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# DIGITAL MEDIA, FREEDOM OF EXPRESSION, AND CONSTITUTIONAL LIMITS: AN INDIAN LEGAL ANALYSIS

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## ABSTRACT

Freedom of expression is the lifeline of any democratic polity, and the media is its prime instrument. In India, Article 19(1)(a)<sup>1</sup> guarantees this freedom of speech and expression. The courts have interpreted it to imply thereby freedom of the press, the right to impart and diffuse information freedom to receive information and digital communication rights as well. Yet freedom of speech and expression is not absolute. Under Article 19(2)<sup>2</sup>, this freedom is subject to “reasonable restrictions” imposed by law.

In the last couple of decades, the rapid diffusion of electronic and digital media, along with social networking platforms and AI-based information systems has dramatically altered the way in which information travels and is consumed. These developments have thrown up a set of new constitutional issues about regulating the media. This paper traces the history of the emergence of media freedom in India, the legal regime governing it, and the statutory limitations thereto.

It also examines such issues as are increasingly engaging public controversy-issues relating to misinformation, paid news, hate speech, defamation, censorship on the internet, regulation of OTT content, intermediary liability, and issues of data protection.

The paper assesses two essential court judgments, *Romesh Thapar v. State of Madras*<sup>3</sup> and *Shreya Singhal v. Union of India*<sup>4</sup> which have shaped the contours of free expression in India.

This paper identifies possible reforms that need to be made to ensure that media continues to serve democratic communication without being misused. While Article 19(1)(a) guarantees freedom of speech and expression, India's rank in the global press freedom rankings has continued to remain poor.

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<sup>1</sup> Art. 19 (1)(a) guarantees all citizens the right to freedom of speech and expression through any medium, including speech, writing, printing, pictures, and other forms.

<sup>2</sup> Empowers the State to impose reasonable restrictions on freedom of speech and expression on grounds like security, public order, decency, and defamation.

<sup>3</sup> *Romesh Thapar v. State of Madras*, AIR 1950 SC 124.

<sup>4</sup> *Shreya Singhal v. Union of India*, AIR 2015 SC 1523.

The paper further goes on to discuss the challenges of digital media, hate speech, and the application of sedition laws. It looks at the interaction between national security, public order, and individual rights. By examining these developments and court judgments, this paper tries to contribute to the continuing debate on securing freedom of expression. Article 19(1)(a) guarantees to all citizens freedom of speech and expression by word of mouth, writing, print, picture or any other mode. include speech, writing, print, pictures, and other forms.

**Keywords:** Freedom of speech, expression, constitutional provisions, AI-driven information, Supreme Court judgments, censorship.

## 1. Introduction

The media is regularly referred to as the "fourth pillar of democracy," meaning it provides fundamental support in building public opinion, political participation, and governmental accountability. While the Constitution of India does not explicitly mention "freedom of the press," the Supreme Court has held with clarity that this is implicit within the freedom of speech and expression guaranteed by Article 19(1)(a)<sup>5</sup>. The Constituent Assembly rejected the proposal of licensing or pre-censorship of the press on the basis of a commitment to liberal democracy. At the same time, freedom of expression in India has always been a contested territory. From sedition and press restrictions imposed by colonial laws to modern regulatory mechanisms, media freedom has always come under constitutional scrutiny.

The Constitution tempers rights with responsibilities by providing through Article 19(2)<sup>6</sup> for restrictions in the interests of sovereignty and integrity, security of the state, public order, morality, contempt of court, defamation, and incitement to an offence. These restrictions have been imposed from time to time and have given rise to debates on state control, censorship, and democratic accountability.

Contemporary challenges have been exacerbated by technological advancements:

- Fake news and misinformation
- Social media radicalization

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<sup>5</sup> Article 19(1)(a) guarantees all citizens the right to freedom of speech and expression through any medium, including speech, writing, printing, pictures, and other forms.

<sup>6</sup> Reasonable restriction

- Hate speech
- Data harvesting and invasion of privacy
- Algorithmic manipulation and AI-generated content
- Challenges of OTT platforms.

A number of constitutional issues have come back into focus as a result of the traditional media's increasing decline as a gatekeeper and the opening of new channels for information flow. As a result, the paper examines in detail the significant court rulings and theological advancements that have influenced the basis of free speech in India.

In India, the concept of free speech is not new it dates back to the years prior to independence, when authors and newspapers publicly opposed colonial rule. Their struggle demonstrated how important it was for people to freely exchange ideas. By granting freedom of expression a constitutional home, the framers of the Constitution attempted to preserve that spirit after independence.

The Supreme Court has played a key role in interpreting this right over the years. It has expanded its application when needed and consistently aimed to balance individual freedom with broader social concerns.

However, this right is not absolute. It faces reasonable limits meant to prevent the misuse of this freedom that could harm the interests of the country or society. Issues like India's sovereignty and integrity, state security, public order, decency, morality, contempt of court, defamation, and preventing incitement to offences fall under these restrictions. The real challenge lies in applying these limits fairly and proportionately, ensuring they do not become tools to suppress free speech. judiciary, particularly the Supreme Court, remains vital in defining the boundaries of this freedom. The Court has often broadened the definition of free speech and reaffirmed its significance in a democratic society through several important decisions.

## **2. Objective Of the Study**

This study looks into India's constitutional basis for media freedom<sup>7</sup> and evaluates how

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<sup>7</sup> Art. 19 (1)(a)

effective these protections are in today's fast-changing digital and AI-driven communication landscape. It emphasizes the issues associated with misinformation and fake news manipulation, and government surveillance<sup>8</sup>. It also assesses how court decisions shape and protects free expression<sup>9</sup>.

This research looks at how the government keeps an eye on things and how that affects what the media can say. It also looks at how court rulings either protect or limit free speech.

The research also takes a look at things like sedition laws, defamation, and online censorship. It asks if these rules are fair and make sense under the constitution. One of the main things it tries to figure out is how to balance keeping the country safe with protecting people's rights. The goal is to come up with ideas to make the media in India more independent, open, and responsible, given today's political and social situation.

### **3. RESEARCH METHODOLOGY**

The paper's based on legal analysis. The study uses a close look at constitutional stuff, past court cases, laws, and global human rights agreements. To understand the legal and theoretical side of media freedom, we had to check out academic papers, law reports, documents from the Press Council of India, UN statements, and what experts have said.<sup>10</sup> The Supreme Court and High Courts base their constitutional interpretation on the case law that they create. Additionally, we studied recent issues related to misinformation, deepfakes, media trials, and state regulation to grasp modern challenges<sup>11</sup>. This methodology provides a thorough assessment of media freedom from both traditional and digital perspectives<sup>12</sup>.

### **4. Historical Evolution Of Media Regulation In India**

The evolution of media regulation in India shows a journey from colonial control to constitutional protection and now to modern digital challenges<sup>13</sup>. The press historically played a key role in shaping political awareness, but it faced heavy regulation and often faced limits

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<sup>8</sup> Ministry of Electronics & IT, "Advisory on Deepfakes and Misinformation," 2023.

<sup>9</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

<sup>10</sup> Law Commission of India, 26<sup>th</sup> report.

<sup>11</sup> Ministry of Electronics and Information Technology.

<sup>12</sup> Denis McQuail, 6th Ed., Sage Publications.

<sup>13</sup> Bipan Chandra, *India's Struggle for Independence*, Penguin (2016).

on its activities.

## **I. Colonial Era Regulations**

Media regulation in India began during British rule, mainly to silence nationalist voices. Early laws like the Vernacular Press Act of 1878 targeted Indian-language newspapers<sup>14</sup>. They made it possible for authorities to confiscate printing presses without a judge's approval. The 1910 Press Act imposed severe penalties and demanded large security deposits for publishing content deemed as objectionable<sup>15</sup>. Section 124A (Sedition) of the IPC, the longest-lasting colonial restriction, made it unlawful to voice opinions that might incite discontent with the government<sup>16</sup>. These Although laws created fear, they also strengthened India's demand for press freedom during the struggle for autonomy.

## **II. Freedom Struggle and Pre-Constitution Developments**

Newspapers like Kesari, Young India, and The Hindu became venues for political participation in spite of the limitations<sup>17</sup>. A free press, according to nationalist leaders, is essential to democracy. Colonial experiences were used by Constituent Assembly members as proof that arbitrary restrictions shouldn't be a part of an independent India. India's constitutional vision of free expression was shaped in part by this history.

## **III. Post-Independence and Constitutional Protection**

Article 19(1)(a)<sup>18</sup> of the 1950 Indian Constitution guarantees the right to free speech and expression. The Supreme Court affirmed in *Romesh Thapar v. State of Madras*<sup>19</sup> and *Brij Bhushan v. State of Delhi*<sup>20</sup> that "freedom of the press" is not expressly mentioned in the Constitution. Article 19(1)(a) includes that freedom of the press. Nevertheless, additional limitations were added under Article 19(2) of the First Constitutional Amendment (1951)<sup>21</sup>.

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<sup>14</sup> Vernacular Press Act, 1878.

<sup>15</sup> Press Act, 1910 (British Government of India)

<sup>16</sup> Indian Penal Code, 1860, Section 124A (Sedition)

<sup>17</sup> Arvind Ganachari, "Nationalistic Journalism in Colonial India,".

<sup>18</sup> Ibid.

<sup>19</sup> *Romesh Thapar v. State of Madras*, AIR 1950 SC 124.

<sup>20</sup> *Brij Bhushan v. State of Delhi*, AIR 1950 SC 129.

<sup>21</sup> The Constitution Act, 1951.

#### IV. The Emergency (1975–77)

The Emergency period is often seen as the darkest time in Indian media history<sup>22</sup>. Censorship orders and press bans allowed the government to control news content, completely undermining press independence. This era highlighted the need for institutional protections.

#### V. Liberalization, Privatization, and Modern Regulation

The economic changes of 1991 brought about a surge in private television channels and FM radio stations and digital platforms emerged as a new force in the media sector<sup>23</sup>. The Cable Television Networks Regulation Act of 1995<sup>24</sup> together with the Information Technology Act of 2000 established regulatory frameworks which govern electronic and online media operations. The Indian regulatory system faces fresh obstacles because social media platforms generate content through artificial intelligence systems and deepfake technology which requires new regulatory solutions to balance individual liberty with responsible content control.

#### 5. International Frameworks

The right to freedom of expression is recognized in international human rights law<sup>25</sup>. Article 19 of the Universal Declaration of Human Rights (UDHR) states that "everyone has the right to freedom of opinion and expression<sup>26</sup>." This includes the freedom to seek, receive, and share information and ideas through any media and across all borders<sup>27</sup>. This protection is reinforced in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), 1966, which guarantees the right to express and share ideas in any form, whether orally, in writing, in print, through art, or using digital communication technologies<sup>28</sup>. Article 19(2) of the ICCPR clearly states that these rights apply both online and offline, ensuring that internet-based expression is protected just like traditional media.

However, Article 19(3) acknowledges that this right is not absolute<sup>29</sup>. It may have restrictions if those restrictions are lawful, necessary, and proportionate to protect national security, public

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<sup>22</sup> Indira Gandhi, *Emergency in India: Impact on Media*, 197.

<sup>23</sup> Indira Gandhi, *Emergency in India: Impact on Media*, *Economic & Political Weekly*, 197

<sup>24</sup> S. R. Sharma, *Media Liberalization in India*, 28 *Media Studies Journal* 45 (2001).

<sup>25</sup> H. Fenwick & G. Phillipson, *Media Freedom under International Law* 5–10 (Oxford Univ. Press, 2020).

<sup>26</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III), U.N. Doc A/810 at 71 (1948), art. 19.

<sup>27</sup> (ibid)

<sup>28</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, art. 19.

<sup>29</sup> Ibid., art. 19(3).

order, public health, or the rights of others<sup>30</sup>. To explain how these restrictions should work, international bodies have created guidelines like the Siracusa Principles and the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information<sup>31</sup>. The documents establish which states possess the authority to restrict speech when they determine national security requires such action.

The UN Special Rapporteur on Freedom of Expression Frank La Rue stated in 2013 that freedom of expression stands as a fundamental right yet any limitations need to follow strict tests according to Article 19(3) of the ICCPR which requires legality and legitimacy and proportionality. The global understanding of media freedom has developed through decisions made by regional human rights courts. The European Court of Human Rights (ECtHR) through its decisions in *Handyside v. United Kingdom*<sup>32</sup> and *Sunday Times v. United Kingdom*<sup>33</sup> has established that freedom of expression forms a fundamental requirement for democratic systems. The platform operates with limited restrictions which mainly apply to content that threatens public safety or contains defamatory information. The courts established new rules about online platform duties through the *Delfi AS v. Estonia*<sup>34</sup> case which demonstrates the struggle to protect free speech while stopping harmful content that violates rights.

The 2023 Joint Declaration on Media Freedom and Democracy<sup>35</sup> along with other global declarations reveal three main problems which include digital surveillance and social media platform regulation and misinformation. The statements require states to provide internet access that works properly while safeguarding journalists from attacks and stopping unneeded internet service interruptions.

These worldwide standards allow countries such as India to modify their internal media regulations according to established human rights standards when they need to handle digital age difficulties.

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<sup>30</sup> Human Rights Committee, *General Comment No. 34: Article 19: Freedoms of Opinion and Expression*, CCPR/C/GC/34 (2011).

<sup>31</sup> Johannesburg Principles on National Security, Freedom of Expression and Access to Information, UN Doc. E/CN.4/1996/39 (1996).

<sup>32</sup> *Handyside v. United Kingdom*, 5493/72, Eur. Ct. H.R. (1976)

<sup>33</sup> *Sunday Times v. United Kingdom*, 6538/74, Eur. Ct. H.R. (1979).

<sup>34</sup> *Delfi AS v. Estonia*, 64569/09, Eur. Ct. H.R. (2015)

<sup>35</sup> Joint Declaration on Media Freedom and Democracy, Office of the UN High Commissioner for Human Rights, 2023.

## 6. Indian Framework

The Indian framework for media freedom is based on Article 19(1)(a) of the Constitution, which guarantees the right to freedom of speech and expression. The Constitution does not contain a direct provision for press freedom yet the Supreme Court has established that press freedom exists as a fundamental right through its interpretation of Article 19(1)(a)<sup>36</sup>. The Court views the media as essential because it enables citizens to participate in democracy while maintaining government responsibility and delivering vital information to the public. The right to freedom exists but it encounters specific limitations through Article 19(2).

The restrictions serve to protect India's sovereignty and territorial integrity while also safeguarding state security and public order and upholding decency and morality and preventing defamation and contempt of court and stopping offenses from occurring. The courts have played a major role in determining how far press freedom should extend through their judicial decisions. The Supreme Court declared in *Romesh Thapar v. State of Madras*<sup>37</sup> that press freedom exists as a fundamental component of the larger free expression right. The Supreme Court in *Sakal Papers v. Union of India* (1962)<sup>38</sup> and *Bennett Coleman & Co. v. Union of India* (1973)<sup>39</sup> the legal system demands full judicial examination of every law and executive order which directly influences the operations of newspapers through distribution controls and content restrictions and financial challenges. The Supreme Court established through its decisions that the State possesses no authority to control press operations except in the specific situations defined by Article 19(2). The legal structure contains different regulations which establish guidelines for media operations<sup>40</sup>.

The Press Council of India received its establishment through the Press Council Act which became law in 1978<sup>41</sup>. The organization defends journalistic principles and standards through its operations while defending free press operations from external control. The Right to Information Act of 2005 allows journalists to obtain information which leads to stronger media freedom. access information held by the government, which improves transparency and public

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<sup>36</sup> *ibid*

<sup>37</sup> *Romesh Thapar v. State of Madras*, AIR 1950 SC 124.

<sup>38</sup> *Sakal Papers v. Union of India*, AIR 1962 SC 305

<sup>39</sup> *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106.

<sup>40</sup> Press and Registration of Books Act.

<sup>41</sup> The Press Council Act, 1978



accountability<sup>42</sup>.

The Information Technology Act of 2000 serves as the primary regulatory framework which governs digital and electronic media systems including online content and intermediary services and digital communication networks. However, certain provisions, particularly those on takedown orders and intermediary liability have been criticized as leading to excessive censorship or arbitrary restrictions. The Contempt of Courts Act, 1971 and the Cable Television Networks (Regulation) Act, 1995 ensure that reporting does not undermine judicial authority or public decency.

The existing challenges serve as measuring tools to assess the performance of this framework. This is the colonial-era sedition provision<sup>43</sup>, along with criminal defamation laws. have put in place a system that repeatedly intimidates journalists from doing their job. It creates a dangerous environment for journalists to do their investigation work. The Supreme Court delivered judgment in *Shreya Singhal v. Union of India*<sup>44</sup>, the Supreme Court struck down Section 66A<sup>45</sup> of the IT Act for its vagueness and overly broad restrictions on online speech, marking a significant win for digital rights. Likewise in *Anuradha Bhasin v. Union of India*<sup>46</sup> The Court, in this respect, recognized that access to the internet is essential for exercising free speech.

The Indian constitution and legal system work together to maintain media freedom while protecting the legitimate interests of the state. The courts continue to play a crucial role in safeguarding press independence, especially in the changing technological landscape. Media protection requires immediate action because digital censorship and political pressure and criminal law abuses and digital space domination have become major problems.

## **7. Right to Privacy and Media Freedom**

The Supreme Court identified privacy as a fundamental right in the *K.S. Puttaswamy (Retd.) v. Union of India*<sup>47</sup>, case which affects how media operations function. Media operations in the

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<sup>42</sup> The Right to Information Act, 2005

<sup>43</sup> Indian Penal Code, 1860, sec.124A (sedition).

<sup>44</sup> *Shreya Singhal v. Union of India*, AIR 2015 SC 1523.

<sup>45</sup> Section 66A in The Information Technology Act, 2000, 66A. Punishment for sending offensive messages through communication service, etc.

<sup>46</sup> *Anuradha Bhasin vs. Union of India* AIR 2020 SC 1308.

<sup>47</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC.

digital age require protection of individual privacy rights because they represent the fundamental rights of people. Media personnel together with journalists must follow legal requirements to protect privacy because privacy rights function as barriers which stop unauthorized access to personal information and stop media from using personal stories for their gain.

A more nuanced view that media freedom is not unqualified but must respect privacy boundaries that shield people from unjustified surveillance, data breaches, or personal attacks while permitting truthful reporting on issues of public interest replaced this realization.

- **Shreya Singhal v. Union of India (2015)<sup>48</sup>:**

**Facts:**

The case concerned arrests made in accordance with the contentious Section 66A of the Information Technology Act, 2000, which made it illegal to send "offensive" messages via communication devices<sup>49</sup>. It made it possible for people to be arrested for posting content online that authorities deemed offensive, inconvenient, or annoying. Shreya Singhal contested Section 66A's constitutionality, arguing that it violated Article 19(1)(a).

**Judgment:**

Section 66A got struck down by the Supreme Court because it failed to meet constitutional standards regarding both its vague language and its overly broad scope. The Court observed: The law contained such vague terms as "annoyance," "inconvenience," and similar expressions that were not defined<sup>50</sup>.

The law violated the fundamental right to free speech under Article 19(1)(a) because it imposed disproportionate restrictions beyond the reasonable restrictions allowed under Article 19(2). The right to free speech protects people from expressing opinions that other people do not approve of especially when they use social media platforms. Any restriction on online expression must be narrowly tailored and necessary to meet legitimate aims, such as preventing

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<sup>48</sup> Shreya Singhal v. Union of India, AIR 2015 SC 1523.

<sup>49</sup> Section 66A of the Information Technology Act, 2000 criminalized sending offensive, menacing, or false messages through electronic communication.

<sup>50</sup> Section 66A, Information Technology Act, 2000 (struck down)

incitement or threats to public order.

The court decision established four fundamental legal principles which defend digital media freedom and personal privacy by requiring laws to show clear definitions and necessary actions and proportional responses and non-arbitrary decision-making.

The legal framework operates as an organized system which defines the multiple connections between constitutional rights and statutory laws and judicial interpretation that establish media freedom in India. The Shreya Singhal judgment serves as a vital precedent which protects media freedom through constitutional privacy rights for citizens while establishing strict rules for online speech restrictions because it achieves equilibrium between free speech and reputation protection and privacy rights in digital media<sup>51</sup>.

## **8. Journalism in India: Challenges and Realities**

The media functions as the Fourth Estate<sup>52</sup> which represents an essential component of Indian democratic governance. The system functions as a connector between public organizations and citizens to advance open governance and support citizen participation through available information. Media serves multiple functions which include educating people and giving marginalized groups a platform while exposing corruption and revealing government abuses to defend democratic rights<sup>53</sup>.

The situation in India does not match the optimistic assumptions of this theory. The Indian Constitution protects free speech but journalists face increasing political control and economic restrictions and personal threats since the last few years. Media ownership concentration together with "Godi media"<sup>54</sup> outlets that support ruling political parties have created doubts about editorial independence and the spread of propaganda. During political conflicts and elections misinformation and disinformation spread which leads to declining public faith in mainstream news organizations.

The World Press Freedom Index shows how these conflicts affect India's standing. The country

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<sup>51</sup> Seema Chishti, "Digital Speech and Constitutional Safeguards in India," *Indian Journal of Law & Technology*, 12(2) (2018).

<sup>52</sup> M.P. Singh, *Law of the Press in India*.

<sup>53</sup> Rajeev Dhavan, "Role of the Press in Indian Democracy," (2019).

<sup>54</sup> Seema Chishti, "Godi Media and Political Influence in India," *Indian Journal of Media Studies*, 7(1) 34–45 (2021).

moved up slightly to position 151 among 180 nations in 2025 according to the World Press Freedom Index. The World Press Freedom Index shows the country's position at 151 out of 180 nations in 2025.

Journalists like Ajit Anjum represent the core of fearless reporting because they maintain their dedication to ask difficult questions in dangerous situations. The death of freelance journalist Mukesh Chandrakar highlights the dangerous conditions journalists experience particularly when they report from conflict zones and politically sensitive locations<sup>55</sup>.

The functioning of Indian democracy is intricately linked to journalism, despite the challenges currently confronting the media sector. It persistently reveals inequities, promotes civic consciousness, and maintains a observe governance as an essential factor for the vitality of democratic discourse diverse. Enhancing media literacy, safeguarding journalist safety, and fostering independence Regulatory bodies and the defence of editorial freedom represent essential measures for the revitalisation of the press. freedom within the current socio-political landscape of India.

- Corruption in the Media and the Journalism Crisis

Another obstacle to the media's watchdog role in India is the monopolisation of the media by economic entities. Jones (2010) asserts that one of the fundamental norms of the media is the news division between the advertising and editorial domains<sup>56</sup>. Stated differently, journalists ought to be exempt from media ownership. Because media ownership is based on the idea of free markets, which serve the interests of capital rather than the general public, it matters.

Furthermore, if capital is let loose in the media landscape, it will also affect media pluralism and diversity eventually it would extinguish diverse voices in society. In contrast, mass media is a primary public means of receiving information, and journalists are supposed to meet the public's information needs by providing them with a range of stories. The following portion will discuss how media conglomerates in India impede freedom of expression by impacting journalist's ability to perform their work<sup>57</sup>

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<sup>55</sup> Press Council of India, Annual Report 2023–24.

<sup>56</sup> P. Jones, *Ethics and the Media* 112–115 (Routledge, 2010).

<sup>57</sup> S.P. Sathe, *Media and Law in India*, 50–52 (LexisNexis, 2014).

## 9. India's Media and Judiciary

In India's democratic system, the relationship between the media and the judiciary is both crucial and intricate. Article 19(1)(a)<sup>58</sup> of the Constitution guarantees freedom of speech and expression, which includes freedom of the media. However, in accordance with Article 19(2), this freedom is counterbalanced by appropriate limitations meant to protect the public order, stop defamation, and support judicial authority. Upholding media freedom and shielding the administration of justice from excessive media influence are two duties that fall to the judiciary. The significance of a free press as a watchdog that is vital to democracy has been repeatedly upheld by the Supreme Court and several High Courts, reaffirming that government actions cannot arbitrarily restrict media. Strong safeguards against censorship and governmental control have been established by seminal cases such as *Bennett Coleman v. Union of India* (1973)<sup>59</sup> and *Romesh Thapar v. State of Madras* (1950)<sup>60</sup>. But through "media trials," the judiciary also acknowledges how the media can sabotage impartial trials and legal procedures. Courts have voiced concerns about sensationalised, biased media coverage that affects public opinion and may have an impact on witness testimony or judicial decisions<sup>61</sup>. For example, the Bombay High Court's comprehensive 2024 decision warned media outlets against inflammatory or biased coverage that might jeopardise fair justice and stressed the significance of responsible reporting during ongoing court proceedings<sup>62</sup>. The court emphasised that the media must refrain from influencing cases or compromising the impartiality and dignity of the judiciary.

Similar guidelines were restated by the Andhra Pradesh High Court in 2025 when addressing cases involving media criticism of legislative actions<sup>63</sup>. While reiterating that media freedom must be used responsibly and without interfering with legal proceedings, the court emphasised that legislative privileges cannot be used to stifle valid journalistic criticism. These decisions are a reflection of the developing body of law that strikes a balance between judicial accountability and media independence<sup>64</sup>.

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<sup>58</sup> Ibid

<sup>59</sup> *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106.

<sup>60</sup> *Romesh Thapar v. State of Madras*, AIR 1950 SC 124.

<sup>61</sup> Rajeev Dhavan, "Media Trials and the Indian Judiciary," *Indian Journal of Law and Technology*, 11(2) 77–88 (2020).

<sup>62</sup> Bombay High Court, WP No. 215/2024, Judgment on Media Reporting and Fair Trial (2024).

<sup>63</sup> Andhra Pradesh High Court, WP No. 402/2025, Guidelines on Media Criticism and Legislative Privileges (2025).

<sup>64</sup> Rajeev Dhavan, Judiciary and Media Accountability in India, *Indian Journal of Law and Technology* (2021).

The judiciary has also embraced digital transformation, promoting greater public trust and eradicating misinformation by enhancing transparency and public access through live-streaming of courts and timely information on social media. In order to protect free speech, courts have warned that preventive injunctions against the media should only be issued in cases where there is a genuine threat to justice.

## **10. Misuse of media**

Especially through fake news and altered images, has become a major issue in India. A recent case involves the use of celebrity images in fake ads and false news stories<sup>65</sup>. Multiple ads on social media featured, such as claiming a celebrity's career was over or spreading assault rumours<sup>66</sup>. The advertisements replicated logos and formats which resemble established news organizations including Times Now and Indian Express. The images underwent modifications to show bruises and distress because people tend to believe what they see on television. The investigation proved these images to be fabricated because they either came from unrelated interviews or were completely fabricated. The current misuse of this technology damages personal reputations through the distribution of false information which proves the urgent need for media literacy education and enhanced regulatory systems in our digital world.

## **11. Problems Affecting Indian Media**

The Indian media industry operates under numerous vital obstacles during 2025 which endanger both its autonomy and its trustworthiness. The primary problem emerges from political elements which join forces with business organizations to create unstable situations<sup>67</sup>. Media organizations depend heavily on government advertising funds which generate competing interests that damage their ability to maintain editorial neutrality. Fact from propaganda. Physical threats and harassment against journalists<sup>68</sup>, especially those addressing sensitive or dissenting topics presents significant safety issues and may result in heightened self-censorship. Moreover, the swift expansion of digital platforms has heightened the competitive landscape for traditional media. This leads to job reductions and precarious employment situations for journalists. Regulatory uncertainties and ambiguous content guidelines foster an atmosphere of apprehension and excessive compliance. This constrains

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<sup>65</sup> Press Council of India, Report on Online Misinformation, 2024.

<sup>66</sup> Cyber Crime Investigation Cell, Ministry of Home Affairs, *Investigation Report on Fake Celebrity Ads*, 2023.

<sup>67</sup> Political and Corporate Influence on Indian Media, 2023

<sup>68</sup> Press Council of India, Annual Report 2023–24.

robust critique and thorough investigative journalism. The growing role of AI in content creation raises important ethical considerations regarding authenticity and the diversity of media.

The increasing demand for hyperlocal and personalised content necessitates innovation; however, numerous outlets face challenges in maintaining financial viability as advertising revenues transition to digital platforms. Addressing these interconnected issues requires robust legal protections, well-defined regulations, enhanced measures for journalist safety, and a focus on improving digital literacy to safeguard democratic discourse. Uncertainties and unclear content guidelines also create an environment of fear and over-compliance. This limits strong criticism and investigative reporting. The increasing presence of AI in content creation brings up ethical questions about authenticity and media diversity<sup>69</sup>. The growing demand for hyperlocal and personalized content requires innovation, but many outlets struggle to stay financially viable as advertising revenues shift toward digital platforms.

Dealing with these interconnected issues needs strong legal protections, clear regulations, measures for journalist safety, and improved digital literacy to protect democratic discourse in India's changing media environment<sup>70</sup>.

## 12. Recommendation

Legal reforms are necessary to be made in the Indian media industry to boost its freedom significantly<sup>71</sup>. The reforms would be primarily aimed at decriminalizing laws such as defamation which are often misused to harass journalists. Furthermore, rules regarding digital content need to be very clear and specific so as to avoid arbitrary censorship. A media regulator that is independent and has the power to enforce the law should be set up in order to maintain the ethical standards of journalism and to secure that political and corporate influences do not affect the editorial freedom. Journalists need to be better protected so that they are not constantly under the threat of harassment and even violence<sup>72</sup>. It should be mandatory to disclose the ownership and funding of the media in order to tackle monopolies and conflicts of interest. Besides, empowering the public through digital literacy and support of fact-checking initiatives is another step necessary to curb misinformation. Lastly, strong data privacy laws

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<sup>69</sup> S. Bhushan, *Digital Media Ethics and AI in Journalism*, 72–78.

<sup>70</sup> Rajeev Dhavan, *Challenges to Press Freedom in Digital India*

<sup>71</sup> *Ibid.*

<sup>72</sup> Reporters Without Borders, *Safety of Journalists in India*, 2024

need to be enacted that would provide a balance between individual rights and the interest of the public so as to guarantee the media's freedom in the era of AI and digital surveillance<sup>73</sup>.

### 13. Conclusion

The democratic setup in India is heavily reliant on the freedom and independence of the press the latter being guaranteed by the Constitution and modified by a growing body of judicial interpretations. The scenario is however quite bleak as independent media has to grapple with serious threats arising from the current political, economic, and social landscape that includes political influence, financial constraints, digital disinformation, and new regulatory concerns. On the one hand, the digital revolution has opened up the avenue for diverse discussions, while on the other hand, it has raised the issue of censorship, surveillance, and the misinformation. The judiciary in India has been instrumental in both maintaining media freedom and also ensuring that it is used responsibly, but still, there is a need for reinforcement of the judicial system and legal protection. It is through the continuous process of legal reform, protection of journalists, media ownership disclosure, and digital literacy that a media ecosystem characterized by fairness, accountability, and transparency can be established.

Media freedom in India remains a cornerstone of democracy, enshrined in Article 19(1)(a), but endures persistent strains from colonial legacies like sedition laws, modern digital disruptions via AI and social platforms, and socio-political pressures evident in India's 151st ranking on the 2025 World Press Freedom Index<sup>74</sup>. Landmark judgments such as *Shreya Singhal v. Union of India*<sup>75</sup> and *K.S. Puttaswamy* have fortified protections against overreach, yet issues like misinformation, hate speech, and intermediary liability demand nuanced reforms to prevent misuse without stifling expression. promoting media literacy will ensure the press fulfils its Fourth Estate role, safeguarding public discourse amid evolving technological and constitutional challenges.

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<sup>73</sup> *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC

<sup>74</sup> The 2025 World Press Freedom Index.

<sup>75</sup> *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC



## REFERENCES:

1. Manu Patra *Online Legal Research Platform* <https://www.manupatrafast.com>.
2. Reporters Without Borders. (2024). *Safety of journalists in India* <https://rsf.org/en/country/india>
3. SCC Online, *Supreme Court Cases Online* <https://www.sconline.com>.
4. Doyle, G. (2002). *Media ownership: The economics and politics of control*. SAGE Publications.
5. [https://d.docs.live.net/7a2da054027b92e2/Documents/Shreya\\_Singhal\\_vs\\_Union\\_of\\_India\\_UOI\\_24032015\\_\\_SCSC201524031523033380COM946904.pdf](https://d.docs.live.net/7a2da054027b92e2/Documents/Shreya_Singhal_vs_Union_of_India_UOI_24032015__SCSC201524031523033380COM946904.pdf)
6. [https://d.docs.live.net/7a2da054027b92e2/Documents/Romesh\\_Thappar\\_vs\\_The\\_State\\_of\\_Madras\\_26051950\\_\\_SCs500006COM431579.pdf](https://d.docs.live.net/7a2da054027b92e2/Documents/Romesh_Thappar_vs_The_State_of_Madras_26051950__SCs500006COM431579.pdf)
7. [https://d.docs.live.net/7a2da054027b92e2/Documents/Abhishek\\_Upadhyay\\_vs\\_The\\_State\\_of\\_Uttar\\_Pradesh\\_anSCOR20240107425COM62553.pdf](https://d.docs.live.net/7a2da054027b92e2/Documents/Abhishek_Upadhyay_vs_The_State_of_Uttar_Pradesh_anSCOR20240107425COM62553.pdf)
8. Freedom Of Media C:\Users\jjishi\Downloads\india-133-still-bottom-third-world-press-freedom-index (1).htm
9. Case by <https://www.livelaw.in/>
10. Noorani, A.G. *Indian Political Trials*. Oxford University Press, New Delhi, 2005.
11. Universal Declaration of Human Rights (UDHR), 1948.
12. Law Commission of India, 267th Report (Hate Speech, 2014)
13. <https://d.docs.live.net/7A2DA054027B92E2/Documents/anuradha%20bhasin%20case.pdf>
14. [https://d.docs.live.net/7A2DA054027B92E2/Documents/Madhyamam\\_Broadcasting\\_Limited\\_vs\\_Union\\_of\\_India\\_USC20230604231811461COM207105.pdf](https://d.docs.live.net/7A2DA054027B92E2/Documents/Madhyamam_Broadcasting_Limited_vs_Union_of_India_USC20230604231811461COM207105.pdf)
15. [https://d.docs.live.net/7A2DA054027B92E2/Documents/Eduardo\\_Kimel\\_vs\\_Argentina\\_24022004\\_\\_IACHIACH2004111022175407426COM950456.pdf](https://d.docs.live.net/7A2DA054027B92E2/Documents/Eduardo_Kimel_vs_Argentina_24022004__IACHIACH2004111022175407426COM950456.pdf)