

## **AN IMPERATIVE BRIDGE BETWEEN STATE AND ITS SUBJECTS: PRESS**

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### **ABSTRACT**

What it takes to codify a law is unworthy until it is proclaimed to those who will be subjected to it. Such promulgation is dogmatically important and that's the idea behind the deep establishment of press in our society. But its essence does not fold here and continues to be a medium for exchanging ideas between the law-makers and law-bearers. In the normal parlance, press has an equal freedom of speech and expression as any individual have and thereby, undoubtedly is entitled to a right under Article 19(1)(a) of the Indian Constitution. However, for instance, if the owner of a newspaper has a political vendetta with the ruling government, then what will be communicated to the people would be an incitement for sedition and the resultant societal rupture. Democracy being the paramount consideration for a welfare State cannot be left at the whims and fancies of any body, whether legal or otherwise and requires a constant check by the judicial wing of the government. Also, the reverse of the aforesaid instance is an equal perfidy as what the conveyed information reveals is a mere cloak or sham on the truth. Thus, one can imagine the possible repercussions of portraying a law by a politically-colluded press.

To ensure a delivery of authentic information and determining its ramifications, the Indian Apex Court seeks to review the same in the light of immediate facts and circumstances, reasonable restrictions enumerated under Article 19(2) and any other Constitutional or statutory provisions amongst other sources.

### **KEYWORDS**

- Freedom of Press
- Article 19(1)(a) of the Indian Constitution
- Article 19(2)
- First Amendment to the American Constitution

**RESEARCH PROBLEM**

Press is the fourth pillar of democracy and its freedom cannot be compromised at the drop of a hat. If either organ of the government acts in an unscrupulous manner towards press, the ensued sense of fear will certainly pervade. Press censorship has been confronted on various occasions, whether during the barbaric regime of the former Prime Minister Indira Gandhi or at any time thereafter. The press has always been at the doors of the courts seeking to protect their freedom. The ongoing issue of incarcerated *Kerala journalist Siddique Kappan*, who was arrested on his way to Hathras where he was heading to report a rape committed on a Dalit girl. The State is critical of his links with a banned organization, Popular Front of India, which in my opinion would be wrong to contest at this point when the question is still under judicial scrutiny. However otherwise, this incident shows that it is not a big deal for the government or its machineries to curb the freedom of press. Also, two journalists working in the States of Manipur and Chhattisgarh challenged the constitutionality of Section 124A of the Indian Penal Code (IPC), viz sedition, who were charged under this provision for sharing comments and cartoons on Facebook. In their plea, they stated that the vires of the impugned provision imposes unreasonable restrictions and is not a permissible restriction under Article 19(2) of the Indian Constitution. Such issues have ensued to this Research Paper for analysing in great detail the trajectory that had been followed by the freedom of press.

**RESEARCH QUESTION**

How has the Supreme Court responded to the question of freedom of press while engaging with it in diverse fields of law?

**HYPOTHESIS**

Freedom of press is not an unfettered right, but it can only be rationally pressed and not otherwise.

**METHODOLOGY**

The research paper employs a hybrid-research methodology by encapsulating within its manifold Quantitative and Conclusive research methods, as this research comprises of

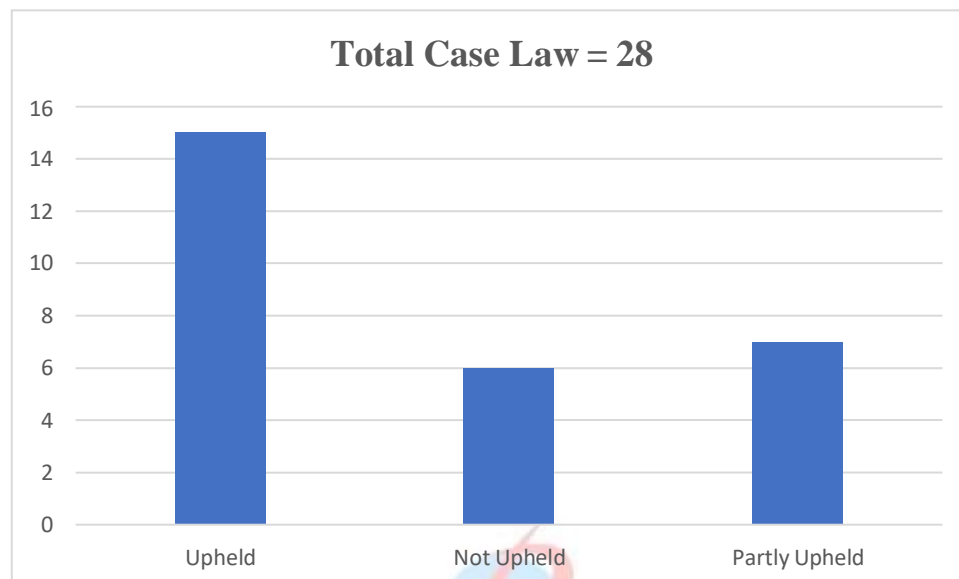
analysing numerical and factual data as well as building a hypothesis and providing an answer to the research topic through a well-formulated methodological design. My data is a collection of Supreme Court case law from 1950-2021. 1950 is the chosen baseline because the Indian Constitution came into effect in 1950 and it would be more appropriate to study about freedom of press from its inception by delving into its sole repository. Dr. B.R. Ambedkar has considered Article 32 as the Heart and Soul of the Indian Constitution and in case of its infringement, Supreme Court is the final arbiter in that regard. Being cognizant of the position of the Indian Supreme Court in the Indian democracy, as a rights protector and final arbiter of the Constitution, only its judgements will be studied for the study at hand.

In order to identify my chalked-out parameters, I have used SCC Online which is a private reporter and since it is a private reporter, it is unbound to report all Supreme Court cases. Therefore, certain unreported judgments using the freedom of press stand at the stated risk of exclusion. In total, I have perused through 495 case law, out of which, there are 28 case law that directly deal with the freedom of press and had bifurcated them into three categories in terms of their constitutionality so determined by the Apex Court, viz freedom of press Upheld, Not Upheld and Partly Upheld as shown in figure 1. I have chosen cases that particularly deal with freedom of press and cases having a mere passing reference does not qualify to be included in the dataset. In order to make the research more convenient, I had fixed the relevance setting on SCC Online at chronological mode (oldest first) for the listing of case law.

‘Press’ has not been given a defined interpretation under any Indian law but if one will have an out-and-out look of the Press and Registration of Books Act, 1867 and the Press Council Act, 1978, it outlines the scope of press or print media by including ‘printing press’, ‘news agency’ and ‘newspaper’. The same would be the scope of this research paper, by also including ‘journalist’ that has a natural corollary to the press. However, I take the liberty to restrict the ambit of this submission by excluding the case law pertaining to commercial advertisements. Also, to clarify the position with respect to case law involving news channels, they form a part of ‘media’ which in itself has a wide connotation so much to colloquially include press as well and unhesitatingly, does not require a mention in this submission.

The break-up of my research paper is as follows- where Part I deals with the kinds of violations of freedom of press which have been divided into three categories in terms of their

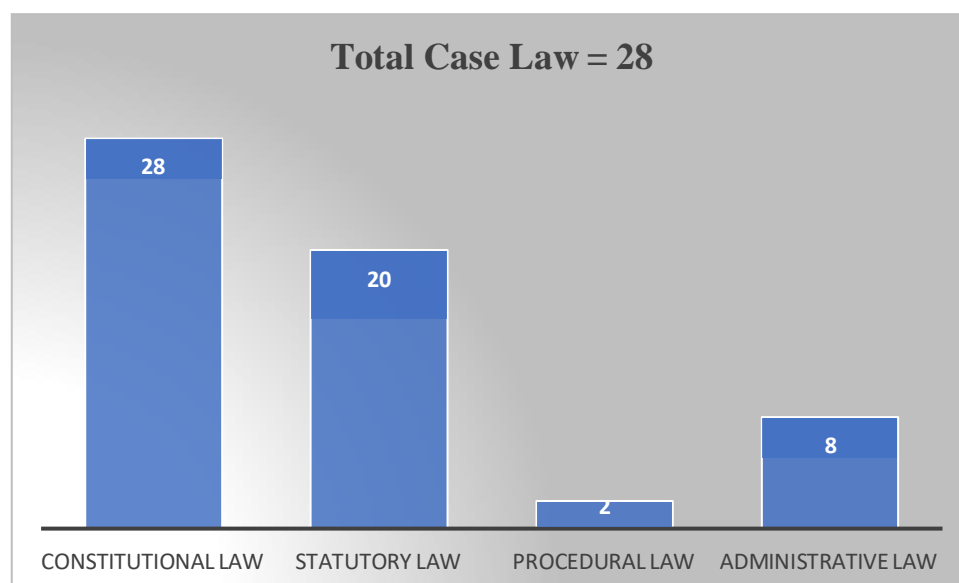
constitutionality under each head of violation and Part II provides with the concluding remarks. Bearing this template in mind, I would begin with the next part of my submission.



**Figure 1 Bifurcation of case law in terms of their constitutionality**

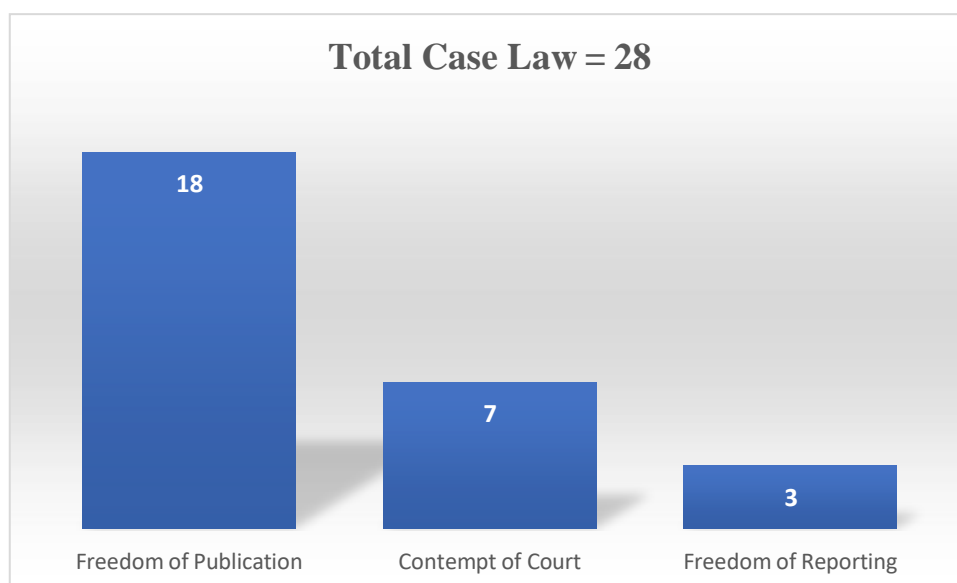
#### **ATTACKS ON PIVOTAL CONSTITUENTS OF FREEDOM OF PRESS**

By laying emphasis on the dataset, the court has dealt with the press' freedom in diverse fields of law, to enumerate, Constitutional, Statutory, Procedural and Administrative law, as shown in the figure below. Since the roots to the press' freedom are traced in the Constitution, it will undoubtedly come into question in every case as besides recognizing the freedom of press, it is also the source for placing restrictions on such freedom. However, it can be observed that the impugned freedom had been targeted highest through the medium of substantive law as compared to the other two areas of law. This means that the Parliament has from time to time, for various reasons, shown its intent to curb the freedom but such intention has not much preceded the laws framed by the delegates of Parliament, while least intrusion had been caused by the provisions of procedural nature.



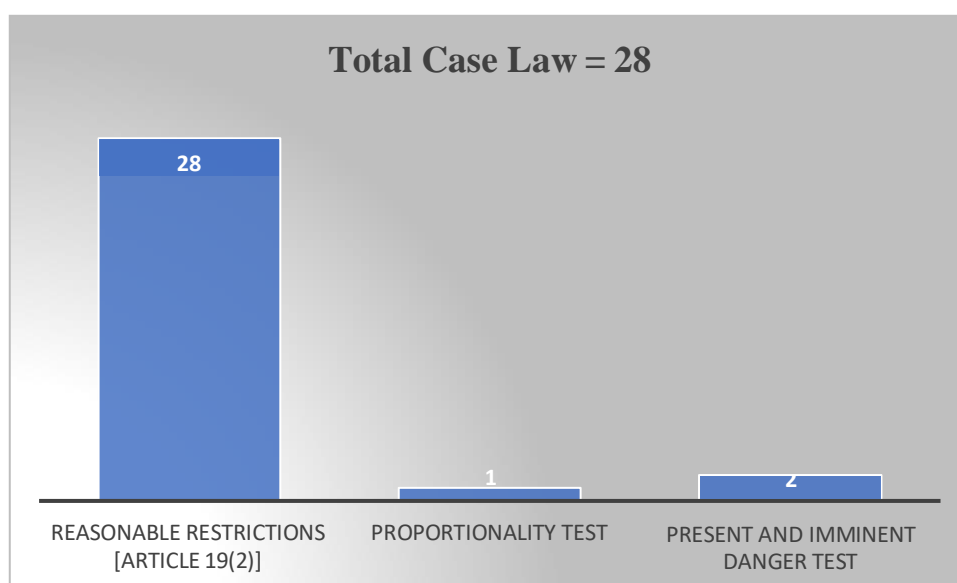
**Figure 2 Areas of law indulged in freedom of press**

It becomes pertinent to classify the violations of freedom of press. Figure 3 represents the three categories of the constituents of press' freedom that have been so attacked, whereby, in my opinion, it is required to make a justification as to contempt of court for being considered as an attack and to differentiate it from the violation of freedom of publication despite the fact that both originate from a piece of writing. Firstly, contempt of court is not a cause but a consequence of a publication, which may or may not be appropriate to be invoked in a particular case and therefore, on the face of it, could be considered to be a violation of freedom of press or violation of court procedure by the press. Secondly, in my better sensibilities, it is not appropriate to put contempt of court under the head of freedom of publication as even though both have a direct relationship with a disputed written matter, but the former is, as aforesaid, a consequence of the impugned publication whereas, the latter arises as a consequential question against an unconstitutional law.



**Figure 3 Violations of constituents of freedom of press**

Before I begin with the summary of case law, it becomes apposite to mention about the safeguards to the above contended violations, as such infringements cannot be studied without referring to the controls applied by the court in order to maintain a balance between press' freedom and other rights. Figure 4 depicts an array of tests that were adopted by the court in order to determine the reasonableness of restrictions so imposed. Though there were other tests as well, that include, Ordinary Man Test, Test of Direct Effect and Comparative Harm Test. These tests were applied in only one case each with respect to the subject-matter under consideration and have not been given a generalized approach unlike Article 19(2).

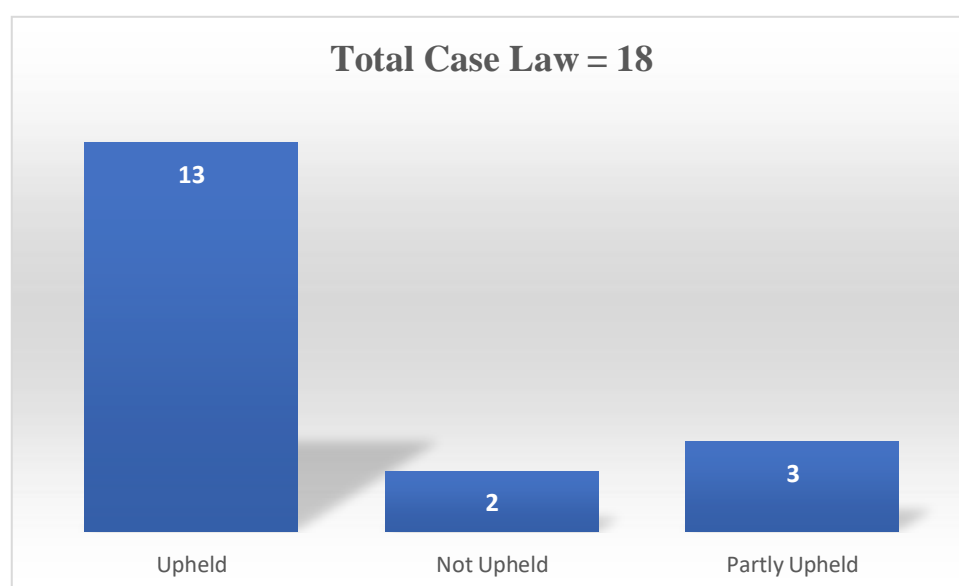


**Figure 4 Tests used to determine the reasonableness of restrictions**

Hereinafter, I will be discussing in detail about the three violations as to freedom of press. Every violation will be further sub-divided into three categories, representing that how many times the freedom of press had been upheld, not upheld or partly upheld.

### **VIOLATION OF FREEDOM OF PUBLICATION**

Figure 5 represents the categorization of case law relating to freedom of publication, in terms of its constitutionality so determined, viz, upheld, not upheld and partly upheld.



**Figure 5 Bifurcation of case law in terms of their constitutionality relating to freedom of publication**

### **Case law upholding the freedom of publication**

#### **a) Romesh Thapar v. State of Madras<sup>1</sup>**

In this case, the petitioner was the printer, publisher and editor of a weekly journal in English called Cross Roads printed and published in Bombay. The Madras Government under Section 9(1-A) of the Madras Maintenance of Public Order Act, 1949 prohibited the circulation, sale or distribution of the petitioner's newspaper for the purposes of securing public safety and maintaining public order. *Undoubtedly, freedom of speech and expression under Article 19(1) of the*

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<sup>1</sup> (1950) SCR 594

*Indian Constitution includes freedom of publication and propagation of ideas and that could be ensured through freedom of circulation.* The court while allowing the petition and holding the impugned provision unconstitutional held that the expressions ‘public order’ and ‘public safety’ are wide in nature, such that they encompass every act whether trivial or aggravated in nature. Further, the court said that public safety is a part of public order itself and if public safety has to be proved, it must be shown that the ‘public security’ is endangered. Article 19(2) allows restrictions on freedom of speech and expression where there is danger to State and if a law could be applied even in the absence of such danger, then such law cannot be held valid to any extent.

Thus, the court made it clear that where the law imposes restrictions on a fundamental right that are wide enough to be applied within and without Constitutionally permissible limits, such law must be struck down in its entirety. On this basis, the court held the impugned section wholly unconstitutional and void.

**b) Express Newspaper Private Limited v. Union of India<sup>2</sup>**

This case pertained to a series of petitions which were raising common questions of law and fact and were dealt by one common judgment. The challenge was to the vires of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as “the Act”) and the decision of the ‘wage board’ constituted under the Act. With respect to the vires of the Act, the court upheld its constitutionality reiterating it to be a specific legislation with the objective of ameliorating the conditions of working journalists except Section 5(1)(a)(iii) of the Act which provided gratuity to a working journalist resigning voluntarily from service merely after a period of three years and was held to be unreasonable and contrary to petitioner’s right to carry business under Article 19(1)(g) of the Constitution.

Another challenge was to the decision of the wage board which had come into question on various grounds. These include, (1) reconstitution of wage board, which the court considered to be a technical ground not making a substantial

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<sup>2</sup> (1950) SCR 594



difference to the functioning of the wage board, (2) mode of taking decision through the majoritarian view, which was lawful by virtue of Section 20 providing power to the Central Government to adopt a procedure for fixing rates of wages, (3) violation of principles of natural justice based on inadequate response to the questionnaire that had been so filled except the question of basic minimum wage, dearness and metropolitan allowance, as well as non-communication of proposals to newspaper establishments after final acceptance by the wage board, which the court refrained from answering and deferred it for later consideration, (4) no mention as to reasons, to which the court did not pay dissatisfaction as it was not mandatory for the board to state reasons preceding their decision and the intention could be inferred from the chairman's note, (5) classification of newspaper establishments on the basis of revenue, which was held to be proper as profit and loss statements were manipulated and cannot be relied upon, (6) grouping into chains or multiple units, to which the court opined that it was done with due regard to the capacity of the industry to pay, (7) taking decision on All-India basis instead of considering every newspaper establishment separately, to which the court answered that there was nothing in the Act to prohibit the board from considering several establishments operating in different parts of the country as one newspaper establishment for the purposes of fixing rates of wages, (8) the most important question arose with respect to the non-consideration of capacity to pay of particular newspaper establishments, to which the court said that by classifying the newspaper establishments and not considering particular establishment's capacity to pay the burden sought to be imposed would lead to crumbling down of the industry. American Constitution has also well-recognized the freedom of press and it rests on the assumption that widest possible dissemination of information is essential to the welfare of people. Section 9 laid down the circumstances which the board had to consider while fixing rates of wages like cost of living, prevalent rates of wages for comparable employments, circumstances prevailing to newspaper industry in different regions and any other relevant consideration. Thus, the board did not consider such circumstances as was manifest from the submissions of the petitioners and this makes the decision of the wage board illegal and void.

**c) Pandit M.S.M Sharma v. Shri Sri Krishna Sinha & Others<sup>3</sup>**

The petitioner in this case was the editor of an English newspaper, Searchlight, which had a large circulation in Patna and other parts of the State of Bihar. One, Shri Maheshwar Prasad Narayan Sinha, a member of the State Assembly, in his speech, condemned the Chief Minister in conducting the administration of the State and made it loud and clear that the Chief Minister was advised by a gentleman, Shri Mahesh Prasad Sinha, who was an ex-member of the Assembly. He also mentioned in his speech that Mahesh Sinha had been involved in various corrupt practices and despite that, he was appointed as the chairman of the Bihar State Khadi Board. However, the Speaker of the House made it clear that all the remarks made with respect to Mahesh Sinha will be expunged and only such remarks regarding the chairmanship of the khadi board would remain in the proceedings.

The petitioner in a report in his newspaper published the entire speech of Shri Maheshwar Prasad Sinha including the part that was asked to be expunged from the proceedings. Shri Nawal Kishore Sinha, a member of the Assembly raised the motion for breach of privileges of the Assembly against the petitioner and the Secretary to the Bihar Legislative Assembly sent a show cause notice to the petitioner. In response, the petitioner approached the Supreme Court.

Under Article 194(3), the State Assembly will have all such powers, privileges and immunities that were enjoyed by the House of Commons, provided in that case where the Assembly had not made any law in that behalf.

The House of Commons did not have any privilege to prevent the publication of proceedings except in cases of secret sessions and had the limited privilege to prevent mala fide publication of unfaithful or expunged reports of proceedings. Taking this into consideration, the court ruled that Article 19(1) will not be restricted by the privileges under Article 194 and since the impugned part of speech was only expunged in the official record but no such order was made on May 30, viz the day before the date of publication, with no mala fide intention shown by the respondents.

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<sup>3</sup> (1959) SCR 806

**d) Sakal Papers Private Limited v. Union of India<sup>4</sup>**

In this case, the petitioner had challenged the constitutionality of the Newspaper (Price and Page) Act, 1956 and Daily Newspaper (Price and Page) Order, 1960. The petitioner was a private limited company carrying on the business of publishing daily and weekly newspapers in Marathi. The daily edition of the newspaper contained 6 pages a day for five days in a week and 4 pages on one day. It was priced at 7 np. While the Sunday edition consisted of 10 pages priced at 12 np. About 40% of the space in the newspaper was covered by advertisements and the petitioners claimed that they also used to take coverage of foreign news.

The bone of contention was to Section 3 of the impugned Act which regulated the price of newspapers with respect to the pages and sizes and also regulated the space that was given for advertising matter. The object of the Act was to prevent unfair competition in the newspaper industry as the newspapers having a long-standing foothold in the industry have acquired large advertisement revenue through which they are able to sell newspapers at price even below the cost of production.

However, the court refused to accept the stand of the government as in the court's opinion, how so ever the object of dismantling the monopolies be in the public interest but the same cannot be achieved by derogating the freedom of publication as well as that of carrying the business. The court was critical of the vicious circle that will be created by the application of the impugned order, as if the price of newspaper will be increased to maintain the high circulation, it would lead to a sharp fall in the subscribers of such newspaper, which ultimately would reduce the advertisement revenue, being the major chunk of revenue, and thus, the newspaper had to be shut down. Also, on the converse, the results would be same as if the space for advertisement will be reduced, it would either lead to increase in the price or shut down the business. This led the court in holding Section 3 of the Act to be unconstitutional which was the backbone of the Act, thereby declaring the

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<sup>4</sup> (1962) 3 SCR 842

order void as a subordinate legislation will have no force if the parent law is unconstitutional.

**e) Bennett Coleman & Company v. Union of India<sup>5</sup>**

The petitioners in this case were challenging the import policy for newsprint for the year 1972-73. The Newsprint Control Order, 1962 was made in exercise of the Essential Commodities Act, 1955 and Sub-Clause 3 and 3-A of Clause 3 of the order mentioned restrictions on the sale, consumption and acquisition of newsprint.

Several restrictions were under judicial scrutiny, *first*, the court upheld the power of the government to distribute newsprint for fair and equitable distribution under Clause 3, but the newspapers shall be left free to determine the number of pages, their circulation and their new editions within the quota so provided to them seeking to their needs, *second*, a 'Common Ownership Unit' (possessing one or more newspaper) shall not be barred from starting a new edition within the allotted quota for changing the page structure and circulation of different editions of the same paper. However, it was made clear by the court that such Unit must not use the allotted quota to start a new newspaper as they are already in possession of more than one newspaper and if they will be allowed to continue with this practice, then a monopoly will be created which is certainly against the tenets of the general law, *third*, Remark V, VII, VIII of the newsprint policy imposed an upper-limit of 10 pages for the purposes of newsprint consumption, whereby those newspapers having less than 10 pages were allowed to increase the page level by 20% in order to bring them on the same par with those newspapers having more than 10 pages and Remark V in particular, took previous years' average newsprint consumption for computing the entitlement to newsprint which was repudiated by the fact that those years were confronted by various traumatic events like Indo-Pak war, elections and Bangladesh crisis. This led the court to strike down Remark V, VII, and VIII of the policy, *fourth*, the compulsory reduction to 10 pages not only hampers the economic prosperity but also reduces the circulation as well as coverage of news, thereby violating Article

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<sup>5</sup> (1972) 2 SCC 788

19(1) of the Constitution. It treated unequals as equals, as there are newspapers who by virtue of their efficiency, standard and service have gained higher circulation and further, the suggestion of bringing such equality through cutting the advertisement space will lead to shutting down of the newspaper.

Indeed, under Article 19(2) so brought by the First Amendment, restrictions could be imposed on freedom of speech and expression as against the First Amendment of the U.S. Constitution which clearly gave uncontrolled exercise of freedom of speech or press, but even under the Indian Constitution, the government cannot under the pretext of controlling newsprint exercise control over the newspapers and Article 19(2) to (6) would be of no help in such case as if an action is not backed by a law in the first place, then there is no need to test the same on the basis of reasonableness.

**f) Press Trust of India & Another v. Union of India<sup>6</sup>**

In this case, the Press Trust of India (PTI), a news agency, challenged an order dated October 27, 1967 passed by the Union government on the recommendations of wage Board which was constituted under Section 9 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. Section 10 was of great significance as under Section 10(1), the wage board through a notice had to call the newspaper establishments and working journalists to make representations with respect to fixation or revision of wages and the same shall be in writing as required under Section 10(2). Then these recommendations were to be sent to the Central government under Section 10(3) and most importantly, Section 10(4) required that the wage board shall consider cost of living, prevalent rates of wages for comparable employments, circumstances prevailing to newspaper industry in different regions and any other relevant consideration.

However, the order in pursuance of the wage board recommendations was discriminatory to PTI, both in terms of its classification as well as fixation of wages. *Firstly*, PTI was singled out without any reasonable basis as it was included in class II instead of class III, despite the fact that its gross revenue (ground of determination) was less than 100 lakhs which was the lower limit to come under class II. The board justified its decision by saying that PTI caters to

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<sup>6</sup> (1972) 2 SCC 788

top class newspapers and if it will increase the subscription prices, then it would not find the burden unbearable. This, however, could not have been done as PTI stated that only 30% of its subscribers were the shareholders and from their past experiences, it was manifest that if the subscription price would be raised, the customers will switch to other agencies providing services at a lower price. *Secondly*, the wages were fixed without considering the capacity to pay, as PTI was already running into losses with net profit for next three years from then was 3.67 lakhs and had the recommendations been implemented, the burden would have reached to 6.78 lakhs which was absolutely unbearable for PTI. *Thirdly*, the working journalists did not even seek for such wages in their representations as were proposed by the wage board, being much higher than that was actually proposed by the journalists.

Seeking to the above averments, the court struck down the order by holding it to be unreasonable and thereby, going against the fundamental freedom of press protected under Article 19(1) of the Constitution and due to such unreasonableness, does not deserve a protection under Article 19(2).

**g) Indian Express Newspapers (Bombay) Private Limited & Others v. Union of India & Others<sup>7</sup>**

The petitioners in this case challenged the imposition of import duty and auxiliary duty on newsprint, on the ground of infringement of freedom of press by imposing burden beyond the capacity to pay and thereby affecting the circulation of newspaper. There was a classification of newspapers whereby, small newspapers were completely exempted from customs duty, only marginal duty was levied from medium newspapers and full duty from the big newspapers. The court, *inter alia*, upheld the validity of such classification as the object was to assist the small and medium newspapers which do not have large advertisement revenue and have limited area of circulation.

The court very well-recognized the social purposes served by the press and made it clear that the government must be cautious in levying taxes on matters related to

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<sup>7</sup> (1972) 2 SCC 788

newspaper industry. Since levying of duty on newsprint has a direct impact on the newspaper as the excessive burden is shifted on to the customers by increasing the price and this in turn reduces the circulation. But at the same time, a balancing need to be done between the social interests served by the newspaper and the public interest of levying taxes. *Therefore, in deciding the reasonableness of a restriction under Article 19(2), due regard shall be paid to the nature of right alleged to have been infringed, underlying purpose of such restriction, disproportion of the imposition and the prevalent conditions at the relevant time.* The court sent the matter of levying duty on newsprint for reconsideration as neither of the parties were able to prove that the duty on newsprint had or did not have, as the case may be, direct effect upon the circulation.

**h) Printers (Mysore) Limited & Another v. Asst. Commercial Tax Officer & Others<sup>8</sup>**

This case involved the question that whether the publishers of newspapers were entitled to benefit under Section 8(3)(b) read with Section 8(1)(b) of the Central Sales Tax, 1956, as if they would be entitled, they can purchase the raw material at a concessional rate of 4% and otherwise, they have to pay 10% tax. Initially, they were entitled to the benefit but after the Central Sales Tax (Amendment) Act, 1958, the term 'newspapers' was included in the definition of 'goods' after the words 'but does not include' under Section 2(d). This according to the respondents meant that since newspapers have been removed from the purview of goods, so now they cannot be considered to be a good under Section 8(3)(b) and thereby, the publishers will not be entitled to benefit under Section 8(1)(b).

However, the court rejected the claim of the government by referring to Entry 92-A of the Union List, which was introduced to amend the definition of goods under Section 2(d) and the same was done to exempt the newspapers from taxation by reducing the burden, if any, and not to worsen their position. The court reiterated the special treatment given to freedom of press, which is considered to be the fourth estate of democracy.

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<sup>8</sup> (1972) 2 SCC 788



i) **R. Rajagopal & Another v. State of Tamil Nadu & Others**<sup>9</sup>

In this case, the first petitioner was the editor, printer and publisher of a Tamil weekly magazine published from Madras and the second petitioner was the associate editor. One, Auto Shankar, who was convicted for six murders was sentenced to death and had written his autobiography which he handed-over to his wife by asking her to get it published in the petitioner's magazine. The autobiography depicted close relation of the prisoner and several IAS, IPS and other officers who were his partners in several crimes. Meanwhile, when the petitioners were about to release a serial publication of his autobiography in his magazine, the Inspector General of Prisons stopped the petitioners from publishing it by stating that it has not been written by Auto Shankar. This led to the filing of this case.

The court ruled in favour of the petitioners by stating that *firstly*, if an impugned matter is available as a public record, then it could be published even without the permission of the alleged affected person, but otherwise, if they publish something additional to what has been mentioned in the public record, then they will be liable to pay damages for the invasion of privacy under the law of torts which is preceded by the force of Constitution. *Secondly*, so far, the defamation of officials was concerned, the same could only be raised once the disputed matter has been published and there cannot be a pre censure of such matter. *Again, the court made a remark that since press is expanding rapidly, there is a need to maintain a balance between freedom of press and other laws consistent with democracy as ordained by the Constitution.*

j) **Hindustan Times & Others v. State of U.P. & Another**<sup>10</sup>

The petitioners in this case challenged the validity of U.P. State government order which was passed as a 'Pension and Social Security Scheme for Full-Time Journalists', by deducting 5% at the time of payment, from the bills for publication of government advertisements in all newspapers having a circulation of more than 25,000 copies. If any newspaper would have objection to such

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<sup>9</sup> (1994) 6 SCC 632

<sup>10</sup> (2003) 1 SCC 591



deduction, then such newspaper will not be used by government for advertisement purposes.

The court quashed the order stating it to be arbitrary and detrimental to freedom of press. The court said that the matter of granting benefits falls under Entry 92 of the Union List of the Seventh Schedule and by virtue of that, Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 was prevailing. Even assuming that the matter falls under Entry 24 of the Concurrent List, there was no concrete law in that regard and a mere executive order cannot have the same force as that of a legislation. *More importantly, the imposition of 5% deduction from bills on a 'take-it-or-leave-it basis' was an arbitrary encroachment upon the freedom of press as advertisements are an important source of revenue for meeting costs of newsprint, paying wages, allowances, gratuity, etc, paying reasonable profits to shareholders as well as making newspapers accessible for customers at reasonable price.*

**k) Express Publications (Madurai) Limited & Another v. Union of India<sup>11</sup>**

A petition was filed challenging the constitutionality of Paragraph 80(2) of the Employees' Provident Funds Scheme, 1952 framed under section 5 of the Provident Fund Act. The impugned paragraph denied benefit to such employees who had income beyond the upper-limit fixed under such paragraph. However, such limit was not meant for the newspaper employees and they were entitled to the benefit of the Act and Scheme without any bar as to income. This classification between newspaper establishments and other establishments was challenged as violative of Article 14 (Right to Equality) as well as Article 19(1)(a) (Freedom of Speech and Expression).

The court rejected the petition by stating that firstly, it was a social welfare legislation meant to ameliorate the conditions of employees in newspaper establishments and is not violative of Article 14 as it inculcates a reasonable classification. Secondly, there was no violation caused to Article 19(1)(a) as the impugned Scheme does not impose unreasonable burden upon the employers and

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<sup>11</sup> (2004) 11 SCC 526

the petitioners have to manage their affairs if they want to continue with their activity as a newspaper establishment.

**l) Ajay Goswami v. Union of India & Others<sup>12</sup>**

A petition was filed to seek a balance between freedom of press and protection of children from sexually exploitative material and to achieve such balance, the petitioner proposed for a regulation of such material. The court, however, rejected the petition by stating *firstly*, that there was no nexus between restriction on the alleged obscene material endangering the minors and the community interest sought to be achieved thereby and relying on the *American Test of Present and Imminent Danger*, press' freedom cannot be restricted based on remote apprehension, *secondly*, the respondents 3 and 4, viz Hindustan Times and Times of India, are conscious of their responsibility towards children and one cannot delve so much into protection of children that we deprive the adult population of their entertainment which is well within the acceptable limits of decency. Moreover, the impugned content must be seen in its entirety and such material in this case depicted sports, politics, current affairs and entertainment as a part of it and even if a subscriber to a newspaper finds the material immoral, he can switch to another newspaper or could adopt 'responsible reading' by not looking for meanings in pictures or articles that are not actually been conveyed. *Thirdly*, there are sufficient safeguards to scrutinize the content of newspapers, as we have the Press Council Act, 1978, Indian Penal Code, 1860, Indecent Representation of Women (Prohibition) Act, 1986 as well as other self-regulatory mechanisms for the news industry. *Lastly*, the court mentioned that the term 'obscenity' is a reasonable restriction under Article 19(2), but its meaning must be ascertained from the contemporary standards of the community and not through that of a hypersensitive man by adhering to the Ordinary Man Test.

**m) ABP Private Limited & Another v. Union of India & Others<sup>13</sup>**

This case was a reiteration of the Express Newspaper case (discussed above) and the court in this case reaffirmed the constitutionality of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, which is a

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<sup>12</sup> (2007) 1 SCC 143

<sup>13</sup> (2014) 3 SCC 327

beneficial legislation to ameliorate the conditions of working journalists. Non-working journalists were also brought within the ambit of this Act and the contention of petitioners of imposing burden upon the employers was untenable as the working journalists and news agency employees are the vocal organs in the exercise of freedom of press. Thus, there was no abridgement of Article 19(1)(a) of the Constitution.

### **Case law not upholding the freedom of publication**

#### **a) Brij Bhushan & Another v. State of Delhi<sup>14</sup>**

In this case, an application was filed before the Supreme Court under Article 32 to quash the order of Chief Commissioner of Delhi with regard to the appellant's English weekly called Organizer. The order was passed under Section 7(1)(c) of the East Punjab Public Safety Act, 1949 which was extended to Delhi and under the impugned provision, the chief commissioner having the required power ordered the appellant to submit before publication all the news and views relating to Pakistan including the cartoons and photographs. He was of the view that such matter was highly objectionable and it was necessary to combat activities that were prejudicial to 'Public Safety or Maintenance of Public Order'.

The court rejected the appellant's application by stating that *firstly*, the use of word 'or' between public safety and public order shows that both are allied concepts which need to be studied in relation to each other. Public safety is equivalent to 'Security of the State' which is well-founded in Article 19(2) and public order, if seen from the reverse side, viz, public disorder, will be a threat to public safety and this in turn would become a threat to the security of the State.

*Secondly*, the court refuted the contention of the impugned Act using wide expressions of public order and public safety, by stating that the term 'Sedition' was there in the original draft of the Constitution but was replaced by the expression 'in relation to the security' as sedition was too narrow in its application that might not cover every threat to public safety and thus, the drafters thought it

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<sup>14</sup> (1950) SCR 605

correct to use more general words. The above observations in the court's view justified the action of chief commissioner in the present case.

**b) Anuradha Bhasin v. Union of India and Others<sup>15</sup>**

This case came as a result of the promulgation of Presidential order in Jammu and Kashmir (J&K) which led to the suspension of internet and telecom services. The petitioner contended that it is a violation of Article 19(1)(a) as well as 19(1)(g) as she was not able to run her newspaper press as well as news was not been able to be procured due to lockdown in the area leading to restriction on movement including that of reporters. The court directed the concerned authorities to balance the security of the State and the freedom of speech and expression of people by imposing reasonable restrictions and not a complete ban on the aforesaid services. It was directed that the suspension of telecom services and internet must be done for temporary duration only and a Review Committee was also constituted for a periodic review of suspension rules.

With respect to freedom of press, the court mentioned that freedom of press has been considered to be a sacrosanct facet of Article 19(1)(a), but the petitioner's contention of 'Chilling Effect on freedom of press' is not tenable in the eyes of law. The doctrine of chilling effect comes into consideration when a restriction indirectly affects a right, viz freedom of press in the present case, as the petitioner was not able to publish newspaper. In order to determine the truthfulness of chilling effect, 'Test of Comparative Harm' will be of much use. During the period of suspension of services, other newspapers were able to run their establishments and no evidence was placed on record to establish that other newspapers were also restricted, which resulted in showing lack of substance in the petitioner's arguments.

**Case law partly upholding the freedom of publication**

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<sup>15</sup> (2020) 3 SCC 637

**(a) State of Bihar v. Shrimati Shailabala Devi<sup>16</sup>**

The matter came as an appeal where the respondent was a keeper of the Bharati Press at Purulia and had circulated a pamphlet called Sangram in the town of Purulia. The Government of Bihar considered that the pamphlet contained objectionable matter under Section 4(1) of the Indian Press (Emergency Powers) Act and required the press to furnish a security of Rs. 2000 under Section 3(3) of the same Act. The High Court allowed the application by stating that Section 4(1) was void in the light of Romesh Thapar and Brij Bhushan case (discussed above). The Supreme Court upheld the validity of the impugned section but did not consider the pamphlet appropriate to be regulated by restrictions under Article 19(2). Firstly, the court said that reliance by High Court on the two cases was fallacious as Romesh Thapar case condemns about the wide ambit of public order and public safety, but in the present case, the section has used narrow expressions of 'murder and incitement' and are legitimate to become part of reasonable restrictions. Secondly, the court considered that the pamphlet was a mere voice for revolution and it did not make an appeal for any specific cause, irrespective of how narrow the impugned section was in its application.

**(B) Virendra v. State of Punjab & Another<sup>17</sup>**

The petitioners challenged the validity of the notifications that were issued under Sections 2 and 3 of the Punjab Special Powers (Press) Act, 1956 as both the newspapers, Pratap and Vir Arjun, were prohibited from being printed and published in the State of Punjab. This was done to maintain public order and communal harmony amid the clash between two communities and the matter in such newspapers pertaining to the prevailing issue was prohibited.

The court upheld the validity of Section 2, but not that of Section 3 for the reasons, firstly, Section 2 had made the State Government delegate in ascertaining the satisfaction for achieving the specified objects and the court cannot supersede its position. Further, the section was carrying sufficient safeguards in the form of specific objects like maintaining communal harmony seeking to the immediate

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<sup>16</sup> (1952) SCR 654

<sup>17</sup> (1958) SCR 308

circumstances, along with the two provisos to Section 2 that specified the time-limit for the prevalence of notifications and provided the right to the aggrieved parties for making representations. Secondly, Section 3 was struck down because it was not framed in the same manner as was Section 2 and was not carrying the required safeguards.

**c) Nivedhita Jha v. State of Bihar<sup>18</sup>**

In this case, an NGO was there which was owned by an influential person and people living in the vicinity were sceptical of the activities taking place inside the NGO as they have heard screaming of girls and seen ammunition coming in abundance. Also, some girls were transferred by the social welfare department from the NGO. While the CBI was conducting the investigation, a plea was made before the court that the press must be refrained from mis-reporting and indulging in media trial as it vitiates the purpose of investigation.

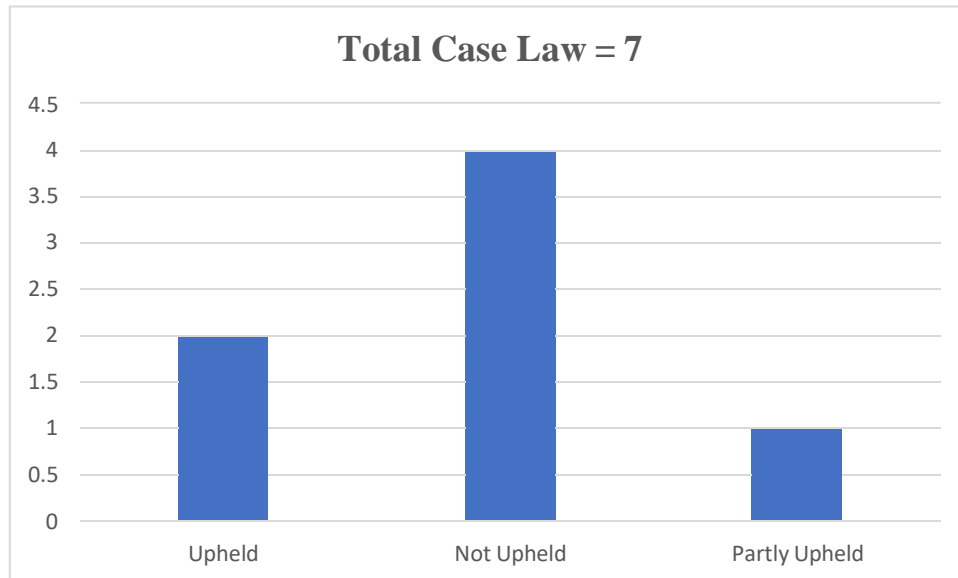
The court directed the press that they can carry with their reporting but the same shall be done by keeping in mind the interests of victims and not interviewing them or broadcasting morphed or blurred photos of such victims. This needs to be done for balancing criminal justice and freedom of press.

**CONTEMPT OF COURT**

Figure 6, as shown below, depicts the categorization of case law relating to freedom of press, that whether it had been upheld, not upheld or partly upheld, against the charge of contempt of court.

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<sup>18</sup> (2018) SCC 1616



**Figure 6 Constitutionality of case law relating to freedom of press as against the charge of contempt of court**

**Case law upholding the freedom of press as against the charge of contempt of court**

**a) S. Mulgaokar, In Re<sup>19</sup>**

In this case, the Chief Justice of India sent a letter to the Chief Justices of High Courts asking them to draft a code of ethics in order to maintain propriety on the part of the judges. A newspaper published a report stating that the Supreme Court judges themselves disowned the draft after facing the adverse criticism. The Registrar, Supreme Court pointed out the mistake that the Supreme Court judges have nothing to do in this matter and no question of disowning arises, but the editor published the whole material without making changes and ended the Article by mentioning a distinction between wonderful work of the High Court judges and the disappointing performance of the Supreme Court. Upon being served with a notice, the editor pointed out that he had no intention of tarnishing the position of the court but only to direct public attention to matters of extreme importance. Seeking to this, the contempt proceedings were dropped, but the court made it clear that press being the fourth estate of democracy is free to make comments or criticisms as to the working of courts but the same shall not be done in such manner that it lowers the dignity of the court.

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<sup>19</sup> (1978) 3 SCC 339

**b) Reliance Petrochemicals Limited v. Proprietors of Indian Express Newspapers, Bombay Private Limited<sup>20</sup>**

In this case, the petitioner company, with a view to set up the largest petrochemical complex issued debentures and this public issue was challenged before various High Courts. After all the proceedings were transferred to the Supreme Court, the court vacated all the orders and allowed the issue to proceed. Meanwhile, the respondent published an Article in the newspaper stating that the Controller of Capital Issues had not acted legally in granting the sanction as the issue was not a reliable or a prudent venture. The petitioner moved an application before the Apex Court that the matter was sub judice and the Article was an attempt to undermine the effect of the interim order. The court, in response, issued an order of injunction refraining the respondent from publishing any matter with regard the validity of issue. The question arose that whether it was necessary to continue with the injunction.

The court vacated the injunction by stating that in light of the 'Present and Imminent Danger Test' and on an appraisal of 'Balance of Convenience' between the risk caused by the publication of Article and the damage to the freedom of knowledge, it becomes crystal clear that there was no need to continue with the injunction. Since the subscription to debentures were closed and the debentures were over-subscribed with no risk to the general public. Had the injunction been allowed to continue, it would have caused unreasonable interference with the freedom of press. Publications, if any, would certainly be subjected to the question of contempt of court in order to maintain the administration of justice.

**Case law not upholding the freedom of press as against the charge of contempt of court**

**a) Naresh Shridhar Mirajkar & Others v. State of Maharashtra & Another<sup>21</sup>**

In this case, the petitioner was a reporter of the English weekly, Blitz, published in Bombay and was challenging the claim of damages with respect to contempt of court. The petitioner published entire proceedings which was considered to be

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<sup>20</sup> (1988) 4 SCC 592

<sup>21</sup> (1966) 3 SCR 744



derogatory to the witness, his business and the administration of justice. The same stand was taken by the Supreme Court as well by stating that like the In-camera trials are conducted to obtain true evidence from the parties and by applying the Test of Direct Effect, if the object is to protect the true testimony of witness and an incidental consequence happens to refrain the press from publishing such proceedings, then the same shall not be considered to be a violation of Article 19(1)(a) of the Constitution.

**b) Perspective Publications (P) Limited & Another v. State of Maharashtra<sup>22</sup>**

The appellant in this case published an Article in a weekly periodical called Mainstream alleging that the presiding judge in the appellant's case, charged with libel, was colluded with the adverse party, who had helped in passing a loan for the judge's brother. In return, the judge upheld the charge of defamation against the appellant. This ultimately resulted in contempt proceedings against the appellant.

The court dismissed the appeal and upheld the charge of contempt of court by stating that firstly, the appellant had taken the sole responsibility for the publication of Article and was not able to substantiate any evidence with respect thereto, secondly, a distinction has to be made that whether the attack was on the conduct of a judge or to the due course of justice, as contempt charge will be invoked only in the latter case. To determine the nature of attack, the ensued consequence has to be seen that whether the alleged attack had caused an apprehension amongst the masses about the integrity or fairness of judge or had caused embarrassment to such judge in discharging his duties. Thirdly, proving good faith or that the impugned matter was founded on correct data can be a good defence but there is hardly any precedent in this behalf. Since, even no unqualified apology was tendered from the side of appellant, a clear charge of contempt of court was upheld.

**c) Re: Harijai Singh & Another<sup>23</sup>**

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<sup>22</sup> (1969) 2 SCR 779

<sup>23</sup> (1996) 6 SCC 466

The printer, publisher, editor and the reporter were all implicated in this case for the charge of contempt of court as they published in the newspaper, Tribune and Punjab Kesari, that a Minister, out of his discretionary quota, had granted petrol pump outlets in favour of the judge's sons. Later, the news was found to be untrue and repentance was expressed along with an unqualified apology published in the newspaper. Although the court upheld the charge of contempt of court but punishment was not imposed as the apology was accepted. Supreme Court is not hypersensitive in matters of contempt of court and has shown magnanimity in accepting the apology on being satisfied that the error was not made mala fide. The court made some observations that press caters a crucial social service and if the reporter had taken ordinary care, it would have avoided the embarrassment so caused to the Supreme Court. Freedom of press has been duly recognized but it is subjected to certain reasonable restrictions under Article 19(2) and contempt of court is one of them.

**d) Sanjoy Narayan, Editor-in-Chief, Hindustan Times & Others v. High Court of Allahabad<sup>24</sup>**

In this case, the appellants were held liable for contempt of court as the impugned Article published in Hindustan Times brought down the reputation of the then Chief Justice of High Court. Though the charge of contempt of court was upheld, but the unqualified apology was accepted by the Supreme Court after being rejected by the High Court. The Apex Court made a clear remark that the press must be careful in verifying the facts before publication and the courts must also show magnanimity in accepting the apology.

**Case law partly upholding the freedom of press as against the charge of contempt of court**

**a) A.K. Gopalan v. Noordeen<sup>25</sup>**

In this case, the appellant made a statement with respect to an incident on 20.09.67, while the respondent along with his brother were arrested on 23.09.67 and sent for remand on 24.09.67. The second appellant, in the capacity of printer,

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<sup>24</sup> (2011) 13 SCC 155

<sup>25</sup> (1969) 2 SCC 734

published the above statement in the Malayalam newspaper, Deshabhimani, on 25.09.67. The High Court held the appellants guilty for contempt of court.

The Supreme Court acquitted the first appellant by stating that he had only made a statement and proceedings cannot be considered to be 'imminent' on lodging of complaint. Also, the accused persons were not arrested till 23.09.67 and until the accused is not arrested, the proceedings cannot be considered to be imminent as such accused may never be arrested or may be arrested after a few months. However, with respect to the second appellant, the court held him guilty as the arrest was made and publishing was done after that, which means that the proceedings were imminent and even though press has a right to comment upon such issues but the same shall not be prejudicial to the accused.

A.

#### **VIOLATION OF FREEDOM OF REPORTING**

There had been three cases involving the infringement of freedom of reporting and the press' freedom was partly upheld in all of them. All three cases are involving the same set of facts and it would be unworthy to discuss all the cases individually. The three cases are, **Sheela Barse v. State of Maharashtra**<sup>26</sup>, **Prabha Dutt v. Union of India**<sup>27</sup> and **State v. Charulata Joshi & Another**<sup>28</sup>. All the three cases were pertaining to the interview of prisoners, whereby, the Jail authorities were restraining the petitioners from conducting the interview. It was held by the Supreme Court that such interviews will be subjected to the Jail Manual Rules and prior permission of the prisoner will be required before conducting the interview. Thus, the pressmen cannot be restricted from conducting such interviews unless there are some weighty considerations provided by the Jail authorities like press members are not allowed to be present at the time of execution of a prisoner.

#### **CONCLUDING REMARKS**

If we traverse through the whole submission, it can be concluded that the Supreme Court has not only duly recognized the freedom of press, but also after pondering over the case law wherein such freedom was not allowed to be exercised, proves the hypothesis to be correct as

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<sup>26</sup> (1987) 4 SCC 373

<sup>27</sup> (1982) 1 SCC 1

<sup>28</sup> (1999) 4 SCC 65

an unbridled and unfettered press' freedom was and can never be upheld. Substantively, all the judgments were analysed by the court in the light of reasonableness of the restrictions, whether through Constitutional provisions or otherwise.

In today's scenario, the same approach is being carried forward by the court as in the recent past, when the question of freedom of media to report oral observations during court proceedings was raised in the *Election Commission case*, the court said that the information relating to court proceedings must be available in the public domain as the citizens have a 'Right to Know'. Press being the ark of democracy has the power to extract such information which may not be possible for an ordinary man to seek for. For example, the sting operation conducted by the Narada news founder Mathew Samuel for over two years brought on the forefront the corrupt practices prevailing in the Indian political structures. Also, India being a proponent of 'Equality Before Law', every law is equally applicable to everyone and press is no exception to this rule. As recently, the former Chief-In-Editor of the 'Tehelka Magazine' has been implicated in the case of inflicting sexual crimes on his colleague and is being made to run through the usual court procedure.

#### ANNEXURE

S. No.	Name of the Case	Citation	Judges Involved	Area of Law	Freedom of Press Upheld/Not Upheld/Partly Upheld	Subject Matter Based on Publication/Contempt of Court/Reporting
1.	Brij Bhushan & Another v. State of Delhi	(1950 ) SCR 605	Harilal Kania, C.J., Saiyid Fazl Ali, M. Patanjali Sastri, Mehr Chand Mahajan,	Constitutional Law and Statutory Law	Not Upheld	Publication

			B.K. Mukherjea and Sudhi Ranjan Das			
2.	Romesh Thapar v. State of Madras	(1950 ) SCR 594	Harilal Kania, C.J., Saiyid Fazl Ali, M. Patanjali Sastri, Mehr Chand Mahajan, B.K. Mukherjea and Sudhi Ranjan	Constitutional Law and Statutory Law	Upheld	Publication
3.	State of Bihar v. Shrimati Shailabala Devi	(1952 ) SCR 654	M. Patanjali Sastri, C.J., Mehr Chand Mahajan, B.K. Mukherjea, Sudhi Ranjan Das and Vivian Bose	Constitutional Law and Statutory Law	Partly Upheld	Publication
4.	Virendra v. State of Punjab & Anr.	(1958 ) SCR 308	Sudhi Ranjan Das, C.J., T.L. Venkatarama Aiyar, B.P. Sinha, J.L. Kapur and A.K. Sarkar	Constitutional Law and Statutory Law	Partly Upheld	Publication
5.	Express Newspaper Pvt. Ltd.	(1959 ) SCR	N.H. Bhagwati, B.P. Sinha,	Constitutional Law, Statutory	Upheld	Publication

	v. Union of India	12	Syed Jaffer Imam, J.L. Kapur and P.B. Gajendragadkar	Law and Administrative Law		
6.	Pandit M.S.M Sharma v. Shri Sri Krishna Sinha & Ors.	(1959) SCR 806	Sudhi Ranjan Das, C.J., N.H. Bhagwati, B.P. Sinha, K. Subba Rao and K.N. Wanchoo	Constitutional Law	Not Upheld	Publication
7.	Sakal Papers (P) Ltd. v. Union of India	(1962) ) 3 SCR 842	B.P. Sinha (CJ), A.K. Sarkar, K.C. Das Gupta, N. Rajagopala Ayyangar and J.R. Mudholkar	Constitutional Law, Statutory Law and Administrative Law	Upheld	Publication
8.	Naresh Shridhar Mirajkar & Others v. State of Maharashtra & Anr.	(1966) ) 3 SCR 744	P.B. Gajendragadkar, C.J., A.K. Sarkar, K.N. Wanchoo, M. Hidayatullah, J.C. Shah, J.R. Mudholkar, S.M. Sikri, R.S. Bachawat and V. Ramaswami	Constitutional Law	Not Upheld	Contempt of Court

9.	Perspectiv e Publicatio ns (P) Ltd. & Anr. v. State of Maharash tra	(1969 ) 2 SCR 779	J.C. Shah, V. Ramaswam i and A.N. Grover	Constituti onal Law	Not Upheld	Contempt of Court
10.	A.K. Gopalan v. Noordeen	(1969 ) 2 SCC 734	S.M. Sikri, G.K. Mitter and P. Jaganmoha n Reddy	Constituti onal Law and Statutory Law	Partly Upheld	Contempt of Court
11.	Bennett Coleman & Co. v. Union of India	(1972 ) 2 SCC 788	S.M. Sikri, C.J., A.N. Ray, P. Jaganmoha n Reddy, K.K. Mathew and M.H. Beg and	Constituti onal Law, Statutory Law and Administr ative Law	Upheld	Publication
12.	Press Trust of India & Anr. v. Union of India	(1974 ) 4 SCC 638	P. Jaganmoha n Reddy and S.N. Dwivedi	Constituti onal Law, Statutory Law and Administr ative Law	Upheld	Publication
13.	S. Mulgaoka r, In Re	(1978 ) 3 SCC 339	M.H. Beg, C.J., V.R. Krishna Iyer and P.S. Kailasam	Constituti onal Law and Statutory Law	Upheld	Contempt of Court
14.	Prabha Dutt v. Union of India	(1982 ) 1 SCC 1	Y.V. Chandrach ud, C.J., A.P. Sen and Baharul Islam	Constituti onal Law and Administr ative Law	Upheld	Reporting

15	Indian Express Newspapers (Bombay) Pvt. Ltd. & Others v. Union of India & Others	(1985) 1 SCC 641	O. Chinnappa Reddy, A.P. Sen and E.S. Venkataramiah	Constitutional Law, Statutory Law and Administrative Law	Upheld	Publication
16	Sheela Barse v. State of Maharashtra	(1987) 4 SCC 373	Ranganath Misra and M.M. Dutt	Constitutional Law and Administrative Law	Upheld	Reporting
17	Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers, Bombay Pvt. Ltd.	(1988) 4 SCC 592	Sabyasachi Mukharji and S. Ranganathan	Constitutional Law, Statutory Law and Procedural Law	Upheld	Contempt of Court
18	Printers (Mysore) Ltd. & Anr. v. Asst. Commercial Tax Officer & Others	(1994) 2 SCC 434	B.P. Jeevan Reddy and B.L. Hansaria	Constitutional Law and Statutory Law	Upheld	Publication
19	R. Rajagopal & Anr. v. State of Tamil Nadu & Ors.	(1994) 6 SCC 632	B.P. Jeevan Reddy and S.C. Sen	Constitutional Law	Upheld	Publication
20	In Re:	(1996)	Kuldip	Constitutional	Not	Contempt of



.	Harijai Singh & Anr.	) 6 SCC 466	Singh and Faizan Uddin	onal Law and Statutory Law	Upheld	Court
21.	State v. Charulata Joshi & Anr.	(1999) ) 4 SCC 65	G.B. Pattanaik and M.B. Shah	Constituti onal Law	Upheld	Reporting
22.	Hindustan Times & Ors. v. State of U.P. & Anr.	(2003) ) 1 SCC 591	V.N. Khare and S.B. Sinha	Constituti onal Law and Statutory Law	Upheld	Publication
23.	Express Publications (Madurai) Ltd. & Anr. v. Union of India	(2004) ) 11 SCC 526	Y.K. Sabharwal and D.M. Dharmadhikari	Constituti onal Law and Statutory Law	Upheld	Publication
24.	Ajay Goswami v. Union of India & Ors.	(2007) ) 1 SCC 143	A.R. Lakshmanan and Tarun Chatterjee	Constituti onal Law and Statutory Law	Upheld	Publication
25.	Sanjoy Narayan, Editor-in-Chief, Hindustan Times & Others v. High Court of Allahabad	(2011) ) 13 SCC 155	Mukundakam Sharma and Anil R. Dave	Constituti onal Law and Statutory Law	Not Upheld	Contempt of Court
26.	ABP Private Ltd. & Anr. v. Union of	(2014) ) 3 SCC 327	P. Sathasivam, C.J., Ranjan Gogoi and	Constituti onal Law and Statutory Law	Not Upheld	Publication

	India & Ors.		Shiva Kirti Singh			
27 .	Nivedhita Jha v. State of Bihar	(2018 ) SCC 1616	Madan B. Lokur and Deepak Gupta	Constituti onal Law	Partly Upheld	Publication
28 .	Anuradha Bhasin v. Union of India	(2020 ) 3 SCC 637	N.V. Ramana, R. Subhash Reddy and B.R. Gavai	Constituti onal Law, Statutory Law, Procedura l Law and Administr ative Law	Not Upheld	Publication



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