



CONTRIBUTION OF INDIAN MEDIA : 'YESTERDAY AND TODAY'

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"It is the press, above all, which wages a positively fanatical and slanderous struggle, tearing down everything which can be regarded as a support of national independence, cultural elevation, and the economic independence of the nation."

— Adolf Hitler, *Mein Kampf*

'Freedom of Press' or 'Freedom of media' is the expression of free thoughts by way of various mediums, and is the greatest bridge of communication between 'the one who gets the power' and 'the other who gives the power' but, without any external interference which could damage the quality of thoughts imbibing interest of the general public. In a democracy, 'Press and Media,' act as a watchdog to what activities the government has been doing, whether there is parity in what the authorities are supposed to do and in what they have been carrying out and also, giving a fairer picture to its citizens that let them decide that whether their chosen representatives are worth the power vested in them or not? But, lately, there has been a different meaning that the Media and the Freedom of Press have been portraying. Now, the interest of the media has shifted from the interest of the general public to economical and political interest. And if not that, it has now certainly become the game of power, fear, and benefits. Unimpressively, fear is slowly and steadily silencing the

words, and it has become low-spirited to finally question whether the Media, under the constitutional check, is any more free or fair? Whether there can be no more discrepancy presumed between Freedom of Press and Freedom of Trade? Whether the free expression of thoughts in the name of democracy might mean a threat to the loss of a job or maybe life? Whether Contemporary India has lost the sense of free and fair media? The answers to all the above questions are in the paper which seeks to define what went wrong with Freedom of speech and expression and can we still expect the media to be the fourth independent pillar of democratic India?

1. Insight to 'Freedom of Media'

Media is the collective communication channel used to gather and distribute data or information, the term communication is derived from the Latin word "communicare". It is related to communication, media propagating data or information, to multitudes in society by the specialized medium such as print media, photography advertising, and broadcasting published in the perspective of commercial consideration.¹

Authentic and time-honored media is the oxygen of democracy because the survival of both without the significant other is nearly impossible. Basically, the testament for democracy is the extent of 'Freedom of Press'. Today, in the Indian democracy, Press or Media, stands at the pedestal where, if media is free and fair, is a momentous question, as this draws a clearer picture as to, What kind of democracy we live in? Whether

¹ W. James Potter "Conceptualizing Mass Media Effect" Journal of Communication, Volume 61, Issue 5, 1 October 2011, Pages 896–915.



the Government that we chose for ruling the nation, is the right kind of government? and Where is the nation actually standing in this fast-moving world? Thus, In order to protect the democratic system of government that the Constitution of India provides, It becomes essential to protect the freedom of speech and expression envisaged under the same. And, for the benefit of the people at large, it becomes important that information of any kind reaches the mass from various sources that are reliable. Thus, a 'free press' or 'free media' for disseminating any and every kind of information to the mass become very crucial and hence, stands to be the fourth pillar of democracy.

Press including individual journalists and media organizations demand freedom because of the functions discharged for the benefits of society. Media acts between the government and its citizens as a barometer for the public's opinion and as a middleman to disseminate fair and impartial information to the public at large of government's activities to ensure fair, free from arbitrariness and just delivery of information. The First Press Commission, however, expressed the view that freedom of the press means, "freedom to hold an opinion, to receive and impart information through the printed words without any interference from any public authority."²

The Apex Court in one of its landmark cases of *Express Newspapers V. Union of India*,³ justly describing the importance of the Freedom of Press, held that "Freedom of the press is the heart of social and political intercourse. It is the primary duty of the courts to uphold the freedom of the press and invalidate all laws or administrative actions

which interfere with it contrary to constitutional mandate" Hence, explaining that Freedom of Press has a vital role to play in the democracy of the nation.

2. Transformation of 'Press' or 'Media'

The power that the Media possesses today, or the freedom it has attained is not an overnight evolution rather, the Press or the Media has taken years, for freedom of speech and expression to be an integral part of the fundamental rights of an individual by delivering authentic information to the mass.

This evolution embarks its presence in history, particularly in India, since the moment where writing on stones, public announcements, etc was being used as various techniques of disseminating information to the public. And, today when the news, from almost any part of the world, is just notifications away, it is apt to say that the journey has been revolutionary, noteworthy and frequent.

• Imprints of the existence of 'Media' before its birth

The media in India have a long history, which is even longer than the history of modern representative democracy. Rock edicts of Emperor Ashoka (C 273-236 BC) engraved on rocks contain in abundance measures adopted and regulations issued by him. He used this for communication in his vast Empire, but there were no restrictions on communication imposed by law. Further, Arthashashtra originally written in the reign of Chandragupta Maurya embarked on the presence of punishment for spreading false rumors, Arthashashtra originally written by

² Report of 1st Press Commission 1954 at p. 358

³ Indian Express Newspapers V. Union of India AIR 1986 S.C. 515



Kautilya mentioned these punishments during 324 C to 300 BC. The Rock edicts also speak for spies and reporters during the reign of Emperor Ashoka and the reign of Chandragupta Maurya. In ancient times there have been many examples that state that even when the print media was not established the emperor's and the Kings used various modes to disseminate and communicate the information to its civilians such as writing on the stones and sending information via some specific informants that they had in their courts, etc. Specifically in the reign of Babur, he used to officially announce for the purpose of tax waving off, on all Muslims if he used to win the battles and for the communication of the same information, he used to use various communicative measures. The earliest mentions of pre typographic newspapers are to be found in the Contemporary historical work of later Mughal times. The message of communication from the cave paintings indicate that the incidences occurred in nature give knowledge human activities such as hunting the symbols indicate ideas, sound and syllables books being the oldest form of Media communication are as old as the existence of written language during the medieval time books of sacred writing and religious texts were relatively regarded as a repository of wisdom unseen to the common world.

- 'Media' before Independence

Christians who came to India with an avowed purpose of converting Hindus into Christians were the ones who introduced the printing press in India for the first time to achieve their desired goal.⁴ 6th September 1556, is the precise date for Indians when the first printing press (Gutenberg) was brought up in India.⁵ The press as we know it, which was brought under the British rule, published no newspaper until 1780. As under the rule of East India Company, there were possibilities of interesting news and some enterprising journalists, to reveal the misdeeds and illegal trade carried out by the East India Company, and the reason behind why no newspaper was published until 1780 was because company's establishment in India was a close preserve, and the company's servants with a common consent wanted to withhold all evils and malpractices arising because of 'private trading' in which almost all of them were indulged illegally without any exception. The Indian newspaper saga or the first Indian newspaper was published with an Irishman-James Augustus Hicky. He launched the 'Bengal Gazette' the first newspaper of India in 1780.⁶ Just to make sure that 'Bengal Gazette' was independent he added a line to his masthead- "A weekly political and commercial paper- open to all parties but influenced by none."⁷

A campaign against the first Governor-General of India came out to be the first censorship in India when the 'Bengal Gazette' was banned from circulation

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<https://www.eupublishing.com/doi/full/10.3366/swc.2020.0292>

⁵<https://itsgoa.com/story-of-the-first-printing-press-in-asia-and-go/#:~:text=But%20by%20the%20time%20the,in%20Goa%20but%20also%20Asia!>

⁶<https://www.bl.uk/collection-items/the-bengal-gazette-an-anglo-indian-newspaper#:~:text=Hicky's%20Bengal%20Gazette%20was%20the,James%20Augustus%20Hicky%20in%201779.>

⁷ <https://andrewotis.com/download-hbg/>



through official channels.⁸ It was the incident that reportedly sharpened Hicky's perception about how free press should be to be able to serve its purpose. After a period of fighting back, he kept on publishing by delivering his newspapers in his neighborhood despite him being arrested. The first newspaper was finally crashed down by the previously targeted Governor-General and the Supreme Court in 1782. Although its reach and its time of existence were limited people, it would be just to say that he inspired others to launch newspapers too, many newspapers like 'Bombay Herald' and 'Bombay Courier' in 1789 and 1790 came alongside 'Bengal Gazette'. But soon the government struck down the freedom of the press, obviously rattled by the excessive criticism of the latter. For more than 2 decades after that, the gagging of the press continued as successive Governors-General in India refused to cede freedom to the press.

In the 18th century, several acts were passed by the British government as stringent curbs over the Indian press. Before the revolution which took place in 1857, the press was fiercely involved in rallying the masses, the Britishers inevitably started becoming more apprehensive in regards to press freedom. In view of this, a gagging act was passed by Lord Lytton, which was driven towards controlling and curtailing the content published by Indian media.⁹ The act compelled all Indian publishers to get licensed by the British government while also ensuring that nothing was written against the government and also not criticizing it nor questioning it for any measure.

⁸ <http://www.educationjournal.org/download/818/3-4-41-250.pdf>

⁹ <http://www.educationjournal.org/download/818/3-4-41-250.pdf>

The British government's such step to bring this act miserably failed because the press was impervious to the 'Gagging Act' and started working its way around disseminating news. Eventually, it pushed the government to design far more stringent measures. For instance, in the 1870s, it shifted its focus onto vernacular publications that were inspiring masses to take part in the fight against the British empire, by spreading awareness about the dire situation of the Indian people. One such publication was the Bengali weekly "Amrita Bazar Patrika" (established in 1868 in Jessore district, now in Bangladesh).¹⁰ Amrita Bazar Patrika caught the spotlight when it reported on the exploited indigo farmers in the light of this Vernacular Act was passed on 14 March 1878 where the British government claimed itself with stronger control over vernacular newspapers in order to curb "seditious writing" in "publication in oriental languages".¹¹ This act was not imposed on English-language newspapers, Amrita Bazar Patrika, a bilingual, accepted the new act and became an English weekly, and played an important role in the development of Indian investigative journalism. The weekly once described the Viceroy of India, Lord Curzon, as "Young and little foppish, and without any previous training but invested with unlimited powers."¹²

In the 1880s the nationalist movement became very active and gave a strong push to the Indian press. Inevitably, the government once again passed several laws to control and suppress the press and its political agitation. Reba Chaudhuri in her book "The story of Indian Press" wrote that "A number of press

¹⁰ <https://www.loc.gov/item/sn88063470/>

¹¹ <https://www.britannica.com/topic/Vernacular-Press-Act>

¹² [britannica.com/biography/Lord-Curzon](https://www.britannica.com/biography/Lord-Curzon)



laws and restrictions were imposed, and placed on the statute book from time to time. After the establishment of the Indian National Congress, there were sections 124A and 153A of the penal code enacted in 1898. Four new measures were enacted between 1908-191; namely, the Newspaper (Incitement to Offences) Act of 1908, the Press Act of 1910, the Prevention of Seditious Meetings Act of 1911 and the Criminal Law Amendment Act of 1908. There was also the Officials Secrets Act as amended in 1903.¹³

- Role of 'Media' in the War of Independence

To curb the "Non-English, Indian-language press," the British government brought a Vernacular Press Act in 1878. The act was aimed at stopping the spread of unrest against British rule, although it was later repealed by Lord Rippon in 1881. Throughout time several newspapers played an important role in marching towards independence. Indians owned the platform 'Tribune' but it was shut down after covering the 'Amritsar Massacre' in 1919 and its owner Kali Nath Ray was sent to jail. With the aid of the Government of India Act, Britishers restricted the media from publishing anything against the Emperors and British rulers, and if they did their right to press would be confiscated. But Indian media retaliated towards it, and rather served as an important tool in the movement of independence. Many leaders started coming up with their own newspapers to spread awareness like 'Young India' and 'Harijan' by Mahatma Gandhi, 'Kesari' and

'Maharatta' by Bal Gangadhar Tilak, 'Naujawan' by Bhagat Singh, etc. defining how media was playing a strong role in the movement of Independence defining the rightly said: "Pen is mightier than the sword".

In 1923 and 1924 radio took an interesting origin in India, 3 radio clubs were established in Bombay, Calcutta, and Madras (now Chennai).¹⁴ They started their services by mostly airing music and talks for a couple of hours a day but got shut down in 1927 due to financial crises.

- Media, Post Independence

Before the impact of globalization, mass media was entirely controlled by the Government, which basically let the media project only what the government wanted the people to see but with the onset of globalization and privatization, the situation has undergone some humongous change.

3. Constitutional Validity of 'Freedom of Press' or 'Media

The Parliamentary debates are proof that the founding fathers did not want separate provisions for the freedom of media in the Constitution of India, but later the Supreme Court of India and various other conditions led to its involvement in the ambit of the fundamental rights prescribed to every citizen. Under the wide phraseology of freedom of speech and expression, i.e, Article 19 (1) (a) of the Constitution of India, Freedom of Media finds its space. Article 19 is very important and vital as freedom of speech and expression lies at the very root of liberty. Article 19 helps an individual express his views, his dissent, and his opinions

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https://www.epw.in/system/files/pdf/1955_7/9/the_story_of_the_indian_press.pdfs

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<http://www.ddegjust.ac.in/studymaterial/mmc-1/mmc-104.pdf>



regarding the government governing the entire nation. The media basically derives its rights from the right to freedom of speech and expressions available to the citizens. Thus the media has the same rights no more and no less than any individual to write, publish, circulate, or broadcast. The right to freedom of speech and expression carries with it the right to propagate and circulate one's views freely, and the freedom of the press means principally the right to publish without any previous license or censorship.¹⁵ Article 19 (1) (a) is not only cribbled, cabined, and confined to newspapers and periodicals but also includes pamphlets, leaflets, handbills, circular and every sort of publication which affords a vehicle of information and opinion.

Article 19 (1) (a) reads, *(1) All citizens shall have the right (a) to the freedom of speech and expression.* The exception to the right guaranteed under Article 19 (1) (a) is contained in Article (2) which reads: *"Nothing in sub-clause a of clause 1 shall affect the operation of any existing law or prevent the state from making any law on the exercise of the right under sub-clause a in the interests of the Sovereignty and the Integrity of India, Public order, decency, morality or in relation to the contempt of court, the security of the state, friendly relations with the foreign States, defamation or incitement to an offense in so far as such law imposes reasonable restrictions."*

Freedom of the press is the extension of the citizen's right to freedom of speech and expression. Since freedom of media is the extension of the citizen's right to freedom of speech and expression, the laws imposing restriction on this right of the citizen applies to the press too. Media basically acts as the

watchdog and a neutral observer and hence stands in a very advantageous position to monitor and disseminate information related to the government and its activities. Under the Constitution of India, Preamble also ensures that it would resolve to secure for all the citizens of India, liberty of thought, expression, and belief.

4. Legislative sanctions to 'Indian Press' or 'Indian Media'

In India, the regulatory regime governing the media sector is contained under the Prasar Bharti Act, 1920 and the Cables Network Act, 1995, and the rules framed thereunder. The media sector is regulated by institutional structure and governmental bodies which include the Ministry of Information and Broadcasting (MIB) and Prasar Bharti. These governmental bodies have been entrusted with the activities of governance through the issue of guidelines, policies, and uses and the granting of a license for the broadcasting and electronic media sector. Censorship in media plays a pivotal role in Indian media and we are bound to follow rules set up by the government. Nowadays, it is up to the government to decide what has to be aired on the network or not, which has led to a situation where we start questioning the very essence of the law.

Cybercrimes can involve criminal activities that are traditional in nature such as theft, fraud, forgery, defamation, and mischief, all of which are subject to the Indian Penal Code. The abuse of the Computer has also given birth to a gamut of new age crimes that are addressed by the Information and Technology Act, 2000. According to Information Technology Rules 2011, objectionable content includes anything that

¹⁵ Srinivasa v. State of Madras, A.I.R. 1951 Mad. 70



“threatens the unity, integrity, defense, security or sovereignty of India, friendly relations with states or public order.”

5. ‘Impediments’ or ‘Threats’ to Freedom of Media in the 21st century

Press Freedom basically means freedom unless specifically prohibited by law to gather, print, and publish information and to set up technology in pursuit of such objectives to claim and gain access to information. Such information has to be free from government, militants, language chauvinists, regional pressure groups, and a lot of other external factors. Press freedom is obtained on the ground that it is a prerequisite to democracy, denial of such freedom of the press would lead to the strangling of democracy.

- Freedom of Press becoming Freedom of Trade

The visual media (especially the television channel) which is one of the most widely used sources of information, is misusing its power. The news channels only focus on gaining their TRP and maximizing profits. The only motive that news channels have today is to sustain in the cut-throat competition and make more and more money.

For attracting a large number of audience, news channels began telecasting irrelevant pieces of information. An example of such an instance would be news channels telecasting crime and anti-social activities in a spiced up way which has led to the rise of criminal activities in the society. News media does not stop here, they even try to interfere in the lives of celebrities invading their privacy and violating their right to privacy. All such

instances indicate and put a question: is the media actually working for people by doing its duty or just working for gaining TRP and making more and more money?

Freedom of media was meant for benefiting society and helping it move forward in society. Article 19(1)a of the Indian Constitution grants freedom to the media, but this article has to be read along with Article 51A(h) which states that it is the duty of all citizens to develop the scientific temper, civilization and spirit of inspection and change. In India, the recent tendencies show that media is playing such a revolutionary role, instead of promoting scientific thinking, which itself can solve many social problems like poverty, unemployment, lack of healthcare etc. the Indian media often focuses on telecasting superstitions, celebrity life, backward ideas, etc. drifting the attention of the public from major social issues to non-issues. The owners of the media often look at it as a source of making money.

- External threat to life, of power and money.

The Indian media has some worrisome threats, that if not removed will continue to have a coarsening effect on the state of the media in the world's largest democracy. The basic challenge being the dark depths of the internet itself. The fast consumption of sensational fake news is proof of how bad money drives out the good one. The worst of which is the involvement of political parties with big pockets in funding and employment of fake news sites to dupe and divide voters, tarnish rivals, and professional players. Arthashashtra to Information and Technology Act has varied space for punishment for spreading fake information and rumors, still, this remains to be a vital challenge in the existence of free and fair



media. Delivery of Paid news is one of the deadliest pollutants for the mass media. With market advances at play and public investment in private companies, journalists found it sometimes cost-effective to write only partially true stories of companies waiting to list on the stock exchanges. The enormous power vested with the media leads to blatant blackmailing by the media too, for delivery of information in favor of the party supposedly in the picture.

The lenient role of the regulatory body specifically the Press Council of India by mere issuance of guidelines on the address of paid news, fake news, and other unethical concerns makes media houses lesser careful as to what kind of practices are being undergone for information delivery. Ownership of media houses by the handful of people, specifically, big businessmen associated with leaders of political parties, political party members themselves, largely affects the credibility of the information. India is considered to be one of the deadliest democracies for journalists. There have been varied cases such as the murder of journalist Gauri Lankesh etc., that reinstate fear in the minds of journalists for news delivery, and hence, proves to be the biggest threat to free and fair media.

6. Delineation of Indian Media today and hereafter.

Today the Indian media is being suppressed by the politicians but not only there, but the Indian media has also forgotten its mission which has always been to spread information and awareness. Earlier during the time of independence, Indian media focused on

revealing the dirty work of the British government, making people aware of their rights and giving them a sense of independence. Media was one of the most important tools during the time of independence many freedom fighters have used media to express their thoughts and opinions and fire up some integrity in the people towards the nation. But today, all media cares about is its TRP, and also many politicians now own media channels and use it to criticize the opposite party contesting against them. Indian media has now just become a platform of TRP and political rivalries, forgetting its real mission in the process of making money. Also, India ranks at 142 out of 180 countries in the World Press Freedom Index¹⁶, indicating how free the media is and how much it is controlled by the Indian politics.

“How do you ensure fairness in media reports?”

The answer, blunt as it may be, is that you don't.

“What does free speech mean?”

Freedom of speech does not mean that people can say things that you like.

It does not mean that they can say things that you agree with. It does not mean that they can say things that you think are fair. Freedom of speech means people can say whatever they want to say whether you think it is fair or not. You cannot have a free press and a guaranteed fair press.”¹⁷

-One of the most stimulating sessions at the Minnesota Historical Society's annual meeting on October 20, 1973, was "The Media and the Candidate," during which

¹⁶ <https://rsf.org/en/ranking>

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<http://collections.mnhs.org/MNHistoryMagazine/articles/43/v43i08p308-310.pdf>



panelist Lee Loevinger made some forceful and timely statements that serve as "The Editor's Page" for this issue of the Minnesota History.

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