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# **CRITICAL ANALYSIS OF MEDIA AS THE FOURTH PILLAR OF DEMOCRACY**

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## **ABSTRACT**

In the Constitution of India, the words "Freedom of the Press" are not expressly mentioned but are implied in Article 19(1)(a). a), that is, the basic right of every citizen to freedom of speech and expression and the same right is also exercised by the media. The Supreme Court of India has also stated that although freedom of speech and media expression is not expressly guaranteed as a fundamental right, it is included in the Constitution as freedom of speech and expression. Freedom of the press has always been considered in all democratic and civilized countries and also Edmund Burke described the freedom of the press as the fourth estate of democracy. But recently, the fourth pillar needs urgent restoration due to its bad effects. Once the media was highly rated as the voice of the people but now it has become synonymous with lies, hatred, propaganda, blackmail etc. one can perceive from their image that the standard of the media has deteriorated by leaps and bounds. So, new laws, rules, framework or guidelines are a must to check the ill effects of media and bring back its bygone glory and bring it back to the mainstream which seems lost in today's India.

## **KEYWORDS**

Freedom of speech, media, democracy, rights, restrictions, regulations, speech, communication.

## **INTRODUCTION**

Media is the plural of medium that (generally speaking) develops any channel of communication. This can include anything from printed paper to electronic data and includes art, news, educational

content and many other forms of information. Digital media, which is an increasingly large part of modern communications, consists of complexly encoded signals that are transmitted over various forms of physical and virtual media, such as fiber optic cables and computer networks.<sup>1</sup>

According to Edmund Burke, the media is considered and regarded as the fourth estate of democracy<sup>2</sup>. Media has the power to influence people with ease compared to any other means, it has a direct impact and has a wide appeal, it can easily change an individual's perception towards their liking. The media these days play with the emotions of society to gain undue advantage and make more money. It is the same media that was once the eye, ear and mouth of society, but now society is faking its false and fictional nature in the form of news.

The Constitution of India has not specifically talked about the media, but that is the conclusion drawn from article: 19 paragraph 1 letter A free and fair media is a key aspect of civil society and any oppression of the media by any means is unjust, intolerable and a threat to freedom of speech and expression in a civilized society. The media is the voice of the masses. It is a platform where voices are created, spread and heard like a jungle fire because its surroundings are so far away. It connects one with the other and helps in many ways.

The medium also has its other side which is quite unrealistic in context with it and many will never accept its ugly side. The media can also be very cruel, competition and market control have had a major negative impact on their reputation. Media is a big billion business and with better connectivity and reach to ugly and mysterious aspects are in front of common people that how media tends to create hate, provide false information, manipulated facts, secure information to public in public domain are few things. In context with the ugly side. Media also plays a vital role if we talk in the context of its positivity, but the negatives have increased so much that the positives of the media are overshadowed. Media is still considered the need of the hour and no one can deny the fact that how important media is but the question remains the same that will it be the same media where people say "the pen is mightier than the sword" or the media is just a puppet of the government in the party or those with money.

## Emergence of Media in India: A Brief History

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<sup>1</sup> <https://www.techopedia.com/definition/1098/media>

<sup>2</sup> <https://www.thoughtco.com/what-is-the-fourth-estate-3368058>

Indian media consists of several different types of communication: television, radio, cinema, newspapers, magazines and internet websites/portals. Indian media has been active since the end of the 18th century, with print media beginning in 1780, radio broadcasting beginning in 1927, and Auguste and Louise Lumière showing motion pictures in Bombay starting in July 1895. It is among the oldest and largest media in the world. The media in India has been free and independent for most of its history, even before the founding of the Indian empire by Ashoka the Great, on the basis of justice, openness, morality and spirituality. The Emergency (1975–1977), declared by Prime Minister Indira Gandhi, was a brief period when the Indian media faced potential government retaliation.<sup>3</sup>

## **Laws governing the media in pre- and post-independent India Pre-Independence Legislation-**

- **Censorship of the Press Act, 1799**

Lord Wellesley enacted an ordinance anticipating a French invasion of India. It almost imposed wartime restrictions on the press, including pre-censorship. These restrictions were relaxed under Lord Hastings, who held progressive views, and pre-censorship was introduced in 1818.

- **Licensing Act, 1823**

Acting Governor General John Adams at the time, who held reactionary views (about what?), enacted the ordinance. Under these regulations it was an offense to run or use a press without a licence. These restrictions were mainly directed against newspapers in Indian languages or those published by Indians. Rammohan Roy's *Mirat-ul-Akbar* had to stop its publication with the occurrence of this act.<sup>4</sup>

- **Press Act of 1835 or Metcalfe Act**

Governor-General Metcalfe (1835-36) repealed the obnoxious Ordinance of 1823, earning himself the epithet "liberator of the Indian press". The new Printing Act (1835) required the printer/publisher to give an accurate description of the premises of the publication and to cease

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<sup>3</sup> <https://www.thehansindia.com/posts/index/Hans/2015-03-13/Pre-independence-regulationof-Indian-newspapers/137007>

<sup>4</sup> *Supra* note 1 at p. 3

operations if required by a similar statement. The result of the liberal press policy was the rapid growth of newspapers.<sup>5</sup>

- **Licensing Act, 1857**

Due to the emergency caused by the Rebellion of 1857, this Act imposed licensing restrictions in any addition to the pre-existing registration procedure established by the Metcalfe Act, and the Government reserved the right to stop the publication and circulation of any book, newspaper or printed matter. Deemed appropriate.

This Act replaced the Metcalfe Act of 1835 and was regulatory rather than restrictive in nature. Under the Act (i) every book/newspaper was required to state the name of the printer and publisher and the place of publication; and (ii) a copy was to be submitted to the local government within one month of the publication of the book.<sup>6</sup>

- **Vernacular Press Act, 1878**

The bitter legacy of the 1857 rebellion was racial bitterness between the ruler and the ruled. After 1858, the European press always rallied behind the government in political disputes, while the popular press criticized the government. There was a strong public opinion against Lytton's imperialist policy, contributed to on the one hand by a terrible famine (1876–77) and on the other by lavish expenditure on the imperial Delhi Durbar. The Vernacular Press Act (VPA) was designed to "better control" the vernacular press and to effectively punish and suppress seditious writing.

- **The Newspapers (Incitement to Offenses) Act, 1908**

Aimed at countering extremist nationalist activity, this law empowered judges to confiscate the assets of a press that published objectionable material that could incite murder/violence.<sup>7</sup>

- **Indian Press Act, 1910**

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<sup>5</sup> *Ibid*

<sup>6</sup> *Supra* note 1 at p.

<sup>7</sup> *Ibid.*

This Act revived the worst features of the Voluntary Partnership Agreement - the local government was empowered to demand registration security from the printer/publisher and forfeit/cancel the registration if it was a dubious newspaper and the newspaper printer had to submit two copies of each issue to the local government free of charge.

- **The Indian Press (Emergency Powers) Act, 1931**

This Act gave provincial governments extensive powers to suppress Civil Disobedience Movement propaganda. It was further strengthened in 1932 to include all activities calculated to undermine government authority.<sup>8</sup>

## Post-Independence Legislation-

- **Press Inquiry Committee, 1947**

The committee was set up to examine press laws in the light of the fundamental rights formulated by the Constituent Assembly. It recommended repealing the Indian Emergency Powers Act, 1931, amendments to the Press and Registration of Books Act, amendments to Sections 124-A and 156-A of the IPC, among others.

- **The Press (Objectionable Matters) Act, 1951**

The law was adopted together with an amendment to Article 19, Paragraph 2 of the Constitution. The Act empowered the government to demand and forfeit securities for the publication of "objectionable matter". Injured owners and printers were given the right to demand a jury trial. It remained in force until 1956.

- **Press Commission under Justice Rajadhyaksha in 1954**

The Commission in 1954 recommended the establishment of an All-India Press Council, the revision of the system of press page schedules for newspapers, the banning of crossword competitions, the development of a strict newspaper advertising code, and the desirability of preventing concentration in the ownership of Indian newspapers.

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<sup>8</sup> *Supra* note 2 at p. 4.

Other laws passed include the Delivery of Books and Newspapers (Public Libraries) Act 1954; The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955; The Newspapers (Price and Page) Act, 1956; and the Parliamentary Proceedings (Protection of Publications) Act 1960.

## Different media sizes

- **Media as a player**

From the time immemorial of legal history and beyond legal memory, man has expressed his thoughts through various channels such as symbols, signals, speech, writing, print and now also computer language. Because ideas and information are so important to the growth and survival of a free and democratic society, such a goal cannot be achieved unless every citizen has the fundamental right to express their ideas and opinions. This came to be known as the right to freedom of speech and expression. Preamble to the Constitution of India resolved to ensure freedom of thought, expression and belief to the citizens of India. The Preamble, which focuses on the main objective of the Constitution of India, ensures freedom of speech and expression, religious independence and the choice to follow one's own beliefs to every citizen of India. Part III of the Constitution of India deals with fundamental rights. The Constitution contains the right to liberty, given in Articles 19, 20, 21 and 22, with the aim of guaranteeing individual rights which the framers of the Constitution considered essential. The right to freedom in Article: 19 guarantees freedom of speech and expression as the foremost of the six freedoms.

All Indian citizens have the constitutional right to freely express their views, opinions and beliefs. To this end, they have the right to seek, receive and impart information and ideas. Since the exercise of freedom of expression requires a medium through which information and ideas can be communicated, it naturally follows that this medium must also be free. Our Constitution does not specifically mention freedom of the media as in the US Constitution, it is implicitly contained in Article 19(1)(a). (a) Constitution of India.<sup>9</sup> However, the Supreme Court has very explicitly held that the freedom of the press is included in the guarantee of freedom of expression, which also includes the freedom to publish and disseminate. The Supreme Court ruled that there was therefore no need to create a separate provision on freedom of the press.<sup>10</sup>

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<sup>9</sup> Dr. B.R. Ambedkar in Constituent Assembly Debate.

<sup>10</sup> [http://www.academia.edu/6609357/FREEDOM\\_OF\\_MEDIA\\_IN\\_INDIA\\_A\\_LEGAL\\_PERSPECTIVE](http://www.academia.edu/6609357/FREEDOM_OF_MEDIA_IN_INDIA_A_LEGAL_PERSPECTIVE)

- **Media freedom**

Freedom of speech and expression is a vital cog in democracy. This is ensured by the Constitution of India as well as the Universal Declaration of Human Rights as well as other international charters and treaties that are adopted to ensure the protection of human and fundamental rights. These guarantees imply that people have the right to receive news and opinions without interference and to disseminate them regardless of borders, which is an integral part of the democratic process. In practice, this right is exercised daily by the media.

Thus, two key fundamental rights are included in the right to freedom of speech and expression, namely

- The right to receive news and opinions,
- And the right to communicate news, information and opinions.

These rights depend to a large extent on the freedom of all those engaged in the media to exercise their role as collectors and communicators of news and opinion without interference.

- **The right to freedom of speech and expression unrestricted by national borders**

The question whether an Indian citizen's right to freedom of speech and expression extends beyond the geographical boundaries of India was addressed by the Supreme Court in the case of *Maneka Gandhi v. Union of India*.<sup>11</sup>

In this landmark judgment, the Supreme Court ruled that freedom of speech and expression has no geographical limitations and carries with it the right of a citizen to gather information and exchange ideas with others not only in India but also abroad.

### **The court observed: -**

Freedom of speech and expression carries with it the right to gather information and also to speak and express oneself at home and abroad and to exchange thoughts and ideas with others not only in India but also outside India. The court noted that the framers of the Constitution deliberately chose not to use words limiting the right by refraining from using the words "within the territory of India" at the end of Article 19(1)(a).

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<sup>11</sup> AIR 1978 SC 597.

- **The press as the mother of all other freedoms**

One of the most comprehensive and illustrative expositions of the importance of the press and its understanding as the "mother of all other liberties" in a democratic society is contained in the judgment of *Venkataramiah, J. in Indian Express Newspaper v. Union of India*.<sup>12</sup> This case raised important questions about the freedom of the press in relation to the taxing power of the state. Several suits were filed in the Supreme Court by newspaper-owning companies challenging the validity of the imposition of duty on newsprint under the Customs Act, 1962.

On behalf of the petitioners, who consumed large quantities of newsprint in publishing newspapers, periodicals, magazines, etc., it was argued that the imposition of the duty had "the direct effect of crippling the freedom of speech and expression guaranteed by the Constitution". because it led to an increase in the price of newspapers and an inevitable reduction in their circulation". Venkataramiah J. in this case opined that the press plays a very important role in the democratic machinery and pointed out the importance of freedom of speech and expression in the following words:

"Freedom of expression is intended to serve four broad social purposes: (i) it helps the individual to achieve self-actualization, (ii) it aids in the discovery of truth, (iii) it enhances the individual's ability to participate in decision-making, and (iv) it provides a mechanism by which to create an appropriate balance between stability and social change. All members of society should be able to form their own beliefs and freely communicate them to others. In short, the basic principle is people's right to know. Freedom of speech and expression should therefore receive generous support from all who believe in people's participation in governance.

While the court recognized the importance of the right to freedom of the press, it held that there could be no immunity from taxation because the framers of the Constitution had chosen not to provide constitutional immunity from such taxation. At the same time, they carefully protected the press from local pressures by choosing to grant the power to levy taxes on newspapers only to Parliament, and not to state legislatures.<sup>13</sup>

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<sup>12</sup> (1985) 1 SCC 641.

<sup>13</sup> *Ibid.*

- **Tax liability of the media**

The newspaper industry enjoys two of the fundamental rights, namely the freedom of speech and expression guaranteed by Article 19(1)(a) and the freedom to exercise any profession, occupation, trade, industry or business guaranteed by Article 19 paragraph 1. (G). While the right to freedom of speech cannot be taxed, occupation, profession, trade, business and industry are taxed.

So a tax is levied on the newspaper industry. But when such a tax enters the realm of free speech and stifles that freedom, it becomes unconstitutional. As long as it is within reasonable limits and does not impede freedom of expression, it will not be inconsistent with the restrictions of Article 19 (2). on the press should be "subject to judicial review in the light of the provisions of the Constitution."<sup>14</sup>

## **A constitutional perspective of the media**

Freedom of speech and expression is a fundamental aspect of liberty as stated in *Maneka Gandhi v. Union of India*.<sup>15</sup> In *Tata Press v. Mahanagar Telephone Nigam Ltd.*<sup>16</sup> It was argued here that commercial speech is part of freedom of speech and expression. The Fundamental Rights Chapter, Part III in the Constitution of India was not incorporated as a popular concession to the international human rights sentiment and thinking in vogue after the conclusion of the Second World War. The demand for constitutional guarantees of human rights for Indians was raised as early as 1895 in the Constitution of India Act, popularly called the Swaraj Bill, which was inspired by Lokmanya Tilak, a jurist and a great freedom fighter. This Act envisaged a constitution for India guaranteeing to every citizen, among other freedoms, the freedom of the press.

It can be said that the debut of printing in India was made with commercial interests in mind. It was the contribution of the first British multinational company - The East India Company. It was one of those tools of the British that was later manipulated by the Indians to serve their interests; the role of the press underwent a major change and soon proved to be one of the most effective weapons available to Indians during their struggle for freedom from the British. The press was always under the control of the company, but after the reversal of its role as a press, there was an urgent need to clamp hard curbs. Oppressive laws were passed and judgments were passed restricting the freedom of the press. The "Founding Fathers and Mothers" of the Indian

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<sup>14</sup> AIR 1985 1 SCC 641.

<sup>15</sup> AIR 1978 SC 597.

<sup>16</sup> AIR 1995 SC 2438

Constitution attached great importance to freedom of speech and expression and freedom of the press. They believed that freedom of speech and freedom of the press were indispensable to the functioning of a democratic system. They believed that central to the concept of a free press was the freedom of political opinion, and at the core of that freedom was the right to criticize the government. They supported the thinking of Jawahar Lal Nehru who said: "*I would rather have a completely free press, with all the dangers involved in the misuse of that freedom, than a suppressed and regulated press.*"<sup>17</sup>

The Constitution of India provides this freedom in Article: 19(1) (a) which guarantees the right to freedom of speech and expression. It has been held that this right to freedom also includes freedom of the press. It is an implied or implied right. The economic and commercial aspects of the press are regulated in Article: 19(1) (g), which provides for freedom of occupation, profession, trade or business, which is limited by Article: 19(6), which includes provisions relating to public interest, professional and technical qualification and state nationalization - full or partial.

## **Reasonable restrictions on media under the Constitution of India.**

The right to freedom of speech and expression is limited by the restrictions that this right imposes, and the restriction imposed by the state is also limited by the factor of proportionality. So, even if the state is entitled to restrict freedom, this restriction is not absolute and is subject to the limitation of reasonableness. So any restriction must be a reasonable restriction to be valid under the Constitution. The Supreme Court in *Papnasam Labour Union v Maduracoats Ltd*<sup>18</sup> laid down the reasonableness of restrictions under Articles: 19(2) to 19(6).

- i. A restriction, to be reasonable, must not be excessive, that is, it should not go beyond the need to avoid mischief or injustice. It should not be arbitrary.
- ii. The restriction should have a direct or close or reasonable connection or link between it and the objective to be achieved.
- iii. A reasonable limitation should not be abstract. However, no hard and fast principles can be laid down and the standards of reasonableness would vary from case to case and from time to time.

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<sup>17</sup> [https://www.academia.edu/34368018/Freedom\\_of\\_Press\\_in\\_Indiaifc\\_Development.\\_Constitutionality\\_and\\_Scientific\\_Development.](https://www.academia.edu/34368018/Freedom_of_Press_in_Indiaifc_Development._Constitutionality_and_Scientific_Development.)

<sup>18</sup> AIR 1995 SC 2200.

- iv. When interpreting the concept of reasonable, the court should keep in mind the complex issues of society and the intention of the legislator of the law in question.
- v. The concept of reasonable is dynamic in nature, and therefore the judiciary should maintain a flexible and practical approach when interpreting this concept.
- vi. It is essential that the court conducts a social control analysis before any restrictions on fundamental rights can be imposed.  
In order to interpret the concept of reasonable, it is necessary for the court to examine the social welfare and the need for prevailing social norms and values.
- vii. The word reasonable must meet the test of procedural reasonableness as well as substantive reasonableness.
- viii. For a restriction to be reasonable, it must comply with the test of Article 14 of the Constitution. It means that the restrictions should not be unreasonable or discriminatory.
- ix. When interpreting the concept of reasonableness, courts must keep in mind the guiding principles of state policy.

Below are the reasonable restrictions laid down by the Constitution of India under Article: 19(2) regarding freedom of speech and expression:

- **Sovereignty and integrity of the state**

This reason was inserted by amendment to curb the tense reaction of people who demanded separate entities of different regions of India.

- **State security**

Freedom of expression cannot be exercised in such a way as to threaten the security of the state in any way. In *State of Bihar v. Shailabala Devi*,<sup>19</sup> the Supreme Court held that speech by individuals who encouraged and incited people to commit crimes like murder, theft, robbery, etc. would definitely threaten the integrity of the state.

- **Public order**

The word public policy was inserted by the Constitution (First Amendment) Act, 1951. This

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<sup>19</sup> AIR 1952 SC 329

clause was inserted to reduce the effect of *RomeshThappar v. State of Madras*<sup>20</sup> where the court held that the right of circulation is part of the right to freedom of expression. and expression.

- **Decency or morality**

The elaboration of this ground is reflected in Sections 292 to 294 of the Indian Penal Code. in *RanjitUdeshi v. State of Maharashtra*,<sup>21</sup> the Supreme Court held that Section 292 of the Indian Penal Code is constitutionally valid as it prohibits obscenity and promotes public decency and morality.

- **Contempt of Court**

In *C.K. Daphtary v. O.P. Gupta*,<sup>22</sup> it was held that Section: 228 of the Indian Penal Code and Article: 129 of the Constitution are valid and fall within the scope of reasonable restrictions under Article: 19(2) of the Constitution. So freedom of speech and expression is governed by Articles: 19(2), 129 and 215 of the Constitution of India.

- **Defamation:**

The right to freedom of speech and expression does not include harming a person's reputation in any way. Causing damage to a person's reputation is called defamation and is a serious restriction on the right to freedom of speech and expression.

- **Incitement to commit a crime:**

In *State of Bihar v. Shailabala Devi*, it was held that any speech which amounts to incitement to any offense can be prohibited and the order of prohibition will fall within the reasonable limits of Article 19(2) of the Constitution of India.

- **Other media restrictions in India:**

There are various laws in India which govern the media and control their functioning and style of work, be it print or electronic media. The Hon'ble Supreme Court of India recently on 11th September 2012 pronounced the judgment in *Sahara India Real Estate Corp. Ltd. & Ors. v.*

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<sup>20</sup> AIR 1971 SC 1132.

<sup>21</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2799913](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2799913)

<sup>22</sup> <https://www.lawctopus.com/academike/media-trials-india/>

Securities and Exchange Board of India & Anr. He focused on finding an acceptable constitutional balance between a free press and the administration of justice. It sparked a debate over whether the concept of prior restraint on media coverage of court proceedings is valid under constitutional principles. The most significant aspect of the judgment relates to the doctrine of stay, where the relevant High Court or Supreme Court can order that the publication of the court proceedings be postponed for a certain period of time. The 56-page judgment, written by the Chief Justice of India, is premised on the premise that under the Indian Constitution, arguably, no values are absolute and that it also follows that, in an appropriate case, one right [say, freedom of expression] may have to yield to another right, such as the right to a fair trial. Based on the above statement, the court further added that even the concept of "open judiciary" is not absolute and therefore the courts can limit it in the interest of justice. It also includes Press Council of India Act 1978, Prasar Bharti Act 1990.<sup>23</sup>

## Media as a problem

We have a rich tradition of fiercely independent journalism. In fact, most of the big frauds were busted by the press. Law enforcement only watched them. A poorly paid journalist is to be credited for extracting the information that seemed to be unavailable to the country's top security teams.<sup>24</sup> Media plays a pivotal role in the society and this statement can hardly be denied but it is also right that there is a problem within their own fraternity at the same time. Because sometimes media shows inaccurate news, opinions and reports just to get TRPs for their own channels. Most of the public reports had prior knowledge of the news even if they were not part of this story. Sometimes the lack of proper editing has also led to a downfall and gives a bad name to the media. Media houses are not focused on major issues and rather they emphasize entertainment issues much more to gain market share. Some of the biggest fallacies in the context of the media include defamation, contempt of court and media trial, which actually limit the credibility of the media to a great extent.

- **Defamation: Derogatory aspect of media**

In India, defamation is both a civil and criminal offense and can be defined as writing, publishing and uttering a false statement that causes injury to reputation and good name in private interest.

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<sup>23</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2799913](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2799913)

<sup>24</sup> <https://www.lawctopus.com/academike/media-trials-india/>

The law of torts applies to the remedy of civil defamation. In civil defamation, the victim can approach the High Court or subordinate courts to seek damages in the form of monetary compensation from the accused. Section: 499 and 500 of the Indian Penal Code, 1860 provides an opportunity for the victim to file a criminal defamation case against the accused. The punishment for a person guilty of the offense of defamation is simple imprisonment which may extend to two years or fine or both. According to the Criminal Code, it is a bailable, non-cognizable and complex crime.

The constitutional validity of defamation was explained by the Supreme Court in *Subramanian Swamy v. Union of India*<sup>25</sup>, in which the constitutional validity of defamation laws and rules were held to be inconsistent with the right to free speech. The Supreme Court also said that one is bound to tolerate criticism, dissent and disagreement, but one is not expected to tolerate defamatory attacks.

- **Contempt of Court: Crossing the line of freedom of expression in the media**

The media is considered one of the four pillars of democracy. The media play a vital role in shaping society's opinion and can change the entire point of view with which people perceive various events. The media can be commended for starting the trend of the media playing an active role in attracting the accused. But when the limit of freedom of expression is crossed, it amounts to contempt of court and in the case of *Perspective Publications (P) Ltd v. The State of Maharashtra*<sup>26</sup> and *C.K. Daphtary and others v. O.P. Gupta and others*. Thus, notwithstanding the fact that a particular statement is offensive, it may amount to criminal contempt if the imputation is such that the same may diminish the authority of the Court. The seriousness of the above statement is that the same would scandalize the court.

Commenting on pending cases or abusing a party can amount to contempt only if the case is being heard by a judge. No editor has the right to assume the role of an investigator to try to preempt a trial against any person.

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<sup>25</sup> AIR [W.P. (Crl) 184 o 2014

<sup>26</sup> 1971 AIR 221, 1969 SCR (2) 779.

- **Media trial**

In recent times, there have been many cases where the media has held court with an the accused and passed judgment even before the court passed sentence. Trial by Media is the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt regardless of any verdict in court. This phenomenon is popularly called media court.

*In State of Maharashtra v. Rajendra Jawanmal Gandhi*,<sup>27</sup> the Supreme Court observed: "There is a procedure laid down by law which governs the conduct of a trial of a person accused of an offence. A process in the press, electronic media or public agitation is the very antithesis of the rule of law. It may well lead to a miscarriage of justice. Again, it cannot be ruled out that the public's habituation to the regular spectacle of pseudo-trials in the news media could, in the long term, have adverse consequences for the acceptance of courts as a proper forum for the resolution of legal disputes."

## Conclusion

The way Indian media is facing the wrath of the society is undeniable. The media sector used to be considered the most important aspect to raise voice and be heard too, but with changing values and investment of money, it limits its credibility to a great extent. Laws and regulators seem a bit over the top to curb the negative aspects of the media. Media has the power to change a person's view of anything circulates. It has great potential to influence individual thoughts and can change the entire dynamic through people who perceive different perspectives from it. The bad must be condemned and the good must be appreciated by the media on merit, it should put more emphasis on honest reporting to regain its lost credibility. Media is a vital wheel for the masses and therefore it should give more emphasis on the basic problems of the society and present them to the society in a better way which should be more realistic and free from all the ill effects of the media., nowadays, a bear. The media must realize their basic freedom and should follow the law, the media should not usurp the functions of the state and the judiciary and deviate from their objective and unbiased reporting. While they must also understand that any unwanted control of the media in a democracy will also threaten the society as a whole, the law must be interpreted in accordance with the change in the society that ensures the people that the media is aware of their rights and entitlements. Obligations without prejudice to any provisions of the applicable law of the country.

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<sup>27</sup> CrI.A. No. 838 of 1997 (Arising out of SLP (CrI.) No. 1560 of 1997).

## Suggestions

From the discussion above mentioned, it is suggested that

- ❖ the new and strict rules need to be incorporated to limit the harmful effects of the media.
- ❖ the regulatory body should consist of well-known experts in the field of law and mass communication to control the functioning of the media.
- ❖ the media should be limited to the extent that there is a threat to national security.
- ❖ the media should put more emphasis on core issues rather than giving importance to absurd or illogical issues that have no relevance to current issues.
- ❖ that he should provide real information and avoid all kinds of TRP ratings.

