

3 CMET (2016) 109

Media's Freedom of Speech and Expression and Independent Functionaries Dichotomy: the Fourth Pillar Put to Democratic Test

by

Himanshu Rathee and Mehul Rathee[†]

UNDERSTANDING THE FREEDOM OF SPEECH AND EXPRESSION AND MEDIA'S ROLE

The freedom of speech and expression of Media has led to various challenges for the Indian democracy. In the movie 'Talvar', where parents of the deceased, Shruti Tandon, were convicted without sufficient evidence.¹ However, the names used in the movie were different but a reasonable man could easily gauge the nexus of the same with the real life incident. Judiciary aside, media has grown its roots in the functioning of executive and legislature as well.

Before beginning, it is important to construct the context in which the media is used. Media, here, refers to news, entertainment, education, data, and promotional messages that are sent worldwide through this type of communication channels. Every broadcasting and narrow casting media, like newspapers, magazines, TV, radio, billboards, direct mail, telephone, fax, and the internet are part of what is the Media. Freedom of Speech and Expression occupies first place in the list of liberties guaranteed under the Article 19(1)(a) of the Constitution of India² and is stockade of the democratic government. The freedom is essential for proper functioning of the democratic process. It has been said that freedom of speech and expression is the mother of all other liberties.³ Freedom of speech plays an imperative role in the formation of public opinion on social, political and economic matters. According to the Supreme Court of India's doctrine of implied Fundamental Rights, the court asserted that in order to treat a right as a Fundamental Rights, it is not obligatory that it must be expressly stated



Page: 110

in the constitution as a Fundamental Right. Political, social and economic changes occurring in the country may lead to recognition of new rights and the law in its eternal youth grows to meet its social demands.⁴ The phrase 'freedom of speech and expression' is of comprehensive importance and includes within its ambit right to paint or sing or dance or publish because the common basic characteristics of all these activities are the 'freedom of speech and expression'.⁵ Similarly, as a necessary corollary of the doctrine of implied Fundamental Rights, Right to Information has been considered as an important dimension of this multi-faceted right to freedom of speech and expression.⁶

RIGHT TO INFORMATION HAS TO BE READ INTO ARTICLE 19(1)(A)

Freedom of speech and expression includes Right to Information. The Supreme Court of India has given a twofold interpretation of the right to information, firstly, the right to information includes the right to know (receipt of information) and secondly, it encompasses the right to communicate the information. Communication and receipt of information are two sides of the same coin. Right to know is a basic right of the citizens of a free country and Article 19(1)(a) protects this right.

The second facet of right to information, that is, right to know is an intrinsic part of the right of freedom of speech and expression enshrined in Article 19(1)(a).⁷ Article 21 enshrines 'right to life and a person liberty'. These are the compendious term, which includes within themselves variety of rights and attributes including the right to know. Some of them are also found in Article 19 and thus have two sources at the same time, that is Articles 19(1)(a) and Article 21. In *Reliance Petrochemicals Ltd. v. Indian Express Newspapers Bombay (P) Ltd.*, the Supreme Court held that the right to know is a necessary ingredient of participatory democracy.⁸

In *Union of India v. Assn. for Democratic Reforms*, the Supreme Court, while pressing upon the importance of voters having the information of the candidates for elections observed, "one-sided information, disinformation, misinformation and non-information will equally create an uninformed citizenry which makes democracy a farce... Freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions."⁹



ROLE OF MEDIA IN RIGHT TO INFORMATION TO THE CITIZENS OF INDIA

The information necessary to ensure an informed citizen cannot travel in vacuum to the citizens. This void is filled by Media. In *State of U.P. v. Raj Narain*, the Supreme Court observed while emphasising on the necessity of the material information to be made known to the public, "In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can but few secrets. The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary, when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security. To cover with veil secrecy the common routine business is not in the interest of the public. Such secrecy can seldom be legitimately desired. It is generally desired for the purpose of parties and politics or personal self-interest or bureaucratic routine. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption".¹⁰

A democracy cannot exist at all unless all citizens have the right to participate in the affairs of the polity of the country. The right to participate in the affairs of the country is meaningless unless the citizens are well informed on all sides of the issues, in respect of which they are called upon to express their views.¹¹ The participation of people in the democracy is an indictment of a deep and pervasive political system. Media ensures the same by giving the citizens a chance to freely express their opinions.

FREEDOM OF MEDIA IN INDIA

The first case which the Supreme Court encountered regarding freedom of speech and expression of media was *Romesh Thappar v. State of Madras*, where a government order prohibited the circulation of a journal (named crossroads), on the ground of public order and safety.¹² The Supreme Court repealed the order and held that the right includes the right to propagate ideas, which is ensured by circulation. On the day of the decision of *Romesh Thappar*, the Court dictated another judgment on the free speech of media. It was the case of *Brij Bhushan v. State of Delhi*, where an order of government required publishers to submit all the 'communal matters and news and

views and cartoons about Pakistan'.¹³ The order was repealed by



Page: 112

the Supreme Court as it violated freedom of speech and expression of the press. In the landmark case of *Sakal Papers*, Supreme Court declared the Newspaper (Price and Page) Act, 1956 and The Daily Newspaper (Price and Page) Order, 1960 unconstitutional for its purpose was to reduce the circulation of newspapers by making their prices unattractively high for the readers, and held that Article 19(1)(a) does not only guarantee what a person circulates but also the volume of circulation.¹⁴ The cases clearly highlight one approach, that is, right to know or disseminate information and communication is an inherent part of Article 19(1)(a), any law impairing the same cannot stand.

In the arena of broadcasting, the Supreme Court has made it clear that in *Cricket Assn. of Bengal*¹⁵, every citizen has a right to telecast and broadcast to the viewers/listeners any important event through electronic media, television or radio and that the Government has no monopoly over such electronic media, as no such monopolistic power of the Government was mentioned anywhere in the Constitution or in any other law prevailing in the country. The judgment leaves no room for assuming that the dictum in freedom of the press should not apply to broadcasting media, though expressly it is not stated in any of the cases, such an assumption arises from the fact that the necessary purpose of media is to communicate and disseminate information to the public.

THE FOURTH PILLAR AFFECTING THE DEMOCRATIC FUNCTIONARIES IN INDIA

Indian democracy presupposes separation of powers as envisaged by Montesquieu¹⁶, and accordingly has three pillars to run the country, which is, the executive, the legislature, and the judiciary. These organs are separate and independent in their functions with minimum encroachment allowed to synchronise the functioning of the democracy.¹⁷ The rise of the fourth pillar emerged with the expansion of freedom of speech and expression of media. Media acts as a watchdog for the functioning of other three pillars and keeps people informed about the same. The theory of checks and balances propounded by Montesquieu remains of less practical importance today with the rise of the fourth pillar. Media brings the wrongful acts committed in the political and judicial system in front of the people, thereby enabling them to form opinions based on information printed or broadcasted.



Page: 113

MEDIA AND THE EXECUTIVE

The executive branch is responsible for the functioning of the executive. The candidates of political parties contesting elections use media to propagate their election manifestos and reach the masses by way of broadcasting their speech and political party's mission, vision and ideology. Further, the parties use print media to advertise their campaigns. The criminal records, achievements, defection from one to another, qualifications etc. of candidates and of persons holding an executive office is brought to the knowledge of citizens by media. Recently, this helped in maintaining transparency and accountability to the citizens of India. This also ensures that a

healthy democracy perpetuates. Media reports the corruption and offences or other abuse of power committed by the persons in power or when they were in power like the National Harold case,¹⁸ Agusta Chopper case,¹⁹ 2G scam case²⁰ etc. This helps the citizens to make an informed choice in the matter of voting, which is also covered with the span of freedom of speech and expression under Article 19(1)(a).²¹ Indeed it is the role of media which brought the corruption and scams done by the Congress, the erstwhile government to the knowledge of the people of India, which can largely be attributed to its mountainous defeat as evidenced in the 2014 elections.

Not only the politically motivated moves are shown by the media, but it also spreads the awareness about the rights of people. One of the key roles is to ensure that the executive takes necessary action for remedying the wrongs done to the persons. A little while back, the media covered the incident wherein a restaurant by the name of Shiv Sagar in Connaught Place, New Delhi denied entry to underprivileged children when they were taken for a meal by a lady. This urged the Delhi Government to take appropriate steps to remedy the situation.²² The act of 'Shiv Sagar' restaurant violated Article 14 and Article 21 of the Constitution of India. Thus, the role of the fourth pillar is not a mere theoretical construct but a practical reality, which one can witness in day-to-day activities. Media is turning out to be



Page: 114

a powerful tool in the hands of the citizens compelling the government to take the response, which is the true essence of a participatory democracy.

MEDIA AND THE LEGISLATURE

The formulation of Public Policy is entrusted to the Parliament of India or the respective State Legislatures, depending upon the list in which the subject falls. Public Policy is aimed at solving a public problem. Media provides a platform to individuals or other stakeholders to express their views and opinions on the issue. When executive formulates a scheme under the delegated legislation, like 'Beti Bachao, Beti Padhao'²³, 'Jan Dhan Yojna'²⁴ etc, media helps in popularising or communicating the benefits of the scheme to the stakeholders or citizens at large. It also provides information about the treaties entered into by the executive and the ratification of the same by the Parliament. Media by focusing on campaigns, vigils, strikes etc. influences public policy. It provides a forum by which public can communicate to the legislative branch for policy formulation, like after *Delhi Gang Rape case*, the huge public outcry led to the formation of Justice J.S. Verma Committee, which in turn resulted in implementation of Criminal Law (Amendment) Act, 2013.²⁵ Media ensures that the Parliamentary Debates in the House of People and Council of States can be seen by the masses, again ensuring transparency in the system by showing the people, how the Members of Parliament, elected by them are functioning. Various spokespersons or Members of Parliaments appear on media to present to the public the policy which the wish to formulate and the opposition received by them from the opposition party in the House.

However, privileges granted to Parliament under various provisions of the Constitution of India (like Articles 105(3) and 194(3)) dilutes the impact which media can play in promoting a healthier democracy. In *M.S.M. Sharma v. Sri Krishna Sinha*,²⁶ editor of the Searchlight newspaper published an expunged remark about an MLA of the Bihar Assembly, for which a notice of breach of privilege was issued. The editor moved to the Supreme Court under Article 32 for infringing Articles 19(1)(a) and 21. The court observed that Article 19(1)(a) is subordinate to parliamentary



privileges. Therefore, the role of media in reporting of proceedings of the Parliament and State Legislative Assemblies is limited and media cannot put its own impetus in such reporting.

MEDIA AND THE JUDICIARY

Though the judgments of the judiciary are reported in journals and various online portals, such judgments are only known to the legal fraternity. Judiciary has laid down certain standards for media reporting. In *DM, Kheri v. M. Hamid Ali Gardish*, the Division Bench of the Oudh Chief Court observed, "The special privilege of the press is a time-worn fallacy and the sooner the misconception that the press is not accountable to the law is removed the better it will be. No editor has a right to assume the role of investigator or try to prejudice the court against any person".²⁷

The Supreme Court and High Courts have taken cognizance of cases, like *M.C. Mehta v. Kamal Nath*,²⁸ where the Supreme Court *suo motu* took cognizance of the matter on the basis of the article published in Indian Express. Therefore, the role of media in judicial activism and imparting have been plenary. However, reports of media cannot be admitted as evidence in a case before the court.²⁹

There is no doubt that the Media is free to criticise a system. A free Media stands as one of the great interpreters between the government and the people. However, in the garb of criticism, the press cannot commit contempt of court.³⁰ At the same time, the journalists or people have the certain rights with reference to the court's activity. For example, the right to information about court proceedings, the right to participate in respect of matters and issues before the courts, the right to free speech irrespective of pending proceedings, and the right to evaluate and criticise the working of the courts. Such rights strengthen the ailing health of democracy. However, what is imperative to remember is that the rights are not absolute but can be curtailed by the Judiciary in the interest of justice. Media also ensures that the necessary interaction between the executive, legislative and judicial branch of the democracy is reported to the citizens like the meeting of Chief Justices of High Courts, Supreme Court Judges including the Chief Justice of India, the Chief Ministers of States, and the Prime Minister.³¹ Further, it is the duty of media to uphold the dignity of courts, which was also stated by the Press Commission as "The Indian Press as a whole has



been anxious to uphold the dignity of courts and the offences have been committed out of the ignorance of law relating to contempt than to any deliberate intention of obstructing justice or giving affront to the dignity of courts".³²

RESPONSIBLE REPORTING BY MEDIA: ACCESS TO JUSTICE ENSURED BY THE FOURTH PILLAR

The criticisms directed towards media for painting a false or inaccurate picture of a true event cannot be said to be untenable. Media has often crossed the barriers of restrictions and sometimes ensured the delivery of justice. However, even when journalism led to the exposure of scams many of them faced threats and assaults. In the recent past, in *Tehelka case*, the online portal, Tehelka.com was forced to shut down when it exposed Ex-Defence Minister's scam.³³ It is due to the intervention of media, the *Jessica Lal Murder case* was re-opened after a huge public outcry, which at

first instance was disposed of due to lack of evidence.³⁴ In *Priyadarshini Mattoo case*³⁵, which was another high profile case, where the son of an IPS officer raped and murdered a girl, the Delhi High Court reversed the judgment of the lower court and convicted the accused. The role of media was pivotal in ensuring justice for the deceased.³⁶ In *Ruchika's Case*³⁷, the victim Ruchika Girhotra, a 14-year-old tennis player, was molested by then Haryana police IG, Mr. S.P.S. Rathore in Panchkula in 1990. Three years later, Ruchika killed herself, which her friend and case witness Aradhana attribute to the harassment of Ruchika and her family by those in power. Nineteen years later, Rathore walked away with six months of rigorous imprisonment and a one thousand rupees fine, reportedly due to his old age and the "prolonged trial". This led to public outrage and media played a significant role in it. Later on, the Government of India asked the Central Bureau of Investigation to re-investigate the case and the police medals awarded to S.P.S. Rathore were also stripped. A case of abetment of suicide



under Section 306 of the Indian Penal Code was also filed against S.P.S. Rathore³⁸.

Pointing out the importance of media, the Supreme Court stated that for rule of law and orderly society, a free responsible press and an independent judiciary are both indispensable and both have to be, therefore, protected. Media is not allowed to make public comments on a case which is *sub judice*.³⁹ Generally, the press or media gets into trouble with their comments which scandalise the court or the judicial officer. There are several judgments which explained the contempt of scandalization, which media is supposed to know so that it can avoid it.⁴⁰ The Contempt of Court Act does not say that truth cannot be a defence but courts have categorically said, "No, it cannot be a defence." Judges have the last word as to who or what "scandalises" them. Courts in 'in-camera' proceedings can restrict the media from reporting the proceedings⁴¹ and in other cases also, for the reasons as the court may think fit.⁴² Apart from judicial control over media, the reporting is also subject to legislative control by enactment of various statutes like Right to Information Act, 2005 (section 8) which also exempts certain organizations (Intelligence Bureau, Directorate of Enforcement, Special Protection Group etc.) from the exercise of right to information; Official Secrets Act, 1923; Contempt of Court Act, 1971 (section 2(c)); Indian Evidence Act, 1872 (sections 123 and 124); Indian Penal Code (Section 124A), etc. There is an executive control on media also, but which cannot be construed in a positive sense, that is, by means of corruption, payment for misinformation etc.

Media has a greater responsibility as a fourth pillar for the functioning of the Indian democracy, it not only ensures proper functioning of the other three pillars but also provides a platform for the interaction and harmonising of the activities of the other three pillars of the Indian democracy. It is the media, which reminds the politicians of their promises made, legislature about the public issue demanding a public policy and judiciary, in the sense, of the collective conscience of people. The role which media plays in promoting a living democracy is commendable. With the advancement of technology, the influx of information which one receives has increased so is the responsibility of media to shoulder the spread of information. As correctly said by Malcolm X, "The media is the most powerful entity on earth, they have the power to make the innocent guilty and to make the guilty innocent, and that's power because they control the minds of the masses".



CHALLENGES CREATED BY MEDIA FOR THE TRADITIONAL DEMOCRATIC PILLARS

The fourth pillar has created challenges for the other three traditional pillars of democracy (judiciary, executive and legislature). The media has the power to demonise a person and it has the capacity to influence the thoughts, mindsets and views of the people. The major role of media is to create and spread awareness and educate people. However, it has sometimes resulted in running contrary to the very spirit of Indian participatory democracy. The boon of media to Indian democracy can also, irreparably ail democracy's health. Mainly the executive is affected by the activities of media, which in turn affects legislature also, because in the Indian democracy, practically there is a paper-thin line between executive and the legislature.

STING OPERATION AND RIGHT TO PRIVACY

Sting operation plays an utmost important role in a democracy to catch hold of the criminals committing a crime in a clandestine manner. Sting operations can be broadly classified on the basis of purpose as a positive sting operation, which can be understood to benefit the society as a whole and negative sting operation is operations which are not positive sting operations. An informed citizenry forms the bedrock of a democracy, holding the government accountable through voting and participation requires investigative journalism, which cannot sustain itself on asymmetric dissemination of information.

The requirement of sting operation is necessary for democracy as revealed from the frauds but equally true is right to privacy of person, which is to be read into Article 21.⁴³ Supreme Court observed "A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. No one can publish anything concerning the above matters without his consent - whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Considering the obiter dicta of the Supreme Court in *Rajagopal case*⁴⁴, it can be reasonably gauged that sting operations are not legal in India, as it would defeat the purpose of privacy. The law of privacy applies to the person and not places⁴⁵, considering this ratio of the Supreme Court, the place of sting operation is immaterial and which again gives rise to the assumption that sting operation is not legal.



We have wiretapping, which is a part of sting operation regulated under the Telegraph Act of 1885. In 1996 the decision by the Supreme Court⁴⁶ which ruled that wiretaps are a "serious invasion of an individual's privacy" The Court also laid out guidelines for wiretapping by the government, which define who can tap phones and under what circumstances. Only the Union Home Secretary, or his counterpart in the states, can issue an order for a tap. The government is also required to show that the information sought cannot be obtained through any other means. The Court mandated the development of a high-level committee to review the legality of each wiretap. Tapped phone calls are not accepted as primary evidence in Indian courts. To reveal one crime, another cannot be committed. Ethical concerns have also been expressed that can one person be held responsible for the crime in which he is allured into, as

happens in most of the sting operations.

TRIAL BY MEDIA

Trial by Media hits the hardest to the judicial branch of Indian democracy. Supreme Court observed "the impact of television and newspaper coverage on a person's reputation by creating a widespread perception of guilt regardless of any verdict in a court of law. During high publicity court cases, the media are often accused of provoking an atmosphere of public hysteria akin to a lynch mob which not only makes a fair trial nearly impossible but means that, regardless of the result of the trial, in public perception the accused is already held guilty and would not be able to live the rest of their life without intense public scrutiny".⁴⁷ A trial by media amounts to travesty of justice if it causes impediments in the accepted judicious and fair investigation and trial.⁴⁸ A trial by press, electronic media or public agitation is the very antithesis of rule of law⁴⁹. In *M.P. Lohia v. State of W.B.*⁵⁰, Supreme Court observed, freedom of speech and expression sometimes may amount to interference with the administration of justice as the articles appearing in the media could be prejudicial. The liberty of the press is subordinate to the administration of justice. The plain duty of a journalist is reporting and not adjudicating cases.

CONCLUDING REMARKS AND SUGGESTIONS

The media had played a pivotal role since the inception of press and advent of electric media. The juridical empires of the role of media in reporting of the case and privacy have been developed by the honourable



Supreme Court of India. As far as the functioning of the executive is concerned, democracy is strengthened as it reveals the ideologies, political agenda, follow-up of promises etc. of the parties. But, as far as sting operations are concerned it can be inferred from the decisions of the Supreme Court is that sting operation is invaded. Hence, the fourth pillar is miserably failing the test of privacy and on a regular basis violating Article 21. This would altogether eliminate the role of media by conducting sting operations by media and limit it to the reports, which are communicated by the vigilance department to the public. Therefore, such a set-up makes the role of media bulletproof in reporting of corrupt public officials.

The proceedings of the Parliament have been made more transparent than ever, due to reporting of the debates by media, though it has been made clear that right to information of media to disseminate information does not extend beyond parliamentary privileges. This presses in the need for a law because of the opposition, due its own political motives and incentives, stalls proceedings of the house. The amendment is required or judicial expansion of rights of the media. The rights guaranteed should be extended to the extent of enabling people to clearly comment on the proceedings in the House. No doubt, media has led to expulsion of Members of Parliament from the proceedings of the house for their unparliamentary behaviour, but the clouds of fear would not waive unless media is given protection for making 'legal comments' This would have twin benefits, firstly, communication would not be pressed or undermined, and secondly, Members of Parliament would be under control as having apprehension of the fact that their behaviour and conduct in the house is going unchecked.

Judiciary is considered to be the most reverent and sacred organ of Indian democracy and has the authority to do complete justice for which freedom of speech of expression of media may also be curtailed. The challenge of Trial by media is taking

judicial system by storm and creating difficulties in dispensing justice. The respective High Courts for themselves and courts subordinate thereto should make rules regarding interference of media in the proceedings, so should the Supreme Court do for itself. Following the mentioned approach media personnel would know beforehand which proceedings ought not to be reported. Media is posing a serious difficulty to the judicial pillar of democracy in performing its functions

Media stands the democracy test in India but somehow the fourth pillar is constructing a barrier for the judiciary. Evaluating the role of media in Indian democracy, it can be said that the future of media will be thriving in sustaining democracy, but what is emerging as the challenge is the unethical activities of media by airing the information by being paid for it. This underpins the role which media can play in a democracy.

— — —

¹ Third and Fourth Year Students of BBA.LLB (Hons), School of Law, The Northcap University, Gurgaon, Haryana.

¹ TNN, 'Talvar: The film that will shake your beliefs' (*The Times of India*, 2 October 2016). <<http://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/Talvar-The-film-that-will-shake-your-beliefs/articleshow/49183210.cms>> accessed 10 June 2016.

² Constitution of India, art 19.

³ India Second Press Commission, *Report of the Second Press Commission of India* (Controller of Publications, Volume I, 1982) 34-35.

⁴ *Unni Krishnan, JP v. State of AP*, (1993) 1 SCC 645.

⁵ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

⁶ *People's Union for Civil Liberties (PUCL) v. Union of India*, (2003) 4 SCC 399.

⁷ *Ram Jethmalani v. Union of India*, (2011) 8 SCC 1.

⁸ *Reliance Petrochemicals Ltd. v. Indian Express Newspapers Bombay (P) Ltd.*, (1988) 4 SCC 592.

⁹ *Union of India v. Assn for Democratic Reforms*, (2002) 5 SCC 294.

¹⁰ *State of UP v. Raj Narain*, (1975) 4 SCC 428.

¹¹ *Namit Sharma v. Union of India*, (2013) 1 SCC 745.

¹² *Romesh Thappar v. State of Madras*, AIR 1950 SC 124 : 1950 SCR 594.

¹³ *Brij Bhushan v. State of Delhi*, AIR 1950 SC 129 : 1950 SCR 605.

¹⁴ *Sakal Papers (P) Ltd. v. Union of India*, AIR 1962 SC 305 : (1962) 3 SCR 842; *Bennett Coleman & Co. v. Union of India*, (1972) 2 SCC 788.

¹⁵ *Reliance Petrochemicals Ltd.* (n 8).

¹⁶ Montesquieu, *The Political Theory of Montesquieu* (Melvin Richter, CUP 1977).

¹⁷ *Ram Jawaya Kapur v. State of Punjab*, AIR 1955 SC 549 : (1955) 2 SCR 225.

¹⁸ Nirimesh Kumar, 'National Herald case: Congress submits its balance sheet to court' (*The Hindu*, 8 April 2016) <www.thehindu.com/news/national/national-herald-case-congress-submits-its-balance-sheet-to-court/article8451487.ece> accessed 01 June 2016.

¹⁹ Press Trust of India, 'Agusta Westland chopper scam: Those linked to deal got 'good positions', says Parrikar' (*The Indian Express*, 09 May 2016) <<http://indianexpress.com/article/india/india-news-india/agustawestland-chopper-deal-manohar-parrikar-people-linked-got-good-positions-2790295/>> accessed 01 June 2016.

²⁰ Press Trust of India, '2G spectrum scam case: A Raja concludes his final arguments' (*The Economic Times*, 12 February 2016) <http://articles.economictimes.indiatimes.com/2016-02-12/news/70568495_1_k-chandolia-dmk-run-telecom-minister> accessed 01 June 2016.

- ²¹ *People's Union for Civil Liberties (PUCL) v. Union of India*, (2003) 4 SCC 399.
- ²² Shruti Singh, 'Delhi restaurant denies entry to underprivileged children, AAP govt orders probe' (*India Today*, 12 June 2016) <<http://indiatoday.intoday.in/story/woman-protest-outside-delhi-restaurant-after-it-denies-entry-to-unprivileged-children/1/689918.html>> accessed 12 June 2016.
- ²³ HT Correspondent, '40 women honoured under 'Beti Bachao, Beti Padhao' scheme' (*The Hindustan Times*, 12 March 2016) <<http://www.hindustantimes.com/punjab/40-women-honoured-under-beti-bachao-beti-padhao-scheme/story-oN4H1jDqFQME0sxhyTthPM.html>> accessed 27 May 2016.
- ²⁴ Namrata Acharya, 'Why Jan-Dhan Yojana is gaining currency in Uttar Pradesh & West Bengal' (*Business Standard*, 26 May 2016) <http://www.business-standard.com/article/economy-policy/why-jan-dhan-yojana-is-gaining-currency-in-uttar-pradesh-west-bengal-116052600920_1.html> accessed 01 June 2016.
- ²⁵ Sandeep Joshi, 'Stringent anti-rape laws get President's nod' (*The Hindu*, 4 April 2013) <<http://www.thehindu.com/news/national/stringent-antirape-laws-get-presidents-nod/article4576695.ece>> accessed 01 June 2016.
- ²⁶ *MSM Sharma v. Sri Krishna Sinha*, AIR 1959 SC 395 : 1959 Supp (1) SCR 806.
- ²⁷ *DM Kheri v. M Hamid Ali Gardish*, 1939 SCC OnLine Oudh 7 : AIR 1940 Oudh 137.
- ²⁸ *MC Mehta v. Kamal Nath*, (1997) 1 SCC 388.
- ²⁹ *Union of India v. Ranbir Singh Rathaur*, (2006) 11 SCC 696.
- ³⁰ Hiren Bose, *In re*, 1967 SCC OnLine Cal 84 : (1967-68) 72 CWN 82.
- ³¹ TNN & Agencies, 'An overworked Chief Justice T.S. Thakur breaks down in front of PM Modi' (*The Times of India*, 24 April 2016) <<http://timesofindia.indiatimes.com/india/An-overworked-Chief-Justice-TS-Thakur-breaks-down-in-front-of-PM-Modi/articleshow/51964732.cms>> accessed 27 May 2016.
- ³² *India First Press Commission Report of the First Press Commission of India* (Controller of Publications, Volume I, 1954) 408-488.
- ³³ Rahul Kanwal, 'Tehelka to shut soon? Tarun Tejpal's legal troubles ring death knell for magazine' (*India Today*, 5 January 2014) <<http://indiatoday.intoday.in/story/tehelka-to-shut-soon-tarun-tejpal's-legal-troubles-ring-a-death-knell-for-investigative-magazine/1/334561.html>> accessed 18 May 2016.
- ³⁴ Neeraj Mishra, 'Criminal Flaws' (*India Today*, 3 April 2006) <<http://indiatoday.intoday.in/story/jessica-lal-murder-case-judgement-provokes-public-outrage/1/181705.html>> accessed 27 May 2016; See also *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.
- ³⁵ *Santosh Kumar Singh v. State*, (2010) 9 SCC 747.
- ³⁶ Kathakali Nandi, 'Investigative Role of Media: Responsibility to the Society' *Global Media Journal*, Indian Edition, Summer Issue, June 2011; See also *Santosh Kumar Singh v. State*, (2010) 9 SCC 747.
- ³⁷ *SPS Rathore v. CBI*, (2017) 5 SCC 817.
- ³⁸ Ajay Sura, 'Ruchika Girhotra case: Family gives up fight against ex-Haryana DGP' (*The Times of India*, 2 June 2012) <<http://timesofindia.indiatimes.com/city/chandigarh/Ruchika-Girhotra-case-Family-gives-up-fight-against-ex-Haryana-DGP/articleshow/13733415.cms>> accessed 30 May 2016.
- ³⁹ *Sahara India Real Estate Corpn Ltd. v. SEBI*, (2012) 10 SCC 603.
- ⁴⁰ *Rachapudi Subba Rao v. Advocate General*, (1981) 2 SCC 577.
- ⁴¹ *Naresh Shridhar Mirajkar v. State of Maharashtra*, AIR 1967 SC 1 : (1966) 3 SCR 744.
- ⁴² TNN (n 27).
- ⁴³ *Gobind v. State of MP*, (1975) 2 SCC 148; See also *Kharak Singh v. State of UP*, AIR 1963 SC 1295 : (1964) 1 SCR 332.
- ⁴⁴ *R Rajagopal v. State of TN*, (1994) 6 SCC 632.
- ⁴⁵ *Kharak Singh v. State of UP*, AIR 1963 SC 1295 : (1964) 1 SCR 332.
- ⁴⁶ *People's Union for Civil Liberties v. Union of India*, (1997) 1 SCC 301.

⁴⁷ *RK Anand v. Delhi High Court*, (2009) 8 SCC 106.

⁴⁸ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.

⁴⁹ *State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 SCC 386.

⁵⁰ *MP Lohia v. State of WB*, (2005) 2 SCC 686.

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.