

DECLARATION ON PRESS FREEDOM IN INDIA AND DEMOCRACY

Two and half years of Janata party's rule had many credits in its name. The Janta government since came to power because of emergency misdeeds, therefore, it, first, wanted to bring all the wrong doings of the emergency regime to the notice of people. The second, the Janata government was voted to power because democratic institutions were thoroughly and systematically weakened and constitutional provisions were misused, therefore, removing all the institutional weaknesses and constitutional flaws were the duty of the newly formed government. For that constitutional amendments were proposed, and third was the restoration of media's freedom and ensuring the autonomy to the government controlled broadcast and telecast media because all these state controlled media were highly misused during the emergency by the party in power. The Janata Government had taken the following measures for the freedom of press in India after emergency.

- A seven-point Declaration on 'Press Freedom in India and Democracy' has been evolved by a group of Indian newspapermen. The declaration followed the discussions held under the auspices of the international press institute and the Friedrich Naumann Stigung (26 November 1977) (Mehta, 1979:224).
- Freedom of the press is at the heart of all liberty. Where there is no free exchange of information and thought, no other liberty is secure. Freedom of the press is one of the pillars of a free society and a means of extending the frontiers of liberty.
- In a democracy, a free press has an inalienable right to an adversary role. It should be free to criticize authority at all levels in the general public interest, and to function as watch-dog over the government's handling of the problems of the people and the country. The press should always be responsive to society as a whole, and act as a channel of communication to survey facts and give fair and considered information on all issues. A free press should always be conscious of its responsibility to present to the public news without fear or favour or distortion, suppression of censorship.
- Citizens should be able to publish and read newspapers and journals of their choice. The relationship between the management and the editor should be one of cooperation. Within a newspaper's broad policy framework, the editor should be left free to function without interference.
- It is essential to have more than one news agency. News agencies should be competitive and free of government control.
- A free press can be strangled through economic pressures. For instance, the government has no right to fix advertisement rates for individual newspapers or to use government advertising as a form of patronage or to canalize newsprint supplies through a state monopoly.

The flow of information entails not only a free press but also free and competitive radio and television services, which should be regulated by genuinely autonomous agencies (Mehta, 1979: 225).

It is true that in India the Press was at once a product and a stimulant of processes of national regeneration which led to its freedom from colonial rule and the journalists functioned more as missionaries and social reformers than mere professionals. However, with the passage of time in free India the Press has slowly but increasingly become an

industry and journalism as profession. The press instead of remaining stimulant of social awakening has increasingly become largely a source of news about political events and politician. The acquiescence politics to the extent of being obsessed is the dominant feature of Indian press today.

No freedom, however sacred it may be, can be absolute. This is also true to the press freedom, not only the freedom of the press is subject to the laws of the land, such as law of contempt and libel, but also to the privileges of parliament and state Legislatures. The stress should be not so much on the freedom of the press but on the 'free and responsible press'. The press should be, no doubt, free but should also be responsible in the discharge of its functions. The press has an obligation voluntary and self-imposed- that in presentation of truthful news and fair comment it adheres to certain norms of decency and decorum, and that it does not indulge in vulgarity, obscenity, character assassination, violation of citizen's privacy and incitement to violence, disorder and disintegration of the country (Mehta, 1979: 223).

Freedom of speech is the bulwark of a democratic government. In a democracy, freedom of speech and expression opens up channels of free discussion of issues. It implies that there should be a close link between the government and the people. Freedom of speech plays a crucial role in the formation of public opinion on social, political and economic matters. Similarly, the persons in power should be able to keep the people informed about their policies and projects, therefore, it can be said that freedom of speech is the mother of all other liberties (Second Press Commission, 1978: 34-35). The Indian press once again came into its own enjoying full freedom after passing through 19 months of arbitrary press control. After the new government came to power at the center in March 1977, the prevention of publication of objectionable matters Act was repealed, and the parliamentary proceedings (protection of publication) Act was re-enacted. The censorship on newspapers was abolished.

The constitution (45th Amendment) Act, 1978 passed by the parliament provides constitutional authority to Feroze Gandhi Act. It also extends the protection to journalists in respect of publication in newspapers of proceedings of state legislatures as well. The new Article 36-A, to be inserted in the constitution, provides that no person shall be liable to any proceedings, civil or criminal, in any court in respect of publication in newspapers of a substantially true report of any proceedings of either house of parliament, or either house of state legislature, unless the publication is proved to have been made with malice. This provision cannot be suspended even during an Emergency. The immunity, however, does not extend to the secret sitting of legislative bodies. A few legislatures have conferred this immunity on the press by separate Acts (Mehta, 1979:228). The announced on 14 November 1977 its decision to dismantle the Samachar and restore the status quo ante in respect of four news agencies. The Press Council was revived and the government also set up a new Press Commission.

The study has examined the role of the short lived Janata Government in restoring the democratic institutions, fundamental rights to the the citizens, freedom to the press and independence to the Judiciary. It found that after the relaxation in emergency, the mass media, especially the print media played a very crucial role in exposing the abuses and misuses of state power by the government machinery, party leaders, and even individuals loyal to prime minister, Mrs. Indira Gandhi and her politically ambitious younger son, Mr. Sanjay Gandhi.

REFERENCES

- Austin, G. (1999). *Working a Democratic Constitution: The Indian Experience*. New Delhi: Oxford University Press
- Bakshi, P.M. (1993). *Constitution of India with Comments & Subject Index. Selective comments*. New Delhi: Universal Book Traders.
- Basu, D.D. (1995). *Introduction to the Constitution of India*. New Delhi: Prentice- Hall of India.
- Dayal, John and Bose Ajoy. (1978). *The Shah Commission Begins*. New Delhi: Orient Longman.
- Desai, M. V. (1977). *Communication Politics in India*. UNESCO Paris, Snoeck- Ducaju& Son Printing, Belgium.
- Frank, Katherine (2002). *Indira: the life of Indira Nehru Gandhi*: HarperCollins.
- Kumar, Virendra and Agrawal, S.P. (1993). *1977. Volume 15, Part 1 of Committees and Commissions in India*. Concept Publishing Company.
- Mehta, D. S. (1979). *Mass Communication and Journalism in India*. New Delhi: Allied Publishers Limited.
- Henderson, Michael. (1977). *Experiment With Untruth: India Under Emergency*. Delhi: Macmillan, Preface.
- Palmer, N. D. (1976). "India in 1975: Democracy in Eclipse". *Asian Survey* 16(5).
- Parthasarhy, R. (1994). *Here is the News Reporting for the Media*. New Delhi: Sterling Publishers, Pvt. Ltd.
- Report of the Second Press Commission, Vol. I, 34-35.
- Sezhian, Era. "Shah Commission Report (Document on Emergency Excess) Lost and Regained – Interview with Era Sezhian". *Zocial TV*. Retrieved 2012-03-15.
- Shah Commission of Inquiry: Third and Final Report". National Library of Australia. Retrieved 2012. Shah Commission Report, 1978.
- Singh, Indu B. (1980). "The Indian Mass Media System: Before, During, and After the National Emergency". *Canadian Journal of Communication*, Vol. 7, No. 2.
- Singh, Jagat. (1977). *The Return Of Democracy*. New Delhi: Pankaj Publication.
- The Hindustan Times, 19th January 1977