

The saga of Indian press

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“Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.”

— Thomas Jefferson.

Of all the types of governments democracy is said to be the best. For it guarantees freedom of expression and thought. Democracy is dead where the press is gagged. Our founding fathers of the constitution enshrined the concept of freedom of expression and thought as a fundamental right —Article 19(1)(a).

The press exercises great power and influence in shaping public opinion. Its primary duty is to provide information. In providing the truth it incurs the displeasure of the government. On the pretext of imposing reasonable restrictions the government often tends to silence the press. Mrs. Indira Gandhi in 1975, during the Emergency, imposed certain restrictions.

The news reported during the crisis was distorted or censored in the name of public interest. The absence of free information led her to believe that emergency measures enjoyed the public confidence whereas in reality it was otherwise. She learnt the bitter truth in the elections that followed when she, the architect of *Emergency*, was defeated. In the recent days, two Chief Ministers, a Governor and an Advocate General of Maharashtra were forced to resign. The Bhagalpur blindings were exposed by the press. These would not have come to light but for investigative journalism. The latest exposures are Bofors, Fairfax and the H.D.W. submarine deal. These exposures put the government in peril. How far these exposures are true is a matter of debate. In order to stall all further dangers, Mr. Rajiv Gandhi, the Prime Minister came out with the Defamation Bill 1988 on the pretext of safeguarding the interest and the reputation of an ordinary citizen. This is far from the truth. It was a move

to safeguard the interest of the ruling elite who are guilty of corruption, nepotism, etc.

The purpose of the Defamation Bill was too obvious to hide. In every section and clause it stood exposed. The Prime Minister's defence of the Bill that it was meant to save the common man's reputation and it was on the recommendations of the law and press commission was obviously weak. For instance Sec. 18(1) of the Defamation Bill takes away the discretion now granted to the magistrate to exempt an accused from personal attendance. But in fact the second press commission says "that unless there was a prima facie case of malice the magistrate would have the right to dispense with the personal attendance and in case of an editor the magistrate would have wider discretionary power."

Another device by which the government wants to disable the press is through Sec. 14(3) and 18(1). These sections make it mandatory for the court to ensure that the writer attends the trial from day to day. This will leave absolutely no time for the editor or publisher to attend to the normal work if two or more cases are filed in different parts of the country.

The Defamation Bill therefore is a clear case of an attempt to gag the Indian Press.

If the press is shifted the only way through which the government can be made accountable would be blocked. But this freedom like other civil liberties is becoming a farce. The Defamation Bill is probably a trend setter to more such laws to come. The press has an obligation to fight tooth and nail not only for its own existence but also for the general good. The widespread protests that followed the introduction of the Bill clearly indicates that the people considered freedom of speech and expression more sacrosanct than the reputation of a few. The final dropping of the Bill is a victory for the people.

Is press freedom an illusion? With industrialists taking over, newspapers are no longer standard bearers of truth, freedom and sacrifice. What's fed to the public is the camouflaged private interest of the industrialists. "There is not only a devaluation of the truth but also a gradual erosion of values" laments a journalist, with 20 years of standing in the profession, in an interview.

Press freedom—An insider's view

What in your opinion is freedom of the press?

Freedom of the press as I understand is the freedom to express any opinion without

fear or favour through the print media. Freedom of the press is a basic fundamental right guaranteed in all democracies through the constitution. In the Indian Constitution though there is no specific mention of the same, in Article 19(1) it is covered under a broad category of freedom of expression.

Is the Indian press really 'free'?

If your emphasis is on 'really' the answer would be both Yes and No. Yes, if one judges by the recent disclosures like Bhagalpur blindings, Antulay cement scandal, Fairfax, H.W.D. Submarine and Bofors deals, etc one can conclude that the Indian Press is free.

How is it now?

Unlike in the past, say before Independence, running a newspaper is no more a mission. It's no longer a commitment for a cause, least of all a sacrifice. Newspaper is now an industry. It is like other industries, a money making device whatever the claim to the contrary. As an industry it needs a lot of capital to run unlike other industries, it has a double advantages. First it brings in profit, secondly, but most importantly it wields a lot of influence. This influence is mostly converted to money through other means. Therefore however much a newspaper may claim independence a tinge of the

owners' interests is reflected in the paper. Naturally as the adage goes, 'he who pays calls the tune'. Apart from this some statutory restrictions like Defamation Law, Official Secrets Act, etc., inhibit freedom.

Then is it not a fact that newspapers reflect public opinion?

Perhaps it was to a certain extent a decade or two back. If you are a discerning reader and have the habit of reading more than one newspaper the comparison would betray the myth. So by the look of the paper one can easily say where the owners' loyalty, lies – pro-establishment or against. This trend is particularly so since the last five years or so. Therefore the opinion expressed in the newspapers nowadays need not be of public interest. Another unfortunate trend is the imposition of views on the readers. They ask or even guide public to do what newspaper men think good. This is a sad development.

What in your opinion, is the duty of the press?

Newspapers have no business to impose opinion on any given problem. The Editor should analyse the pros and cons and allow the reader to come to a decision. This is ideal and healthy. Noseled decisions are dangerous since different people pull in

different directions. In this condition truth becomes a casualty.

Should press freedom be absolute?

Not necessary. Anything unbridled tends to go awry. So, also any right. Moreover exercise of one's right should not infringe the other's. For example one has right to stretch one's arm and even to swing, but this right stops where another man's nose starts. Thus freedom is not a license. It should be guarded against damaging the reputation of the innocent.

Then are you for the restricted freedom?

Yes. Not by external laws or outside interference. It's by self-regulation. Even a code of conduct in my opinion is an outside interference.

Is press freedom utopian?

Yes, what with pressures from different directions, with conflicting interests.

It's an ideal good to pursue, but difficult to attain.

This is a beginning of a new era, an era when the people should be vigilant to protect their rights. Press is a tool in safeguarding their freedom. Otherwise they become the lap dogs of the government instead of the watch dogs. They wag their tails and seek approval instead of growling at the abuse of power. They may become even apologists for those who violate the public trust. Like the politicians and the favour seekers, these men may sell a little of themselves each day and fade away.

Ultimately one tends to infer that press – though not gagged is stifled by the inevitable forces and breaking free from these shackles requires men with dedication, integrity and the will to fight these overpowering forces. Any takers?

Change is inevitable. The great question of our time is whether the change will be by consent or coercion.

— G. BROMLEY OXNAM