



Press Freedom

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ABSTRACT

Freedom of the press or freedom of the media is the principle that communication and expression through various media, including printed and electronic media, especially published material, should be considered a right to be freely. With respect to governmental information, any government may be distinguished which materials are public or protected from disclosure to the public. The materials are protected due to two reasons the classification of information as sensitive, classified or secret, or the relevance of the information to protecting the national interest. "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive, and impart information and ideas through any media regardless of frontiers". The philosophy is usually accompanied by legislation ensuring various degrees of freedom of publishing, and press. The depth to which these laws are entrenched in a country's legal system can go as far down as its constitution. The concept of freedom of speech is often covered by the same laws as freedom of the press, thereby giving equal treatment.

1. Introduction

Freedom of the press is construed as an absence of interference by outside entities, such as a government or religious organization, rather than as a right for authors to have their works published by other people. This idea was famously summarized by the 20th century American journalist, A. J. Liebling, who wrote, "Freedom of the press is guaranteed only to those who own one". Freedom of the press gives the printer or publisher exclusive control over what the publisher chooses to publish, including the right to refuse to print anything for any reason. If the author cannot reach a voluntary agreement with a publisher to produce the author's work, then the author must turn to self-publishing.

2. Freedom of the Press:

Freedom of the Press is a yearly report by US-based non-profit organization Freedom House. It is known to subjectively measure the level of freedom and editorial independence that is enjoyed by the press in every nation and significant disputed territories around the world. Levels of freedom are scored on a scale from 1 (most free) to 100 (least free). Depending on the basics, the nations are then classified as "Free", "Partly Free", or "Not Free". In 2009 Iceland, Norway, Finland, Denmark, and Sweden topped the list with North Korea, Turkmenistan, Myanmar (Burma), Libya, Eritrea at the bottom.

3. Status of the Press Worldwide

Cumhuriyet's former editor-in-chief Can Dundar receiving the 2015 Reporters Without Borders Prize. Shortly thereafter, he was arrested. Beyond legal definitions, several non-governmental organizations use other criteria to judge the level of press freedom around the world. Some create subjective lists, while others are based on quantitative data. Reporters Without Borders considers the number of journalists murdered, expelled or harassed, and the existence of a state monopoly on TV and radio, as well as the existence of censorship and self-censorship in the media, and the overall independence of media as well as the difficulties that foreign reporters may face to rank countries in levels of press freedom. The Committee to Protect Journalists (CPJ) systematically tracks the number of journalists killed and imprisoned in reprisal for their work. It says it uses the tools of journalism to help journalists by tracking press freedom issues through independent research, fact-finding missions, and a network of foreign correspondents, including local working journalists in countries around the world. CPJ shares information on breaking cases with other press freedom organizations worldwide through the International Freedom of Expression Exchange,

a global network of more than 119 free expression organizations. CPJ also tracks impunity in cases of journalist murders. CPJ staff applies strict criteria for each case; researchers independently investigate and verify the circumstances behind each death or imprisonment.

Freedom House studies the more general political and economic environments of each nation in order to determine whether relationships of dependence exist that limit in practice the level of press freedom that might exist in theory. Panels of experts assess the press freedom score and draft each country summary according to a weighted scoring system that analyses the political, economic, legal and safety situation for journalists based on a 100-point scale. It then categorizes countries as having a free, party free, or not free press.

4. Press in India

The Indian Constitution, while not mentioning the word "press", provides for "the right to freedom of speech and expression" (Article 19(1) a). However, this right is subject to restrictions under sub clause, whereby this freedom can be restricted for reasons of "sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, preserving decency, preserving morality, in relation to contempt, court, defamation, or incitement to an offense". Laws such as the Official Secrets Act and Prevention of Terrorist Activities Act (POTA) have been used to limit press freedom. Under POTA, person could be detained for up to six months for being in contact with a terrorist or terrorist group. POTA was repealed in 2006, but the Official Secrets Act 1923 continues.

For the first half-century of independence, media control by the state was the major constraint on press freedom. Indira Gandhi famously stated in 1975 that All India Radio is "a Government organ, it is going to remain a Government organ..." With the liberalization starting in the 1990s, private control of media has burgeoned, leading to increasing independence and greater scrutiny of government.

It ranks poorly at 138th rank out of 180 listed countries in the Press Freedom Index 2018 released by Reporters Without Borders (RWB). Analytically India's press freedom, as could be deduced by the Press Freedom Index, has constantly reduced since 2002, when it culminated in terms of apparent freedom, achieving a rank of 80 among the reported countries. In 2018, India's freedom of press ranking declined two places to 138. In explaining the decline, RWB cited growing intolerance from Hindu nationalist supporters of Indian Prime Minister Narendra Modi, and the murders of journalists such as Gauri Lankesh.

Every year, the Committee to Protect Journalists releases its comprehensive list of all journalists killed in relation to their work, including profiles of each journalist and a database, and an annual census of journalists in jail as of midnight on December 1. 2017 was a record year for journalists jailed with 262 journalists behind bars. Turkey, China and Egypt accounted for more than half of all journalists jailed globally.

According to Reporters Without Borders, more than a third of the world's people live in countries where there is no press freedom. Overwhelmingly, these people live in countries where there is no system of democracy or where there are serious deficiencies in the democratic process. Freedom of the press is an extremely problematic problem/concept for most non-democratic systems of government since, in the modern age, strict control of access to information is critical to the existence of most non-democratic governments and their associated control systems and security apparatus. To this end, most non-democratic societies employ state-run news organizations to promote the propaganda critical to maintaining an existing political power base and suppress (often very brutally, through the use of police, military, or intelligence agencies) any significant attempts by the media or individual journalists to challenge the approved "government line" on contentious issues. In such countries, journalists operating on the fringes of what is deemed to be acceptable will very often find themselves the subject of considerable intimidation by agents of the state. This can range from simple threats to their professional careers (firing, professional blacklisting) to death threats, kidnapping, torture, and assassination.

5. Restrictions on Freedom of Press in India

The freedom of press comes within the ambit of freedom of speech & expression. In a democracy, freedom of press is highly essential as it (the press) acts as a watchdog on the three organs of a democracy viz. the legislature, the executive & the judiciary. But, the freedom of press is not absolute in nature. It is subject to certain restrictions which are mentioned in Article 19(2) of the Constitution. The following are the grounds of restrictions laid down in Article 19(2):

- 1) Sovereignty & Integrity of India
- 2) Security of the State
- 3) Friendly relations with Foreign States
- 4) Public Order
- 5) Decency or Morality
- 6) Contempt of Court.

The grounds of 'Public Order' & 'Friendly relations with Foreign States' was added by the Constitution (First Amendment) Act, 1951. While the ground of 'Sovereignty & Integrity of India' was added by the Constitution (Sixteenth Amendment) Act, 1963.

6. Conclusion

In 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." There are three pillars of a democracy viz. the legislative, the executive & the judiciary. The press acts as the fourth pillar of a democracy. The press has played many significant roles in delivering justice, public welfare etc.

The National Commission to Review the Working of the Constitution (NCRWC) has in its final report submitted to the Government recommended that Article 19(1)(a) which deals with "freedom of speech & expression" must expressly include the freedom of the press and other media, the freedom to hold opinion and to seek, receive and impart information and ideas. It has been sixty years since India became Republic & commencement of the Constitution there is been a lot of ups & down in our democracy & the press also has come across age. As being a subject of the largest democracy of the world we should remember the words of our former Prime Minister Rajiv Gandhi, "Freedom of Press is an Article of Faith with us, sanctified by our Constitution, validated by four decades of freedom and indispensable to our future as a Nation."

Thus, we can conclude that the time has come for the press of largest democracy of the world to work with hand-in-hand with judiciary for the welfare of its subjects. The day is not far away when there will be no eclipse of injustice & the sun of justice will shine brightly forever.

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