



Landmark Rulings Safeguarding Freedom of Press in India

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Why in News?

The [Romesh Thapar v. State of Madras \(1950\)](#) case set a landmark precedent for protecting free speech under [Article 19\(1\)\(a\)](#), curbing arbitrary state powers, and shaping the interpretation of the freedom of press and fundamental rights in India.

What are Key Facts Regarding Romesh Thapar v. State of Madras, 1950 Case?

- **Background:**
 - In 1950, the Madras government banned the weekly magazine **CrossRoads** under the **Madras Maintenance of Public Order Act** for reporting police violence that caused 22 Communist deaths, a ban later challenged in the **Supreme Court**.
- **Supreme Court Verdict:**
 - In May 1950, the SC declared the **Madras Maintenance of Public Order Act unconstitutional**, stating that **restrictions on free speech must be narrowly defined and linked to "security of the state."**
 - The court clarified that **"public order" cannot be equated with "state security,"** limiting arbitrary state censorship.

Note:

- In response to [Romesh Thapar v. State of Madras, 1950](#) case, the government introduced the [First Constitutional Amendment Act in 1951](#), adding **"reasonable restrictions"** to [Article 19\(1\)\(a\)](#) in free speech, including grounds like **public order, incitement to an offense, and friendly relations** with foreign states.

What are the Other Landmark Cases Related to Freedom of Press in India?

- **Brij Bhushan v. State of Delhi, 1950:** In [Brij Bhushan Case](#), the SC invalidated a provision **requiring prior censorship of a newspaper**, imposed on the **Organiser magazine**, asserting that such censorship was a violation of freedom of speech and expression.
 - The SC held that **restrictions on the fundamental right** should only happen if there is a **clear danger to public order** or if **there is incitement to violence**.
 - The ruling reinforced the principle that any prior restraint on publication is unconstitutional.
- **Sakal Papers Ltd vs Union of India, 1961:** The **SC struck down the Newspaper (Price and Page) Act, 1956**, which **imposed restrictions on newspaper pricing**, advertisement space, and supplements.
 - The Court ruled that **these restrictions violated the fundamental right to freedom of speech** under [Article 19\(1\)\(a\)](#), as they **unreasonably interfered with press**

freedom.

- **Bennett Coleman & Co. v. Union of India, 1973:** The **SC invalidated the Newsprint Control Order**, which imposed **restrictions on the number of pages a newspaper** could publish.
 - The SC held that **such restrictions were not reasonable** under Article 19(2) and **violated the right to freedom of speech**
- **Indian Express Newspapers v. Union of India, 1985:** In 1981, the Indian government imposed a **steep hike in customs duties on newsprint**, affecting smaller newspapers and regional publications.
 - This was seen as an **indirect attempt to curb press freedom** by making it financially difficult for newspapers to operate.
 - The SC ruled that **freedom of the press is an essential** aspect of freedom of speech and **struck down excessive taxation** on newspapers as a means to curtail free expression emphasizing that any restrictions must be justified under Article 19(2).
- **Shreya Singhal vs Union of India , 2015 :** In **Shreya Singhal Case**, the SC struck down **Section 66A of the IT Act**, deeming it **unconstitutional for being vague and overly broad**, thereby **violating the right to free speech** under **Article 19(1)(a)**.

UPSC Civil Services Examination, Previous Year Question

Q. The Ninth Schedule was introduced in the Constitution of India during the prime ministership of (2019)

- (a) Jawaharlal Nehru
- (b) Lal Bahadur Shastri
- (c) Indira Gandhi
- (d) Morarji Desai

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