



Dr. B.R. Ambedkar and Freedom of the Press

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Abstract

Dr. B.R. Ambedkar was conferred the highest civilian award of Bharat Ratna on his centenary birthday on 14-4-1990 for his contribution as the man of architect of Indian Constitutional edifice and for his dedication throughout his life for the cause of social justice, liberty, equality and universal brotherhood. He stood for the freedom of the press which really meant the freedom of the people to know and Art 19(1)(a) conferring freedom of speech and expression also conferred the freedom of the press and as such no separate right is needed for the press. The press acted as a trustee in protecting the right of the people to know and therefore must possess the power to prevent including State and everyone to resist any interference with regard to the exercise of the freedom, on behalf of the right of the people to know. Another notable contribution of Dr. B.R. Ambedkar relates to imposing of restriction on the exercise of the freedom of the press to prevent the press acting irresponsibly or non-accountability and as an instrument of public service to safeguard the people's right to get accurate and true information. He was responsible for dropping 'sedition' as a ground of restraint, so that people must have the right to criticism the Government. He strongly resisted the freedom of the press to be of 'absolute' in its nature, as absolute freedom would lead to anarchy by drawing the attention of other members of Constituent Assembly and even the USA Constitution has contained implicit restriction which are in principle no different from Art 19(2) of the Constitution of India. The people of Indian nation must live up to the aspirations of Dr. B.R. Ambedkar to use the media for promoting, rule of law, social justice, liberty and essential constituent elements of freedom of the press. Press alone can rescue the Country from collapsing standards of public life, when the opposition collectively was not able to accomplish. The press freedom must be for the people, by the people and of the people. Then only democracy may prevail over the entire life of the nation.

Keywords: Constitution, laws, equality

Introduction

1. Bharat Rattan ^[1] Dr. B.R. Ambedkar is known to the entire World as the main Architect of Indian Constitutional edifice, who dedicated his entire life to the establishment of a new social order based on principles of liberty, equality and universal brotherhood ^[2]. Wedded to the cause of social justice, he was a great thinker and a great scholar of repute, who possessed the collective wisdom of Judges of Supreme Court, when he said in the constituent Assembly that no separate guarantee was needed for the freedom of the press, as it is a part of freedom of speech and expression ^[3] and the press is no distinct from an individual or a citizen. Dr. B.R. Ambedkar stated, "The press is merely another way of stating an individual or a citizen. The press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity" ^[4].
2. Freedom of the press is really a right belonging to the people's right to know and the journalists or editors or proprietors of the media are merely discharging a duty to make the people know and thus acting as trustees of the general public. In *Re. M.* ^[5] it was observed as follows:-

"It is not because of any special wisdom, interest or status enjoyed by proprietors, editors or journalists. It is because the media are the eyes and ears of the general public. They act on behalf of the general public. Their right to know and their right to publish is neither more or less than that of the general public. Indeed it is that of the general public for whom they are trustees".

In other words, the press has to act for the beneficiaries who are the people and the trustees are under a solemn duty to act on their behalf. This justifies Dr. B.R. Ambedkar's view not in favour of a special provision to guarantee the freedom of the press, as it is already conferred with this right as a 'citizen' under Art 19(1) (a) of the Constitution. Dr. B.R. Ambedkar gave full expression to this view, when he observed thus:-

"The editor of a press or the managers or all citizens and therefore when they choose to write in newspapers, they are merely exercising their right of expression and in my Judgment therefore, no special mention is necessary of the freedom of the press at all" ^[6].

In view of this prevailing view, the repeated demand of the certain sections of people or political parties for a separate guarantee of the freedom of the press has come to be rejected

by the successive governments. The right of the press is implicit in Art 19 (1) (a)-freedom of speech and expression^[7].

3. The protection to the press in matters of interference with its freedom is really to protect the interests of the people, that their right to know is not infringed. Thus, the press is only defending the right of the people and in order to defend effectively, legal protection is extended to the press. The courts have struck down unwarranted interference with the freedom of the press. In *Express Newspapers (P) Ltd. Vs. Union of India*,^[8] the Supreme Court observed thus:-

“Laws which single out the press for laying upon it excessive and prohibitive burdens which would restrict the circulation,^[9] impose a penalty on its rights to choose the instrument for its exercise or to seek an alternative media, prevent newspapers from being started and ultimately drive the press to seek Govt., aid in order to survive, would be struck down as unconstitutional”.

4. Another important contribution of Dr. B.R. Ambedkar relates to restrictions on the freedom of press in order to ensure the misuse of freedom creating many problems in the maintenance of peace and order in society and to protect the rights of others, such as right to privacy, undue interference with administration of justice, public order, morality and the interests of security of State and maintaining friendly relation with other Countries.

Dr. B.R. Ambedkar observed thus: “The most criticized part of the Draft Constitution is that which relates to Fundamental rights. It is said that Art 13 which defines Fundamental rights is riddled with so many exceptions and the exceptions have eaten up the rights altogether. It is condemned as a kind of deception. In the opinion of critics, fundamental rights are not fundamental rights unless they are also absolute rights. The critics rely on the Constitution of USA and by the Bill of rights embodied in the first ten amendments to the Constitution in support of their contention. It is said that fundamental rights in American Bill of rights are real because they are not subjected to limitations or exceptions”^[10].

It is true, as asserted by Gandhiji that no free society can exist upon denial of individual freedom but absolute freedom would mean anarchy. In fact, absolute freedom will destroy the society itself and there cannot be any freedom granted without corresponding duty, as the rights and duties go together (Salmond). Dr. B.R. Ambedkar explained ‘that it was not as if the rights under the US Constitution were absolute and unbridled. He asserted that the draft Constitution defined the limitations on fundamental rights instead of depending on the Supreme Court to come to the rescue of Parliament. He opined that the resultant consequence was the same in either of the cases. In fact, the legislature dealt with the issue of ‘restrictions’ on freedom of the press directly and if not dealt with in the manner it did, the issue would have been dealt with indirectly, just like the law of privacy was dealt with by judiciary as in the recent case^[11]. In fact, the Supreme Court of US has read into the rights of the press certain implicit restrictions which are in principle, no different from Art 19(2), of the Constitution of India^[12].

However, the ‘reasonableness’ of the restrictive law, which is open to judicial review has missed by over-right by Dr. B.R. Ambedkar to add “reasonable” in Art 19(2), which has remedied by the Constitution Ist Amendment Act, and this Amendment also provided for “public order”

as an authorized ground of restraint, the absence of which resulted in striking down the law in *Ramesh Thappar*^[13].

5. It is interesting to point out that Dr. B.R. Ambedkar dropped the ground of ‘sedition’ as a restriction of freedom of speech and expression in order to preserve the democratic character of Government and to ensure the observance of rule of law and make the authorities responsible and accountable by conceding to the people the right to criticize Govt.: As observed by Douglas J in *Terminiello’s case*,^[14] “acceptance by Government of a dissident press is the measure of the maturity of the nation”.

Conclusion

In conclusion, it is worthwhile to point out as follows:-

- i). Citizens depend on the media to safeguard democracy and public interest;
- ii). In the light of collapsing standards in public life, the media’s role is vital in exposing corruption and to check abuse of power by authorities;
- iii). Satellite revolution covered TV and other electronic media within the ambit of free speech and expression;^[15]
- iv). If the press runs on dictates of profit, it ceases to be free in the true sense.

Efforts should be made to meet such challenges and free the press from commercial aspects of profits;

- v). Steps to be taken not to mix politics with journalism, otherwise it would be detrimental to the notion of free speech;
- vi). Since the media owes its power to the trust reposed in by the public, it must resist every attempt on its freedom by all forces;
- vii). Steps to be taken to democratize the freedom of the press to make it “for the people, by the people and of the people”;
- viii). As observed in *S. Khushboo’s case*,^[16] “the law should not be used in a manner having chilling effect on freedom of speech and expression”; as the chilling effect is the same irrespective of the method of communication;
- ix). The greatest tribute, one may pay to Dr. B.R. Ambedkar, is by using the freedom of speech and expression, to promote democratic values, rule of law and social justice in all facets of our life, as in the prosperity of the Indian Nation lies in the prosperity of the people of India.

References

1. The highest Civilian Award ‘Bharat Ratna’ was conferred on Dr. Ambedkar on 14-4-1990 on his birth centenary and the year 1990-1991 was declared as the year of ‘social justice’.
2. Justice A.S. Anand, Judge of the Supreme Court of India (as he then was) in a speech delivered on 13-4-1997.
3. See for details Art 19(1)(a).
4. See for details Constituent Assembly Debates Vol. VII P.780 (2/12/1948).
5. (1990)1 ALL ER P.205.
6. See note 4.
7. *Menaka Gandhi Vs. Union of India* (1978)1 SCC P.248. See also *Sakal Newspapers AIR 1962 SC P.106*.
8. *AIR 1958 SC P.578*.
9. See for ‘freedom of the right to circulation’ *Ramesh Thapper Vs. State of Madras AIR 1950 SC P.124*; wherein it was held, “without the right to circulation, the

right of free speech and expression would have little meaning”.

10. Constituent Assembly Debates Vol. I to VII (VII CAD P.40).
11. See for details Justice Puttaswamy’s case AIR 2017 SC October issue.
12. See for details Secretary, Ministry of Information & Broadcasting Vs. Cricket Association, Bengal (1995)2 SCC P.161.
13. See for details AIR 1950 SC P.124.
14. (1948)93 L. Ed. P.1131 at P.1134.
15. Shreya Singhal Vs. Union of India (2015) SCC on link SC P.248.
16. (2010)5 SCC P.600.