



தமிழ்மணம் சர்வதேசத் தமிழ் ஆய்விதழ்

Peer-Reviewed Open Access Crossref Google Scholar
SJIF Impact Factor 3.5 (2024-) Multidisciplinary

doi : <https://doi.org/10.63300/tm12042026>



Vol. 12 No. 04 (2026): September 2026, p270-277 | Available online at: www.tamilmanam.in

Original Research Paper – Peer reviewed ✓

Press Freedom: The Lifeblood of Indian Democracy

Dr. K. Suguna^{1*}, Dr. R. Udaiahchandran²,

¹Department of History,

PSGR Krishnammal College for Women, Coimbatore – 641 004

²Associate Professor and Head i/c, Department of History and Tourism,
Bharathiar University, Coimbatore – 641 046

Email: udaiahchandran@buc.edu.in

Corresponding Author Email: ksuguna@psgrkcw.ac.in

Article history

Received: 20-08-2026

Revised: 30-08-2026

Accepted: 29-08-2026

Published on: 07-09-2026

*Corresponding Author

Email:

sureshr@mahendra.info

Abstract: Freedom of the press is not separately guaranteed by the Constitution of India; it is implied within the freedom of speech and expression secured to every citizen under Article 19(1)(a) and qualified by the reasonable restrictions of Article 19(2). This paper examines the constitutional foundations of press freedom in India, the judicial reasoning through which the Supreme Court has repeatedly affirmed the press as an essential pillar of democracy, and the recurring tension between a free press and governmental restraint, most starkly illustrated by the pre-censorship imposed during the National Emergency of 1975. Drawing on constitutional text, landmark judgments, and classical and contemporary theories of free expression, the paper argues that an independent press — free to inform, investigate, expose abuse, and educate — remains indispensable to a functioning democratic order, even as it acknowledges the genuine costs and dangers that unrestrained speech can carry.

Keywords: freedom of the press, Article 19, Indian Constitution, democracy, censorship, fundamental rights.

I. Introduction

The basic values of a free society to which India has pledged itself under its Constitution are founded on the conviction that there must be freedom of expression, not only for the thoughts that citizens cherish, but also for the expression of opinions and ideas that they dislike. The ultimate good desired by any society is in fact reached through the free exchange of ideas, and the most effective expression of truth is key to securing its acceptance in the ongoing struggle for human rights enshrined in constitutional principles. The ancient Tamil sage Thiruvalluvar captured this conviction succinctly: “Wisdom is grasping the true meaning of whatever has been said or whoever has expressed” (qtd. in Aiyar 47). Rabindranath Tagore’s poem “Where the Mind Is Without Fear” asserts much the same message of untrammelled expression.

The terms “democracy” and “liberty,” as they appear in the Preamble, ensure freedom of

speech to every citizen. “Freedom of the press” itself refers to the rights protected under the freedom of speech and expression guaranteed by Article 19(1)(a) in Part III of the Indian Constitution (Hidayatullah 287). These rights sustain independent journalism and promote democracy by encouraging citizens to express their opinions about the government’s decisions. It is nonetheless notable that the Supreme Court of India (SCI) has held that the Preamble cannot be used to interpret the Constitution, as observed in the additional note to the judgment in *A. K. Gopalan v. State of Madras* (1950). This is because the Preamble consists merely of a set of objectives intended to guide the framing of the Constitution rather than an operative source of enforceable rights.

Freedom of speech and expression covers not only the spoken word but also speeches, writings, pictures, films, and banners. While Article 19(1)(a) guarantees this fundamental right to citizens, it simultaneously implies the power of the State to impose certain restrictions upon its exercise. A free press can therefore never be absolute; it is checked whenever the right is abused, whether through violation of statutes protecting the rights of others or in matters touching national security and obscenity. The exercise of this right is accordingly subject to the reasonable restrictions enumerated in Article 19(2).

Whether freedom of speech and of the press should be recognised as possessing overriding importance against competing interests is among the most complex questions in the modern protection and promotion of human rights. This difficulty is best appreciated by weighing the advantages and disadvantages that attend freedom of speech for citizens generally, and freedom of the press in particular — the subject to which this paper now turns.

II. Freedom of the Press

For the press to keep the people informed and to provide a forum for public discussion and informed criticism, it must be both free and independent. These two attributes are inseparable, and both carry equal weight: a free press must also be an independent press, and a free press is, in fact, the very basis of democracy. In the landmark case of *Bennett Coleman & Co. v. Union of India* (1972), the Supreme Court of India ruled that newspapers must be free to decide their own circulation and number of pages, holding that freedom of the press was an essential element of Article 19(1)(a) and, more broadly, of freedom of expression itself.

Elections and a free press are indeed inseparable, a relationship reflected in Articles 324 to 329 of the Indian Constitution. Yet there has been persistent opposition to press freedom and to democratic movements from governments around the world; many have undertaken repressive measures to suppress press freedom (Sarkar 4).

The arguments in favour of free speech — in effect, the advantages of a free press — may be summarised as follows. The accepted wisdom of any society is never complete, and may even be false; truth is ascertained only through the unrestricted clash of ideas. This broad proposition has been expressed by many writers, notably John Milton, the celebrated English poet and statesman, who in his *Areopagitica* eloquently pleaded for the abolition of restrictions on the printing of books (Milton 45).

Freedom of speech is further essential to enable informed evaluation of the risks and benefits of new technologies, proper assessment of issues threatening the existence of life itself,

and effective challenge to prevailing ideologies that threaten to lock the world into irreconcilable conflict and competition (Barendt 8-14). Indeed, freedom of speech is essential to the development of man as a rational being, capable of self-government and suited to social interaction.

John Stuart Mill observes that the highest goal for man as a rational and social being lies in developing the capacity to accord merited honour to everyone, whatever opinion that person may hold (Mill 40). A kindred belief in the importance of free expression to individual development has been voiced by others as well. Mr. Justice Brandeis, for example, asserted that the founding fathers of the United States “believed that the final end of the State was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary” (qtd. in Harimon 5). In a similar vein, social order is not an end in itself but simply a “means to maximizing individual liberty and security,” a goal to which the “self-expression and self-fulfilment of the individuals who compose a society” are crucial (Harimon 5).

Freedom of speech is, furthermore, an essential check on the abuse of power and an essential duty of the responsible citizen. The free flow of information is essential not only to forestall such abuse but to guard against every other excess of authority. As the complexities of modern society have grown, so too have the opportunities for abuse; so long as mankind remains susceptible to the corrupting influence of power, so long will freedom of speech remain a vital check against it. The lesson of Watergate makes the point plainly (John, “Will the Operation”). Freedom of speech also provides a safety valve for the release of destructive emotion: discontent cannot be removed simply by restricting its expression. On the contrary, such repression “will only serve to sharpen the sense of injustice and provide added arguments and rationalizations for desperate, perhaps reckless measures” (“Sunday Observer”).

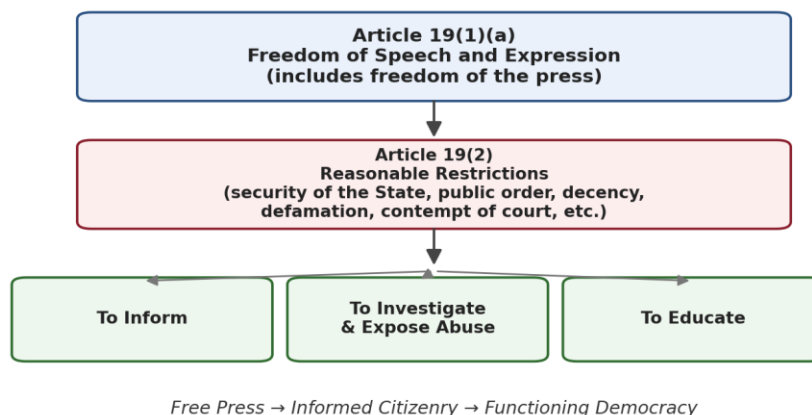
Responsible journalism is essential to a democratic country because it acts as an engine driving the nation towards a better future; newspapers have historically served as catalysts for social and political change. The press must therefore remain free if a country is to remain a democratic state.

In short, the importance of the press stems from the unique means at its disposal to “gather, process and disseminate [important] information to large, heterogeneous and widely dispersed audiences” (qtd. in Emerson 13). This capacity not only equips the individual with the knowledge essential to informed decision-making but also enables the press to perform a further function of vital importance: investigative journalism. The research resources available to the press allow it to fulfil a “watchdog” role, guarding against the abuse of power at every level of society. The importance of such investigative journalism was demonstrated beyond doubt by the Watergate scandal, in which abuse of public office was brought to the attention of the world by newspapers such as the Washington Post, ultimately leading to the resignation of the President of the United States. A further consequence of the press’s unique resources lies in the effective educative role it is capable of playing; education about social and political problems carries immense importance in any society, and is particularly vital for citizens of the developing world.

The press has other important roles besides these — providing entertainment, promoting the arts, and fostering interest and participation in sport, among others — though an analysis of these functions lies outside the scope of this paper. For present purposes, the most important functions of the press may be summarised as fourfold: to inform, to investigate, to expose abuse,

and to educate. All are of crucial importance to society, yet can be fulfilled only by a press that is “free” from “unnecessary restraint.”

Fig. 2. Constitutional Structure of Press Freedom under Article 19



Source: Compiled by the authors from Article 19 of the Constitution of India.

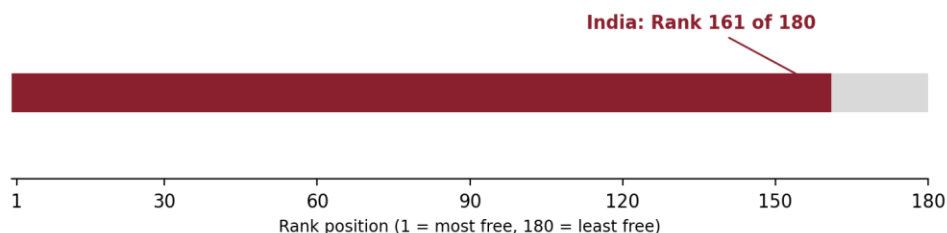
III. No Separate Provision for Freedom of the Press

Unlike the Constitution of the United States, the Constitution of India contains no separate provision guaranteeing freedom of the press as such, and this omission carries certain consequences. Because freedom of the press is derived from Article 19(1)(a), which guarantees freedom of speech to all citizens, the press does not stand on any higher footing than other citizens and cannot claim privileges distinct from theirs. Conversely, the press cannot be subjected to any special restriction that could not equally be imposed upon citizens in general. Second, because the guarantee under Article 19(1)(a) is confined to citizens, a non-citizen running a newspaper in India is not entitled to the benefits of the liberty of the press.

IV. International Instruments of Human Rights towards the Freedom of Expression

India has been an advocate and signatory of the principal international instruments of human rights dealing with freedom of expression. It is nonetheless notable that India ranked 161st out of 180 countries in the 2023 World Press Freedom Index, published annually by Reporters Without Borders, which evaluates countries on criteria such as legal interference in journalism, censorship, media independence, and the safety of journalists (“World Press Freedom Index”).

Fig. 1. India's Position in the World Press Freedom Index, 2023



Source: Reporters Without Borders, World Press Freedom Index 2023.

The severity of the restrictions that governments impose on publication nevertheless varies greatly. In totalitarian states, the press answers to ministries of information or propaganda that enforce specific codes of press conduct; other measures include government licensing of journalists, taxation of imports such as printing equipment and paper, the establishment of press councils empowered to censor or punish, and the subsidisation of stationery used by the press (Padhy and Sahu 126). Freedom of the press may accordingly be defined — in terms derived in part from the European Convention on Human Rights of 1950 and now reiterated in the national constitutions of many states — as the right “to receive and impart ideas and information without interference,” where “interference” denotes chiefly legislative constraint and executive control.

V. Scope and Applicability of Freedom of Expression

Article 19 deals only with certain rights that, in their origin and inception, are attributes of the freedom of the person; because of their importance, they are treated as specific and independent rights rather than as an exhaustive statement of personal freedom as such. The Article therefore uses the term “freedom” and enumerates several forms and aspects of it, subject to restrictions imposed in the general interest of society. It presupposes that citizens in whom these fundamental rights are vested retain the substratum of personal freedom on which the enjoyment of these rights necessarily rests. A further important feature is that an institution or organisation, not being a “citizen” within the meaning of the Constitution, cannot itself claim the rights conferred by Article 19. The institutions that nonetheless fall within this constitutional canopy include the press, trade unions, universities, and voluntary associations formed for purposes such as the protection of civil liberties.

VI. Relation between Freedom of Expression and Freedom of the Press

Because freedom of the press is derived from freedom of expression, judicial interpretation of the latter necessarily bears upon the scope of the former. Thus, in *Maneka Gandhi v. Union of India*, the Supreme Court of India held that although the right to travel abroad is a valuable right, it cannot be claimed as an integral part of the freedom of expression guaranteed by Article 19(1)(a). The petitioner had been issued a passport on 1 June 1976 under the Passports Act, 1967; on 4 July 1977 she received a letter, dated 2 July 1977, from the Regional Passport Officer, Delhi, informing her that the Government of India had decided to impound her passport under section 10(3)(c) of the Act “in the public interest.” A journalist, the Court held, cannot therefore claim exemption from passport regulations on the ground that their application infringes freedom of expression — though an order refusing a passport to a journalist travelling abroad to practise journalism, or to study or teach, may indeed violate that freedom.

A further significant holding is that the press has a recognised right to interview convicts sentenced to death, provided the prisoners concerned are willing, as affirmed by the Supreme Court in *Prabha Dutta v. Union of India*. On numerous occasions the Supreme Court of India has emphasised that the purpose of the press is to advance the public interest by publishing the facts and opinions without which a democratic electorate cannot make responsible judgements.

VII. Restraints on Censorship and Press Censorship

Pre-Censorship

Censorship, which in substance does not differ from pre-censorship, is most commonly applied to the exhibition of cinema films and is justified under the Constitution within the permissible restrictions of Article 19(2). Laws imposing pre-censorship upon newspapers, however, are not protected by Article 19(2), since the liberty of the press means the liberty of publication without the previous permission of government (*Express Newspapers v. Union of India*; *Bennett Coleman v. Union of India*). The only conceivable exception arises when an order under section 144 of the Code of Criminal Procedure is promulgated, empowering a District Magistrate to impose pre-censorship (*Virendra v. State of Punjab*). A citizen interviewed on television at the invitation of the television authorities is entitled to express his or her views freely; censorship or deliberate distortion of those views would violate Article 19, though any restriction on this right must fall within the ambit of Article 19(2) and be supported by law (*Indira Jaising v. Union of India*). There can be no doubt that the imposition of pre-censorship drastically curtails the liberty of the press, an essential part of the freedom of speech and expression under Article 19(1)(a); in democratic countries, pre-censorship is virtually never imposed except in time of war.

The freedom enjoyed by the press is likewise subject to restriction and limitation whenever pre-censorship is imposed on any form of publication. Censorship may be described as the “policy of restricting the public expression of ideas, opinions, conceptions and impulses which have or are believed to have the capacity to undermine the governing authority or the social and moral order, which that authority considers itself bound to protect.” Because censorship aims at exercising control or imposing restraint, freedom of speech and expression is necessarily affected by it. The press always works under restriction, whether voluntary or imposed, and during wartime must work under still greater restriction — restrictions that are largely voluntary, though many, sometimes irritating and unwarranted, are also imposed. Even in the United Kingdom, where the democratic tradition runs deep, freedom of the press has been curtailed in ways its citizens did not anticipate, and writers such as Francis Williams have described the follies, stupidities, and vagaries of wartime censorship. Never were the rights to dissent more endangered, nor the spirit of intolerance more menacing, than during the National Emergency declared in India on 25 June 1975. On the same day, a censorship order was issued under Rule 48(1) of the Defence of India Rules, 1971 (Padhy and Sahu 126).

During the National Emergency, stringent pre-censorship — something previously unknown and alien to the people of free India — was imposed on the press for the first time in post-Independence history. Anything that carried even a hint of criticism of governmental measures or actions was almost invariably banned. The Supreme Court of India, however, not only accepted freedom of the press as an integral part of freedom of speech, but conferred upon it the status of a basic pillar of the democratic structure on which the Constitution was built. In *Brij Bhushan v. State of Delhi*, the Court held that the freedom of the press was among the most valuable rights guaranteed to a citizen by the Constitution. In the *Indian Express* case, the Court famously termed newsprint “the body, if ‘expression’ happens to be the soul” — a judgment that stands as an outstanding landmark in the development of the law governing freedom of the press.

VIII. Disadvantages and Dangers of Free Speech

Freedom of expression, it must be acknowledged, places a considerable onus upon the individual. As a corollary, it has been contended that people in general are not disposed to engage in the difficult process of working through serious issues, mental effort being among the most onerous of tasks (Emerson 13). It has similarly been submitted that some individuals are “too ill-informed or emotional to make political decisions,” so that speech may become the very antithesis of “self-regarding” conduct and must be restricted in such instances (Emerson 13).

This contention is closely linked to a further, more far-reaching argument: that freedom of speech may cause harm to others in a number of ways. It may result in violence; it may undermine vital security interests, as through the disclosure of troop movements to an enemy in wartime; it may injure reputation or impinge upon privacy; it may prejudice a fair trial or undermine public confidence in the administration of justice; it may offend religious conviction or moral standards; and it may cause needless panic, as illustrated by Mr. Justice Holmes’s famous example of shouting “fire” in a crowded theatre when no fire exists. It has further been contended that certain opinions, such as racial prejudice, are so divisive that they cannot be allowed free rein.

One may nonetheless note with some pride that if the Supreme Court of India has shown consistency anywhere in the field of fundamental rights, it is in respect of freedom of speech and expression. The credit belongs to a Court that has repelled, time and again, every attack upon the rights of a free press, ensuring that this pillar of democracy remains insulated from executive and legislative encroachment — which makes it especially instructive to examine the constitutional verdicts discussed above.

IX. Conclusion

The issues discussed above may be summarised as follows. The Articles of the Constitution dealing with different fundamental rights do not represent wholly separate streams of rights and responsibilities; rather, they are two sides of the same coin, even where they do not converge at every point. It must be remembered that they form essential parts of a single integrated constitutional scheme, and that all citizens of India must recognise that these separate streams ultimately mix so that the larger flow of constitutional life remains unimpeded.

It must equally be remembered that freedom of thought, expression, belief, faith and worship, association, movement, and vocation must together lead towards equality and fraternity, as underlined in the Preamble. The dispensation of fair and unbiased justice in the cases that come before the courts ensures both the dignity of the individual and the unity of the nation — and it is the free press, informing that dispensation and holding it to account, that remains, in the fullest sense, the lifeblood of Indian democracy.

Works Cited

- [1]. Aiyar, V. V. S. *The Kural*. V. V. S. Krishnamurthy, 1952.
- A. K. Gopalan v. State of Madras. *All India Reporter*, vol. 1950, Supreme Court of India, p. 27.
- [2]. Barendt, Eric. *Freedom of Speech*. Clarendon Press, 1985.
- [3]. Basu, Durga Das. *Commentary on the Constitution of India*. S. C. Sarkar & Sons, 1971.

- [4]. Bennett Coleman & Co. v. Union of India. *All India Reporter*, vol. 1973, Supreme Court of India, p. 106.
- [5]. Brij Bhushan v. State of Delhi. *All India Reporter*, vol. 1950, Supreme Court of India, p. 129.
- [6]. Chaudhari, and Chaturvedi. *Law of Fundamental Rights*. Delhi Law House, 2004.
- [7]. Emerson, T. I. "Toward a General Theory of the First Amendment." *The System of Freedom of Expression*, Random House, 1970, p. 13.
- [8]. Express Newspapers Pvt. Ltd. v. Union of India. *All India Reporter*, vol. 1958, Supreme Court of India, p. 578.
- [9]. Harimon, Franklyn S. *Speech and Law in a Free Society*. University of Chicago Press, 1981.
- [10]. Hidayatullah, M., editor. *Constitutional Law of India*. Vol. 1, Arnold-Heinemann Publishers, 1986.
- [11]. Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India. *All India Reporter*, Supreme Court of India, 1986.
- [12]. Indira Jaising v. Union of India. *All India Reporter*, vol. 1989, Bombay High Court, p. 25.
- [13]. John, Aju. "Will the Operation Lose Its Sting?" *Indian Law Journal*, 6 Jan. 2007.
- [14]. Maneka Gandhi v. Union of India. *All India Reporter*, vol. 1978, Supreme Court of India, p. 597.
- [15]. Mill, John Stuart. *On Liberty*. Edited by Elizabeth Rapaport, Hackett Publishing, 1978.
- [16]. Milton, John. *Areopagitica: A Speech for the Liberty of Unlicensed Printing*. Edited by Noel Douglas, Humphries, 1927.
- [17]. New York Times Co. v. United States. 403 U.S. 713, Supreme Court of the United States, 1971.
- [18]. Padhy, K. S., and R. N. Sahu. *The Press in India: Perspective in Development and Relevance*. Kanishka Publishers, 2005.
- [19]. Prabha Dutta v. Union of India. *All India Reporter*, vol. 1982, Supreme Court of India, p. 6.
- [20]. Romesh Thappar v. State of Madras. *All India Reporter*, vol. 1950, Supreme Court of India, p. 124.
- [21]. Sarkar, R. C. S. *The Press in India*. S. Chand & Company, 1984.
- [22]. Seervai, H. M. *Constitutional Law of India*. Vol. 1, N. M. Tripathi, 1975.
- [23]. "Sunday Observer." *The Nigerian*, 23 Jan. 1977.
- [24]. Virendra v. State of Punjab. *All India Reporter*, vol. 1957, Supreme Court of India, p. 896.
- [25]. "World Press Freedom Index 2023." *Reporters Without Borders*, RSF, 2023.



Copyright © 2024 by the author(s). Published by Department of Library, Nallamuthu Gounder Mahalingam College, Pollachi. This is an open access article under the Creative Commons Attribution (CC BY) license
<https://creativecommons.org/licenses/by/4.0/>.