

‘FREEDOM OF PRESS IN DISINTEGRATED SOCIETY’

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ABSTRACT

The increased role of the media in today’s globalized and tech-savvy world was aptly put in the words of Justice Hand of the United States Supreme Court when he said, "The hand that rules the press, the radio, the screen and the far spread magazine, rules the country" ¹ The role of press in a democratic system has been widely debated. India has the largest democracy in the world and media has a powerful presence in the country. In recent times Indian media has been subject to a lot of criticism for the manner in which they have disregarded their obligation to social responsibility. Dangerous business practices in the field of media have affected the essence of Indian democracy. Big industrial conglomerates in the business of media have threatened the existence of pluralistic viewpoints. Post liberalization, transnational media organizations have spread their wings in the Indian market with their own global interests. This has happened at the cost of an Indian media which was initially thought to be an agent of ushering in social change through developmental programs directed at the non privileged and marginalized sections of the society. Though media has at times successfully played the role of a watchdog of the government functionaries and has also aided in participatory communication, a lot still needs to be done.²

Keywords: media, social responsibility, democracy, Indian media, Indian democracy, public sphere.

WORDS SPEAK

¹https://www.researchgate.net/publication/334415362_Freedom_of_Press_Media_and_Its_Role_in_a_Democratic_Country

²https://www.researchgate.net/publication/216422046_SOCIAL_RESPONSIBILITY_OF_MEDIA_AND_INDIAN_DEMOCRACY

Research problem

The statement of the problem is to study the constitutional Mandate on freedom of press in India. Further it tries to define and explain the background, its development through the provisions of The Constitution of India and through the judicial pronouncements by the Indian Judiciary

Hypothesis

Alternative: Press is free to do whatever seems right to it.

Null: Press is not free to do whatever seems

Objective of the research

- To study the various principles of freedom of press in disintegrated society
- To understand the approach of international community towards independence of press..
- To analyze the Impact of the various legislations towards achieving the goal.
- To study the Contemporary judicial pronouncements regarding Freedom of press in India.
- To study the constitutional framework of the constitution of India and objectives set by various articles regarding press.

Research Methodology

This research is doctrinal in nature. Secondary and Electronic resources have been largely used to gather information and data about the topic.

Books and other references have been primarily helpful in giving this project a firm structure.

Websites, dictionaries and articles have also been referred.

Footnotes have been provided wherever needed, to acknowledge the source.

CHAPTER I

INTRODUCTION

In the words of the father of the nation Mahatma Gandhi, 'The role of journalism should be service. The press is a great power, but just as an unchained torrent of water submerges The whole countryside and devastates crops, even so an uncontrolled pen serves but to destroy.'³

Free press is the very basis of democracy. But there had been persistent opposition to freedom of press and to all the democratic movements from the government all over the world. Freedom of press, as it is today, is the result of few centuries' hard won fight in the name of the people.⁴

Freedom of the press protects the right to obtain and publish information or opinions without government censorship or fear of punishment. Censorship occurs when the government examines publications and productions and prohibits the use of material it finds offensive. Freedom of press applies to all types of printed and broadcast material, including books, newspaper, magazines, pamphlets, films, and television program

The prime motivation behind the free press ensure is viewed as making a fourth establishment outside the legislature as an extra beware of the three authority branches:-

- Executive
- Legislative
- Judiciary

Press plays an educative and mobilizing and convincing role in molding public opinion and can be instrument of social change, for the freedom of Press is regarded as "the essence of all other liberties in a democratic society". The press serves as a powerful solution of power by government officials and as a mean for keeping the elected officials responsible and accountable to the people whom they were elected to serve. A Free press stands as one of the great interpreters between the Government and the people. So, the freedom of Press has to be protected and at the same time, the freedom of individual even in the press should also be

³ <http://www.legalservicesindia.com/article/217/Freedom-of-Press-In-India.html>

⁴ Sarkar, R.C.S: *The Press in India* at p.4

protected, preserved and any attempt to encroach the freedom of press has to be taken into account and necessary actions must be taken.⁵

Indices on Freedom of Press by Reporters Sans Frontiers:-

Reporters Sans Frontieres (RSF) is an independent NGO with consultative status with United Nations, UNESCO, The Council of Europe and the International Organisation of the Francophone (OIF). Every year the RSF issue an index on the basis of the freedom given to journalist.

Ranking	COUNTRIES	2011-12 ⁶	2018 ⁷	2019 ⁸	2020 ⁹
1	Norway	-10(Rank 2)	7.63(Rank 1)	7.82(Rank 1)	7.84(Rank 1)
2	U.K.	2(Rank 28)	23.25(Rank 40)	22.23(Rank 33)	22.93(Rank 35)
3	United States	14(Rank 47)	23.73(Rank 45)	25.69(Rank 48)	23.85(Rank 45)
4	Japan	-1(Rank 22)	28.64(Rank 67)	29.36(Rank 67)	28.86(Rank 66)
5	Bhutan	24 (Rank 70)	30.73(Rank 94)	29.81(Rank 80)	28.90(Rank 67)
6	India	58(Rank131)	43.24(Rank 138)	45.67(Rank 140)	45.33(Rank 142)

The Index takes 180 countries and determined their Ranking on the basis of the questionnaire devised by RSF. The questionnaire comprise of 87 questions available in different languages. The answer is given by media professionals, lawyers and sociologist. Each question is linked to the following seven indicators-

- Pluralism
- Media independence
 - Environment and self-censorship
 - Legislative framework
 - Transparency

⁵ <http://empyreal.co.in/downloads/p13.pdf>

⁶ rsf.org/en/world-press-freedom-index-20112012.

⁷ rsf.org/en/ranking/2018.

⁸ rsf.org/en/ranking/2019.

⁹ rsf.org/en/ranking/2020.

- Infrastructure
- Abuses

Reason for India Rank so low is due to the following reason:

- Pressure on media to follow the political ideology of the ruling party.
- Intolerance
- Security of journalist
- Nexus with politicians and businessman

CHAPTER II

Evolution of Press

Global

On December 2, 1766., the Swedish parliament passed law that is presently perceived as the world's first law supporting the opportunity of the press and opportunity of data. Rarely, the Freedom of the Press Act annulled the Swedish government's job as a blue pencil of printed matter, and it considered the official exercises of the legislature to be made available. At the most comprehensively, the law classified the guideline—which has since then become a foundation of popular governments all throughout the world—that singular residents of a state ought to have the option to communicate as well as disperse data unafraid of retaliation.

The idea that the press ought to be free could have risen simply after the press itself had gotten ordinary and easily accesible. The creation of motorized imprinting in the fifteenth century prompted the multiplication of books, papers, and different distributions that spread thoughts quicker and farther than at any other time. In any case, in light of the potential for these plans to challenge official force structures, some p0litical and strict specialists effectively stifled distributions that they esteemed rebellious.

An early barrier of press opportunity was made by the artist John Milton in his 1644 flyer Areopagitica, written in light of the British Parliament's entry of a law requiring the legislature to

support all books before distribution. "Truth and comprehension," Milton contended, "are not such products as to be monopoliz'd and exchanged by tickets and rules, and gauges." This estimation seemed to win lawful acknowledgment on the opposite side of the Atlantic when in 1733 New York paper distributor John Peter Zenger, in a milestone jury preliminary, was absolved of subversive slander because the articles he printed, which were cruelly reproachful of New York's provincial senator, were regardless founded on certainty. A quarter century after the Freedom of the Press Act came into power in Sweden, the designers of the U.S. Constitution revered a similar guideline in the record's First Amendment: "Congress will make no law... condensing the right to speak freely, or the press."

While numerous nations have come to comprehend opportunity of articulation as a typical decent—for sure, it is one of the rights counted in the Universal Declaration of Human Rights—state oversight and guideline of the press have not so much vanished. The universal association Reporters Without Borders (RSF) screens conditions for columnists around the globe and positions nations by their level of media opportunity. Nations that position toward the base of RSF's rundown incorporate those that keep up different types of state media and force limitations on autonomous outlets, for example, China, Russia, and North Korea.¹⁰

India

Pre Independence

James Augustus Hickey is considered as the “father of Indian press” as he started the first Indian newspaper from Calcutta, the `Bengal Gazette` or the `Calcutta General Advertise` in January 1780.¹¹

It was the liberal policy of the Press Act of 1835, which continued till 1856, that encouraged the growth of newspapers in the country. Bengal was the pioneer in the field of Indian journalism. It was in Bengal that the first newspaper written in an Indian language was started. Whether it was the Samachar Darpan of the Serampore missionaries (May 1818), or the Bengal Gejeti of Ganga

¹⁰ <https://www.britannica.com/story/250-years-of-press-freedom>

¹¹ <https://benjaminbarber.org/history-of-indian-press/>

Kishore Bhattacharya, is still a matter of controversy. Amongst those written in English, the Hindoo Patriot (1853) had already established its reputation as the first Indian newspaper of Bengal. The vernacular Someprakash was founded in 1858 under the joint efforts of Ishwarchandra Vidyasagar and Dwarkanath Vidyabhusan. The Sadhavani, edited by Akshoy Chandra Sarkar, was born in 1873 and was at that time “the most powerful organ of educated opinion in Bengal”. Bankim Chandra’s Bangadarshan was a journal of great repute and carried many articles with strong nationalistic leaning.

In Maharashtra, Bal Gangadhar’s Darpan (1832) aimed at stimulating among the Indians a desire for Western learning and creating an open forum for discussing social and cultural issues concerning the well-being of the nation. The Christian missionaries had been carrying on a persistent and aggressive attack on Hinduism through their papers, Jnanodaya. In 1852, the Vartaman Dipika was started by Vishnu Bhikaji Gokhale alias Vishnubhava Brahmachari to uphold Hindu religious and cultural traditions. Many newspapers emerged under distinguished and fearless journalists. These papers were not built up as benefit making undertakings however were viewed as rendering national and open assistance. Truth be told, these papers had a wide reach and they animated a library development. Their effect was not constrained to urban areas and towns; these papers arrived at the remote towns, where every news thing and publication would be perused and talked about completely in the 'neighbourhood libraries' which would assemble around a solitary paper.

Along these lines, these libraries filled the need of instruction as well as support. In these papers, government acts and approaches were put to basic examination. They went about as a foundation of resistance to the administration. The press, on the whole, helped in mobilizing and consolidating countrywide opinion on major issues of national importance as well as social and cultural significance. Through the press, the voice of the agitating Indians was increasingly heard in the 19th century. It acted as a constant watchdog and critic of government policies. Age-old social and cultural traditions were scrutinized and efforts made to expose the ill-effects of some

of them. Customs like sati, dowry, child marriage, seclusion and exploitation of widows, the caste system and untouchability were criticized.¹²

Post-Independence

Given the diversity of the press, it was critically aware and, by and large, acted as a fourth estate in a fledgling democracy, while the electronic media was used for what came to be known as 'Nation Building'.¹³ In independent India, the press has continued to serve as a watchdog over governmental policies. At the basic level, it continues to play a sterling role in simple dissemination of information about local and foreign affairs. It offers deep and incisive articles on the news that further enlighten readers about various events and their impact. It thus creates political and social awareness and knowledge accumulation.¹⁴

Press during Emergency

Restriction was allowed when Emergency was imposed - promotion of disaffection. The government used the security of the state and promotion of disaffection as reasons for muzzling the media. The most powerful government till date justified it. The justification for silencing the messenger was based on three arguments:¹⁵

- Economic productivity and social justice are more important than civil liberties and freedom of expression (read free media)
- The press acts in a manner that seriously hampers government efforts to promote economic productivity and social justice
- Control on press rights will help the government to promote those causes

¹² <http://www.yourarticlelibrary.com/essay/evolution-of-press-in-india-essay/24420>

¹³ https://www.academia.edu/3685737/History_of_Press_in_India

¹⁴ <http://www.yourarticlelibrary.com/essay/evolution-of-press-in-india-essay/24420>

¹⁵ <https://www.indiatoday.in/india/story/when-media-was-muzzled-history-retold-1304069-2018-08-03>

CHAPTER III

Functions of the press

The possibility that data, and explicitly the news media, can play a meaningful and even a vital job in the arrangement of popular feeling in the public arena and in molding open approach on significant social, political, and financial issues is an engaging one in scholarly and socio-political terms. The disclosure that on indispensable issues, for example, mass appetite, hardship, and an unexpected breakdown of privileges, opportune and significant data has a subjective effect to the manner in which popular supposition is formed and official strategy is made to react is to some degree complimenting to the mental self portrait of expert news coverage. One might say, it asks an a lot bigger inquiry. It relies upon the sort of autonomous or generally free job that papers and different news media are permitted to play in the public arena; and this thus relies upon the political framework and practice, the protected and lawful shields, and the data societies that win in the nation being referred to. These perceptions apply principally to the printed press, which has assumed the most considerable job in the arrangement of popular feeling in the public eye and can guarantee pre-distinction from a chronicled perspective. The drawn out Indian press understanding, set in a more extensive structure, recommends two focal capacities or jobs that papers have played in present day and contemporary occasions. These capacities might be assigned as

- (a) the solid educational and
- (b) the basic insightful ill-disposed.

A going with conditi0n – which advances after some time, regularly as a result of a law based or working individuals' battle – is that the political framework, out of the blue, gives papers free or generally free rein, and an open culture of esteeming these capacities creates. Scientifically, the two focal capacities are firmly related, truth be told, twinned. They should be viewed as together, for the accompanying reasons. In any case, the sound enlightening capacity can be viewed as an essential for the subsequent capacity. In India, the previous has something to do with a standard of law convention that figured out how to flourish in spite of the abuse, prejudice, disparities, and barbarities of British pilgrim rule (as opposed to another nation under an alternate imperialism where nothing tantamount may have happened verifiably). The sound instructive

capacity is likewise proficient, it must be expected, of being gained or 'learned' in a non-frontier or post-provincial setting . Also, it is the basic analytical ill-disposed capacity that gives the valid educational capacity another, meaningful substance comparable to society. The more dynamic second job that the press might have the option to play, at its best, as for, state, open arrangement identifying with food, hunger, and different hardships and with regards to mass privileges and their development needs a lot more grounded ideological and political sustenance than the solid educational job. Truth be told, if the basic insightful ill-disposed capacity debilitates or gets dissolved out of the blue, the tenable enlightening capacity may blur away through sheer neglect¹⁶ The possibility that data, and explicitly the news media, can play a meaningful and even a vital job in the arrangement of popular feeling in the public arena and in moulding open approach on significant social, political, and financial issues is an engaging one in scholarly and socio-political terms. The disclosure that on indispensable issues, for example, mass appetite, hardship, and an unexpected breakdown of privileges, opportune and significant data has a subjective effect to the manner in which popular supposition is formed and official strategy is made to react is to some degree complimenting to the mental self portrait of expert news coverage. One might say, it asks an a lot bigger inquiry. It relies upon the sort of autonomous or generally free job that papers and different news media are permitted to play in the public arena; and this thus relies upon the political framework and practice, the protected and lawful shields, and the data societies that win in the nation being referred to. These perceptions apply principally to the printed press, which has assumed the most considerable job in the arrangement of popular feeling in the public eye and can guarantee pre-distinction from a chronicled perspective. The drawn out Indian press understanding, set in a more extensive structure, recommends two focal capacities or jobs that papers have played in present day and contemporary occasions. These capacities might be assigned as

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¹⁶ https://www.thehindu.com/multimedia/archive/00863/Contemporary_India__863821a.pdf

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Diversion work A third capacity may now be placed. It possesses a constrained, to some degree undefined position when we discuss the honourable, genuine, 'quality' accomplices of the press yet is out in the open in the 'well known' press and on TV, frequently in an egregious way. Best case scenario, it looks to furnish dreamer amusement, VIP adore, lifeless syndicated programs, embarrassment, and even voyeurism to the detriment of everything else. In any case, it very well may be something very unique – drawing in, engaging, digging into life's little joys, covering leisure activities and diversion, pandering to crossword and Sudoku addicts, blending in cleverness and parody, helping serious, overwhelming, cumbersome news-casting, and as a rule serving the 'joy rule' as the French utilize that term. This can be assigned the hobby function⁵ of the news media. Do the trick it to state that the side interest work has consistently been near, in India just as somewhere else, yet is experienced today for a bigger scope and in a more noteworthy assortment of ways than, state, two or three decades back.

Responsibilities of media in Democracy¹⁷

Concerning duty of the media in a productive vote based set-up, there are some do's and don'ts

¹⁷ <https://www.careerride.com/view/responsibility-of-media-in-a-democracy-15456.aspx>

that should be followed. The obligation is never on the positive side of accomplishing, however that likewise has the obligations to control and check any debasement of the methodology and stop the spreading sick impacts.

Do's for the Media

- Maintain transparency in government
- Revealing the truth in the most acceptable form without creating agitations
- Help people in nourishing their rights
- Uncover and challenge both the agreement of government and its kin
- Debate – consolation and analysis to uncover the provisos and work out on the equivalent
- Build a feeling of enthusiasm inside the residents who could work for the advancement of the country with no dread of legislators
- Find a way out for the free press

Don'ts for the Media

Now coming on to the don'ts; here are a few aspects that media should not indulge in:

- Twisting fact.
- Paid News.
- Side line Real Issues
- Irresponsible News
- Avoid foreign ownership of the press
- Avoid dominance by press

Democracy, press and the public sphere

Illuminating residents relating to advancements amongst general public and guiding them to settle on educated decisions, press makes vote based system to work in its actual soul. It additionally keeps the chosen delegates responsible to the individuals who chose them. Media to operate in an ideal democratic framework needs to be free from political interference and private

control. It needs to have complete editorial independence to pursue public interest. Press plays crucial role behind formation of public spheres. However in current occasions the genuine feeling of open circle is getting disintegrated with the media of open discussion getting changed to mechanisms for communicating specific intrigue instead of general intrigue which are all around acknowledged. This connotes open circle which is basic for an energetic majority rule government can really be channelized to serve personal stake as opposed to open great.¹⁸

CHAPTER IV

CASES

1. Landmark cases - freedom of press

Indian Express v Union of India

The Supreme Court of India guided the focal government to reconsider its tax assessment arrangement by assessing whether it comprised an inordinate weight on papers. The applicants, including news organizations and representatives, contended that an import obligation prompted an expanded expense of papers and a drop available for use, in this manner unfavourably influencing the right to speak freely of discourse and articulation. The Court contemplated that an administration can require burdens on the distribution of papers, anyway inside sensible cutoff points in order to not endless supply of articulation. However, the Court saw that neither the solicitors nor respondents demonstrated the unreasonable idea of taxation rates, in this way calling upon the legislature to reconsider its tax collection strategy with respect to the papers.¹⁹ The court has recognized obstructions with the right to speak freely is foundation condition inside which that opportunity must be worked out²⁰

¹⁸https://www.researchgate.net/publication/216422046_SOCIAL_RESPONSIBILITY_OF_MEDIA_AND_INDIAN_DEMOCRACY

¹⁹ <https://globalfreedomofexpression.columbia.edu/cases/indian-express-newspapers-bombay-private-ltd-v-union-of-india/>

²⁰ <https://indianlegalsolution.com/indian-express-pvt-ltd-ors-v-union-of-india/>

Romesh Thapar v. State of Madras²¹

A law restricting entry and course of journal in a state was held to be invalid . The Court Held that that there can be no vulnerability that the option to talk unreservedly of talk and enunciation consolidates chance of expansion of considerations, and that open door is ensured by the chance of dispersal .A law which endorses bother of restrictions on grounds of 'open security or the 'upkeep of open solicitation' falls outside the degree of the affirmed confinements under condition (2) and along these lines void and unlawful²²

Sakal papers ltd. v. Union of India²³

The Supreme Court pronounced that the Newspaper (Price and Page) Act, 1956 and the Daily Newspapers (Price and Page) Order, 1960 abused the protected option to free discourse. The Act and Order directed the costs distributors could charge for papers dependent on page check and the measure of substance, with Sakal Papers claiming this was an unlawful infringement of free discourse. The Court found that the laws being referred to would either build costs or decrease the quantity of pages, the two of which would repress the dispersal of thoughts, a principal part of the option to free discourse²⁴

Bennett Coleman and co. v Union of India²⁵

The authenticity of the News print Control Order which fixed the number of pages (10 pages which a paper could disseminated was tried as a violative of focal rights guaranteed under Article 19 (1)(a) and Article 14 of the constitution. The Supreme Court excused this contention and confirmed the "sway" test whether the "sway" of repr0ached law is to gather a focal right, its thing or point will be sassy.²⁶

2. Achievements of the press²⁷

The press has achieved a lot of success in the recent past.

²¹ AIR 124, 1950 SCR 594

²² <http://www.legalserviceindia.com/article/l448-Freedom-of-Press.html>

²³ 1962 AIR 305, 1962 SCR (3) 842

²⁴ <https://globalfreedomofexpression.columbia.edu/cases/sakal-papers-p-ltd-v-the-union-of-india/>

²⁵ 1973 SCR (2) 757

²⁶ <http://www.legalserviceindia.com/article/l448-Freedom-of-Press.html>

²⁷ <http://www.legalservicesindia.com/article/217/Freedom-of-Press-In-India.html>

In **Jessica Lal's case**²⁸, Manu Sharma, son of a Haryana minister, killed Jessica on April 29, 1999, since she would not serve him alcohol in the place where she was working. The case was shut and all the blamed were liberated because of need for confirmations and evidences, however later, the case was revived and looked into after media and open clamor, which prompted Sharma's conviction.

In **Priyadarshini Mattoo's Case**²⁹, Santosh Kumar, son of an IPS ambushed and executed his partner, Priyadarshini Mattoo, a law understudy in 1996, after she declined his recommendation. Crippled and developed father of Priyadarshini got judgment in October 2006, after a since quite a while prior run fundamental. The Delhi High Court denounced lower courts and authority under investigation for exemption of charged. The media expected a basic activity for this circumstance as well..

In **Nitish Katara's case**³⁰ the media played an important r0le.

In **Aarushi Talwar's murder case**³¹, media had a significant impact by featuring the provisos for the situation attributable to which the police had to make some move apart from their original investigation. Aarushi's dad is the prime suspect for this situation.

Recently, in **Ruchika's Case**³², Ruchika Girhotra, a 14-year-old tennis player, was attacked by then Haryana police IG S.P.S. Rathore in Panchkula in 1990. Three years after the fact, Ruchika executed herself, which her companion and case observer Aradhana credits to the provocation of Ruchika and her family by people with great influence. After nineteen years, Rathore leaves with a half year of detainment in prison and a 1000-rupee fine, apparently because of his old age and the "drawn out preliminary". This prompted open shock to the public but media assumed a critical job in it. Later on the Government of India solicited the Central Bureau from Investigation to re-research the case to look into the actual story and the police decorations granted to S.P.S. Rathore was additionally stripped. An instance of Abetment of Suicide under Section 306 of the IPC was additionally recorded against S.P.S.Rathore. In 2005 news channel Aaj_Tak completed Operation Duryodhana which unc0vered 11 MP's of the Lok Sabha

²⁸ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1

²⁹ *Santosh Kumar Singh v. State*, (2010) 9 SCC 747

³⁰ *Vishal Yadav vs State Of U.P. on 2 April, 2014*

³¹ *Dr. Rajesh Talwar And Another V. Central Bureau Of Investigation 2013 (82) ACC 303*

³² *S.P.S.Rathore vs C.B.I & Anr on 23 September, 2016*

tolerating money for posing inquiry in the Lok Sabha. Later on an Investigation Committee was set up headed by Senior Congress MP Pawan Kumar Bansal. All the 11 MP's were seen as liable and were sacked from the Lok Sabha.

CHAPTER V

Nodal Agency Regulating Freedom of press

The total number of magazines and newspaper are 17,573 and over 1 lakh periodicals, Television Channel Showing News is 389 so to regulate such broad based press platform in India.³³ We need to have some regulating agency, there are many act which regulate from pricing of newspaper to the issue of copyright but the main agency which specifically works for preserving the freedom of press is Press Council of India (PCI).

PCI was established under the PCI Act of 1978, its main function was to protect the freedom of press and maintaining & improving the standards.³⁴ The total strength is 28 members and a Chairman. His power is to built a code of conduct, helps in maintaining standard and independence of press, it can summon witnesses and take evidence on oath, most importantly the decision of the PCI are final and cannot be appealed before a court of law.³⁵

But these powers have no force because firstly, though it has power to issue guidelines but when it comes to enforce them they are restricted to very limited power. It cannot penalize the defaulters who violate them. Secondly it has power only over the press media and cannot review functioning of electronic media. Its limited power makes it as a **“TOOTH LESS TIGER”**.³⁶

The electronic media is controlled by a statutory body TRAI (Telecommunication Regulatory Authority of India) which has not just only the advisory and regulatory function but have a quasi- functional mechanism.

³³ http://rni.nic.in/all_page/press_india.aspx

³⁴ <https://www.prsindia.org/hi/theprsblog/regulation-media-india-brief-overview>

³⁵ <http://presscouncil.nic.in/>

³⁶ <https://www.thehindu.com/opinion/editorial/pressing-for-free-speech/article7909208.ece>

So basically to make freedom of press in real sense then we either have to make PCI more powerful or we should just merge it with TRAI so that the gap of policy paralysis can be fulfilled.

*Ajay Goswami v. Union of India*³⁷

Press Council itself expressed that it appreciates just lacking position, with its capacity insufficient to giving headings or rebuke and so forth to the gatherings before it, to distribute specifics identifying with its enquiry and settling and so forth. The forces of the PCI in so far its position over the press is concerned are listed under Section 14 of the Press Council Act, 1978. In any case, it has no further position to guarantee that its directions are conformed to and its perceptions executed by the failing gatherings. Absence of punishing forces with Press Council has bound its hands in practicing command over the supposed distributions. The summit court for the situation requested the focal government to correct the previously mentioned act to meet the measures, yet no move has been made by the focal government to this date.³⁸

How free is the fourth estate?

Though on face of it we see media as an independent body, who bring the information to the general public without any biasness but when we try to get deeper we often see a nexus between politicians- media and businessman – media. Every media channel or newspapers have their own ideology some are leftist, some right wing these personal ideology leads to a diluted version of news and instead of spreading awareness they are spreading a particular kind of mentality. Sometimes the media support certain business lobby, in return of the financial aid they are getting.

So basically what is required is the selection and appointment of the PCI or any other regulatory body related to press and media should not be just done by the legislative and executive body but a proper committee need to be formed which include apart from the executive is the leader of the opposition party, a judge and person having a special knowledge and not related to the ruling party. Secondly the people instead of going for fancy news they should prefer the media which actually shows the content this will reduce the economic pressure on the media house.

³⁷ (2007) 1 SCC 143

³⁸ <http://docs.manupatra.in/newsline/articles/Upload/E2A801F7-8FC7-401A-8659-19EDA6D29A33.pdf>

“Mediating the media is supposed to be a space that acts between various layers of society, [that] mediates the information and makes sense of it. But, increasingly, what we’ve seen around the world is a trend of disintermediation, meaning that the media is becoming thinned out, and that there is no longer this mediating layer between state and society, between different actors, and essentially everyone is able now to participate in the information space to some degree.”³⁹



CHAPTER VI



Conclusion

Over the world, news coverage is enduring an onslaught. While more people approach content than any time in recent memory, the mix of political polarization and innovative change have encouraged the fast spread of detest discourse, sexism and unsubstantiated 'counterfeit news', regularly prompting unbalanced limitations on opportunity of articulation. In an ever-developing number of nations, writers face physical and boisterous ambushes that undermine their capacity to report news and data to general society.

Even with such difficulties, the World Trends in Freedom of Expression and Media Development arrangement offer a basic investigation of the patterns in media opportunity, pluralism, autonomy and the wellbeing of columnists. With an uncommon spotlight on sexual orientation balance in the media, the report gives a worldwide point of view that fills in as a basic asset for UNESCO Member States, universal associations, common society gatherings, the scholarly world and people looking to comprehend the changing worldwide media scene.⁴⁰

The need of the hour is to overhaul the body and turn it into a wider Media Council of India encompassing not just the print media but the electronic and digital as well, and equip it with judicial powers where required, so as to enable it to have a holistic view of the media scenario and take appropriate steps to check irregularities, ensure freedom of speech and

³⁹ <https://www.wilsoncenter.org/event/how-free-the-fourth-estate-discussion-about-indias-media-environment>

⁴⁰ <https://en.unesco.org/world-media-trends>

professionalism, and maintain the highest ethical standards and credibility, which are so critical for the fourth pillar of democracy⁴¹

it is profoundly deplorable that there lies a profound attached repugnance for disparate perspectives in our general public. The excellence of a majority rule government is installed in the concurrence of differentiating feelings. Occasions of viciousness against writers cause breaks in the fourth mainstay of popular government. Enactments to ensure the media must be presented and executed in its actual letter and soul.

Security of the media guarantees free and impartial announcing, which ensures straightforwardness in a popular government. As a general public, we should progress in the direction of making a domain of shared regard for contrasting perspectives. The conjunction of a pluralistic network can guarantee opportunity of the press to report without dread or favour.⁴²

On dissecting the present situation, most recent issue and advancements of Freedom of Press, it tends to be inferred that in spite of the fact that the Press is viewed as the guard dog of majority rules system, unfortunately, there is meager respect for this cliché in a nation which is, amusingly, the world's biggest popular government. With regards to its assertion that opportunity of articulation is "one of the basic establishments of a majority rule society", the Court has obviously demonstrated an inclination for opportunity of press. Taking everything into account, it must be repeated that the opportunity of press and data are major to solid working of a popular government and in this way, must coincide with the right to speak freely and enunciation.⁴³

WORDS SPEAK

⁴¹<https://www.newindianexpress.com/magazine/voices/2019/nov/24/time-to-widen-ambit-of-press-council-2065946.html>

⁴² <https://theleaflet.in/shooting-the-messenger-restraint-on-free-press-in-india/>

⁴³ <http://empyreal.co.in/downloads/p13.pdf>