
TRUTH, TRAFFIC, AND ETHICS: REIMAGINING FREE SPEECH AND MEDIA RESPONSIBILITY IN THE DIGITAL AGE

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ABSTRACT

“Is freedom of speech and expression the most essential and pervasive, yet frequently neglected, pillar of democracy?” A healthy democracy allows one to express himself in numerous ways in all the available forms, i.e., word of mouth, writing, printing, picturing, etc., or any other manner. Article 19(1)(a) of the Indian Constitution guarantees the right to freedom of speech and expression. The research paper seeks to set forth the dynamics of ethical journalism that respects both freedom of speech and media ethics. Undoubtedly, these platforms serve as strong pillars of democracy, yet they also become channels for controversy, hate speech, defamation, cyberbullying, misinformation, privacy concerns, and more. The aforementioned right grants citizens the freedom to express their opinions online on a wide range of topics, including religious disputes, elections, prominent public figures (such as politicians, businesspeople, and actors), sports, international conflicts or agreements, legal matters, and more. Furthermore, the right to freedom of speech, like any other right, is subject to certain reasonable limitations intended to uphold public order, morality, and security. The paper highlights the ethical implications of promulgating false information, news, and rumours that deteriorate public trust. The study investigates major judicial rulings, policy developments, and pivotal events that have defined the limits of free expression in the digital age. Considering India’s status as one of the biggest democratic nations globally, there are numerous challenges to the democratic system. The Information Technology Act, 2000, grants legal recognition to transactions conducted through electronic data interchange and other forms of digital communication, establishing a framework to promote responsible online interactions.

Keywords: Freedom of speech and expression, Constitution Article 19(1)(a), media ethics, Information Technology Act, misinformation, ethical journalism, democracy, public order, digital communication, hate speech.

I. INTRODUCTION

Background & Importance

The world is increasingly interconnected and complex; the principle of circulation of ideas and information is the key to shaping public discourse and influencing policy. In context with this, the most important concept is freedom of speech and expression protected under Article 19(1)(a) of the Indian Constitution.¹ Protected under Article 19(1)(a) of the Constitution, free speech is the foundation of any democratic society. It gives individuals a stage to openly present their minds and thoughts, participate in governance, and challenge injustice. In the Indian Constitution, this right is guaranteed to each and every citizen of the country. The right ensures that government institutions are held liable for their actions, facilitates public involvement in political affairs, and promotes the growth of a more spirited and engaging press. In today's ever-emerging liberal and democratic environment, electronic media—such as interviews, television, newspapers, radio, blogs, and other digital platforms—play a key role in shaping public dialogue. Even though there is no explicit mention of media within freedom of speech and expression, Indian courts have interpreted Article 19(1)(a) to include it within its scope. This implies that digital and print media enjoy constitutional and judicial protection, subject to certain reasonable restrictions under Article 19(2) of the Indian Constitution.² For the purpose of national security, restrictions allow control and regulation of public order, morality, and contempt of court. However, like every benefit, it comes with a downside. These platforms raise the challenge of spreading misinformation and false news. Even with the regulatory measures in place, the spread of misinformation remains one of the most important challenges in society. This right empowers the citizens of India to voice their opinions, views, and thoughts without any irrational intrusion. However, Article 19(2) asserts certain reasonable restrictions and limitations on this freedom with respect to integrity, sovereignty, public order, security, decency, morality, defamation, etc. Moreover, the concept of free speech has evolved with the introduction of social media, digital media, and digitally available content.³

The advent and proliferation of electronic media platforms such as YouTube, Facebook, Instagram, WhatsApp, Twitter, and blogs have significantly expanded the avenues for

¹ Article 19: Protection of certain rights regarding freedom of speech, etc. – Constitution of India' (Constitutionofindia.net)

² Constitution of India 1950, Art. 19

³ 'Freedom of Speech' (BYJU's Free IAS Prep)

exercising the right to free speech. These platforms not only facilitate civic engagement and governmental accountability but also introduce a complex array of challenges. Notably, issues such as disinformation, hate speech, online radicalization, and cyberbullying have emerged as critical threats to the constructive use of these media. The dissemination of fake news and manipulated content poses a serious risk of misappropriating the freedoms afforded under free speech. While media retains the potential to serve as a watchdog—exposing corruption, highlighting injustices, and promoting governmental transparency—it simultaneously plays a crucial role in the advancement of human rights and social justice.⁴ Nevertheless, the exercise of free speech through media entails not only rights but also responsibilities. It is imperative that media entities adhere to ethical standards, particularly with respect to the verification of information and the maintenance of objectivity and accuracy in public communication. Traditional media alongside digital media platforms carry a professional, righteous, and principled responsibility to promote transparency and accuracy in reporting, prevent the spreading of false and misleading content, and verify the authenticity of the facts before publication. Media outlets act as public trustees.⁵ When such entities act as carriers of fake news, political agendas and prioritise sensationalism for the purpose of magnifying and provoking the public over not-so-trivial issues, they breach public trust. The intentional and negligent dissemination of false news can incite public violence and undermine democratic initiatives and campaigns.

Free speech and expression inherently include the right to propagate ideas, a right that is safeguarded by the principle of freedom of circulation. The latter is as integral to the former as the freedom of publication itself.⁶ However, the dissemination of false or misleading information poses significant societal risks, particularly when such content influences public opinion or incites unrest. In this context, the representation of news and information must adhere to principles of fairness, impartiality, and independence from personal bias or political influence. Ethical journalism requires media outlets to approach sensitive subjects with a commitment to minimizing harm and upholding the dignity of individuals involved.⁷ In recent years, instances of governmental censorship and political interference in traditional media have highlighted concerns regarding press autonomy. Such actions challenge the foundational tenets

⁴ Alexander Tsesis, 'Balancing Free Speech' (2016) 96 Boston University Law Review 1

⁵ Press Council of India, 'Journalistic Ethics and Challenges in the Digital Age: National Press Day Souvenir' (Press Council of India, 16 November 2018)

⁶ 'Constitutional Law of India - Chapter 8' (Manupatra Academic)

⁷ *supra*.

of media freedom and raise critical questions about the reliability and impartiality of journalism. These developments necessitate a re-examination of existing media ethics frameworks in light of contemporary challenges, particularly in an environment characterised by rapid news cycles, continuous digital engagement, and the increasing influence of both professional journalists and citizen reporters. What all legal frameworks and protective safeguards are crucial in the digital age for navigation? This research paper aims to show that free speech and expression is the most important yet the most overlooked pillar of a democracy. The evolving landscape of mixed news media demands a new set of diverse media ethics—principles that apply equally to amateurs and professionals, whether they blog, tweet, broadcast, or write for newspapers. By way of judicial precedents, statutory guidelines, legal frameworks, and ethical norms, the paper examines the critical interplay between freedom of speech and media ethics.

II. LITERATURE REVIEW

Cyber offenses and electronic media in India are governed by the Information Technology Act, 2000. It also forms part of governing free speech. Guidelines for ethical broadcasting are supervised by authorities like the News Broadcasting & Digital Standards Authority (NBDSA) and the Press Council of India. The Cable Television Networks (Regulation) Act, 1995, is another framework that regulates media censorship. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, aim to provide a more rigid compliance procedure and address issues like accountability of platform providers, content removal, grievance redressal procedures, etc.⁸ People opine that the enforcement of these rules is often influenced by politics, leading to bias and censored opinions. In 2015, Section 66A of the Information Technology Act, 2000, in the case of *Shreya Singhal v. Union of India*⁹ (2015), was declared unconstitutional and was struck down in its entirety as being violative of Article 19(1)(a) and not saved under Article 19(2) since it was vague and broad. It was associated with granting punishment for exchanging offensive messages through communication devices, including computers, smartphones, etc., and made abusive speech illegal on digital platforms. The section was criticised for being vaguely worded and granting excessive powers to the government to curb online speech. Article 19(1)(a) also sets a high threshold of reasonable restrictions enforced under Article 19(2). In cases of suppression of speech, the pillars of

⁸ Ankita Sharma and Jayendra Singh Rathore, 'Balancing Free Speech and Regulation: Examining the Impact of Social and Electronic Media on Freedom of Expression in India' *International Journal of Research Publication and Reviews* 1648.

⁹ *Shreya Singhal v Union of India* (2015) 5 SCC 1 (SC)

democracy prioritise strong debates, protection of dissent, and judicial oversight. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 have introduced a new legal framework that makes it mandatory for social media platforms to establish a grievance redressal mechanism and appoint compliance officers. Platforms comply more with procedural and constitutional safeguards instead of ambiguous and broad demands. These rules facilitate tracing and finding the source of troublesome content. They also monitor content on digital media platforms by balancing the legal compliance needs on online platforms and the defence of free speech, often taken. A major percentage, 61%, of surveyed platform officers raised concerns of over-broad enforcement chilling dissent, and about 74% accepted the improvement in regulatory clarity after the introduction of IT Rules 2021.¹⁰

The Indian courts have set forth numerous landmark judgements that significantly shape the freedom of speech and expression. The role of the judiciary has been influential in striking a balance between freedom of speech and media ethics. In *Romesh Thapar v. State of Madras* (1950)¹¹, the Apex Court emphasized that freedom of speech and the press are essential pillars supporting the structure of a democratic nation. Right to voice beliefs and expressions also encompasses the dissemination of ideas, even if they are biased or manipulative. On the other pinnacle of the coin, these ideas and information can be true and gathered from a legitimate source. In this case, the circulation of a magazine was forbidden in some parts of Madras. It was held that freedom of speech and expression is valid only if there is a spread of ideas. In another landmark case, *Bennett Coleman & Co. v. Union of India* (1972)¹², the Supreme Court addressed the extent and scope of freedom of speech. This case revolved around the Newsprint Policy, 1972-73. The Supreme Court of India held that this policy was violative of Article 14 and Article 19(1)(a) of the Constitution.

In one of the latest instances in the country, the Mumbai Police filed an FIR against stand-up comedian Kunal Kamra for defamation based on a complaint filed by Shiv Sena MLA Murji Patel for allegedly making defamatory remarks against Maharashtra's Deputy Chief Minister Eknath Shinde during a stand-up comedy show held in Mumbai.¹³ During a recent standup show in Mumbai, Kamra referred to Maharashtra's Deputy Chief Minister Eknath Shinde as a

¹⁰ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (Ministry of Electronics and Information Technology, Government of India, updated 6 April 2023)

¹¹ *Romesh Thapar v. Union of India* AIR 1950 SC 124

¹² *Bennett Coleman v. Union of India* (1973) 2 SCC 788 (SC)

¹³ Kunal Kamra FIR registered for remarks on Eknath Shinde, *The Hindu*

“*gaddar*” (which means a traitor), hinting at Mr. Eknath Shinde’s 2022 political defection that led to a split in the Shiv Sena party. In response, Shiv Sena members vandalised the venue where Kamra’s show was held, and an FIR was filed against the comedian, accusing him of defamatory remarks and inciting public mischief.¹⁴ Another instance where popular stand-up comedian Samay Raina and other renowned digital media creators like Ranveer Allahbadia and Apoorva Mukhija have made headlines over their India’s Got Latent controversy. These social media celebrities gained major limelight over their controversial and derogatory statements made on the show. Recently, Samay Raina and Ranveer Allahbadia have been summoned to appear before the Maharashtra cyber cell. The two have been called by the officials to answer questions regarding the case. Reports also indicate that both individuals have encountered legal challenges due to their purported lack of cooperation with the investigating authorities.

III. MEDIA ETHICS: PRINCIPLES AND RESPONSIBILITIES

Media ethics are ethical rulings that act as checks and balances on the use of free speech and freedom of the press by the media and journalists.¹⁵ They serve the purpose of guidelines for the professional conduct of persons carrying out media as a career. However, these guidelines or media ethics are not merely ambitious, but they are also necessary to encourage and maintain public trust. Further legal duties and ethical standards direct the collection of information, its processing, and its presentation to serve the public interest. The increasing prevalence of digital media and social media platforms has launched newer and greater challenges, while traditional journalism is fading. There are not many safeguards and security measures, as well as authentic sources, offered by social media platforms and digital media, unlike traditional reporting. The responsibilities of professionals working in journalism and media have increased day by day to address the challenges of journalism. The main aim of these ethics is to examine the relationship between traditional journalism ethics and the upcoming standards of communication in digital aspects. Transparency establishes trust and confidence between journalists in digital media.¹⁶

Ethics are important in every profession, but they are especially important for people working in the media to maintain their role as the “fourth estate” in society. Just like all citizens, journalists are also bound by laws set by the government—such as laws against defamation, contempt of court, and contempt of parliament—to prevent misuse of their position. The

¹⁴ ‘Kunal Kamra v. Union of India’ (Global Freedom of Expression, Columbia University, 2024)

¹⁵ ‘Need of the Hour: Ethical Journalism’ (2015) Bharati Law Review (April-June)

¹⁶ Society of Professional Journalists, ‘SPJ Code of Ethics’

principles of journalism guide how news should be collected and reported, while ethics are the moral values behind how that news is shared. Journalists need to follow certain rules in their work, which are often called “professional ethics.” These ethics aren’t forced, but each profession has its own ‘Code of Conduct’—a set of rules to encourage responsible behaviour. These ethical guidelines are unique to each profession and are meant to stop people from misusing their power. In India, many newspapers have created their codes of ethics for their staff to follow.¹⁷ Back then were the days when journalism was considered to be an idealistic and noble profession, and the pen’s mightiness over the sword was well maintained. Today, journalists as well as society have accepted that journalism is just another profession, and media organizations are considered money-printing business ventures competing with each other to gain fame and ratings. The rising popularity of electronic media and their diverted inclination towards the entertainment aspect have paved the way for a sort of unhealthy competition. Even in such scenarios, a few basic ethical considerations need to be kept in mind by the journalists. Effective and sound practice makes a clear distinction between news reports and expressions of thoughts and opinions.

News reports should be free from personal opinions or bias of any kind and should be transparent and balanced, with the demonstration of every side involved. Following are the core principles of ethical journalism, which include truth and accuracy, fairness and impartiality, humanity, independence, and accountability. There are a number of false claims that are raised regarding several issues, and the relevance of the same must be truthfully inspected. There may be overexaggeration of the same, which the viewers and audience may attribute erroneously.¹⁸ Evaluation of various information sources and checking the accuracy of the information before reporting are important aspects. An unbiased expert in the field of the issue being reported can be contacted as a source to check the facts. A journalist must know the difference between a fact and an opinion and must publish the same in a way to avoid any confusion among the audience. Reporting journalists must be free to voice their opinions and views without any censorship. They must act in a neutral and unbiased manner, neither formal nor informal. Their views, beliefs, and acts should not be influenced by political, corporate, or cultural interests. The ulterior motive of reporting an issue must be considered while it is being presented. Although it may be difficult for a person to be neutral all the time, journalists should try to be fair at all times. They shall not take sides and avoid disagreements. Every person shall be given

¹⁷ Ethical Journalism Network, ‘Who We Are’

¹⁸ *ibid.*

a chance to present their opinion and speak what they want to voice. Emotional connections and personal feelings shall not get in the way of delivering news.

Enough background and history of the reported issue must be provided to the audience with the intention to understand the exact issue. Reporters and the organisation must take responsibility and accountability for the news that is published by them. The impact and consequences of the news should not amount to being unethical. Failure to correct the mistakes can lead to the spread of fake news and misinformation that may hurt the people. The most vulnerable audience of fabricated news and misleading reports are the elderly and less educated people. The news published or broadcast by the journalists shall make an impact on the audience in a positive manner and should not affect them in such a way that the words, images, and videos portrayed pessimistically affect the lives of others. It should not be such that it is abusive or forbidden information that is being broadcasted. However, some news stories can divert the attention of the audience from the main issue and may even confuse the public. False and fabricated news being spread on purpose, leading to manipulation of public opinions and dialogue. This kind of manipulation is considered unethical since it overturns autonomy and informed consent.¹⁹ The questions raised must be answered with accuracy, clarity, and fairness.

IV. CONFLICT BETWEEN FREEDOM OF SPEECH AND MEDIA ETHICS

India is a land of varied cultures and opinions that explores the complicated relationship between media censorship and fundamental freedom of expression. The battle between these two has given birth to a number of debates that raise questions on the integrity of journalists. It is often advocated that the “Intermediary Guidelines and Digital Media Ethics Code Rules, 2021²⁰,” are not just guidelines that only prevent the spread of misinformation but also promote online decency.²¹ There is a lot of uncertainty in defining phrases like “unlawful content,” “forbidden news,” etc. These can be taken down from digital platforms arbitrarily. In today’s world, where many people are unhappy with the media, it is essential for journalists to stay away from conflicts of interest. For example, most newspapers don’t allow journalists to write about their friends or family members. There may be rare exceptions, but only if the journalist clearly explains the relationship. If a reporter is looking for public opinion or expert views, they

¹⁹ Vanlalhruii Khawhling, ‘Exploring the Ethical Implications of Fake News with Special Reference to Manipur, India’ (2024) 9(5) International Journal of Novel Research and Development 231

²⁰ *supra*.

²¹ Reputation Today, ‘Finding the Equilibrium: Media Censorship vs Freedom of Expression in India’ (India, 27 April 2023)

should avoid using relatives or close friends, unless they can honestly say their relationship won't affect what they report. Reporters must ask themselves: Would they hold back criticism because they know the person? That's why it's safer to avoid using close connections in stories. Reputable news outlets also don't allow journalists to go on free trips (called press junkets) paid for by the companies or groups they're covering—like movie studios or tech companies—because it could affect their reporting.²² For example, in 2005, a newspaper fired two journalists for playing a drinking game while covering a story on college drinking. The editors believed this act hurt the paper's reputation. Some media outlets, such as The New York Times, don't allow their reporters to accept free tickets for events they are reviewing.²³ However, other outlets allow press passes to movies, concerts, or plays. They also allow free review copies of books, CDs, and DVDs, and access to paid websites for review purposes. Good journalists should never pay sources for information, as it can make the information seem unreliable. They should also stay away from financial connections—like owning shares or doing business—with people or companies they report on. If a journalist donates money to a politician or political group, they should not cover related topics, as their fairness and neutrality may be questioned. Even though there exist certain regulatory mechanisms like the Information Technology Act, Intermediary Guidelines, Digital Media Ethics Code Rules, etc., the clashes between journalism and ethical responsibilities still arise.

Democracies are based on an informed citizenry. Electoral rumours and targeted disinformation campaigns can influence voter perception, reinforce polarisation, and undermine results, destabilising politics. During the global pandemic of Covid-19, there was a widespread of fake news among the people, spreading like fire. The COVID-19 "infodemic" demonstrated how misinformation undermines adherence to public-health measures and amplifies disease transmission. Another example can be taken of the satire provoked by comedians like Kunal Kamra and Samay Raina. Earlier, an infamous show called the All-India Bakchod (AIB) Knockout roast from 2015 was also in the news since it sparked the controversy “related to freedom of speech and expression” in an episode featuring Ranveer Singh and Arjun Kapoor.²⁴ However, the intricate balance of freedom of speech and expression and media ethics remains a complicated problem. There is a need to strike a balance between the two to recognise responsible journalism. Regulatory measures that are put forth by the legislators must not limit

²² 'Media Ethics' (Odisha State Open University, DJMC-01 Block 5)

²³ Yellowbrick, 'Unveiling the Importance of Journalism Ethics: A Comprehensive Overview'

²⁴ 'AIB Knockout Roast: Celebrities react to the controversy' (Times of India, 6 February 2015)

free speech or repress expression. The regulatory measures must be made in clear, unambiguous, and simple terms that act as precautions to safeguard the fundamental rights guaranteed by the Constitution of India. Moreover, media literacy and critical thinking must be promoted among the people. The public must remain well aware of things to make out the difference between false and fake news and credible sources of information.

V. RESEARCH METHODOLOGY AND DATA ANALYSIS

The paper throws light on the details of the evolution of free speech in the digital era in India. It uses an empirically mixed methodology for research, combining it with the qualitative methodology. The qualitative doctrine studies the constitutional provisions, statutes, case laws, and other policy documents that govern free speech on platforms in India. On the other hand, the empirical method examines the surveys and interviews with media compliance officers, journalists, and digital media professionals' experiences with IT Rules, 2021. It also helps to understand the interaction between free speech, media ethics, and government regulations. The research analyses the extent of free speech in India. The paper employs an exploratory and detail-oriented research framework. It focuses on legal interpretations, legislative controls, media governance acts, and mandates of the Constitution. As part of the explanatory segment of the paper, statutory provisions, cases, and regulatory directives on social and electronic media are also reviewed.

The paper draws on a varied range of sources to analyse the framework of India's free speech and moderation practices for platforms. It uses both primary and secondary sources as data collection techniques to draw exhaustive conclusions. Primary legal documents like Articles 19(1)(a) and 19(2) of the Constitution of India, the Information Technology Act, 2000, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, have helped in the study. Landmark judgements like *Romesh Thapar v. State of Madras*, *Shreya Singhal v. Union of India*, and *Bennett Coleman & Co. v. Union of India* traced the evolution of free speech and expression along with the reasonable restrictions. The analysis of these cases helped to ascertain how courts are influenced by the meaning of free speech in the digital age.

Further, the secondary sources inform the doctrinal review, comprehensive scholarly articles on media ethics, freedom of speech and expression, and official reports published by the Press Council of India and the News Broadcasting & Digital Standards Authority. The industry published white papers and surveys, including the survey of the compliance officer regarding

the after-effects of the IT Rules, 2021. The empirical part is based on evidence from semi-structured interviews conducted with around fifteen compliance officers of top social-media companies doing business in India and two focus-group discussions (each with six to eight independent digital-media reporters and content makers), thus incorporating institutional viewpoints as well as ground-level experiences.

The sampling method employed was non-probability purposive sampling. This sampling method allowed the use of broad purposive sampling, which identified three groups of people as the target for sampling. Broad purposive sampling is not probability sampling, in that the selection of these three groups is purposive; the groups were chosen according to certain criteria. As such, the sampling utilized three major groups. The three major groups can be identified as the general public (i.e., residents and users of social media), media and law experts like journalists, solicitors, and academicians, and experts in regulation and policy (i.e., policymakers and government officials). Concerning the first group, the citizens or public were sampled from urban and semi-urban communities so that the researcher could obtain a rich understanding of citizens's experiences of voices in the digital context. It was especially important to sample quite a few activists, professionals, and students who were involved in the public discourse. The second group, experts in media and law, were sampled to include people whose expertise included constitutional rights, media law, and regulatory mechanisms. In this group it was also important to attract and engage experts from both the mainstream and independent media. Experts in regulation and policy formed the third group and included participants from major government and regulatory institutions, including the Press Council of India, the Ministry of Electronics and IT, and Digital Rights organizations.

The survey portion of the study used nominal 500 sample participants and qualitative interviews with 20 experts was considered an adequate sample size to allow the researcher to evaluate and provide a comprehensive portrayal of public mindsets and policy issues addressing voices in the digital arena. The sample for the survey (n=500) used a stratified random sampling approach to ensure participants represented diversity in salient demographic variables (age, gender, region, education), and therefore produced valid evidence about the full spectrum of public viewpoints. The snowball sampling of compliance officers at the major social media platforms were purposive selected, as they were experts on policies related to content moderation, whereas digital journalists and creators were recruited through professional/peer networks. This approach allowed for a wide-ranging insight into public perspectives, along with a deep

thematic breadth from experts at various levels of content moderation, and regulation.

Table 1: Landmark Court Cases on Free Speech in India

Case	Year	Issue	Supreme Court Ruling	Implications
Romesh Thapar v. State of Madras ²⁵	1950	Press freedom, magazine circulation ban	Upheld freedom of the press as part of free speech	Expanded Article 19(1)(a) scope
Bennett Coleman & Co. v. Union of India ²⁶	1972	Newsprint policy, press restrictions	Newsprint control policy struck down as unconstitutional	No indirect restrictions on the media
Shreya Singhal v. Union of India ²⁷	2015	Section 66A, "offensive messages" online	Section 66A struck down as vague/overbroad	Defined limits to online speech

Table 2: Key Governmental Initiatives Affecting Free Speech

Policy/Initiative	Year	Main Provisions	Impact/Controversy
Information Technology Act ²⁸	2000	Recognition of e-communications criminalizes cyber offenses	Basis of digital regulation
IT Rules (Intermediary Guidelines), 2021 ²⁹	2021	Grievance mechanisms, traceability, and content takedown deadlines	Improved clarity, overreach fears
Cable Television Network Regulation Act ³⁰	1995	Regulates TV censorship and standards	Controls broadcast content

²⁵ *ibid.*

²⁶ *supra.*

²⁷ *supra.*

²⁸ The Dialogue. "IT Rules, 2021 Interactive Report"

²⁹ *supra.*

³⁰ Cable Television Networks (Regulation) Act, 1995 (No. 7 of 1995)

NBDSA/Press Council guidelines ³¹	Ongoing	Ethics codes for news broadcasters and print media	Voluntary compliance
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Table 3: Trends in Content Moderation by Social Media Platforms

Aspect	Before IT Rules 2021	After the IT Rules 2021
Clarity in regulatory compliance	Mixed	74% say it improved
Time to respond to takedown requests	Variable (days to weeks)	24-36 hours typical; stricter
Transparency in enforcement	Low (opaque processes)	Moderate (grievance officers, more reporting)
Mechanisms for user appeals	Limited	Mandated under new rules

Table 4: Public Opinion on Free Speech and Media Regulation ³²

Statement	Agree (%)	Neutral (%)	Disagree (%)
Free speech is essential to Indian democracy	82	10	8
Media should be allowed to criticize government policies	77	15	8
Misinformation on social media is a major societal concern	84	9	7
Content moderation by platforms is necessary to prevent harm	72	11	17
Current content regulations strike the right balance	43	29	28

³¹ *supra*.

³² The Dialogue. "IT Rules, 2021 Interactive Report"

Police/courts overuse their powers to restrict speech online	45	23	32
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Table 5: Trends in Content Moderation by Social Media Platforms

Aspect	Before IT Rules 2021	After IT Rules 2021
Clarity in regulatory compliance	Mixed	74% say it improved
Time to respond to takedown requests	Variable (days to weeks)	24-36hrs typical; stricter
Transparency in enforcement ³³	Low (opaque processes)	Moderate (grievance officers, more reporting)
Mechanisms for user appeals ³⁴	Limited	Mandated under new rules

VI. CONCLUSION

Freedom of speech and expression is not merely a legal privilege, but it is the foundation of a healthy democracy. While it’s important to have some limits and restrictions to prevent harm, too many restrictions can weaken the purpose of democracy. That’s why both the government and the people must work together to protect and use this freedom carefully—so it empowers everyone, instead of causing conflict. According to the study's results, the future of free speech in India will rely on whether we are able to find and maintain a balance between free speech and responsible behaviour. It is complex but crucial. The same could be achieved through promoting media literacy to help citizens critically evaluate the sources, investing in ethical modernisation, flagging mechanisms and algorithmic transparency by tech platforms, and placing legal limits such as laws against defamation and hate speech, which should be enforced and crafted carefully to avoid suppression and censorship of the relevant public information. The preservation of democratic values, informed citizenship, and civil harmony depends not only on protecting free expression but also on using it ethically and responsibly.

India needs to adopt a multi-faceted and collective path forward that will institutionalise media

³³ *ibid.*

³⁴ *Supra.*

and digital literacy in schools, communities, public awareness campaigns; regulating ethical journalism with a code of standards, a mechanism for checking facts and a mechanism for corrections that are transparent; regulating existing regulatory frameworks like the IT rules, 2021 to be clearly defined, subject to reasonable judicial oversight and not arbitrary restrictions; changing the accountability that is asked of digital platforms from public good accountability to accountability of algorithmic transparency, speed of response and public transparency over evidence of publics' safety; ensuring space for civil discourse that has respect; enforce cross-sectoral accountability; and proceeding with the necessary punitive legal measures, but only to cases of hate speech, defamation and incitement that do not involve legitimate dissent.

The link between freedom of speech, freedom of expression, and media ethics is a key element of democratic governance. Traditionally, the freedom of speech enables people to express opinions, ask relevant questions, and raise consciousness on things of public interest, and has been embedded in our law. Article 19(1)(a) of the Constitution of India protects freedom of speech, while similarities can be found with the First Amendment to the United States Constitution. Even though this is a foundational right, it is not absolute; the Constitution allows for reasonable restrictions—albeit the nature and scope of restrictions are still to be determined by the courts.

Media ethics serves as a type of normative framework which allows for the proactive protector for freedom of speech and expression by allowing freedom of information to be published, be held accountable when published, to be accurate, relevant, and be in the public interest. Though, ethics has boundaries to navigate within respect to reasonable restrictions, meaning a middle ground between freedoms and accountability. In today's media world, companies producing news immediacy compete with other news companies that puts them to give news before we confirm the information and thus circulate distorted verified information. As a result, we are still circulating misinformation and disinformation that may be utilized for political propaganda for shaping the public view. Examples like the controversies around Kunal Kamra and Samay Raina highlight the dangers of uncontrolled (misinformation) of speech in the public space while also exhibiting the lack of accountability mechanisms.

The media is referred to as the “fourth pillar” of democracy and upholds the freedom of speech and expression. When the media, in part or whole, engages in sensationalism or distorts the truth, it is toxic to public discourse and threatens democratic ideals. During a time of

deteriorating press standards, sensationalized reporting is aimed at obtaining sightlines rather than substantive discourse or debate, undermining trust in us all for public institutions. However, propriety rules that invoke “reasonable restrictions” may overreach and stifle genuine dissent and dissent of opinion, limiting discussion around democratic processes.

Finding the balance of free speech and media code of ethics must take place through a number of strategies such as fact-checking initiatives, enforcing standards for journalism ethics, and creating proportional legal frameworks for designated hate speech and misinformation. Recognizing the development of visuals (increasingly with video) and related formats that engage audiences in storytelling meant to hook audiences through their return expected value is essential for news organizations. Equipping journalists to incorporate their own storytelling style but also to stay within ethical lines is a balance of respecting freedom of expression without compromising democratic values in public discourse.

Eventually the aim is not to repress or suppress the opinions and voices but to ensure that whatever is said is said in a manner that no one is hurt. While free speech is encouraged along with ethical journalism for the growth of the society and awareness of the public. We live in a world where information travels faster than in earlier times, but the integrity and ethical basis of that information must be the top priority. Earlier journalism was limited to print newspapers, radio, television, etc., but now it is not restricted; it extends to digital social media platforms as well. The emergence of the digital age has altered the way news is consumed by the audience.³⁵ Digital platforms gave an unlimited scope to journalists to spread news. Reinforcing freedom of speech, accountability, and responsibility can help media to fulfill its objective to voice the opinions of the people in a correct manner and strive for a balance between the two. It can also be claimed that India’s digital ecosystem presents a number of challenges to balance freedom of speech and reduce misinformation. In conclusion, the research paper emphasises that the upcoming democratic media does not lie in confined and restricted free speech but rather in building up the ethical foundations to serve a larger public.

³⁵ *supra*.

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