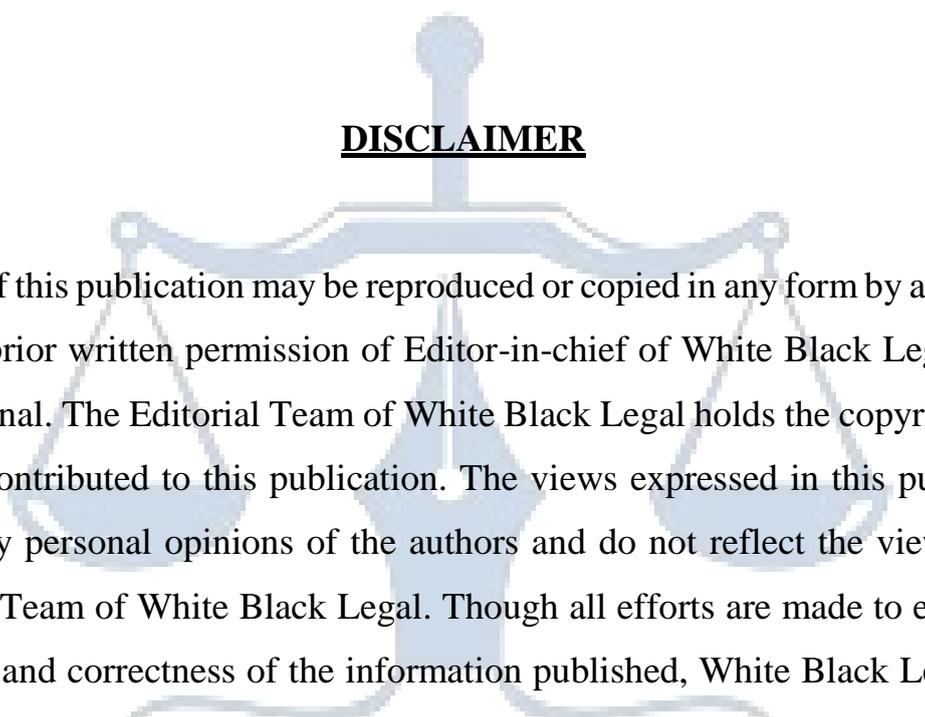
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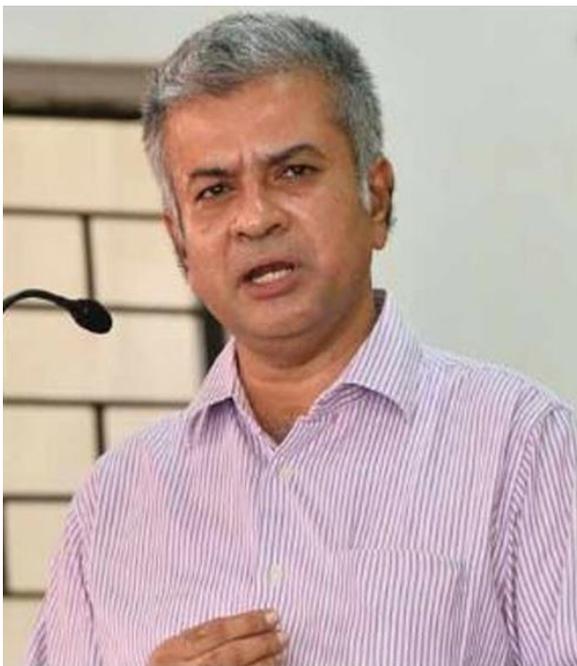
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you



EXPLORING PRESS FREEDOM AS A FUNDAMENTAL RIGHT IN INDIA.

AUTHORED BY - KARTHIK M UJJANAKOPPA

ABSTRACT

Freedom of speech and expression is among the most fundamental human rights, following closely behind the right to life and personal liberty. *Article 19(1)(a)* of the Indian Constitution ensures this right for every individual in the country. The press, as a recognized legal entity, benefits from this freedom, and its scope often reflects a nation's commitment to democratic principles. Beyond relaying information, the press influences social values, practices, and community mindset. It also serves as a government watchdog, ensuring accountability. This paper explores the extent of press freedom in India and examines the limitations that impact its effectiveness.

INTRODUCTION

Article 19(1)(a) of the Indian Constitution grants citizens the fundamental right to freedom of speech and expression, extending this essential liberty to the press. A free press not only reports on events but critically examines government actions, serving as a cornerstone of a healthy democracy. Scholars often compare press freedom to the "oxygen" of democracy, vital for its existence. In India, press freedom is seen as a powerful means to expose corruption and ensure accountability. However, it is bound by reasonable restrictions under *Article 19(2)* to balance freedom with public order, morality, and sovereignty. Internationally, *Article 19* of the UDHR upholds this freedom, yet each nation adapts its press regulations based on its unique socio-political landscape.

B. Mugundhan, C. Renuga, 'A STUDY ON FREEDOM OF PRESS IN INDIA: WITH REFERENCE TO ARTICLE 19', (2018), IJPAM, 3957, 3973¹

The author discusses the need of free press in a republic, and how the same has been a content of debate from a long time in history. The author advocates that the popular credentials of a state can be determined by looking at the quantum of freedom the press enjoys in that

¹ <https://main.sci.gov.in/judgment/judis/6674.pdf>

particular state. The press is regarded as the fourth pillar of republic, and hence it's necessary that the same is taken care of. The author beautifully demonstrates that the press is not absolutely free to do whatever it feels like, but the same should be subordinated to the reasonable restrictions as mentioned in the Constitution of India. It's the need of the hour that freedom of press should attend with the freedom of speech and expression.

DEMOCRACY CANNOT SUSTAIN WITHOUT A FREE PRESS

A democratic society cannot truly thrive without a free and independent press, as press freedom is the bedrock of transparency, accountability, and informed public participation. In India, press freedom is seen not only as a constitutional right under *Article 19*, which guarantees freedom of speech and expression, but also as a fundamental element of democratic governance. A free press enables citizens to access reliable information, scrutinize governmental actions, and voice diverse perspectives, all of which are essential for a functioning democracy. Without press freedom, democracy in India would be at risk of weakening, as citizens would be deprived of the knowledge and means to hold those in power accountable and to participate fully in civic life. Thus, exploring and protecting press freedom as a fundamental right is crucial to sustaining and strengthening India's democratic framework.

RESEARCH QUESTIONS

- *Why is the press regarded as the fourth pillar of democracy, and how does it support democratic principles in India?*
- *What is the current status of press freedom in India, and what are the key challenges it faces today?*
- *What steps can be taken to strengthen press freedom as a fundamental right in India, ensuring a more robust democratic framework?*

PRESS AS A PILLAR OF DEMOCRACY

The press in India serves as a crucial pillar of democracy, responsible for reporting events and critically examining government actions. Historically, the press was vital in spreading awareness and rallying support for independence, despite restrictive British laws like the *Indian Press Act of 1910*. Post-independence, *Article 19(1)(a)* of the Constitution granted citizens the right to freedom of speech and expression, which courts have interpreted to include

press freedom. Landmark cases, such as *Romesh Thapar v. State of Madras*², *Sakal Papers Pvt Ltd. v. Union of India*³, and *Indian Express Newspapers v. Union of India*⁴, affirmed press freedom as essential to democracy, ensuring rights to access information, publish, and circulate widely.

In *Bennett Coleman & Co. v. Union of India*⁵, the Supreme Court rejected restrictions on newspaper circulation, reinforcing that limiting the press restricts freedom of expression. Today, challenges like misinformation underscore the need for responsible reporting. Other countries, such as Singapore, have strict penalties for spreading false information. India, too, could benefit from a framework that ensures accuracy while safeguarding press freedom. Supporting an independent press is essential for accountability and democratic values, empowering citizens through informed discourse.

LEGISLATIONS GOVERNING FREEDOM OF PRESS IN INDIA

In democratic nations, press freedom is integral but must align with constitutional values. In India, press freedom derives from *Article 19(1)(a)* of the Constitution, which guarantees the fundamental right to freedom of speech and expression. However, *Article 19(2)* imposes reasonable restrictions on this right, including for the press, to ensure public order and respect for diverse beliefs. Indian judiciary has interpreted these restrictions over time. In *Madhu Limaye v. Sub-Divisional Magistrate Manghir*⁶, the Supreme Court defined "public order" to prevent riots or disruptions to peace. In *Ramji Lal Modi v. State of UP*⁷, the Court upheld *Section 295A of the IPC*⁸, penalizing speech inciting religious offense, underscoring the balance between expression and public harmony.

CONCLUSION

The press, frequently nominated the "glass of society," is essential in republic, showcasing government conduct and reflecting societal enterprises. A free press enables open expression and helps uphold popular values, icing the people's will is admired. still, government oversight

² <https://indiankanoon.org/doc/456839/>

³ <https://indiankanoon.org/doc/243002/>

⁴ https://digiscr.sci.gov.in/view_judgment?id=MTM1NTA=

⁵ <https://main.sci.gov.in/judgment/judis/6674.pdf>

⁶ <https://indiankanoon.org/search/?formInput=madhu%20limaye>

⁷ <https://www.legal-tools.org/doc/bi400l/>

⁸ <https://devgan.in/ipc/section/295/>

must be balanced to help inordinate control that could stifle press freedom. The Indian Constitution subventions freedom of speech under *Composition 19(1)(a)*, allowing "reasonable restrictions" under *Composition 19(2)* for interests like sovereignty, public order, and morality. overpassing these limits would infringe on press freedom and undermine republic. In moment's terrain, independent journalism is pivotal for a healthy republic. still, intelligencers in India face adding pitfalls, egging the need for defensive laws. Maharashtra legislated India's first intelligencer protection law in 2017, emphasizing the necessity for civil protections. Fake news on digital platforms also poses a serious challenge, inciting fear and, at times, violence. devoted legislation is essential to check misinformation and insure responsibility among digital platforms. Eventually, securing press freedom while promoting ethical journalism and diving misinformation is vital to uphold India's popular values and insure an informed public.

Case Laws

1. *Sakal Papers (Private) Ltd. v. Union of India, AIR 1962 SC 305*⁹: This case dealt with the freedom of the press under *Composition 19(1) (a)* of the Indian Constitution. The Supreme Court struck down the review (Price and runner) Act, 1956, which sought to regulate the number of runners a review could publish grounded on its price. The Court held that any regulation that restricts rotation, content, or the publication rights of journals impinges on the freedom of speech and expression. This ruling affirmed that the government cannot check press freedom through circular restrictions on its operations or economics.
2. *Indian Express journals v. Union of India, 1985(1) SCC 641*¹⁰: In this case, the Supreme Court further expanded the understanding of freedom of the press. The solicitation challenged the duty of customs duty on imported newsprint, arguing that such a duty would hang the viability of small journals. The Court ruled in Favor of the pleaders, holding that freedom of the press is essential to republic and that any measure laterally hampering press freedom would violate *Composition 19(1)(a)*. This judgment also established that profitable measures affecting the press could amount to circular suppression and hence demanded to be balanced with public interest.
3. *M.S.M. Sharma v. Sri Krishna Sinha, AIR 1959 SC 395*¹¹: Known as the "Searchlight

⁹ <https://indiankanoon.org/doc/243002/>

¹⁰ <https://lawfoyer.in/indian-express-newspapers-v-union-of-india-1985-1-scc-641/>

¹¹ <https://lawbhoomi.com/msm-sharma-v-krishna-sinha/>

case,” this judgment dealt with the conflict between freedom of the press and the honour of legislative assemblies. An intelligencer was indicted of disdain by the Bihar Legislature for publishing legislative proceedings that were cancelled from the sanctioned record. The Supreme Court upheld the council’s honour under *Composition 194(3)*, emphasizing that legislative boons took priority over the press’s right to publish, reaffirming the Legislature's power to control its records and cover its quality.

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