

Topic: Limitation On Freedom Of Press

Name of the Case: Bennett Coleman & Company v. UOI, AIR 1973 SC 106

Bench: Chief Justice S.M. Sikri, Justice A.N. Ray, Justice P. Jagmohan Reddy, Justice K.K. Mathew, Justice M.H. Beg

Background: India faces a shortage of indigenous newspaper. Therefore, newsprint has to be imported from foreign countries. Because of the shortage of foreign exchange, quality of newsprint import it was not adequate to meet all requirements. Some restriction, therefore, became necessary on consumption of newspaper. Accordingly, a system of newsprint quota for newspaper was evolved. The actual consumption of newsprint by a newspaper during the year 1970-71 or 1971-72, which ever was less, was taken as the base. For dailies with a circulation up to 10000 copies, 10% increase in the basis entitlement was to be granted, but the newspaper with larger circulation, the increase was to be only 3%. The newspaper with less than 10 pages daily could raise the number of pages by 20% subject to ceiling of 10. A few more restriction was imposed on the user of newsprint.

The dominant direction of the policy was to curtail the growth of newspapers which could not increase the number of pages, which areas or periodicity by reducing circulation to meet their requirements even within their admissible quota of newsprint. Therefore, the newsprint policy was challenged in the Supreme Court.

Ratio: The Supreme Court declared the policy unconstitutional. While the government could evolve a policy of allotting newsprint on a fair and equitable basis, keeping in view the interest of small, medium and big newspapers, the government could not, in the attempt of regulating distribution of newsprint, control the growth and circulation of newspapers. In fact, here the newsprint policy became the newspaper control policy. While newsprint quota could be fixed on original basis, post-quota restriction could not be imposed. The newspapers should be left free to determine their pages, circulation and new editions within their fixed quota. The policy of limiting all papers whether a small or large, in English or an Indian language, to 10 pages was held to be discriminatory as it treated unequals as equals. The restriction imposed cut at the very root of guaranteed freedom.

The court stated that the effect and consequence of the impugned policy upon the newspaper is directly controlling the growth and circulation of newspapers. The direct effect is the restriction upon circulation of newspapers. The direct effect is upon the growth of newspapers through pages. The direct effect is that the newspapers are deprived of their area of advertisement. The direct effect is that they are exposed to financial loss and their freedom of speech and expression is infringed.

The court maintained that the freedom of press embodies the rights of people to speak and express. The freedom of speech and expression is not only in the value of circulation but also in the volume of news and views. The press has right to free publication and their circulation without any obvious restraint on publication. In the word of the Supreme Court, freedom of Press is both qualitative and quantitative. Freedom lies in both circulation and in the content.