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# Law of the Press in India

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ASUTOSH LECTURES, CALCUTTA UNIVERSITY

# LAW OF THE PRESS IN INDIA

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## PREFACE

What prompted me to take up this subject for the Asutosh Lectures of the Calcutta University (delivered in the year 1978), was that while there was a mass of journalistic literature, in India and abroad, on the freedom and working of the Press, there was hardly any comprehensive work written from the *legal* standpoint, to explain what that freedom meant in the context of the laws relating to the Press.

The contents of those Lectures, which have now been marshalled in the form of a book, with embellishments and modifications called for by subsequent changes in legislation and judicial decisions, answer that need. Though it professes to be written on Indian materials, comparative situations in the *U.K.* and the *U.S.A.* have been referred to wherever necessary, to explain the foundation as well as deviations under the Constitution and laws of India. Even from the standpoint of political philosophy, a study of such restrictive laws is essential inasmuch as the ambit of the freedom of the Press in any country varies in inverse ratio to the extent and gravity of the restrictions imposed by such laws.

The scheme of this work, as will be presently explained, will, it is hoped, make it indispensable to journalists, lawyers, publishers, and students alike in India and abroad.

Journalism has been prescribed as a post-graduate course of study by various Universities in India. Press law is included therein, but there is no book so far published which would adequately meet the requirements of a journalist who has to face a number of laws of different categories, as this book will show.

A lawyer who has to conduct any case relating to the Press or its personnel will find it a treasure containing various enactments on which interpretation is hardly available.

Students of Political Science and Law as well as general readers will be delighted to have a comprehensive discussion of the basic principles relating to the freedom of the Press,—from its constitutional, philosophical and legal standpoints.

In view of the recent political and constitutional changes in India, the attention of foreigners has also been focused on this subject, so that this book, written on a comparative pattern, may be expected to be of interest to foreign readers and publicists.

The treatment is comprehensive: it not only deals with general topics such as the need for freedom of the Press, the protection of that freedom and the limitations thereto under the Constitution of India, in the background of comparable provisions of English and American law, but also



the common law and statutory law bearing on the status and liabilities of the Press as an establishment, as well as those of an author, editor, printer, publisher and journalist, individually.

Bearing in mind that the book is intended to serve the Bench and the Bar as well as non-lawyers, the book has been divided into *two parts*: Part I deals with general principles relating to the Press, with a summary of all-India enactments at proper places, while Part II contains some thirty Acts, with their *texts*, full annotation and citation of cases.

So far as the general reader, student or journalist, who does not like to enter into the thicket of judicial decisions, is concerned, he may confine himself to Part I, with occasional references to the Appendices in Part II, on points on which he may seek further details. Bearing in mind that such readers may not have any legal background, the presentation of the matter as a whole, the style and composition of Part I have all been directed to achieve the object of lucidity and readability.

As for the lawyer, the book offers not only those statutes which are directed specifically against the Press, such as the Press and Registration of Books Act or Working Journalists (Conditions of Service) Act or the Press Council Act; but also general laws relating to Defamation, Contempt of Court, Copyright, Privileges of Parliament or the Indian Penal Code and the Criminal Procedure Code, in so far as they affect the Press. These are included in Part II, which gives all important decisions, so that the lawyer may, at a glance, find out all that he needs on a particular point. He would thus be in a position to dispense with separate publications on diverse important branches of law, apart from the relevant Constitutional provisions relating to the Press.

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