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**NAVIGATING FREEDOM OF PRESS**  
**IN THE ERA OF NEW SCIENTIFIC DEVELOPMENTS**  
**A COMPARATIVE ANALYSIS OF INDIA & GLOBAL PERSPECTIVES**

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**ABSTRACT**

The Research Paper explores the dynamics of Press Freedom and the challenges posed by contemporary Scientific Developments, emphasizing both Indian and global contexts. The historical evolution of the Indian press, marked by its struggle for autonomy, is contrasted with the historical dominance of Western media. The Constitutional provisions safeguarding Freedom of Press in India provide a foundation, while the impact of technology raises ethical concerns, especially in light of AI and technological advancements.

Exploring the global landscape, the study examines how different nations adapt their constitutions to address technological challenges, offering a comparative analysis. The interplay between judicial review and press freedom is scrutinized, addressing the challenges faced in ensuring effective judicial oversight.

In conclusion, the paper suggests avenues for strengthening press freedom in the face of evolving scientific & technological landscapes, owing the duties & responsibility under Freedom of Speech & Expression.

**Keywords:** Press Freedom, Scientific Developments, Indian Press History, Western Media Dominance, Constitutional Provisions, Technology Impact, Ethical Concerns, AI, Global Perspectives, Judicial Review, Challenges, Suggestions.

## INTRODUCTION

Freedom of the press is a cornerstone of democratic societies, serving as a crucial pillar that upholds transparency, accountability, and the right to information. Its significance is profound both in India and worldwide, playing a pivotal role in shaping public opinion, fostering informed citizenry, and holding those in power accountable. The evolution of freedom of press in India reflects a continuous struggle for the right to express, question, and critique – principles that are foundational to a vibrant and thriving democracy.

### **In India:**

**Democratic Backbone:** India, being the world's largest democracy, relies on a free press to ensure the functioning of democratic institutions. Media acts as a watchdog, keeping a check on the government's actions and policies.

**Diverse Voices:** India's rich cultural and linguistic diversity is reflected in its media landscape. A free press ensures the representation of various perspectives, fostering a pluralistic society where different voices can be heard.

**Social Justice:** The press plays a vital role in advocating for social justice issues, bringing attention to marginalized communities, and challenging societal norms that may perpetuate inequality.

**Accountability:** Investigative journalism holds public officials accountable for their actions. Media exposes corruption, inefficiency, and abuse of power, contributing to a more transparent and responsive governance.

### **Worldwide:**

**Information Flow:** Globally, a free press facilitates the flow of information across borders, enabling citizens to be well-informed about international events, fostering global understanding and cooperation.

**Human Rights Advocacy:** Journalists worldwide often serve as advocates for human rights, shedding light on atrocities, censorship, and injustice. They play a critical role in promoting accountability and challenging oppressive regimes.

**Innovation and Progress:** A free press acts as a catalyst for innovation and progress by disseminating knowledge, scientific advancements, and ideas. It fosters an environment where societies can adapt to change and embrace new possibilities.

**Checks and Balances:** In democratic and non-democratic nations alike, a free press acts as a

crucial check on power. It helps prevent the abuse of authority, ensuring that those in power are held accountable to the people they serve.

In essence, the importance of freedom of the press cannot be overstated. It is the cornerstone of an informed, empowered, and democratic society, both in India and across the globe. It empowers citizens, challenges injustice, and contributes to the collective progress of humanity.

### **Introduction to challenges posed by new scientific developments:**

The advent of new scientific developments has ushered in an era of unprecedented progress and innovation, profoundly impacting various aspects of society. However, within the domain of the press and media, these advancements have introduced a set of complicated challenges that necessitate careful consideration. As technology evolves at an accelerated pace, the landscape of journalism faces a dynamic interplay between the benefits of innovation and the potential threats to the freedom of the press.

The challenges posed by new scientific developments in the context of freedom of press are multifaceted, spanning issues of information integrity, privacy concerns, and the evolving role of journalists in an era dominated by artificial intelligence and digital platforms. As we navigate this complex terrain, it becomes imperative to critically examine the implications of technological progress on the fundamental principles that underpin the freedom of the press. This introduction sets the stage for a comprehensive exploration of these challenges, aiming to dissect the intricate relationship between scientific advancements and the preservation of an independent, transparent, and responsible press.

### **HISTORICAL CONTEXT OF INDIAN PRESS**

The history of the Indian press is rich and diverse, reflecting the country's journey through different phases of colonial rule, independence, and socio-political changes. Here's a brief historical overview:

#### **Early Beginnings:**

The Indian press has its roots in the 18th century during the colonial period. The first newspaper in India, the **Bengal Gazette**, was published by **James Augustus Hickey** in 1780 under British rule.

## **19th Century: Rise of Vernacular Press and Social Reform:**

The 19th century witnessed the emergence of vernacular newspapers in various Indian languages, contributing to the spread of information among diverse linguistic communities. Reformist newspapers like **Ishwar Chandra Vidyasagar's "Samachar Chandrika"** played a crucial role in social and educational reforms.

## **Indian Nationalist Movement:**

The press played a pivotal role in the Indian nationalist movement against British rule. Newspapers like "**The Hindu**" in 1878 and "**Bande Mataram**" by **Bipin Chandra Pal** in 1906 were influential voices in the struggle for independence.

## **Post-Independence Period:**

After gaining independence in 1947, the press continued to play a crucial role in shaping public opinion and contributing to the democratic discourse. The "Press Council of India" was established in 1966 to safeguard and promote the freedom of the press.

## **Emergency Period (1975-1977):**

The Indian press faced a significant challenge during the period of emergency (1975-1977) when press freedom was curtailed, and censorship was imposed by the government under Prime Minister Smt. Indira Gandhi.

## **Technological Advances:**

The late 20th century saw the advent of television as a major medium of communication. The growth of electronic media added new dimensions to the Indian media landscape. The 21st century witnessed the rise of digital media, with online news portals and social media platforms becoming increasingly influential.

## **Challenges and Opportunities:**

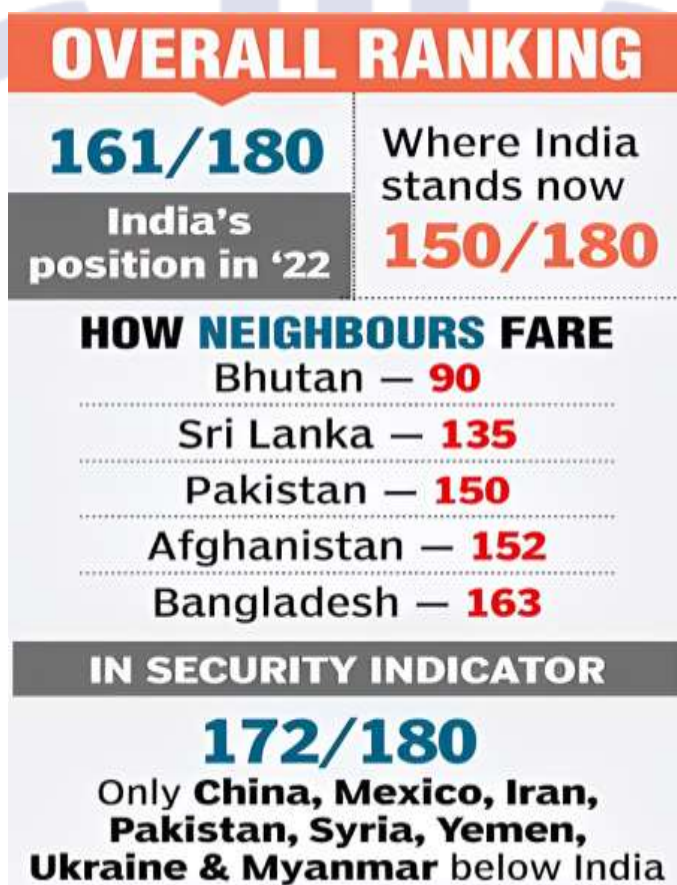
The Indian press continues to face challenges such as issues of media ownership, concerns about fake news, and questions about journalistic ethics. At the same time, it has expanded its reach and influence with a diverse media ecosystem that includes traditional print and electronic media as well as a burgeoning online presence.

## HISTORICAL DOMINANCE OF WESTERN MEDIA: REVIEW

The historical dominance of Western media has been a significant aspect of global information broadcast, shaping narratives, influencing public opinion, and setting the agenda for news coverage. Several factors have contributed to this dominance such as:

1. Colonial Legacy in Print Media.
2. Technological Advancements.
3. Globally News Networks.
4. Global Cultural Influence.
5. Language Dominance (English as a Global Language).
6. Economic Power.
7. Information Flow Control (Gatekeeping Role).

India has witnessed the emergence of voices challenging Western narratives, particularly concerning freedom of the press. These voices represent a diverse range of perspectives that seek to provide nuanced insights and counter narratives that may challenge or offer alternative viewpoints to Western perspectives on India's media landscape.



Source: Daily News Analysis Drishti IAS | World Press Freedom Index 2023

In the Year 2023, the 21st edition of the **World Press Freedom Index**, compiled annually by **Reporters Without Borders (RSF)**, was published on World Press Freedom Day (3 May) which sheds light on major and often radical changes linked to political, social and technological upheavals.<sup>1</sup> According to the 2023 World Press Freedom Index – which evaluates the environment for journalism in 180 countries and territories, India's rank was 161 and this clearly shows the dominance of Western Media Input around the world with the narrative to demean some countries who are challenging their unwanted leadership using media as a tool.

I know India has issues with Press Freedom but such a low score makes no sense especially when countries like Pakistan, Palestine, Afghanistan, Sri Lanka, Syria, Yemen and many more stand ahead in the ranking list as compared to India. The compilation of World Press Freedom Index is based on their own sets of Evaluation Criteria, Contextual Indicators and Scoring Criteria which is nowhere related to the current situations or dimensions of any country.

**Overall Western media was and is always in the position of getting justification of their false agendas from the rest of the world, precisely from the countries challenging their dominance.**

However, it's essential to note that the landscape is changing. Non-Western media outlets, particularly from Asia and the Middle East, are gaining prominence, challenging the historical dominance of Western media. The rise of digital platforms and increased connectivity has facilitated diverse voices and perspectives from around the world. The ongoing shift underscores the importance of a more pluralistic global media landscape.

## **CONSTITUTIONAL PROVISIONS SAFEGUARDING**

### **PRESS FREEDOM**

In India, the Constitution includes key provisions that safeguard press freedom, recognizing the vital role of a free press in a democratic society. The primary constitutional provisions related to press freedom are:

**Article 19 (1) (a):** This article guarantees the right to freedom of speech and expression. It

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<sup>1</sup> 2023 World Press Freedom Index – <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry> (last visited Jan 03, 2024).

explicitly includes freedom of the press, recognizing the importance of disseminating information, ideas, and opinions without governmental interference.

**Article 19 (2):** While **Article 19 (1) (a) of the Indian Constitution**<sup>2</sup> ensures the freedom of speech and expression, **Article 19 (2) of the Indian Constitution**<sup>3</sup> imposes reasonable restrictions on this right in the interest of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, or incitement to an offense.<sup>4</sup>

**Article 21:** Although **Article 21 of the Indian Constitution**<sup>5</sup> primarily addresses the right to life and personal liberty, the Supreme Court has interpreted it expansively to include the right to information. This interpretation has implications for press freedom as it underscores the right of journalists to seek and disseminate information.

**44th Amendment Act (1978):** The 44th Amendment reinforced the importance of fundamental rights, including the right to freedom of speech and expression. It clarified that the right to property is no longer a fundamental right, and it emphasized the significance of protecting other fundamental rights. **Landmark judicial decisions, such as the Bennett Coleman case<sup>6</sup> and the Sahara case<sup>7</sup>, have further clarified and strengthened the protection afforded to press freedom.**

**Press Council of India Act: The Press Council of India Act, 1978<sup>8</sup>,** established the Press Council as a statutory body to preserve the freedom of the press and maintain and improve the standards of newspapers and news agencies. The Act provides a mechanism for self-regulation within the press industry. The Press Council works to preserve the freedom of the press, maintain professional standards, and address grievances related to the violation of journalistic ethics.

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<sup>2</sup> India Const. art. 19 (1) (a).

<sup>3</sup> India Const. art. 19 (2).

<sup>4</sup> Blasphemy Laws in India: A Legal Overview and Judicial Interpretations  
<https://lawsstudy.com/blasphemy-laws-in-india-a-legal-overview-and-judicial-interpretations/> (last visited Jan 03, 2024).

<sup>5</sup> India Const. art. 21.

<sup>6</sup> Bennett Coleman & Co. & Ors v/s. Union of India & Ors (1973) SCR (2) 757

<sup>7</sup> Sahara India Real Estate Corp. Ltd. & Ors v/s. Securities & Exchange Board Of India & anr (2013) 1 SCC 1

<sup>8</sup> The Press Council Act, 1978, Acts of Parliament 1978 (India)

These constitutional provisions collectively establish a framework that recognizes and protects the freedom of the press in India. However, it's crucial to note that the right to freedom of speech and expression, including press freedom, is not absolute. The Constitution allows for reasonable restrictions to safeguard other vital interests, ensuring a delicate balance between the need for a free press and the broader concerns of the state.

## **IMPACT OF TECHNOLOGY ON FREEDOM OF PRESS**

Technology is transforming the way journalists work, but it is also changing the way governments are able to censor the media.<sup>9</sup> New information technologies - the global, interconnected internet, ubiquitous social media platforms; smart phones with cameras were supposed to make censorship obsolete. Instead, they have just made it more complicated.<sup>10</sup>

### **Instantaneous Dissemination of Information:**

Technology enables rapid and widespread dissemination of news through digital platforms and social media. The positive aspect is that it allows for quick sharing of information, facilitating real-time reporting and citizen journalism. But along with this there is a challenge which can lead to the spread of misinformation or "fake news," challenging the credibility of journalism.

### **Global Reach and Connectivity:**

Journalists can connect with global audiences, breaking down geographical barriers. It enhances International Journalism, promotes cross-cultural understanding. But sometimes governments may attempt to restrict access to information, leading to censorship concerns.

### **Citizen Journalism and User-Generated Content:**

Technology empowers individuals to participate in news creation through blogs, videos, and social media. It actually diversifies perspectives and brings attention to grassroots issues. But verification becomes crucial; misinformation can thrive in the absence of editorial gatekeeping is the biggest challenge.

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<sup>9</sup> Attacks on The Press - The Impact of Technology - Reuters Institute.  
<https://reutersinstitute.politics.ox.ac.uk/news/attacks-press-impact-technology> (last visited Jan 04, 2024).

<sup>10</sup> Introduction: The New Face of Censorship.  
<https://cpj.org/2017/04/introduction-the-new-face-of-censorship/> (last visited Jan 03, 2024).

### **Digital Surveillance and Privacy Concerns:**

Journalists may face increased surveillance, impacting their ability to protect sources. But at the other end there are positive aspects of digital tools that aid investigative journalism and uncovering corruption along with the challenge where surveillance can lead to self-censorship, hindering investigative reporting.<sup>11</sup>

### **Online Attacks and Harassment:**

Journalists are susceptible to online attacks and harassment, affecting their freedom to report. Also we have seen that such a situation leads to spaces for dialogue through digital platforms and public engagement which is one of the ways to fight such issues. But cyber bullying and threats may deter journalists from covering sensitive topics.

### **Monetization Challenges:**

Traditional revenue models for journalism have been disrupted and in such situations Economic pressures can compromise editorial independence and quality journalism.<sup>12</sup> But looking at the positive aspect we can see that it enables new revenue streams, such as digital subscriptions and crowd funding.

### **Deepfakes and Manipulation:**

Technology allows for the creation of convincing manipulated content which threatens the credibility of authentic media, leading to challenges in trust. But on the other side this raises awareness about the potential for misinformation.

### **Legal Challenges in Cyberspace:**

Legal frameworks may struggle to keep pace with technological developments. Also lack of clear regulations can lead to misuse of legal mechanisms to stifle free expression. Now this actually opens the way for ongoing discussions about legal standards for online behavior to handle such challenges.

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<sup>11</sup> Digital Surveillance and The Threat to Civil Liberties in India.

<https://www.giga-hamburg.de/en/publications/giga-focus/digital-surveillance-and-the-threat-to-civil-liberties-in-india> (last visited Jan 03, 2024).

<sup>12</sup> Monetizing Online is a Big Challenge for Publishers and Media Industry: Pierre Petillaut.

<https://www.exchange4media.com/digital-news/monetizing-online-is-a-big-challenge-for-publishers-and-media-industry-pierre-petillaut-124927.html> (last visited Jan 03, 2024).

**In conclusion, while technology has brought about transformative changes, its impact on press freedom is complex. Balancing the opportunities technology provides with the challenges it poses requires ongoing efforts to uphold the principles of free and responsible journalism in a rapidly evolving media landscape, both in India and Worldwide.**

## **ETHICAL CONCERN FOR FREEDOM OF PRESS WITH RESPECT TO ARTIFICIAL INTELLIGENCE & OTHER TECHNOLOGICAL ADVANCEMENTS**

The integration of AI, deep fakes, and other technological advancements in the realm of journalism raises significant ethical concerns, particularly regarding the freedom of the press. Here's an exploration of these concerns:

### **Bias in AI Algorithms:**

**Concern:** AI algorithms used in news administration and content recommendation systems may exhibit biases, leading to the amplification of certain perspectives and the suppression of others.<sup>13</sup> This can result in a distorted representation of news and events.

**Impact on Press Freedom:** Unintentional biases in algorithms may affect the diversity of voices represented in the media. Journalists may face pressure to conform to algorithmic preferences, impacting the editorial independence of news organizations.

### **Surveillance Technologies:**

**Concern:** The use of AI-powered surveillance technologies for monitoring journalists or citizens can lead to violations of privacy. Governments or entities with malicious intent may exploit these technologies to suppress dissent and curtail investigative journalism.

**Impact on Press Freedom:** Journalists may self-censor due to the fear of surveillance, hindering their ability to report on sensitive issues. The use of surveillance technologies poses a direct threat to the confidentiality of sources.

### **Automated Content Generation:**

**Concern:** AI systems can generate news articles, raising questions about the authenticity and

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<sup>13</sup> Freedom of the Media and Artificial Intelligence  
<https://www.osce.org/files/f/documents/4/5/472488.pdf> (last visited Jan 04, 2024).

transparency of content creation. Automated content generation may compromise journalistic standards and integrity.

**Impact on Press Freedom:** If not clearly disclosed, the use of AI-generated content may mislead the audience about the origin and intent of news stories. This blurs the line between genuine reporting and algorithmic output.<sup>14</sup>

### **Job Displacement and Newsroom Dynamics:**

**Concern:** Automation and AI may lead to job displacement in newsrooms, impacting the livelihoods of journalists. The prioritization of AI-generated content over human journalism may alter newsroom dynamics.

**Impact on Press Freedom:** Journalists may face job insecurity, potentially affecting their editorial independence. The reliance on AI could also influence the type and tone of news coverage, raising questions about journalistic autonomy.

### **Lack of Accountability in AI Decision-Making:**

**Concern:** The opacity of AI algorithms and decision-making processes raises concerns about accountability. Biased or discriminatory outcomes from AI systems may lack transparency, making it challenging to hold responsible parties accountable.

**Impact on Press Freedom:** Journalists and news organizations may find it difficult to challenge or understand algorithmic decisions that influence the visibility and reach of their content.

In navigating these ethical concerns, it becomes crucial for journalists, technologists, policymakers, and the public to collaborate in establishing clear guidelines, ethical frameworks, and regulatory mechanisms that ensure the responsible and ethical use of AI in the context of press freedom. Balancing technological innovation with journalistic ethics is essential for maintaining the integrity of the press in the digital age.

## **CONSTITUTIONAL ADAPTATIONS TO TECHNOLOGICAL**

### **CHALLENGES: GLOBAL PERSPECTIVE:**

Global perspectives on constitutional adaptations to technological challenges are different for every country, reflecting diverse legal traditions, cultural contexts, and approaches to balancing

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<sup>14</sup> AI has own set of challenges and ethical questions | Press Council of India on National Press Day 2023. Ministry of Information & Broadcasting <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1977454> (last visited Jan 04, 2024).

free speech with potential harms.

### **United States:**

**Adaptations:** The First Amendment of the U.S. Constitution protects freedom of speech, including freedom of the press.<sup>15</sup> Courts have adapted constitutional interpretations to include digital media and online platforms.

**Challenges:** Ongoing debates focus on the responsibilities of tech platforms regarding misinformation and hate speech. The balance between free expression and content moderation remains a complex issue.

### **European Union:**

**Adaptations:** EU member states, guided by the Charter of Fundamental Rights, address digital challenges through legislation like the General Data Protection Regulation (GDPR) and the Digital Services Act (DSA). These frameworks aim to protect privacy while addressing online content issues.<sup>16</sup>

**Challenges:** Balancing the right to free expression with the need to combat online disinformation poses ongoing challenges. The EU seeks to regulate platforms without stifling press freedom.

### **India:**

**Adaptations:** The Indian Constitution, under Article 19 (1) (a), guarantees freedom of speech and expression. Courts have recognized the right to access information as part of this freedom.

**Challenges:** India faces challenges related to online content regulation, including concerns about misinformation and government overreach. Striking a balance between security and press freedom remains a critical issue.

### **China:**

**Adaptations:** China's constitution ostensibly guarantees freedom of speech,<sup>17</sup> but the legal

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<sup>15</sup> 1st Amendment U.S. Constitution | Religion and Expression

<https://www.govinfo.gov/content/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-10-2.pdf> (last visited Jan 04, 2024).

<sup>16</sup> The Digital Services Act | Social Science Research Network.

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4007389](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4007389) (last visited Jan 04, 2024).

<sup>17</sup> Constitution of the People's Republic of China

[http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/2007-11/15/content\\_1372964.htm](http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/2007-11/15/content_1372964.htm) (last visited Jan 04, 2024).

system is subject to government control. The country employs extensive censorship and surveillance measures.

**Challenges:** Technological adaptations often align with government control, limiting press freedom.<sup>18</sup> The Chinese approach reflects a significant divergence from Western ideals.

### **Brazil:**

**Adaptations:** The Brazilian Constitution protects freedom of expression.<sup>19</sup> Courts have grappled with issues like disinformation, and legislation has been introduced to address online harms.<sup>20</sup>

**Challenges:** The balance between tackling misinformation and avoiding censorship has led to debates over regulatory approaches. Efforts are made to adapt to challenges posed by digital media.

### **South Africa:**

**Adaptations:** The South African Constitution protects freedom of expression, including freedom of the press. The right to access information is recognized.<sup>21</sup>

**Challenges:** South Africa faces challenges related to online hate speech, disinformation, and the regulation of digital platforms. The adaptation involves finding ways to address these issues without compromising constitutional freedoms.

### **United Kingdom:**

**Adaptations:** The UK recognizes freedom of expression under the Human Rights Act. The Online Safety Bill is being introduced to regulate online platforms and protect users.<sup>22</sup>

**Challenges:** Balancing the need for online safety with freedom of expression remains a

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<sup>18</sup> China: Freedom in the World 2022 Country Report  
<https://freedomhouse.org/country/china/freedom-world/2022> (last visited Jan 04, 2024).

<sup>19</sup> Brazil: Freedom on the Net 2022 Country Report  
<https://freedomhouse.org/country/brazil/freedomnet/2022#:~:text=Brazil's%20Marco%20Civil%20has%20clarified,after%20a%20specific%20court%20order>. (last visited Jan 04, 2024).

<sup>20</sup> Global Freedom Of Expression- Columbia University | The Case of the Brazil Fake News Inquiry  
<https://globalfreedomofexpression.columbia.edu/cases/the-case-of-the-brazil-fake-news-inquiry/> (last visited Jan 04, 2024).

<sup>21</sup> Prof. Yvonne M Burns Department of Constitutional and Public International Law University of South Africa | Freedom of expression under the new constitution  
[https://journals.co.za/doi/pdf/10.10520/AJA00104051\\_327#:~:text=Introduction%20Section%2016%20of%20the%20Constitution,and%20impart%20information%20and%20ideas](https://journals.co.za/doi/pdf/10.10520/AJA00104051_327#:~:text=Introduction%20Section%2016%20of%20the%20Constitution,and%20impart%20information%20and%20ideas) (last visited Jan 04, 2024).

<sup>22</sup> Freedom of Expression Online: Communications and Digital Committee Report | House of Lords Library.  
<https://lordslibrary.parliament.uk/freedom-of-expression-online-communications-and-digital-committee-report/> (last visited Jan 04, 2024).

challenge. The evolving legal landscape reflects efforts to address digital challenges.

## **Australia:**

**Adaptations:** Australia protects freedom of expression through common law and legislation. Recent discussions have focused on media bargaining laws and the regulation of digital platforms.<sup>23</sup>

**Challenges:** Balancing the power dynamics between traditional media and digital platforms has been a key challenge. Australia seeks to ensure fair compensation for news content while preserving press freedom.

These global perspectives highlight the diverse approaches countries take in adapting constitutional principles to address technological challenges impacting the freedom of the press. Striking the right balance between protecting free expression and mitigating potential harms in the digital age remains an ongoing and nuanced endeavor.

## **JUDICIAL REVIEW & PRESS FREEDOM**

The judiciary plays a crucial role in interpreting and upholding constitutional provisions. Landmark judgments, such as those related to prior restraint, defamation, and the right to privacy, have contributed to the nuanced understanding of press freedom within the Indian legal system. Several specific cases in India highlight the judiciary's crucial role in protecting and shaping the freedom of the press.

**Analysis of specific cases where the judiciary played a crucial role with reference to freedom of press in India:**

### **Romesh Thappar v/s State of Madras (1950):<sup>24</sup>**

**Issue:** The case dealt with the state of Madras banning Romesh Thappar, the editor of the magazine "Cross Roads," from entering the state under the Madras Maintenance of Public Order Act, 1949.

**Judicial Role:** The Hon. Supreme Court, in a landmark judgment, struck down the order and asserted the fundamental importance of free speech and expression. **Chief Justice Harilal Kania**

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<sup>23</sup> News Media and Digital Platforms Mandatory Bargaining Code

The Treasury- Australian Govt. November 2022

<https://treasury.gov.au/sites/default/files/2022-11/p2022-343549.pdf> (last visited Jan 04, 2024).

<sup>24</sup> Romesh Thappar v/s. State of Madras (1950) SCR 594

highlighted the role of the press in propagating ideas, reinforcing the idea that restrictions must be reasonable and in the interests of public order.

**Impact:** The case set a strong precedent affirming the constitutional protection of the freedom of the press, emphasizing that restrictions must meet the standards of reasonableness.

### **Bennett Coleman & Co. v/s Union of India (1973)<sup>25</sup>**

**Issue:** The case involved the government's power to impose restrictions on the quantity of newsprint that newspapers could import under the Newsprint Control Order, 1962.

**Judicial Role:** The Hon. Supreme Court, through **Justice H.R. Khanna**, emphasized the crucial role of the press in a democracy. The court held that any law imposing restrictions must have a proximate relation to the interests mentioned in Article 19(2), ensuring that the restrictions are reasonable and not excessive.

**Impact:** The judgment reinforced the link between a free press and democracy, setting a precedent for evaluating the constitutionality of restrictions on the media.

### **Indian Express Newspapers v/s Union of India (1985)<sup>26</sup>**

**Issue:** The case challenged the constitutional validity of the Newsprint Control Order, 1972, and the Newsprint Policy, 1979.

**Judicial Role:** The Hon. Supreme Court, in a significant judgment, reiterated the importance of the freedom of the press. **Justice Y. V. Chandrachud** emphasized that the freedom of the press is of utmost importance for the democratic functioning of society, and restrictions must be reasonable.

**Impact:** The case contributed to the understanding that any attempt to restrict the availability of newsprint must be based on reasonable grounds and should not unduly impede the functioning of the press.

### **Sakal Papers v/s Union of India (1962)<sup>27</sup>**

### **Express Newspapers v/s Union of India (1959)<sup>28</sup>**

**Issue:** Both cases dealt with the issue of governmental restrictions on the number of pages

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<sup>25</sup> Bennett Coleman & Co. & Ors v/s. Union of India & Ors (1973) SCR (2) 757

<sup>26</sup> Indian Express Newspapers (Bombay) Pvt. Ltd. & Ors v/s. Union of India & Ors. (1985) SCR (2) 287

<sup>27</sup> Sakal Papers (P) Ltd. & Others v/s. The Union of India (1962) SCR (3) 842

<sup>28</sup> Express Newspapers Pvt. Ltd. & Ors v/s. Union of India & Ors. (1959) 1 SCR 12

newspapers could publish, known as "page limitation."

**Judicial Role:** The Hon. Supreme Court, in these cases, held that the restrictions imposed by the government were arbitrary and violated the freedom of the press. The court emphasized that the right to circulate and receive information is an integral part of the freedom of speech and expression.

**Impact:** These cases reinforced the understanding that any attempt to curtail the size or content of a newspaper must be based on reasonable grounds and not infringe on the essential functions of the press.

These cases collectively underscore the judiciary's pivotal role in defining and defending the freedom of the press in India. The judgments emphasize the need for reasonable restrictions, highlight the press's vital role in democracy, and contribute to the evolving jurisprudence surrounding media freedom.

## **CHALLENGES FACED - ENSURING EFFECTIVE JUDICIAL REVIEW**

While judicial review is a crucial aspect of protecting the freedom of the press, it is not without its challenges. Here is a critique of some challenges faced in ensuring effective judicial review with respect to freedom of press in India:

### **Lengthy Legal Processes:**

Judicial reviews often involve lengthy legal processes, which can hinder timely resolution. This delay may have a chilling effect on press freedom, as media organizations might hesitate to pursue legal remedies due to the prolonged nature of court proceedings. The delayed resolution can lead to self-censorship and reluctance among journalists and media organizations to challenge restrictions promptly.

### **Selective Application of Laws:**

There can be instances of selective application of laws against the press. Certain laws may be used to target specific media outlets or journalists based on political considerations, undermining the impartiality of judicial review. This selective enforcement can erode the public's trust in the judiciary's ability to protect press freedom consistently.<sup>29</sup>

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<sup>29</sup> Justice K. S. Puttaswamy (Retd.), & Anr. v/s. Union of India & Ors. (2012) SCC OnLine.

### **High Legal Costs:**

Legal proceedings involve significant costs, making it financially challenging for smaller media outlets or independent journalists to engage in comprehensive judicial reviews. This economic barrier may limit access to justice for certain segments of the press. The financial burden may deter media entities from challenging potentially unconstitutional restrictions, limiting the effectiveness of judicial review in protecting press freedom.

### **Emerging Technologies and Jurisprudence Gaps:**

Rapid advancements in technology pose new challenges that the existing legal frameworks may not fully address. Courts may struggle to keep pace with technological developments, leading to gaps in jurisprudence concerning issues like online content regulation or digital surveillance.<sup>30</sup> These gaps may leave the press vulnerable to arbitrary restrictions or intrusive measures, as legal frameworks struggle to adapt to the evolving media landscape.

### **Intimidation and Harassment:**

Journalists may face intimidation, threats, or physical harm, which can deter them from pursuing legal remedies. Fear of reprisals may create a climate of self-censorship, limiting the effectiveness of judicial review. The chilling effect of intimidation can undermine the judiciary's role in protecting press freedom, as journalists may be hesitant to challenge actions that jeopardize their safety.

### **Political Interference:**

Political interference in the judiciary can influence decisions related to press freedom cases. External pressures may compromise the independence of the judiciary, hindering its ability to provide an impartial and effective review. Such interference can lead to decisions that are not in line with constitutional principles, diminishing the judiciary's role as a protector of press freedom.

### **Lack of Clarity in Defamation Laws:**

Ambiguities and lack of clarity in defamation laws can be used to stifle investigative journalism.

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[https://main.sci.gov.in/supremecourt/2012/35071/35071\\_2012\\_Judgement\\_24-Aug-2017.pdf](https://main.sci.gov.in/supremecourt/2012/35071/35071_2012_Judgement_24-Aug-2017.pdf) (last visited Jan 04, 2024).

<sup>30</sup> In Book: The Growing Gap Between Emerging Technologies and Legal-Ethical Oversight (Chapter 2), pp. 19-33, April 2011.

The threat of defamation suits may deter journalists from pursuing critical stories, even if they are in the public interest. This can result in self-censorship, limiting the press's ability to hold those in power accountable.<sup>31</sup>

Addressing these challenges requires a concerted effort from the legal system, policymakers, and civil society to strengthen judicial review mechanisms, ensure timely justice, and adapt legal frameworks to the evolving media landscape. It is crucial to create an environment where journalists feel empowered to challenge restrictions without fear of reprisals and where the judiciary can effectively uphold the constitutional principles of press freedom.

## **CONCLUSION**

The freedom of press in India is a cornerstone of democracy, fostering transparency, accountability, and the free flow of information. However, it is not without challenges, especially in the context of new scientific developments. As technology continues to advance, the media landscape undergoes transformation, presenting both opportunities and obstacles. The historical context, constitutional provisions, and the role of the judiciary shape the dynamics of press freedom.

Challenges such as misinformation, censorship concerns, and the impact of evolving technologies highlight the need for continuous review and adaptation of legal frameworks.<sup>32</sup> India's media ecosystem reflects a diverse array of voices challenging dominant narratives, contributing to a more inclusive and nuanced understanding of global events.

## **SUGGESTIONS**

### **Legal Framework Adaptation:**

Regularly review and update legal frameworks to address emerging challenges posed by new scientific developments, ensuring they strike a balance between press freedom and responsible journalism.

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<sup>31</sup> Defamation and Freedom of Expression | Media Division Directorate General of Human Rights Strasbourg | Council of Europe (March 2003). <https://rm.coe.int/1680483b2d> (last visited Jan 04, 2024).

<sup>32</sup> Scope of Journalism in India: The Role of Media in Shaping Public Opinion and Democracy (2023) <https://lnct.ac.in/scope-of-journalism-in-india-the-role-of-media/> (last visited Jan 05, 2024).

### **Media Literacy Programs:**

Implement comprehensive media literacy programs to empower the public in critically evaluating information, distinguishing between credible journalism and misinformation.

### **Protection of Journalists:**

Strengthen measures to protect journalists from threats, harassment, and violence, creating an environment where they can report fearlessly.

### **International Collaborations:**

Encourage international collaborations and partnerships to share best practices, insights, and technological solutions that uphold press freedom in the face of global challenges.

### **Promotion of Ethical Journalism:**

Emphasize the importance of ethical journalism, promoting responsible reporting, fact-checking, and unbiased coverage to maintain the credibility of the media.

### **Public Awareness Campaigns:**

Conduct public awareness campaigns highlighting the importance of press freedom and its role in a democratic society, fostering public support for a free and independent media.

### **Digital Media Regulations:**

Develop and refine regulations for digital media platforms, addressing issues such as misinformation, privacy concerns, and algorithmic transparency to ensure responsible and ethical journalism in the digital age.

### **Support for Investigative Journalism:**

Provide support and recognition for investigative journalism, encouraging in-depth reporting that holds power accountable and uncovers issues of public interest.

### **Judicial Safeguards:**

Strengthen judicial safeguards for press freedom, ensuring that legal interventions are proportionate, transparent, and in line with constitutional principles.

### **Diversity and Inclusivity:**

Promote diversity and inclusivity in media ownership, ensuring that a variety of perspectives are represented in the media landscape.

### **Technological Innovation for Press Freedom:**

Encourage technological innovation that supports press freedom, such as secure communication tools for journalists and the development of platforms that facilitate responsible journalism.

In conclusion, safeguarding the freedom of the press in India requires a multi-faceted approach that addresses legal, technological, and societal aspects. Truly speaking, India can navigate the challenges posed by new scientific developments while upholding the fundamental principles of freedom of press.

**“A nation with a conscious mind will always look forward towards scientific & technological advancements, but when it comes to freedom of speech & expression it is our duty to carry out such freedom with a sense of responsibility...”**

