

## Whether External Regulation is Needed to Be Imposed on Freedom of Press - A Study

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### ABSTRACT

Being a traditional media, Print media is being considered as the key role player for the growth and development of the country. Today, people have been focusing on digital printing but, the value of print media has not been ended up. As per the World Association of Newspapers; every year, print media industry has been increasing day by day and this statement is perfect as far as the Indian print media is concerned. "Power tends to corrupt and absolute power corrupts absolutely." Hence, Mahatma Gandhi has rightly said: "The sole aim of journalism should be service. Newspaper 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." Thus, print media has enormous power to build or un build one's life and fame. Currently, there are a few newspapers who have been deteriorating this image of print media and have been ignoring the important demands of public interest. Even though, since last so many years, the Indian Press has been achieving the status of one of the most powerful pillars of India. The rest three are Legislature, Executive and Judiciary. The aim of adding "Freedom of Press" in the Fundamental Right of the Constitution of India is to make the society informed and also to make sure for the healthy growth of the democracy. But as I said, since last ten years, there has been a big question mark on the transparency of the print media. It is a matter of worry as far as the Indian democracy is concerned.

**Keywords:** *Print Media, Indian Journalism, Transparency of Print Media, Paid Journalism*

**F**reedom of speech and expression is one of the important rights included in part III in the Constitution of India. It is important for any democratic government too. proper functioning of it is one of the important aspects of any government. Thus, it has been rightly said that freedom of speech is considered as the mother of all liberties.<sup>2</sup> The basic function of press is to spread important information on all dimensions related to society, economy and politics to the common people. To keep transparency in these, is the basic requirement from press. Recognition to press is globally accepted concept. Not only India but various international conventions, International organisations like UNO etc. have universally

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<sup>2</sup> M P Jain, Indian Constitutional Law 986 (2008)

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accepted the recognition of press. In UDHR (Universal Declaration of Human Rights) has also recognised this concept on 10th December, 1948 under Article 19. Though Freedom of Press has not been expressly provided as Fundamental Right in our Constitution; it is included in the Freedom of Speech and Expression vide Article 19(1)(a). It says " All Citizens have the right to freedom of speech and expression." But, this right is also not absolute. There has been reasonable restrictions imposed on this right too vide Article 19(2).

Print media (press, media etc.) plays vital role in developing or shaping of a country. It is the most important medium of expressing one's thought and expression to the public. Article 19 of Universal Declaration of Human Rights (UDHR), 1948 says: "Every person has the right to freedom of speak, opine and express, this right includes freedom to hold opinions without interference and to seek to receive and impart information and ideas through any media and regardless of frontiers."<sup>3</sup>

Print media normally includes press which refers to newspaper industry. In this changing world, apart from newspaper, there are various types of print medias such as TV, Radio, digital news sites, tweets, blogs etc. Freedom of press is a benefit for any democratic society. Current stature of print media has been received after a long strain for its liberty. Numerous freedom movements kept a vital role to keep it isolate from the control of authority. Freedom of press is the toughest gained right which was battled in the name of common people. The genesis of freedom of press was narrated by Black stone as : *"The liberty of press indeed is essential to the nature of Free State; but this consists in laying no previous restraint on publications and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this, is to destroy the freedom of press; but he publishes what is improper, mischievous or illegal he must take consequence of his own temerity. To subject the press to restrictive power of licenser is to subject all freedom of sentiments to the prejudice of one man and make him the arbitrary and infallible judge of all controverted points in learning, religion and government. But to punish any dangerous or offensive writing, which when published shall on a fair and impartial trial, be adjudged on a pernicious tendency, is necessary for the preservation of peace and good order of government and religion, the only solid foundation of liberty."*<sup>4</sup>

In democratic country like India, freedom of press unlocks mind for free discussion on any issue. It plays an important role to generate public opinion on any matter related with society, politics or economy.<sup>5</sup> Rights embodied under Article 19(1) of the Constitution are natural rights which are given from the birth of a Citizen of India and the Right to Press is an integral part of this right.

### OBJECTIVE OF THE STUDY

1. To understand the role of press media in India.
2. To understand the role of Press Council of India.
3. To study the actual situation of journalists.

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<sup>3</sup> Article 19 of UDHR, 1948.

<sup>4</sup> William Blackstone, "Commentaries on Law of England", 152 (Volume IV, 1765)

<sup>5</sup> M P Jain, Indian Constitutional Law 986 (2008).

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4. Whether the laws prevailing in India for press media is sufficient?

### **HYPOTHESIS OF STUDY:**

1. The press media works under the direct pressure and control of the Government.
2. The Press Council of India has no direct control over press media. It works under the control and pressure of the Government.
3. There is no any penal law for press media.
4. There is no any penal provision for 'paid media'.
5. Indian press media has deteriorate its image in the market.

### **RESEARCH METHODOLOGY:**

This research is based on pure doctrinal study. Researcher fully depends upon secondary data base like case laws, articles, law books and newspapers.

### **MECHANISM OF REGULATION OF PRESS:**

Currently, more than twelve press councils are there in the World to regulate the print media. They are called as Media Councils. Some of them have been set under the statutes of the various countries like India, Italy, Netherlands etc. In India, it is named as Press Council of India. These councils have no relation with their publisher. But their core function is to look and maintain professional standards of Journalism. The concept of Press Council to be self-regulatory mechanism, which has to be isolated from government influence or hindrance and any other interferences have been considered as mechanism for press responsiveness to the general public.<sup>6</sup> However, second view as focused by John C. Merrill that Press Council is aimed to interfere with freedom of press. He explained: "Individual journalist should resist any effort to take decision making out of the hands of individual medium and invest it in some outside authorities would include any branches of government, advertisers or pressure groups, including press councils, the professional organisation or societies of any kind. This approach is guided by extreme liberal democratic values where any kind of restraints may be threat to the freedom of press."<sup>7</sup>

The Press Council of India is a sole governing body to regulate the actions of the Print Media. It is empowered for two motives. First, it receives complaints by the press media in two types viz. any trouble from the news personnel and ease of press. Second, it receives complaints against press media in four categories. Even though, the powers given to Council in terms of mistakes of newspapers are very limited. It just gives warning, admonishes and censures only. Thus, Press Council of India is an advisory body in true sense rather than regulatory body as it has no executing powers.

### **CONCLUSIONS AND SUGGESTIONS:**

Indian Press looks to be passing from a deep confusion as far as its role and functions are concerned. The press is suffering from tremendous pressure from the authority and its owner. Firstly, it should be kept in mind that it is not a public institution which is made to do public functions. It should not be only revenue generator for its owner. Secondly, due to tremendous

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<sup>6</sup> Sandman, Rubin and Sachman, Media, p.8

<sup>7</sup> John C Merrill, "The Imperatives of Freedom: a Philosophy of Journalistic Autonomy", p.12 (Hastings House Publishers, New York/ 1974)

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pressure from the Government, sometimes, it feels and works like an industry rather than a profession. On account of tremendous socio economic and political pressure, many journalists lack sole course of action.

Moreover, Press Council of India, so far, has failed in achieving both the goals for which it was formed viz. isolating freedom of press from political, economic or social pressure and preserving ethical journalists. The Council has failed in meeting the expectation of people. It is proved from the complaints received to the Council.

### SUGGESTIONS:

1. Being fourth pillar of democracy, Press is required to be watch dog of another three pillars. It should work as a guardian of democracy.
2. A neutral authority is required to be made along with penal actions to regulate any conduct of media.
3. Safety to the whistle blower journalist should be ensured. Protection to those journalists should be the prime focus of the Council.
4. Proper training of journalist regarding ethics of this profession should be held periodically to inculcate professional ethics in them.
5. Penal action for the 'paid news' should be imposed. There is no penal action for 'paid news' to the newspaper as on date.

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### Conflict of Interest

The author declared no conflict of interest.

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