

ISSN: 2582 - 2942



LEX FORTI

LEGAL JOURNAL

VOL- I ISSUE- V

JUNE 2020

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ISSN: 2582 - 2942

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Freedom of Press with the Indian Context

Devki Nandan

INTRODUCTION

Democracy is commonly defined as a government of the people, by the people and for the people. Freedom and democracy walk hand in hand so Indian society is accepted democracy where the media plays a pivotal role in the Indian democracy. Media is being considered as the fourth pillar of democratic society after executive, legislature, and judiciary. Beyond the control and limitation of the government's vital organ in large interest of the masses, media sometimes raise over or above. The last few years witnessed an enhanced interface between the media and common man.¹ It is the media (print or electronic) has become a part of the life of the people of India, who are largely dependent on the media coverage for various needs including entertainment and information.

Starting from the issues relating to common man, their feelings, their necessities, their expectations and every aspects of their life closely associated with the media. Media keeps the peoples awakened and there is no denying the fact that it has become one of the major instruments of social change. In a democratic set up, it is media which strengthens the democratic norms and values and also accelerates the pace of development.

During the British period, the media scenario was quite different and in the beginning of twentieth century in the name of security of the State, people were denied the basic information and transparency in the process of governance was a distant dream. During the freedom struggle the print media played a major role and it got a morale booster it is well know that most of the freedom fighters were well acquainted with journalistic knowledge and many of them were said to be journalists. It greatly influenced the freedom movement. Subsequently with the attainment of independence, the role and responsibility of the media was enhanced and although it was controlled and owned by the State such as the people got a natural freedom to express their own ideas. But during the emergency of 1976, the activities of media were strongly regulated and harsh orders were issued against the media houses and their independence was completely shattered. In the post emergency period, the media came out stronger as well as the passage of each day it came much closer to the hearts of the common people and become their mouthpiece.

The social, political, cultural and economic scenarios of the country were reflected in the newspapers which ultimately paved the way for strengthening the democracy and the government

¹ .V. Dicey, "Introduction to the Study of Law of the Constitution" Macmillan, New York, 10th edit P.238 ff, 247 ff, (1959)

of the people of India. In aftermath of emergency the media along with providing information to the people started educating them. Nowadays, besides the print media, the electronic media, particularly, the television programs telecast through cable network via satellite links has brought revolutionary changes in the field of news reporting and analysis. In the process new development and dimension of news reporting is emerge and India is being considered as one of the leading countries which have advanced to a great extent so far as information and technological development is considered.

The media works as a watchdog of the government and carry every report of the action of administration thereby keeping the people informed about the day to day happenings taking place around them. Extensive liberty has been granted to the media people by the Constitution and in fact an awakened and free media is essential for smooth functioning of the government. Not only the economic developments but also the man-society relationship and other aspects that affect the people, are being covered by the media. That is why the people got habituated to media and the Indian democracy and its effective functions cannot be thought without an independent media. Media acts as a bridge between the people and the government and also a very powerful tool with the ability to make and break the opinion of the people. It has the capacity to swing perceptions or evoke emotions. This is why it has gained faith of the public. Media, through its various means of newspapers, television and cinema is what rules the heart and mind of people.

The media has helped to shape the democratic society by giving emphasis to issues that are at one point in time, would have been considered strictly private such as child birth, child care, domestic violence, and sexual harassment. Transparency and accountability are most proper functioning of a democratic system. The nexus between corruption and administration intertwined by politics seems to snatch the serenity and peace of the country.

Democracy cannot be successful without free press. Free press is very essential, as it is the voice of the people but media shall not fall as a victim to some monetary or any other temptations, and shall keep on honestly serving the people the people. Media is playing a vital role in shaping human minds. The media is considered as fourth pillar of democracy. It makes us aware of various activities like politics, sports, economic social and cultural activities etc. It is also like a mirror which shows the bare truth and sometimes it may be harsh. However, it plays a crucial role in shaping the public minds. Media plays an important role in shaping the democracy. It is called as backbone of democracy. It empowers the citizens through information. Media arranges the debate

on current affairs and contradicting policies so that different views regarding the same issues could be put forth.

CONSTITUTIONAL STATUS OF FREEDOM OF PRESS IN INDIA- HISTORICAL PROSPECTIVE

The Constitution of India recognize certain fundamental to the citizens of India such rights consider as fundamental because without individual cannot develop his personality, originally Constitution contain seven category of fundamental rights, due to these fundamental rights Indian democracy helps to make more workable and meaningful. Among these fundamental rights fundamental freedom guaranteed in Art. 19 (1).²Out of six freedoms Article 19(1)(a) provided freedom of speech and expression is very unique one, freedom of speech must be includes freedom of press or media intention of Constitutional maker practically implemented while interpreting such provision on various occasions by the Indian judiciary But this freedom of speech and expression is not absolute. It means in the Constitution of India itself provided the ground for the states to impose reasonable restriction logic behind it that one can be absolutely free only when all others are absolute, slave's Individual freedom to be real must be social and hence must be limited.

The Constitutional provision about freedom of speech and expression and limitations which would be impose by state, discussed as following;

FREEDOM OF MEDIA AND INDIAN CONSTITUTION: -

Constitution is said to be the basic or the fundamental document of a country and it is living document. The Indian Constitution considered to be the lengthiest Constitution of the world confers certain rights of its individual and on its individual. Freedom of speech and expression is one such right which the citizens are entitled to. In a boarder analysis, the freedom of speech and expression also included freedom media. Before going to details of freedom of media as guaranteed under the Constitution of India it is necessary to understand right to freedom of speech and expression.

The citizen enjoys certain rights as mentioned above in democratic system. Freedom of speech and expression is considered as sacred right and is to be the prized privilege of the citizens. Art.19

²Constitution of India [P.M. Bakshi]

(1) (a) of the constitution protect and guarantees right of freedom of speech and expression to all citizens. However, this right is not an absolute right and certain restrictions are also imposed. Indian Constitution by guarantees freedom of speech and expression has given the people of India the liberty to express their opinion because it is cherished goal of every individual in a civilized society.³ Indian polity has chosen the democracy as the basis of their governance and the will of the people is paramount of consideration in the democratic society.

That is why, our preamble starts with the word “we the people of India” which go on specify certain objectives. Liberty of thought and expression is one such objective which is contained in the preamble and Art. 19(1)(a) contains in detail that noble objective, thereby providing the citizens one of their important right i.e. Article not only guarantees the right to speak but also express their opinion in any form. It is to express one’s convictions and opinions or ideas freely, through any communicable medium or visible representation, such as gesture, signs and the like. Therefore, it includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

In the words of Justice A.N. Sen⁴ these rights are instinctive and natural right of every human being. According to him, this freedom of speech and expression, which is indeed a natural right as expressed in different ways under different circumstances, various in its nature. The freedom of expression is the birth right of every living creature and is indeed a gift of nature. Indian Constitution guarantees freedom of speech and expression includes freedom of media. In a democratic country media plays an important role so far as communication of information is concerned which keeps the society vibrant. For healthy society have got sharing of views, free flow of information, free communication and expression plays a crucial role and media, print and electronic being powerful and important instruments of expression have got a lot to contribute.

Lord Mansfield⁵ has defined the liberty of press to mean printing without previous license, subject to consequences of law. The freedom of press not confined to newspaper and periodicals, but also includes pamphlets leaflets, circulars and every sort of publication which affords a vehicle of information and opinion. Therein lies the importance of a free presses and that is why it is so important and essential in a modern democracy. In the last couple of years we have witnessed the role of the press in presenting information before as in beautiful manner, thereby providing a

³M.R. Masani, “The Importance of Free Press in a Democracy.” Freedom of the press in India, Edited by, A.G. Noorani, Bombay, Nachiketha Publications, P. 69). (1979)

⁴<https://www.prsindia.org>

⁵Definition: www.wikipedia.org

proper platform for the people to debate over such issues. In this process the press also plays an educative role by performing its duties freely. As it has been rightly pointed out by A.D. Gorwala; the press educates in two ways mainly, by giving the latest news along with its background and an analysis. Its duty is to give whole news without bias, selectivity or distortion. But the real glory of any press is to be found in its most educative part that is to provide sound comments upon public life in all its aspects. This should be task of the press, source of its power

Justice Patanjali Shastri also expressed the same view when he observed that freedom of speech and of the press laid the foundation of all democratic organization, for without free political discussion, no public education, so essential for the proper functioning of the processes of popular government, is possible.

The Indian Constitution, unlike the American Constitution, does not expressly mention in Article 19(1) (a) the liberty of press i.e. the freedom to print and publish what one pleases without previous permission. Since the Constitution was adopted, the Supreme Court through various decisions conformed that the freedom of press is implicit in freedom of speech and expression as guaranteed under Art. 19(1) (a) of the Constitution. However, the non-inclusion of the freedom press in the above Article came up for discussion in the constituent Assembly. The question before constituent Assembly was whether or not to insert in the Indian Constitution a separate right for the press as distinct from that of the ordinary citizen. Dr. B.R. Ambedkar, Chairman of the drafting committee explained the omission in the following words;

The press is merely another way of stating an individual or a citizen. The press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity.⁶ The editor of press or the manager is all citizens therefore, when they choose to write in newspaper, they are merely exercising their right of freedom of speech and expression. Therefore, in my judgment, no special mention is necessary to the freedom of press at all Hence the right to press was included in freedom of speech and expression i.e., Article 19(1) (a) of the Indian Constitution. Independent press and control free press is pre requisite of a democracy. The need for a free press is more in a country like India. In the absence of any specific article in the Indian Constitution for press or media, it was the judiciary who safeguarded and promoted the independence of press. At times, it also restricted the same in the interest of justice.

⁶Definition: By Dr. Ambedkar

So it is clear that freedom of press does not require any special mention as it is inherent in the existing provision and the press enjoys the same freedom of speech and expression of individual citizen, neither less nor more. The media enjoy special immunity or elevated status compare to the citizen and are subject to the general laws of the land, including taxation and industrial laws. The immunity which the press enjoys includes and extends to the right to publish, disseminate information and circulation.

Thus, as mentioned earlier, the Supreme Court in its various decisions, while conforming the rights of the press also struck down certain laws which tried to abridge the freedom of the press and these judgments are in tune with the amendment of the American Constitution.

FREEDOM OF MEDIA AND CONSTITUTIONAL RESTRICTIONS

It may be recalled here that right to freedom of speech and expression as one of basic fundamental rights guaranteed to the citizens of our country. Freedom of media drives its rights from the right to freedom of speech and expression available to a citizen and it has the same right. Although no special provision was made to safeguard the rights of the press, the court from time to time through various decisions confirmed that the rights of the press are implicit in the guarantee of freedom of speech and expression as provided in the Constitution. But now one question arise weather the freedom guaranteed under Article 19 (1) (a) to the citizens as well as to the press are absolute or subject to certain restrictions. If the freedom are not absolute and to be exercised subject to certain restrictions, then who can impose restrictions and now these restrictions are to be imposed.

FREEDOM OF MEDIA NOT ABSOLUTE: -

The freedom guaranteed under Article 19(1)(a)⁷ are considered and recognized as natural rights or common law rights. These rights are clearly distinguished from the rights which are created by a statute. However, these natural rights are not absolute or uncontrolled. Our Constitution in clear terms puts some restrictions on the enjoyments of right to freedom of speech and expression and freedom of media. Clause (2) to (6) of Article 19 mentioned the restrictions can be imposed by laws made or to be made by the State. Where right has been created by a statute, it can be taken away by the legislature and can be subjected to such restrictions only as permitted by the

⁷constitution of India [P.M. Bakshi]

Constitution itself. That is why our Constitution empowering the State to direct impose restrictions or limitations upon the fundamental freedoms.

As mentioned above clauses (2) to (6) of Article 19 deals with the limitation imposed upon the enjoyment of all the six fundamental freedoms guaranteed under Article 19 (a) to (g) but clause (2) of the Article 19 exclusively provides for the restrictions to be imposed on the exercise of freedom of speech and expression Article 19(2) of the Constitution reads as; nothing in sub-section (a) of clause (1) all affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub- section in interest of the sovereignty and integrity of India, the security of State, friendly relations with foreign States, public order, decency or morality or in relations to contempt court, defamation or incitement to an offence.

Therefore, as per Article 19 (2) reasonable restriction can be imposed by the State on the exercise of freedom of speech and expression under any of the grounds mentioned above. Hence, a law restricting the exercise of freedom of speech and expression must be for the particular purpose mentioned in clause (2) of Article 19 and also the restriction must be a reasonable restriction.

RESTRICTIONS TO BE IMPOSED

As see above and close reading of the provisions contained in clause (2) to (6) of Article 19 which enable the State to impose restriction on enjoyment of freedoms guarantees under Article 19 (1) (a), such restriction must satisfy the following three broad tests:

Restriction can only be imposed by or under the authority of a law duly enacted by the appropriate legislature, component to enact a law. No restriction can be imposed by executive action alone without the authority of a law to Backup. The restriction must be imposed in the interest of or for the particular purpose mentioned in clause permitting the imposition of the restriction on that particular freedom i.e., there must be reasonable nexus between the restriction imposed and the object enshrined in the respective clause. No restriction can be imposed on the freedom, on the grounds other than those specified in the respective clauses.

The restriction to be imposed must be reasonable-

Endorsing the above three test the Supreme Court in the famous Ramlila Maidan Case⁸ held the view that no person can be divested of his fundamental rights. They are incapable of being taken away or abridged. All that the State can do, by exercise of its legislative power is to regulate these rights by imposition of reasonable restriction on them.

Thus, it is cleared that the restriction can be imposed only by or under the authority of law and it cannot be imposed by exercise of executive power each restriction must be reasonable and a restriction must be related to the purpose mentioned in Article 19(2).

The press and people connected with media owe a greater responsibility towards the society and the people of this country. In the changed scenario, when we face multiple challenges with machinery and the people at large are required to face the challenges of globalization and international developments, the press, Administrative machinery and the people at large are required to face the challenges with much sincerity. The grounds which have been enumerated above are certainly important when we take in to consideration the interest of the State. Thus smooth functioning of democratic process, vigilant eyes of the legislature is necessary and at the sometime the public opinion and the liberty of the press should be safeguarded of course under the Constitutional boundaries and permissible limits.

In a democratic country like India the media has following responsibilities;

1. To equip the citizen with unbiased information. Media shall not taint the facts, they shall present them as they are
2. To play vital role in broadening the thinking of citizens, by empowering them with knowledge. In a country like India where there is significant rate of illiteracy, it is the duty of media to impart knowledge and broaden their views.
3. To fairly criticize any action it, is against the spirit of justice or essence of democracy. To point out the concept practices and play a crucial role in initiating the proper procedure against the people who are accused of any antisocial activities, regardless of any political connection. To foster the spirit of unity and brotherhood among the people, and install faith in democracy and justice. If the media adheres strictly to its duties then the democracy will be enjoyed in true sense by the citizens of India.

⁸www.lexisnexis.com

FOURTH PILLAR OF DEMOCRACY

Freedom of press has always been a cherished right in all democracies. Growth and development of representative democracy are so much intertwined with the growth of press that the press has come to be recognized as institution limb of modern democracy. Speaking of democracy, political scientists and experts always say there are four pillars of democracy, namely the judiciary, executive, legislative, and media. More functioning judiciary as an institution of the judiciary, the executive is more to the government, while the legislature as an institution that makes the laws and overseeing government performance.

Media is an important and inseparable part of a democratic society. It is in fact called the fourth pillar of democracy.⁹ Before the advent of electronic media, print media played an important role in disseminating information to people. Over the years, a wide variety of media like the press, performing arts, television, radio, and films have been used for communication. Furthermore, the fourth pillar which is also very important is the media. Why the media can be regarded as the fourth pillar of democracy? Because often times people assume that the media is more neutral and freer from elements of state power, in contrast with the previous three pillars which are all oriented to power. The media not only as a source of news, but it is also the voice of the people carrier and fittings. The media also often become a tool for suppressing the three pillars of democracy before.

There are a minimal number of pillars needed to support the infrastructure of democracy. If you wish to build a bridge, there are principles of engineering that must be followed.

Similarly, there are seven main pillars of the architecture of democracy :-

1. Elections
2. Political tolerance
3. The rule of law
4. Freedom of expression
5. Accountability and transparency
6. Decentralization
7. Civil society

⁹ Subir Ghosh, "Mass Media" Today, Calcutta, p, 40.(1991)

But democracy, unlike bridge building, isn't just science; it is also the art of the possible. The fourth pillar sustaining democracy is freedom of expression. What people in civil society are allowed to say, print distribute, and discuss is indicative of the democratic nature of a political system. A free press is one measure of freedom of expression in a society.

The newspaper not only presents facts but also gives the interpretation of facts and statements of opinions through its editorials and also propagates ideas and ideologies. The press has therefore been rightly described as the Fourth Estate. Although no democracy has absolute freedom of speech, unless citizens have the right to express themselves in the political process, no government can be made accountable for its actions. Each country places its own limitations on freedom of expression. What matters is that those limitations are not misused by political forces to limit public scrutiny of policies and actions that have an impact on the integrity of governance. For example, if criminal libel laws effectively thwart whistle blowing on irregularities or corruption, democracy is diminished. And hence it is also very necessary to limit this influential institution's powers.¹⁰

Freedom of Press is not absolute, unlimited and unfettered at all times and in all circumstances as it would lead to disorder and anarchy. We are the part of the democratic country and where the citizen is all in all and there must be check and balances on the government and the media plays that role regarding the check and balances on the government. Abraham

Lincon gave the definition of democracy in the words; "Democracy is the people, for the people and by the people."¹¹

Media is regarded as one of the pillars of democracy. Media has a wide role in society. Media plays a vital role in molding opinion of the society and it is capable of changing the whole viewpoint through which people perceive various events. The media can be commended for starting a trend where the media plays an active role in bringing the accused to hook.

¹⁰facets of media law [madhavigoradia divan]

¹¹<https://Hillsdale.edu>

ROLE OF MEDIA IN INDIAN DEMOCRACY

Media is the sword arm of democracy, it playing very significant role in Indian democracy which is as following

MEDIA AS INSTRUMENT OF EXPRESSION

Every individual person is a medium of expression. An individual interacts through the media to reach other individual and institutions. The media constitute the instrument of expression. Media is generally the agency for inter-personal communication. There are two kinds of communications. Personal communication mechanisms are one kind of media, while the other is print and electronic media.

Media in exercise of freedom of expression is essential to communicate the thoughts, views, ideas, philosophy, ideals and activities. Communication keeps society together and cohabitate. For healthy growth of civilization world, the free flow of information and ideas is essential. The right to freedom of expression, though it belong to every individual, institution and organization, becomes imperatively necessary in the media world which serves as the best communicator of information and the best instrument in expression. Exercise of right of freedom of expression is the professional duty and charter of work of media whether it is print media or electronic media.

The media act as a mass communicator and have to enjoy this freedom for promoting public good and for informing the people in general as to the State of affairs in every sphere of life and activity throughout the State and indeed throughout the world. When freedom of expression is usually talked of, it is generally understood in the context of the freedom of the media and particularly the print media, though it may be pointed out that the freedom of expression stands, both with regard to its rights and obligations, on the same footing as that of an individual or institution.

As the largest democracy, India considered a role for a large number of developing countries. We have State and central government elected by the people. India have a government run by our own elected representatives, known as Member of Legislature Assembly (MLAs) in the State and Members of Parliament (MPs) at the center Modern democratic governments have the following;

A Legislature, i.e. State Assemblies and Parliament, responsible for framing laws and decide the way we run our affairs.

Executives; the Governor, Chief Ministers who run the State and the president, Prime Minister and the Council of Minister who run the country. A Judiciary; Supreme Court, High Courts and other courts which decide whether laws and the Constitutional provisions are followed by the elected governments.

These institutions run the government of the country for the welfare and development of all the people. In a democracy, the people should know what the three institutions, namely the Legislature, the Executive and the Judiciary is doing for the welfare of the people. These institutions in turn need to know how the people reacting, what are they doing? The main role of mass media is to act as bridge between the people and the government. So, in that sense, media can be considered as the fourth institution in a democracy.

Every democratic set up in the present day social texture should have been implicated with a special inseparable part i.e. the press which now expended to include electronic media also. The executive, Legislature and judiciary are no doubt, three pillar of democracy in India. The media is another equally important pillar to lend its valuable support to the system and hence is regarded as fourth Estate the word Estate has been criticized for its seeming connection with dynastic hierarchy. But in fact it does not reflect any such imperialistic symptoms because of its multi-pronged functions in linking the three main systems and correlating them with the social needs to bridge the gulf between the governors and the governed.

MASS MEDIA CAN HELP IN CHANGE

Using mass media, people's attitudes and habits can be changed. For example, all of us have mistaken or wrong notions about various diseases like leprosy or HIV/AIDS. Mostly people think that by touching people suffering from these diseases would be infected. You might have heard on radio or watched television programs or read messages which tell us that by touching an HIV/AIDS patient, we do not get infected. Similarly, for eradicating polio there are special programs and messages disseminated through the media. They inform people about the need forgiving polio drops to children and about the day that is declared a polio day. Special arrangements are made to give polio drops to as many children as possible on polio day. Change would also mean things for the better.

The concept of development of a country is again a matter of change, when old practices and equipment are changed and new, better and more efficient means are being used. The mass media play an important role in communicating this change. By giving the necessary information, and

sometimes skills, the media can help bring about this change. You may ask how media can impart skills. A Mass media¹² like television can demonstrate and show how things work. You would have seen on television how a certain dish is cooked using modern kitchen equipment. When behavior pattern change in large numbers and is visible and sustained, it results in a social change. Once there is a deviation from culturally inherited values, it may result in a rebellion against the establishment system, causing a change in social order.

Media technology has got a crucial role in everyone's life today. Media has got a great job of bringing social change in whatever the topic covers from entertainment to all the ongoing issues. Currently, there exists revolution in fighting against corruption in the country. People started realizing the corruption is the element to be eradicated. Internet and social networking sites like Facebook and Twitter, along with traditional media like print and electronic are powerful weapons that curb the menace of corruption and lead to greater transparency in public life by policing India's situation economic and governance, highlighting ongoing corruption cases and applying pressure on corrupt organization and individuals. The free distribution and wide reach of the internet and social media channels is critical in the fight to reduce corruption and renew the social fabric. This can give rise to virtuous cycle of transparent policy making, clean government and faster economic growth.

Since today we have better platform to showcase our opinions, all these forms of Medias put together can help in generating positive interaction and by being agents of social change. Making people more aware of their right and entitlements, Enabling people to have access to government programs, schemes and benefits, educating the people more aware of political issues and options and helping to stimulate debate, educating the public on social, economic and environmental issues, drawing attention to institutional failing corruption, fraud, waste, inefficiency, cronyism, nepotism, abuse of power and the like, Fostering exchange of best practices, knowledge resources, access to better technology, and better choices. Creating pressure for improvement performance, accountability and quality, for example in service delivery, and providing a discursive space for citizens to dialogue with other actors in the governance process. Rise in transparency and accountability Right to be informed and aware Building trust among people and State Limited opportunities to indulge into corruption.

¹² SubirGhosh, "Mass Media" Today, Calcutta, p, 42.(1991)

MASS MEDIA HAVE MADE THE WORLD SMALLER AND CLOSER

The speed of media has resulted in bringing people across the world closer. For an example; when you watch live cricket match between India and England or Australia or New Zealand on television, you feel you are part of the crowd in that stadium. Events, happy or sad, happening anywhere can be seen live because of media. Sometimes we feel that the entire world is one big family. You might have heard the term global village. It means that the whole world is shrinking and becoming a village. Wherever we go to any part of the world, we see the same products such as soft drinks, television, washing machine, refrigerator etc. and the same type of advertisements. Such as, the World Wide Web and internet have brought people and countries much closer.

MASS MEDIA PROMOTES DISTRIBUTION OF GOODS

Mass media are used by the consumer industry to inform people about their products and services through advertising. Without advertising, the public will not be know about various products (ranging from soup to oil, television sets to cars) and services (banking, insurance, hospitals etc.) which are available in the market as well as their prices. Thus mass media help the industries and consumers.

ROLE OF MEDIA IN NATION BUILDING

In any democratic country the media plays a vital role in creating molding and relating public opinion. Over the years the media became so powerful that it soon acquires the status of fourth estate as it was aptly described by the British politician Edmund Burke. It is become so indispensable for the democratic functioning that Thomas Jefferson who was the third US president (1801-1809) said, were it let to me to decide whether we should have a government without newspapers or newspapers, without a government. I should not hesitate for a movement to prefer the letter. For some reason our first prime minister, Jawaharlal Nehru declared, I would rather have a completely free press with all danger involved in the wrong use of that freedom, than a suppressed or regulated press,¹³ in fact media touches almost every aspect of our public life. Media plays a very important and crucial role in enlisting and educating the people. The media can aid

¹³ M.R. Masani, "The Importance of Free Press in a Democracy." Freedom of the press in India, Edited by, A.G. Noorani, Bombay, Nachiketha Publications, P. 69). (1979)

public involvement through advocating issues and transferring knowledge, skill and technologies to the people.

Awareness about various rural development programs, propagation of family planning could be spread by using the media. It made farmers aware of the new and improvement methods of agriculture and protection of the crops. Media plays very emphatic role in awakening people against many evils prevailed in the society like child marriage, killing of female unborn child, the evil practice of child labor etc. Though educational programs, it can cover many student in a single platform. The university Grant Commission telecast educational programs for the benefit of the school and college students all over India. Media can ignite scientific temper among the students for development of science. The government can use the media more effectively to make it an instrument of social change. Media has exposed a number of corrupt practices, hidden deals, thus putting a check on the cancer in the form of corruption in the society.

The various news channels keep the vigilant citizens updated. They organized debates and group discussions about the current political issues in order to enlighten the people about the democratic process. Media serves as a bridge between the government and people. The government policies and action are conveyed to the people, and the latter forcefully expressed to make the authorities aware of the public feelings. It makes policy maker aware of the wrongs that may otherwise escape attention. During the election period, the media can play very important role publishing the bio data of the candidate.

Which makes the general public aware about the vote, an impartial and fearless media is the basic requirement for the success of democracy. Now a day's media has become so powerful that it is in a position to make or break governments, it is usually conceded that John F. Kennedy might never have been the American president, were it not for his brilliant performance on television.¹⁴ The same is true about Barak Obama who led his democratic party to victory because of dynamic confidence by projected over the internet. Heavy media emphasis on news about excess of Emergency brought about a change in government in India. Even a powerful president like Richard Nixon was forced to leave the white house due to the exposure by media in the notorious Watergate scandal. The media has a distinctive role to play in bringing communal harmony which in turn will preserve the secular fabric of democratic country. It also serves to highlight those issues which violate human rights media led to the promotion of business through advertisements. The

¹⁴Telecom, media & press laws' [Eastern book company]

telecasting of latest updates about techniques of economy management are providing fruitful to trade and commerce.

In the present era of IT revolution, globalization and liberalization, the advent of internet and email, has shrunken the globe to such an extent that the world can now be called a global village. Media is helping global culture to be evolved. We journey across the globe in instants through see the people, their way of living, their fashion and testes without own eyes. Thus, emerging on the horizon the concept of global village. Two serious issues confront the media. First, the media is ushering in a cultural revolution, which is threatening the social and cultural integrity of the nation. The vulgarity displayed in the advertisements, the serials and the music videos should be checked because the reach the audience directly in home.

The perverse depiction of women as glamorous props and objects of titillation and portrayal of rape as an exciting and adventurous act is considered in no small way to be responsible for the increasing atrocities against women. The present day goondaism, falling in love affairs by college and school boys and girls are some of the perverse effects of the present day movies. These are something which the media has to guard against. Second, there is an increasing tendency in a section of media to protect trivial things in life, fashions of the rich and the over privileged, and to aggressively advertise a consumerist lifestyle beyond the reach of the majority. This happen to the exclusion of the attention paid to the problems of the masses, there sufferings and aspirations. A re look at the role of the fourth estate is the need of the hour. The media should work towards stories that generate confidence about creative potential of the grassroots. The media should be a partner in national development.

Despite all these aberration one may conclude that, the media do play in nation building. The owners and managers of the media must realize their responsibility towards society and aim to provide information that is clean, transparent and reliable. There are many things that are wrong with the society, and the media should engage itself in the betterment of society and the nation as a whole. By addressing itself to needs of the people, it can strengthen the very root of democracy.

Case Law's

In Romesh Thappar vs. State of Madras; the Supreme Court held that there can be, no doubt, that freedom of speech and expression includes freedom of propagation of ideas, and that freedom is ensured by the freedom of circulation. Liberty of circulation is an essential to that freedom as the liberty of publication. Indeed, without circulation, the publication imposed on grounds mentioned

in Article 19(2) of the Constitution. A law which authorise the imposition of restrictions on grounds of public safety or the maintenance of public order falls outside the scope of authorized restrictions under clause (2) and therefore, void and unconstitutional.

In *Sakal Newspaper Limited vs. Union*;¹⁵ Supreme Court had observed that the right to freedom of speech and expression carries with it the right to publish and circulate one's ideas, opinions, and views with complete freedom and by resorting to any available means of publication, subject to the restrictions imposed under Art. 19(2). The Indian Constitution does not expressly provide for the freedom of the press but this freedom is included in Freedom of speech and expression guaranteed by Article 19(1)(a).

In *Bennet Coleman Company vs. UOI*;¹⁶ the Court held that freedom of the press is both quantitative and qualitative. Freedom lies both in circulation and in content. The fixation of page limit will not only deprive the petitioners of their economic viability but also restrict the freedom of expression by compulsive reduction of page level entailing the reduction of circulation and the area of coverage for news and views.

In *Hamdard Dawakahanna vs. UOI*;¹⁷ the Supreme Court has held that an advertisement is no doubt a form of speech and expression of ideas. In the present case, the advertisement was held to be dealing with commerce or trade and not for propagating ideas. Advertisement of prohibited drugs would thus not fall within the scope of Article 19(1) (a).

The Supreme Court has emphasized that the freedom of the press is not so much for the benefit of the press as for the general community because the community has a right to be supplied with information and the government owes a duty to educate the people within the limits of its resources.

¹⁵www.lexisnexis.com

¹⁶www.lexisnexis.com

¹⁷www.lexisnexis.com

CONCLUSION

Democracy cannot be successful without free press. Free press is inseparable part of democracy as well as it is the voice of the people. Freedom of speech and expression is one such right which the citizens are entitled to. In a democratic country like India the media has duties as, to equip the citizen with unbiased information, to play vital role in broadening the thinking of citizens, by empowering them with knowledge, to fairly criticize any action which is against the spirit of justice or essence of democracy, to point out the concept practices and play a crucial role in initiating the proper procedure against the people who are accused of any antisocial activities, regardless of any political connection, and to foster the spirit of unity and brotherhood among the people, and install faith in democracy and justice. If the media adheres strictly to its duties then the democracy will be enjoyed in true sense by the citizens of India. Media is the sword arm of democracy, it is playing very significant role in Indian democracy. Every individual is a medium of expression. An individual interacts through the media to reach other individual and institutions.