

# Freedom of Media

Recently, the higher judiciary passed an order that pertains to regulation of Media. In one order, Andhra Pradesh High Court imposed a ban on the media, and even social media, from mentioning anything in relation to a case linked to former Advocate General of the State.

In the second case, the Supreme Court passed an interim order which stopped the telecast of the remaining episodes of a news channel, as it was engaged in the vilification of a particular community. Though both the order will have consequences for free speech and the citizen's right to receive information, they should be seen in different contexts.

While the first order may envisage to prevent possible defamation or invasion of privacy or at protecting the fairness of a trial or investigation, the other may be seen as putting a check on propagation of hate. In this context, there is a need for fine balance between rights of individual and free press.

## Freedom of Press

- The Constitution, the supreme law of the land, guarantees **freedom of speech and expression under Article 19**, which deals with 'Protection of certain rights regarding freedom of speech, etc.
- Freedom of press is not expressly protected by Indian legal system but it is impliedly protected under article 19(1) (a) of the constitution, which states - "All citizens shall have the right to freedom of speech and expression".
- In 1950, the Supreme Court in **Romesh Thappar v. State of Madras** observed that freedom of the press lay at the foundation of all democratic organisations.
- However, Freedom of press is also not absolute. A law could impose only those restrictions on the exercise of this right, it faces certain restrictions under article 19(2), which is as follows-Matters related to interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

## Importance of Free Media

- Free Media promotes open discussion of ideas that allows individuals to fully participate in political life, making informed decisions and strengthening society as a result — especially in a large democracy such as India.
- A free exchange of ideas, free exchange of information and knowledge, debating and expression of different viewpoints is important for smooth functioning of democracy. As the free media by virtue of being the voice of masses, empowers them with the right to express opinions. Thus, free media is critical in a democracy.
- With Free Media, people will be able to exercise their rights as questioning decisions of

government. Such an environment can be created only when freedom of press is achieved.

- Hence, Media can be rightly considered as the fourth pillar of democracy, the other three being legislature, executive and judiciary.

## Issues Related with The Present Media

- **Right to Privacy:** The right to privacy emanates from natural rights, which are basic, inherent and inalienable rights. Article 21 which guarantees right to life guarantees right to privacy impliedly. Many times, the media has crossed its limits of fair reporting and intruded in personal spheres of life. In Aarushi Talwar Murder Case, the Supreme Court took a view that transparency and secrecy in an investigation are two different things. Where the apex court questioned a section of media for reporting that had resulted in tarnishing the reputation of the victim and her family members.
- **Media Trials:** The **Supreme Court in Sahara vs. SEBI (2012)** observed that the court can grant preventive relief on a balancing of the right to free trial and a free press. Apart from this, the Supreme Court was of the view many times that the media covers issues in such a way that it seems like a trial. Since such trials by the media are likely to affect the reputation of the judiciary and judicial proceedings adversely, it interferes with the functioning of the judiciary as well.
- **Paid News:** Paid news and fake news can manipulate public perception and can instigate hatred, violence, and disharmony among the various communities within society. The absence of objective journalism leads to the false presentation of truth in a society which affects the perception and opinions of people.

## Way Forward

- **Strengthening Institutional Framework:** The Press Council of India, a regulatory body, can warn and regulate media if it finds that a newspaper or a news agency has violated media ethics. Statutory status should be given to News Broadcasters Association (NBA) which represents the private television news and current affairs broadcasters.
- **Tackling Fake News:** Countering content manipulation and fake news to restore faith in the media without undermining its freedom will require public education, strengthening of regulations and effort of tech companies to make suitable algorithms for news curation. Any future legislation to curb fake news should take the whole picture into account and not blame the media and go for knee-jerk reactions; in this age of new media anyone can create and circulate news for undisclosed benefits.
- **Adherence to Media Ethics:** It is important that the media stick to the core principles like truth and accuracy, transparency, independence, fairness and impartiality, responsibility and fair play.

## Conclusion

There is the need to maintain a balance between free expression and other community and individual rights; this responsibility should not be borne by the judiciary alone, but by all those who enjoy these rights.