

Introduction

Indian government has the authority to censor press and media. The governments tend to suppress speech or public communications by exercising the right of censorship, thus the executive hampers the right of freedom of speech which is a right guaranteed by the Indian Constitution. The constitution of India puts a certain amount of reasonable restrictions to the right of freedom of expression in order to maintain integrity, harmony and peace within the country. The information Technology Rules 2011 further affirms this approach of the constitution.

India was declared to be a “Free Society” by the Freedom in the World report which was published by the Freedom House. This report gave India a freedom rating of 2.5, a civil liberties rating of 3 and a political rights rating of 2, thus India earned the status of a free society. India was also ranked 133rd by the analytical report of Reporters Without Borders in their Press Freedom Index in 2017.

Origin of the Concept of Freedom of Press in India

The idea of freedom of press in India was championed by the first Prime Minister Pandit Jawaharlal Nehru. Pandit Nehru had the highest regard for the freedom of press both during the freedom struggle days and after freedom. Pandit Nehru perceived that self-inquisition and self-criticism were two essential elements for breathing in public life. Pandit Nehru had the opinion that journalism was neither history nor it was literature, but it was a part of political and social actions.

It was at the insistence of Pandit Nehru, an amendment to article 19 of Constitution was passed in 1951 in order to protect the right to freedom of speech which consequentially enriched the right of freedom of press. This happened following fierce debates among media barons of that era and the then Home Minister, Pandit Nehru started taking practical interest in the problems of the press. Pandit Nehru accentuated on three merits of this debate – basis of the freedom of the press, whose freedom it was, how that freedom was exercised. This emphasis of his was followed by the formation of the Indian Press Commission. This move was supported by the Federation of Working Journalists. The responsibility of this Press Commission was entrusted to Ministry of Information and Broadcasting, Government of India. The ministry dealt with the commission’s recommendations very clumsily and ultimately the recommendations of the Press Commission were squashed by the Honorable Supreme Court of India.

Freedom of Press Post Pandit Nehru Era

India witnessed a further development in respect of freedom of press through formation of The Press Council of India in 1966. It is a statutory organization with an adjudicating authority. This

council was formed with an aim of being a self-regulatory watchdog. The council is constituted of 28 members, it is traditionally chaired by a retired Supreme Court judge as its chairman, twenty members belong to the media industry, five members belong to both the houses of Indian parliament and rest three members represent culture literary and legal fields of Sahitya Academy, University Grant Commission and Bar Council of India. The current office of the chairman of the council is currently held by Justice (Retired) Chandramauli Kumar Prasad who is serving the second term. The Press Council of India has formulated the "Norms of Journalistic Conduct". This code of conduct is one of two journalism-related codes which is in effect India.¹ India further enacted the Press Council Act, 1978 with the objective of empowering the media to preserve its right of freedom of any bias and influence which involve political and financial interference, religious and social dogma, administrative imposition etc.

Censorship and Media in India

Indian press has never enjoyed vast freedom. The first-time freedom of press came into direct conflict with administrative authorities during the Indira Gandhi regime when The Emergency was imposed by the Government of India on 26th June in 1975. The Indira Gandhi government put the press under censorship on the day after The Bombay edition of The Times of India had published an article criticizing the government policies in its obituary column. The Indian media was subjected to obtaining government approval for publication of any news item. This censorship was only withdrawn in March 1977 when the Emergency was lifted by the new Government of India which succeeded the Indira Government, headed by Shri Morarji Desai who was sworn-in as the new prime minister.²

Indian press has undergone censorship even in Neo-Liberal economic age that has come into effect and been still prevailing in the country since 1991. The incident of censoring press had taken place in Jammu and Kashmir on 2nd October 2016. The Jammu and Kashmir Government had asked the Srinagar based newspaper **Kashmiri Reader** to stop its production and circulation. The Deputy Commissioner of Police (Srinagar) Mr. Farooq Ahmad Lone had issued a statement stating reasons for such a ban – “material and content which tends to incite acts of violence and disturb public peace and tranquility.”³ The Srinagar Police had imposed the ban on the newspaper to prohibit transmission of information through its circulation following massive public unrest which occurred after the killing of Burhan Wani who happened to be the commander of terrorist outfit Hizbul Mujahideen. The ban was protested by Kashmir Editors

¹ Wasserman, Herman; Rao, Shakuntala (2008). "The glocalization of journalism ethics". *Journalism: Theory, Practice & Criticism*. SAGE Publications. **9** (2): 163–181. doi:10.1177/1464884907086873

² Sorabjee, Soli J. (1977). *The Emergency, Censorship, and the Press in India, 1975-77*. Central News Agency.

³ Kashmir Reader: Newspaper printing again after ban lifted". *BBC News*. 28 December 2016. Retrieved 24 April 2018.

Guild which is the parent body of newspapers in the state of Jammu and Kashmir. This ban was also criticized by academic personalities, individuals, civil rights groups in Kashmir and International Rights Groups such as Jammu and Kashmir Coalition of Civil Society and Amnesty International. All these protests led to the government's withdrawing the ban upon the newspaper and it restarted its publication on 28th December 2016.⁴

Enactment in India To Protect Journalists

Maharashtra is the first Indian state, among the 29 states and 7 Union Territories, to have passed legislation in order to ensure protection for journalists in 2017. The title of this legislation is “**Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Bill, 2017.**” This enactment has incorporated the “Safety and Security of Journalists” advisory within its ambit, this advisory had been issued by the Union Home Ministry to protect the lives of journalists after the murder of journalist Gauri Lankesh took place in the year 2017. This act has precisely defined the term **Media Person** and **Media Institution** which cover respectively reporters whose principal profession is that of a journalist; and for **Media Institutions** the act defines the term as “any registered newspaper, news channel, news-based electronic outlet or news station establishment.” This enactment considers that any violent attack on journalists or media persons will be treated to be a non-billable cognizable offence to be investigated by a police officer above the rank of a Deputy Superintendent of Police. An accused under the provisions of this act will be tried by a first-class judicial magistrate and the conviction of accusation will subject the accused to an imprisonment term of three years or to a pecuniary penalty of Rs. 50000.00 or both imprisonment and monetary sentence. The provisions of this act make the assailant liable to “reimburse the medical expenditure incurred by the media persons in the attack”; and also, liable to pay “compensation for damage or loss caused to the property of the media person or the media house as determined by the court.”

Conclusion

India is the single largest parliamentary democracy and Indian democracy has three pillars - the legislature, the executive, the judiciary; apart from these three pillars the Indian democracy has another pillar which operates from outside the constitutional mechanism and the pillar is considered to be the fourth pillar of Indian democracy by the society at large – it is the press i.e. the media. Press or media works as a bridge between the government and the common citizens as it reflects the mood of the nominal citizens towards the government and its activities. The media thus plays an important role to protect the vibrancy of Indian democracy which describes about the significance that the press ought to have in the fabric of the society. The press is also obliged to the sense of duties and responsibilities that it will not spread canard information; hence the

⁴ Kashmir Reader: Newspaper printing again after ban lifted". *BBC News*. 28 December 2016. Retrieved 24 April 2018.

press will never foster or involve itself in any activity which reflects **yellow journalism** i.e. intentional circulation of false and maligning news.

Enactment the Maharashtra legislative assembly has passed will ensure the security and protection of media from any evil physical attack which is detrimental to the smooth functioning of the media institutions and reporters. Such an enactment has strengthened the right of media, simultaneously it has also made the press obliged to the sense of responsibility to the society for the upliftment of true spirit of democracy.