



**ANALYSIS OF THE
CONSTITUTIONAL FREEDOM OF
PRESS IN INDIA WITH RESPECT TO
FREEDOM OF SPEECH AND
EXPRESSION**

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ABSTRACT

Freedom of Speech and Expressions is the most important freedom guaranteed by the Constitution of India and it can be said that it is best reflected in the way freedom is given to media because it is known as the 'fourth pillar of democracy'. Hence, it is important that the flow of truthful and useful information from the press to the public happens without any hampering. However, the State may try to impose restrictions on the freedom for the purpose of national security, etc. Therefore, we examine, through this paper, whether press is imposed just with reasonable restrictions or beyond that.

1. INTRODUCTION

“The press [is] the only tocsin of a nation, [when it] is completely silenced...all means of a general effort [are] taken away”

Freedom of speech and expression is a weapon of liberty available to every individual. Whereas, Freedom of press is a subset of Article 19(1)(a) freedom of speech and expression. India is a democratic country and every individual is protected by the constitutional right to speak freely or rather express their views, thoughts. printing press has evolved over the years with dynamic

changes in order to provide true and fair access of information to the people of the country. This research paper focuses commonly on the press as to challenges and restrictions in the preface of constitution and the approach of freedom available to press specifically printing media.

1.2. MEANING OF FREEDOM OF SPEECH AND EXPRESSION

Right of freedom of speech and expression is incorporated in Article (19) of universal declaration of human rights, 1948. It states that everyone has a right to hold opinion without any interference of such . This Freedom is available only to the citizen of India. In a literal rule the interpretation of Article 19(1)(a) include right to express one's views and opinion at any issue through any medium E.g.: By words of mouth, writing, printing, pictures, film, movie. This natural right is not absolute ,there are certain reasonable restrictions that allows the government to frame those in case of public morality, integrity, decency, contempt of court , defamation , and incitement of an offence. It provides to all the citizens irrespective of color, creed, caste ,religion to raise their voices on matter of importance or otherwise creating the platform for equality as well.

1.3. SCOPE OF FREEDOM OF SPEECH AND EXPRESSION

The judiciary being creative to the approach of having a just legal system is enlarging the areas covered by the fundamental right of freedom of speech and expression . For the growth of democracy this article plays a vital role. This guarantee available to the people comes with the rational approach or assumption that every man is a rational human being and best judge to the discretion



of what is good and what is bad. A constitutional provision is never stagnant it constantly evolve with changes and thus is not narrow . For the changing need of the country , the constitutional provision in general and constitutional right in particular should be widespread . The scope of this article should not be restricted.

While discussing the scope , Supreme Court has many times said that the words freedom of speech and expression should include right to propagate ones view through the print media. The court held that these rights are basic rights which are recognized and guaranteed as natural rights and denotes the status of an individual in a free country .

1.4. CONSTITUTIONAL PROTECTION OF FREEDOM OF SPEECH AND EXPRESSION

Protection of freedom of speech and expression is very essential. There are various purposes to protect such outshined rights These could be;

- For discovery of truth by open discussion ,if such is subjected to restrictions than the society would try to prevent from providing accurate opinion that is to say ,assist the discovery of truth .
- For speech as an aspect of self -fulfillment and development -It is an integral part of individual growth ,restricting on it would hamper to the personality and its growth.
- For Expressing beliefs and political attitude
- For active involvement in the democracy .

1.5. MEANING AND INTRODUCTION OF PRESS

Press has been a medium of information to the people of the country. Different modes of media help us to connect to the country's

democracy. Needless to say, the term 'press' refers to printing press. But the term could be issued in various sense. Indian press covers clipped form of printing press, a printing or publishing establishment, art, business or practice of printing, newspapers, magazines, news services etc. There are also various forgoing implications and functions as concerned with press.

- The press as an establishment where printing is done.
- The press as medium of publication.
- The products of printing such as newspaper, pamphlets, handbills, books .
- People who engage in production of forgoing articles such as printer, editor, publisher, journalist , author .

The press as medium of expression.

Development of press is itself an evolutionary history not only post-independence but also pre independence.

To focus specifically post-independence ,there existed press laws from British era to which a committee was set up to examine press laws known as Press Enquiry committee ,1947. It recommended amendments in press and Registration of Books Act. Then Press(objectionable matters)Act,1951 was passed along with amendment of Article (19)(2),It empowered government to demand and forfeit security of publication. This remained till 1956. There was establishment of all India press council, fixing the press pages, scheduled system for newspapers, code of advertisement by newspaper , Desirability of preventing concentration in ownership . Due to ever changing society and time there has been modifications , additions to Press acts in India.

1.6. FREEDOM OF PRESS



Freedom of press is subset of freedom of speech and expression. Indian legal system is based on the constitutional principles. To put in other words, every right, liberty, power, immunity is surrounded by the constitution of India and only then it can be revoked. On similar base, freedom of press is incorporated in the constitution.

The constitution of India incorporates Freedom of Press in two aspects:

- a) Preamble
- b) Article (19)(1)(a) right to freedom of speech and expression

a) Preamble

Preamble is a vital part of the constitution. The constitution opens up with the preamble. Liberty of expression is expressed in preamble of India. It states that the citizen has liberty of thought, expression, belief, faith and worship. This liberty includes right to free press. Liberty is an oxygen for every citizen in a democratic country. Provision for freedom of press is already included in Universal Declaration of Human Rights, 1948. It clears the air, spacing out the ambiguity as to freedom of opinion and expression. This right includes freedom to hold opinion without interference and to seek, receive, and impart information and ideas through any media. Freedom of press was considered as matter of concern for liberal state that the founding fathers included in the preamble.

b) Constitutional Perspective

Post-independence there was a bundle of questions before the framers of the constitution, that whether to follow English way of freedom of press or a separate legislation. Chairman of drafting committee Dr. Babasaheb Ambedkar said that¹

“the press is merely another way of stating an individual or a citizen. Press has no special rights which are not to be exercised by citizen in his individual capacity. The editors of press are the citizens and therefore has chosen to write in newspaper, they are merely exercising freedom of speech and expression.”

Whether press is a citizen

Article (19)(1)(a) of a constitution guarantees freedom of speech and expression only to human beings who are citizens. Non-citizens and foreigners are exempted from such right. Rather juristic person, corporations, societies, associations are not citizens. Article (19)(1)(a) gives freedom of press that press is constituted of citizens²².

In the case of *Brij Bhushan v. State of Delhi*³⁵⁰ in pursuance of section 7(1)(c) of the East Punjab Public Safety Act, 1949, as extended to the Province of Delhi, the Chief Commissioner of Delhi issued an order against the petitioner, the printer, publisher and

editor of an English weekly ‘the Organiser’ published from Delhi, directing them to submit, for scrutiny in duplicate before publication till further orders, all communal matters and news and views about Pakistan including photographs and cartoons other than those derived from official sources or supplied by the news agencies. The Supreme

¹ G.P. TRIPATI, “CONSTITUTIONAL LAW -NEW CHALLENGES.” ALLAHABAD 2013, P.368

² Vol. II 980

³ AIR 1950 SC 129



Court in its majority decision struck down the said order as violative of Article 19(1)(a) of the Constitution.

Again the Supreme Court in *Virendra v. State of Punjab*⁴ held that banning of publication in the newspapers of its own views or the views of correspondents about the

burning topic of the day. In this case, a petition with regard to the validity of the Punjab

Special Powers (Press) Act, 1956, the Court said that:

“It is certainly a serious encroachment on the valuable and cherished right to freedom of speech and expression if a newspaper is prevented from publishing its own views or the views of its correspondents relating to or concerning what may be the burning topic of the day. Our social interest ordinarily demands the free propagation and interchange of views but circumstances may require a reasonable subordination of the social interest in free speech and expression to the needs of our social interest in public order. The Constitution recognizes this necessity and has attempted to strike a balance between the two social interests. It permits the imposition of reasonable restrictions on the freedom of carrying on trade or business in the interest of the general public.”

2. JUDICIAL TREATMENT OF FREEDOM OF SPEECH AND EXPRESSION

“If liberty means anything at all, it means the right to tell people what they do not want to hear”

-George Orwell

Judicial system in India has been on hands up approach to the adaptability of era changes to the changing needs of the societies. Part III of Indian constitution deals with the birth rights of an individual. Adding to such a liberal life of citizen of country, judiciary plays an essential role to interpret the law as it is for better applicability. What may be right for one person may be conflicting to other, to protect these rights constitution of India provides a helping hand. From the previous chapter, Freedom of speech and expression is better elaborated. There are certain aspects of freedom of speech and expression which could be better explained by following case laws:

- Freedom of silence (National anthem case)-

Freedom of speech also includes the right to silence. In a case⁵, three children belonging to Jehovah’s witnesses were expelled from the school for refusing to sing the national anthem, although they stood respectfully when the same was being sung. They challenged the validity of their expulsion before the Kerala High Court which upheld the expulsion as valid and on the ground that it was their fundamental duty to sing the national anthem. On appeal, the Supreme Court held that the students did not commit any offence under the Prevention of Insults to National Honor Act, 1971. Also, there was no law under which their fundamental right under Article 19(1) (a) could be curtailed. Accordingly, it was held that the children’s expulsion from the school was a violation of their fundamental right under Article 19(1)

⁴ AIR 1957 SC 896

⁵ *Bijoe Emmanuel v. state of Kerala* 1986 3 SC 615



(a), which also includes the freedom of silence.

- Indian express Newspaper v. union of India⁶

In this case the court held that freedom of press is not included in Article (19) but it is constituted in Article(19)(a). There cannot be any interference with the freedom of press in the name of public interest. The purpose of the press is to enhance public interest by publishing facts and opinions, without which a democratic electorate cannot take responsible decisions.

- Freedom of speech and sedition

Sedition is another relevant aspect when it comes to freedom of speech and expression. The offence of sedition in India is defined under section 124-A of Indian penal code 1860. “whoever by words either spoken or written, or by signs, or by visible representation or otherwise brings into hatred or contempt, excite or attempt any of these towards the government shall be punished”.

Kanhaiya Kumar v. State of Delhi⁷ - students of JNU organized an event on parliament attack convict Afzal Guru who was hanged in 2013. In this event there was protest which included forms of art, music, poetry against the judicial killing of Afzal Guru. Allegations consisted that there were slogans used which had inappropriate words. A case was filed against several students under section 124-A. The university student union president Kanhaiya Kumar was arrested after anti-national slogans used in the protest. However was later released on bail.

3. THE STATE AND FREEDOM OF PRINT MEDIA

3.1. Introduction

The relationship between print media and freedom of speech and expression has been quite elaborately explained in the previous chapters. The fact that a lot of importance is linked to freedom of speech and expression also means that it has the power of influence on the citizens. Freedom of speech and expression is, however, not an abstract form but it is allowed through several modes like print media, electronic media, social media, cinematograph films, etc. which are all the various means of mass communication. Like discussed in the previous chapters, there is no absolute freedom of speech and expression that is guaranteed under Article 19(1)(a) and the State will always impose restrictions on it as it seems reasonable to it.

The media is a crucial organ of any nation, especially in a country like India where it is known as the “Fourth Pillar of Democracy”. Media should ideally be free and independent from the State to bring to the masses the correct information regarding the affairs of the State and the State or the government should provide the space for such a flow of information while seeing to it that some restrictions are maintained for the purposes of national security, integrity of the nation, decency and morality, public order, contempt of court, defamation.⁸ Taking away such a freedom from the media, be it any form, would mean that the large masses who rely on sources of various sources of media for updating themselves about the ongoing issues will be deprived of the access to do so. This

⁶ 1985 2 SCC 434

⁷ P.(CRL)558/2016

⁸ INDIA CONST. art. 19, cl. 2.



could further result in increasing the gap between the State and the citizen when the system is not so transparent anymore and is likely to hamper the development of the nation as news is not disseminated in a conducive format.⁹

State has been defined under article 12 of the Indian Constitution and it includes not only the organs of the government but any authority which is conferred with a legal authority.¹⁰ Such an authority would be responsible to make rules and enforce them against different sectors for ensuring their smooth functioning. When we discuss about the freedom of media, it does not mean that there is a separate provision to accommodate the freedom for print media or any other source. It merely means that all the rights and restrictions pertaining to media is given under the Constitution under the clause “Freedom of speech and expression”.

The State and the print media are to work hand in hand with each other, so that the public gets maximum empowerment from such a system. The print media, although a subset of media, should be the voice of the people and expose the misdeeds, if any, carried out by the government or personnel representing the government by way of bribery, corruption, scams, scandals, etc. Press should act as the watchdog of a democratic nation.¹¹ At the same time, the State should regulate the print media to ensure that such freedom of press is not

misused by anyone to spread false information creating terror, fear, ambiguity to the public. Hence derives the need for us to understand whether this balance is maintained by both the State and print media.

3.2. Legislations in India

Studying the various legislations given enables us to determine the extent to which the State has drawn a boundary around the freedom of press and media. These legislations are either rooting from the Supreme Legislation or the subordinate legislations. However, we shall examine whether they remain to reasonably restrict the freedom so guaranteed.

The State is empowered under Article 13(3)(a) to make such laws that can impose reasonable restrictions on the freedom of speech and expression, which also means it can impose laws that restrict the freedom of print media, while the Executive is conferred with any such rights.¹² Hence, such an authority may even be construed as the local law making bodies that have the right to make ‘bye-laws’.¹³ The other interesting aspect of understanding is that even though Press is regarded as the fourth democratic pillar, it is the citizens, who as editors, writers and artists, print and circulate their convictions for them to reach the larger masses. The government would want to restrict such actions when the press takes the advantage of such freedom to create content that may be either libelous or malicious.¹⁴

⁹ Thakar Meeta, *A study on freedom of speech and expression with reference to social and electronic media*, Shodhganga, <http://hdl.handle.net/10603/260675> (Last visited Oct. 2, 2019).

¹⁰ *Bhasheshar v I. T. Commissioner*, AIR 1959 SC 158.

¹¹ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124.

¹² *Ganapati vs. State of Ajmer*, (1955) 1 SCR 1065.

¹³ *Rashid Ahmed vs. Municipal Board*, (1950) SCR 566.

¹⁴ *D.C. Saxena vs. Hon’ble Chief Justice of India*, (1996) 5 SCC 216.



The State may, however, try to invade the freedom guaranteed to the print media in the pretext of reasonable restrictions so that it may protect the image of the government by hindering the flow of information from the press to the masses. Hence, we need to examine the legislations that are in place to determine to what extent such invading exists.

3.2.1. Restrictions under the Indian Constitution

For any restriction provided under the law to be valid, it has to fall within the reasonable restrictions provided directly under the clauses between (2) to (6) of Article 19 of the Constitution. At the same time, such a restriction should not interfere with the exercise of any other fundamental rights. Therefore, the reasonable restrictions should be imposed only with the aim not hamper or the following grounds:

- i. The sovereignty and integrity of India;
- ii. Security of the State;
- iii. Friendly relations with Foreign States;
- iv. Public Order;
- v. Decency or morality;
- vi. In relation to contempt of Court;
- vii. Defamation;
- viii. Incitement to an offence;

3.2.2. The Indian Penal Code

The Indian Penal Code also provides for restriction on promoting enmity by way of words, either spoken or written, or through

representations of any sort.¹⁵ Similarly it also constitutes an offence to hurt the religious beliefs or beliefs of others by utterance of such words or visible representations.¹⁶ It also provides for severe preventive as well as punitive measures for Sedition.¹⁷ The Code also punishes the selling or activities thereof of obscene books.¹⁸ The provision for defamation under Sections 499, 501, 502 and 503 also tackle certain aspects of freedom of speech for the reasons given thereunder.

3.2.3. Representation of People's Act 1951

There is a clear prohibition by law that during the time of pollings, there can neither be any canvassing nor exhibiting of any notice or sign.¹⁹

3.2.4. Customs Act, 1962

Under this, the State is allowed to impose restrictions upon importing and/or exporting of certain goods for the benefit of the clauses mentioned under the 'Reasonable Restrictions under the Constitution' as discussed above.²⁰

3.2.5. Criminal Procedure Code, 1973

As per the provisions of this Act, a person/entity will be liable with imprisonment for publishing map of India without the prior permission of the Survey of India.²¹

3.2.6. Civil Defence Act, 1968

"The Act enables the Government to prohibit publication of any newspaper, etc. containing matters prejudicial to civil defence;

¹⁵ Section 157, The Indian penal Code, 1860.

¹⁶ Sections 295A, 298, The Indian Penal Code, 1860.

¹⁷ Section 124A, The Indian Penal Code, 1860

¹⁸ Sections 292 & 293, The Indian Penal Code, 1860.

¹⁹ Section 130, The Representation of People's Act, 1951.

²⁰ Section 11, The Customs Act, 1962.

²¹ Section 95, The Code of Criminal Procedure, 1973.



demanding security from any press in that context.”²²

3.2.7. Newspapers (Incitement to Offence) Act, 1908

This Law aims at curtailing Extremist activities and the magistrates can take into confiscation all such material from the press that is objectionable and may cause incitement to offences.

3.2.8. The Prevention of Seditious Meetings Act, 1911

Those said to go about might have been sanctioned to unite and revise the theory identifying with the counteractive action. From claiming open gatherings which needed aid inclined to Push dissidence or aggravate government funded serenity.

Section 4 of the said enactment makes it compulsory to look for consent in composing or provide for. Composed notice of a general population meeting of such way starting with region officer or the. Official from claiming Police. An individual falling flat should make such consent or provide for An composed. Notice should be rebuffed for detainment for An haul extending to six months or. With fine alternately with both. Further, Section 7 additionally gives that whatever individual delivering. Address alternately discourse that is inclined to foundation aggravation alternately general population fervour amidst. Individuals exhibiting might have a chance to be captured without warrant. Also rebuffed for detainment too. A term which might stretch out to six months alternately with fine or with both.

3.2.9. The Official Secrets Act, 1923

This Act has come into force with the view to protecting important documents and information related to the government so that the national security is not at stake. Therefore, Section 5 of the said Act states that anybody who is in possession of such classified content and indulges in passing it on in unauthorised manner will be punished with an imprisonment ranging for a term between three years to fourteen years.

3.2.10. The Prevention of Insults to National Honour Act, 1971

This particular Act protects the integrity of the Indian National Flag and hence any kind of expression, act, representation that dishonours the Flag is severely punishable by the provisions of this Act.²³

3.2.11. The Parliamentary Proceedings (Protection of Publication) Act, 1956

The opinion of the citizens over the national scheme of things is very much important in any democratic nation. And for this, the newspapers are supposed to be given the protection against the publication of true proceedings of the Parliament. Accordingly, the law under this enactment states that nobody is to be prosecuted in a court for having published substantially a true proceeding that took place in the Parliament, unless and until a malice has been proved on part of such publisher.²⁴

3.2.12. Press and Registration of Books, 1872

This particular Act is one of the oldest Acts in force with regards to the print media and remained the founding Act for regulation of

²² Ibid, at 2.

²³ Section 2, The Prevention of Insults to National Honour Act, 1971.

²⁴ Section 2, The Parliamentary Proceedings (Protection of Publication) Act, 1956.



publishing newspapers and registration of books. As per the provisions of this Act, there is no need to obtain a license as such for running a newspaper. However, the compliances should be met with as given under like the necessary declarations before the concerned official, etc.

The Registration process for a newspaper is clearly given under this Act where the measures of compliance have to be met by the press owner. He also needs to register before the Registrar of newspapers by following the format in which the details need to be furnished. Non-compliance may result in payment of a penalty or in losing the registration.

3.2.13. Contempt of Courts

The provision against the protection of courts from contempt can be found with the Contempt of Courts Act, 1971 where it is given that there are two types of contempt²⁵:

- i. Civil Contempt- “wilful disobedience to any judgement, decree, director., order, writ or other process of a court, or wilful breach of an undertaking given to a court.”
- ii. Criminal Contempt- “publication of any matter or doing of any other act whatsoever, which (1) scandalises or tends to scandalise or lowers or tends to lower the authority of ally court or (ii) prejudices or interferes or tends to interfere with the due course of any judicial proceeding; or (iii) interferes or tends to interfere or obstructs or tends to obstruct the administration of justice in any other manner.”

3.2.14. The Press Council of India

The Press Council of India was set up in 1966, but was abolished after the declaration

of emergency in 1975 and then came a new Press Council Act of 1978 under which the new Press Council was instituted in the year 1979. The Press Council of India is headed by a Chairman and 28 other members. The two main objectives of The Press Council are :

1. To ensure the freedom of press
2. To uphold and improve the standard of newspapers and news agencies.

The Council has quasi-judicial powers with it and it also investigates into matters involving newspapers and news agencies.

4. JUDICIAL TREATMENT OF FREEDOM OF PRESS

4.1. Introduction

The present Chapter will deal with the major topics like freedom of press, the fundamental right to speech and expression, and the Indian judiciary. Where the State has given the legislation, the judiciary interprets such laws and fit them to the context of the case and need of the hour through a feature special to judiciary, i.e., Judicial Activism. In a large country like India where democracy is in place, it is very important to ensure that fundamental rights are exercisable by the citizens without major hampering. Press is an important organ that brings to such citizens and masses all the information through newspapers, magazines, tabloids (the off late trend) should be given the freedom of expression so the masses aware of the happenings in the country so as to maintain transparency. The court will also address the issues in the light of reasonable restrictions so that national security is not threatened, or the law and order is not disturbed as a result of excessive and uncontrolled freedom given to the press.

²⁵ Section 2, The contempt of Court Act, 1971.



4.2. Romesh Thappar v. State of Madras²⁶

In this case, when the circulation of an English daily was banned by the Madras Government, the Supreme Court had observed that “observed that “Freedom of speech & of the press lay at the foundation of all democratic organization, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible.” The Court furthered recognised the value that “without liberty of circulation, publication would be of little value.”

4.3. Sakal Papers v. Union of India²⁷

This is an important case in the history of freedom of press because it happened that petitions were filed questioning the constitutionality of the Newspaper (Price and Page) Act, 1956, and the Daily Newspaper (Price and Page) order, 1960 were raised. Mudholkar, J., delivered the opinion of the Court. A private company that published newspapers, its shareholders, and two readers, (Sakal) filed petitions against the state. The publishing company challenged the constitutional validity of the Newspaper (Price and Page) Act, 1956 (Newspaper Act), which empowered the central government to regulate the price of newspapers in relation to their pages and the allocation of space for advertising matter.

The publishing company also challenged the Daily Newspapers (Price and Page) Order, 1960 (Newspaper Order), which was passed by the Government under the Newspaper Act to put in place such regulations. The petitions argued that the Newspaper Act and

Newspaper Order violated the freedom of speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution.

The Supreme Court declared that the Newspaper (Price and Page) Act, 1956 and the Daily Newspapers (Price and Page) Order, 1960 violated the constitutional right to free speech. The Act and Order regulated the prices publishers could charge for newspapers based on page count and the amount of content, with Sakal Papers alleging that this was an unconstitutional violation of free speech. The Court found that the laws in question would either increase prices or reduce the number of pages, both of which would inhibit the dissemination of ideas, a fundamental aspect of the right to free speech.

4.4. Bennet Coleman & Co. v. Union of India²⁸

The petitioners were media conglomerates involved in the publication of newspapers. They challenged the restrictions on the import of newsprint under Import Control Order 1955 and on the manner in which this is used by newspapers under the Newsprint Order 1962. Further, the Newsprint Policy of 1972-73 placed further restrictions based on four features: first, no new newspapers may be started by establishments owning more than two newspapers if at least one of which is a daily; second, the total number of pages may not exceed ten; third, the increase in number of pages may not be more than 20% for newspapers that are under ten pages; and, finally, no-interchangeability of newsprint may permitted between different newspapers of the same establishment or between different editions of the same

²⁶ Ibid, at 4.

²⁷ AIR 1962 SC 305.

²⁸ AIR 1973 SC 106



paper. Therefore, the petitioners were not allowed to make adjustments in circulation, etc., under these newsprint policies even within the quota limit. This was challenged for violation of Article 19(1)(a) of the Indian Constitution.

The respondents argued that the petitions were not maintainable because companies do not enjoy fundamental rights, which are available only to natural persons. Further, the respondents argued that Article 358—the Constitution’s provision for “emergency powers”—barred any challenge on grounds of fundamental rights. They also proposed a subject-matter test of restriction rather than an “effects test.” Accordingly, the restrictions were valid because they regulated the commercial operations of newspapers in order to prevent monopolies, by which any effect on freedom of expression was incidental. Finally, they asserted that the question of whether newsprint import must be increased was a question of policy that could not be challenge on any grounds except “mala fide.”

In its judgement, the J.Ray delivered the opinion of the court. “As a preliminary question, the Supreme Court observed that the petitions were maintainable. The fact that the petitioners were companies was not a bar to award relief for violation of the rights of shareholders and editorial staff (who were also petitioners). Further, the bar under Article 358 did not apply to laws passed before the proclamation of emergency, and, therefore, the newsprint policy could be challenged as a continuation of the previous year’s policy and relevant orders.

While acting under Section 398 and section 402 of the companies act of 1956, the court has ample jurisdiction and very wide powers

to pass such orders and give directions as it thinks fit to achieve the object and same will not be violative of section 255.”

5. CONCLUSION & SUGGESTIONS

It can be safely concluded that the Constitution of India guarantees each and every citizen with fundamental rights out of which the freedom of speech and expression is one and the same has been upheld by the Indian Judiciary through various case laws that fundamental rights are an important part of the constitution and cannot be restricted without reasonable grounds. The whole perspective of freedom of speech and expression remains the same even for media which forms an integral part of our economy. The freedom of press has been subjected to several restrictions in the previous instances but the Supreme Court has actively interpreted that the freedom of press cannot be restricted unless such freedom is going against the restrictive clauses mentioned in the Constitution.

The Indian right to freedom of speech and expression doesn’t distinguish between the rights of a citizen as against that of the press like how it is done in the US. Despite that being the scenario, the Indian Courts have always been towards upholding the rightful exercise of a citizen’s right to such freedom of speech and expression.
