
MEDIA AND CONSTITUTIONAL FOUNDATIONS IN INDIA

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ABSTRACT:

The media plays a pivotal role in shaping public opinion and functioning as the Fourth Pillar of democracy in India.¹ This paper explores the intricate relationship between the media² and the Constitution of India. It highlights the historical evolution of media rights, constitutional provisions for freedom of the press, and the role of the judiciary in safeguarding these rights. Additionally, this paper examines the challenges posed by censorship³, self-regulation⁴, digital media⁵, and misinformation⁶ in contemporary times. By analyzing landmark legal cases, legislative frameworks, and the intersection of media with fundamental rights, the research provides a comprehensive overview of how the media contributes to the democratic process while facing ongoing constraints and responsibilities in modern India.

Keywords: Media, Constitution, Article 19(1)(a), Article 19(2), Freedom of Speech and Expression

¹ Dr. Jyoti Rattan, *Media Law*, 1st Edition, 2023, Bharat Law House (Pvt.) Ltd., New Delhi, page no. 7

² In contemporary times, "media" refers to a wide array of communication platforms that distribute information, news, entertainment, and opinions to the public. This includes traditional forms like print (newspapers, magazines), broadcast (TV, radio), and new digital formats such as websites, blogs, social media, and streaming services. Media plays a critical role in shaping public discourse, informing citizens, and holding institutions accountable.

³ Censorship is the suppression, restriction, or control of information or speech by governments, institutions, or other bodies, often to prevent the dissemination of material considered harmful, offensive, or politically sensitive. In contemporary times, censorship may apply to news, books, films, online content, or social media, and is often debated in terms of balancing free speech with the need to protect public order, morality, or national security.

⁴ Self-regulation refers to the ability of media organizations, platforms, or industries to monitor, manage, and enforce standards of conduct and ethics without external enforcement by governments or regulators. It involves adopting internal codes of practice, such as fact-checking, journalistic integrity, and responsible content moderation, to ensure ethical and accurate reporting, particularly in areas like journalism, broadcasting, and online platforms.

⁵ Digital media encompasses all forms of media content that are created, distributed, and consumed through digital platforms, including websites, blogs, social networks, streaming services, and mobile apps. This form of media allows for interactive engagement, real-time updates, and global reach, revolutionizing how information is shared and consumed in contemporary society. Digital media includes news websites, podcasts, and videos that can be easily accessed via the internet.

⁶ Misinformation is false or misleading information that is spread, regardless of intent. In the contemporary digital era, misinformation often circulates rapidly via social media, messaging apps, and other online platforms. Unlike disinformation, which is deliberately deceptive, misinformation can arise from misunderstandings, incomplete information, or unverified rumours, contributing to confusion, distrust, and manipulation of public opinion.

Introduction: The role of media in a democratic society is fundamental to the functioning and preservation of democratic ideals. The media serves as the intermediary between the government and the public, offering citizens a platform to be informed, voice opinions, and hold those in power accountable. In the context of India, where the world's largest democracy thrives, the media has evolved over decades, reflecting the changing political, social, and technological landscape.⁷ Understanding the intricate relationship between media and the Constitution is essential, as the Constitution of India offers the legal framework within which the media operates, ensuring both freedom and responsibility. Over time, the media has transitioned from traditional print mediums to a wide array of digital and social platforms, each posing its own set of opportunities and challenges.

Constitutional Provisions and Freedom of the Press: The relationship between the media and the Constitution of India is anchored primarily in Article 19(1)(a), which guarantees the fundamental right to freedom of speech and expression.⁸ This provision forms the bedrock for press freedom in the country. However, this right is not absolute and is subject to the reasonable restrictions outlined in Article 19(2). Over the years, Indian courts have played a significant role in interpreting these provisions to balance the interests of the state with individual freedoms, shaping the contours of press freedom.⁹

Article 19(1)(a) of the Indian Constitution – Freedom of Speech and Expression: Article 19(1)(a) of the Indian Constitution states, “All citizens shall have the right to freedom of speech and expression.” This clause provides every citizen with the right to express opinions, ideas, beliefs, and information without fear of censorship or repression from the state. For the media, this freedom is crucial, as it allows journalists, editors, and media organizations to publish news, opinions, critiques, and investigative reports freely, fostering transparency and accountability in a democratic society.¹⁰

- **Scope of Article 19(1)(a):** The scope of Article 19(1)(a) extends to various forms of expression, including spoken and written words, symbolic actions, films, radio broadcasts, and digital communications. In the context of the press, this means that print and broadcast media, as well as online journalism, enjoy the protection of this constitutional right. Media outlets

⁷ Supra 1

⁸ Madhavi Goradia Divan, Facets of Media Law, 3rd Edition, 2022, EBC Lucknow, page no. 3

⁹ Dr. Narendra Kumar, Constitutional Law of India, 10th Edition, 2010, Allahabad Law Agency, Haryana

¹⁰ Supra 8

have the freedom to cover political events, societal issues, and even criticize the government, which is essential for the healthy functioning of a democracy.¹¹

The following are included in the scope of Article 19(1)(a):

1. Right to Circulate¹²
2. Right to Publish¹³
3. Right to Dissent¹⁴
4. Right to Assemble and Demonstrate¹⁵
5. Right to Portray Social Evils¹⁶
6. Right to Portray Historical Events¹⁷
7. Right to Receive Information¹⁸
8. Right to Choose Medium of Instruction¹⁹
9. Right to Expression Beyond National Boundaries²⁰
10. Right of the Press to Conduct Interviews²¹
11. Reporting Court Proceedings²²
12. Reporting Legislative Proceedings²³

¹¹ Supra 1, page no. 3

¹² Sakal Papers (P) Ltd. v. Union of India, AIR 1962 SC 305

¹³ Ibid

¹⁴ Kedar Nath Singh v. State of Bihar, AIR 1962 SC 955

¹⁵ Kameshwar Prasad v. State of Bihar, AIR 1962 SC 1166

¹⁶ Bobby Art International v. Om Pal Singh Hoon, (1996) 4 SCC 1

¹⁷ Central Board of Film Certification v. Yadavallaya Films, 2006 SCC Online Mad 1067

¹⁸ Tata Press Ltd. V. MTNL, (1995) 5 SCC 139

¹⁹ State of Karnataka v. Associated Management of English Medium Primary & Secondary Schools, (2014) 9 SCC 485

²⁰ Priya Parmeswaran Pillai v. Union of India, 2015 SCC online Del 7987

²¹ Prabha Dutt v. Union of India, (1982) 1 SCC 1

²² Swapnil Tripathi v. Supreme Court of India, (2018) 10 SCC 639

²³ M.S.A. Sharma v. Sri Krishna Sinha, AIR 1959 SC 395

13. Right to Advertise²⁴
14. Right to Rebuttal²⁵
15. Compelled Speech²⁶
16. Right to Gender Identity²⁷
17. Right to Broadcast²⁸
18. Right to Silence²⁹
19. Right to be Entertain and to be Entertained³⁰
20. Right to Vote³¹
21. Right to Fly National Flag³²
22. Internet³³

- **Freedom of Press:** Although the Constitution does not explicitly mention the "freedom of the press," the judiciary has consistently interpreted Article 19(1)(a) to include press freedom as an extension of free speech. This interpretation underscores that the press, being the medium through which citizens access information and opinions, is vital to democracy and, therefore, enjoys constitutional protection under this article.³⁴

Judicial Interpretation of Article 19(1)(a) in Relation to Press Freedom: Indian courts have played a significant role in interpreting and expanding the meaning of Article 19(1)(a), particularly concerning the freedom of the press. Through landmark judgments, the judiciary

²⁴ Common Cause v. Union of India, (2015) 7 SCC 1

²⁵ Manubhai D. Shah v. LIC, (1992) 3 SCC 637

²⁶ M.C. Mehta v. Union of India, (1992) 1 SCC 358

²⁷ Navtej Singh Johar v. Union of India, (2018) 10 SCC 1

²⁸ Ministry of Information and Broadcasting, Government of India v. Cricket Association of Bengal, (1995) 2 SCC 161

²⁹ Bijoe Emmanuel v. State of Kerala, (1986) 3 SCC 615

³⁰ Ajay Goswami v. Union of India, (2007) 1 SCC 143

³¹ People's Union for Civil Liberties v. Union of India, (2003) 4 SCC 399

³² Union of India v. Naveen Jindal, (2004) 2 SCC 510

³³ Shreya Singhal v. Union of India, (2015) 5 SCC 1

³⁴ Supra 8

has upheld the principle that press freedom is essential to a functioning democracy, even as it has allowed for certain limitations in cases where public interest or national security is at stake.

- ***Romesh Thappar v. State of Madras (1950)***³⁵: One of the earliest and most significant cases concerning press freedom, *Romesh Thappar v. State of Madras*, addressed the issue of pre-censorship. The Madras government had banned the circulation of *Cross Roads*, a magazine critical of the government. The Supreme Court struck down the ban, stating that freedom of speech and expression includes the freedom of circulation. The court emphasized that any restriction on press freedom must be within the scope of Article 19(2), and broad or arbitrary restrictions would be unconstitutional.

- ***Bennett Coleman & Co. v. Union of India (1973)***³⁶: In this case, the government sought to restrict the number of pages that newspapers could print, arguing that it was necessary to conserve newsprint. The Supreme Court ruled in favour of the media, asserting that such restrictions violated the fundamental right to freedom of expression. The court held that freedom of the press is implicit in Article 19(1)(a) and that any law or regulation that curtails the ability of the press to disseminate information is unconstitutional unless it falls within the reasonable restrictions outlined in Article 19(2).

- ***Sakal Papers v. Union of India (1962)***³⁷: This case dealt with the government's attempt to control the pricing and content of newspapers by enforcing regulations that restricted the number of pages a newspaper could publish based on its price. The Supreme Court ruled that such regulations violated Article 19(1)(a), as they directly affected the ability of newspapers to convey information. The court reinforced that economic restrictions that hinder the freedom of the press could not be justified under the guise of reasonable restrictions.

- ***Indian Express Newspapers v. Union of India (1985)***³⁸: The *Indian Express* case highlighted the judiciary's role in protecting press freedom from indirect restrictions. The government imposed high customs duties on imported newsprint, which significantly increased the cost of production for newspapers. The court ruled that this indirect financial burden placed on the press was unconstitutional, as it restricted the freedom of speech and expression by making it

³⁵ 1950 SCC 436

³⁶ (1972) 2 SCC 788

³⁷ AIR 1962 SC 305

³⁸ (1985) 1 SCC 641

difficult for smaller newspapers to survive economically. This judgment emphasized that even financial restrictions must pass the test of reasonableness under Article 19(2).

- ***Himanshu Kishan Mehra v. State of Uttar Pradesh (2023)***³⁹: The case is part of a legal series where the petitioners sought relief in multiple FIRs filed against them, primarily related to the *Tandav* web series controversy. These FIRs alleged that the content hurt religious sentiments. The Supreme Court dealt with issues like clubbing multiple FIRs and interim relief requests. This case reflects ongoing judicial engagement with media freedom, creative expression, and religious sentiments in India's digital content landscape.
- ***Padmavat Film Censorship (2018)***⁴⁰: The Supreme Court lifted state bans on the film *Padmavat*, reaffirming the right of filmmakers to artistic freedom against unlawful censorship and mob threats
- ***Prashant Bhushan (Re) (2021)***⁴¹: Contempt case highlighting the balance between judicial authority and free speech through social media.
- ***Shreya Singhal v. Union of India (2015)***⁴²: Struck down Section 66A of the IT Act, emphasizing the importance of free speech on digital platforms.
- ***Anuradha Bhasin v. Union of India (2020)***⁴³: Asserted that indefinite internet shutdowns violate free speech, especially concerning media operations.
- ***Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal (1995)***⁴⁴: Recognized broadcasting as part of free speech, affirming the right to disseminate information.
- ***State of Uttar Pradesh v. Raj Narain (1975)***⁴⁵: Set a precedent for the public's right to information, integral to the functioning of media.

³⁹ 2023 SCC Online SC 781

⁴⁰ Kodungallur Film Society v. Union of India, (2018)10 SCC 713

⁴¹ (2021) 1 SCC 745

⁴² (2015) 2 SCC 1

⁴³ (2020) 3 SCC 637

⁴⁴ (1995) 2 SCC 161

⁴⁵ (1975)4 SCC 428

- *T.M.A Pai Foundation v. State of Karnataka (2002)*⁴⁶: Discussed educational institutions' rights to manage their own media without undue state interference.
- *Arnab Ranjan Goswami v. Union of India (2020)*⁴⁷: The Supreme Court granted bail to Arnab Goswami, highlighting the media's right to freedom of expression while also cautioning against excessive governmental action.
- *Hamdard Dawakhana v. Union of India (1960)*⁴⁸: Addressed commercial speech, setting limits on media's freedom to advertise misleading products.
- *Anil Kapoor v. Simply Life India & Ors (2023)*⁴⁹: This case protected the personality and publicity rights of actor Anil Kapoor from unauthorized media usage.
- *R. Rajagopal v. State of Tamil Nadu (1994)*⁵⁰: Set an important precedent for media privacy rights, ruling that the government cannot impose censorship on a person's autobiography unless it concerns defamation or criminal conduct.
- *Destruction of Public & Private Properties v. State of Andhra Pradesh (2009)*⁵¹: Introduced media guidelines for reporting violent incidents to curb sensationalism.
- *M.F. Husain v. Rajkumar Pandey (2008)*⁵²: Dealt with freedom of artistic expression, as the court dismissed charges of obscenity against the renowned painter.
- *K.A. Abbas v. Union of India (1970)*⁵³: First major challenge to film censorship, the Supreme Court upheld the government's power to regulate films, though emphasized minimal interference with artistic freedom.
- *Ajay Goswami v. Union of India (2007)*⁵⁴: The Supreme Court ruled that guidelines for publishing "obscene" material need to be clearly defined, affirming that media must balance

⁴⁶ (2002) 8 SCC 481

⁴⁷ (2020) 14 SCC 12

⁴⁸ AIR 1960 SC 554

⁴⁹ IN THE HIGH COURT OF DELHI AT NEW DELHI, CS(COMM) 652/2023

⁵⁰ (1994) 6 SCC 632

⁵¹ (2009) 5 SCC 212

⁵² 2008 SCC Online Del 562

⁵³ (1970) 2 SCC 780

⁵⁴ (2007) 1 SCC 143

artistic freedom with public decency.

- *Phantom Films v. CBFC (2016)*⁵⁵: The Bombay High Court cleared controversial scenes from the movie *Uda Punjab*, marking a landmark case in defending creative expression from arbitrary censorship.

- *Subramanian Swamy v. Union of India (2016)*⁵⁶: Challenged the constitutionality of criminal defamation laws, and the court upheld such laws while emphasizing safeguards for free expression.

- *Sahara India Real Estate v. Securities & Exchange Board of India (2012)*⁵⁷: Aimed to restrict media from publishing prejudicial information during ongoing court trials, invoking the concept of a "media trial" harming legal proceedings.

- *Rajendra Sail v. Madhya Pradesh High Court Bar Association (2005)*⁵⁸: The Supreme Court reinforced the importance of media respecting the integrity of the judiciary and avoiding defamatory attacks on judges.

- *Avnish Bajaj v. State (NCT of Delhi) (2005)*⁵⁹: This landmark case focused on the liability of intermediaries for objectionable content on digital platforms, setting the stage for future internet regulation in media.

These cases collectively underscore the judiciary's robust protection of press freedom and its emphasis on ensuring that restrictions imposed by the government must be narrowly tailored and reasonable.

Limitations under Article 19(2) – Reasonable Restrictions: While Article 19(1)(a) guarantees the right to freedom of speech and expression, Article 19(2) allows the government to impose reasonable restrictions on this freedom in certain situations.⁶⁰ These restrictions are designed to ensure that individual freedoms do not undermine broader societal and national

⁵⁵ 2016 SCC Online Bom 3862

⁵⁶ (2016) 7 SCC 221

⁵⁷ (2012) 12 SCC 611

⁵⁸ 2005 SCC (Cri) 1401

⁵⁹ (2005) 116 DLT 427

⁶⁰ M.P. Jain, Indian Constitutional Law, 8th Edition 2018, Reprint 2024, Lexis Nexis, Gurgaon, Haryana

interests. Article 19(2) states that the freedom of speech and expression can be limited in the interests of:

- ***Sovereignty and Integrity of India***: Media freedom cannot be exercised in a way that threatens the territorial integrity or sovereignty of India.⁶¹ For example, publications or broadcasts that incite secessionist movements or encourage rebellion against the state can be restricted.⁶²

- ***Security of the State***: Any media content that endangers national security or incites violence can be restricted under Article 19(2).⁶³ This restriction is often invoked during times of war or internal conflict⁶⁴, when the state may impose censorship⁶⁵ to prevent the dissemination of sensitive information⁶⁶ that could compromise military operations or public safety.

- ***Public Order***: This restriction allows the government to curb media content that disrupts public order or incites violence or criminal activities.⁶⁷ For instance, inflammatory speeches⁶⁸ or writings that could incite communal violence can be restricted.⁶⁹

- ***Decency or Morality***: Content that violates societal norms of decency or morality can also be restricted.⁷⁰ This provision has been used to regulate obscene content in print, films, and digital media.⁷¹ However, the courts have generally held that what constitutes decency or morality must be viewed in the context of evolving social values.⁷²

- ***Contempt of Court***: Media freedom does not extend to publishing content that undermines the authority of the judiciary or prejudices the administration of justice.⁷³ Any content that scandalizes the court⁷⁴, prejudices trials⁷⁵, or disrespects judicial processes can be restricted.

⁶¹ Ibid, page no. 1087

⁶² People's Union of Civil Liberties v. Union of India, (2004) 9 SCC 580

⁶³ Supra 60, page no. 1085

⁶⁴ Article 352 of the Constitution of India, 1950

⁶⁵ Brij Bhushan v. State of Delhi, AIR 1950 SC 129

⁶⁶ State of Uttar Pradesh v. Lalai Singh Yadav, (1976) 4 SCC 213

⁶⁷ Supra 63

⁶⁸ Supra 33

⁶⁹ Harnam Das v. State of U.P., AIR 1961 SC 1662

⁷⁰ Supra 60, page no. 1089

⁷¹ Ranjit Udeshi v. State of Maharashtra, AIR 1965 SC 881

⁷² R v. Hicklin, LR 3 QB 360

⁷³ Supra 61

⁷⁴ Supra 58

⁷⁵ Supra 57

- **Defamation:** The right to freedom of expression does not allow individuals or the media to harm someone's reputation through false or malicious publications.⁷⁶ Defamation⁷⁷ laws allow individuals to seek redress if the media publishes damaging content without a factual basis.

- **Incitement to an Offence:** Any media content that directly incites individuals to commit a criminal offense can be restricted.⁷⁸ For example, calls for violence or promoting illegal activities are not protected under Article 19(1)(a).

Application of These Restrictions to the Media: Balancing Freedom and State Interest: Over the years, Indian courts have played a vital role in determining how and when these reasonable restrictions can be applied to the media. The key principle established by the judiciary is that any restriction on freedom of speech and expression must be "reasonable" and proportionate to the threat or harm it seeks to prevent.⁷⁹

- **Test of Reasonableness:** The Supreme Court has consistently ruled that restrictions must be narrowly tailored and should not be excessive.⁸⁰ A restriction is considered reasonable only if it directly addresses the concern it seeks to prevent (e.g., public disorder or national security) without unnecessarily infringing upon the broader right to freedom of expression.⁸¹ Vague or overly broad restrictions are often struck down as unconstitutional.⁸²

- **Balancing Freedom with State Interests:** The courts have also emphasized that in balancing media freedom with state interests, the freedom of speech must be given paramount importance in a democracy. Any restriction must serve a legitimate state interest, such as maintaining public order, and must be the least restrictive means available to achieve that goal. For instance, the court has struck down blanket bans on publications⁸³, while upholding narrowly tailored measures, such as temporary censorship during times of communal unrest.

The Role of Media in a Democratic System: Media is often referred to as the "Fourth Pillar" of democracy, complementing the other three pillars—legislature, executive, and judiciary.⁸⁴

⁷⁶ Supra 70

⁷⁷ Section 356 of Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023)

⁷⁸ Supra 61

⁷⁹ Supra 8, page no. 78

⁸⁰ Maneka Gandhi v. Union of India, (1978) 1 SCC 248

⁸¹ V.G. Row v. State of Madras, AIR 1951 Mad 147

⁸² Supra 35

⁸³ Ibid

⁸⁴ Supra 1

In a democracy, the media plays a critical role in providing citizens with the information they need to make informed choices, participate in public debate, and exercise their rights.

- **Information Dissemination:** One of the core functions of the media is to act as a bridge between the government and the citizens. By providing accurate and timely information, the media ensures transparency in the decision-making processes of the government. This, in turn, enables the public to hold the government accountable.⁸⁵

- **Watchdog Function:** Media's role as a watchdog is integral to exposing corruption, inefficiency, or misuse of power by the government or private entities⁸⁶. Investigative journalism, in particular, has been a powerful tool in bringing issues like financial fraud, human rights violations, and political corruption to light, fostering accountability in governance.

- **Public Opinion and Debate:** A vibrant media encourages public debate and dialogue. It provides a platform where various opinions and perspectives can be expressed, contributing to a more informed citizenry. In democracies like India, where the populace is diverse in terms of language, religion, and culture, the media's role in integrating various viewpoints is essential to maintaining social harmony.⁸⁷

- **Election Monitoring:** During elections, the media plays a crucial role in ensuring free and fair processes by covering political campaigns, fact-checking claims, and broadcasting election results.⁸⁸ Media scrutiny is also critical to exposing cases of voter suppression, political violence, or electoral fraud, thereby protecting democratic norms.

The Significance of the Constitution in Regulating and Protecting the Media: The Constitution of India, adopted in 1950, lays down the legal foundation for the protection and regulation of media freedoms. Article 19(1)(a) guarantees freedom of speech and expression, which is the cornerstone of media freedom in India. However, the framers of the Constitution also recognized the potential for misuse of this freedom and, therefore, provided reasonable restrictions under Article 19(2).

⁸⁵ Ibid

⁸⁶ Supra 1, page no. 8

⁸⁷ Supra 8

⁸⁸ Supra 31

- **Freedom of Speech and Expression:** The right to freedom of speech and expression under Article 19(1)(a) includes the freedom to express ideas, opinions, and criticisms without fear of retribution. For the media, this means the right to investigate, report, and criticize governmental policies, political leaders, and public institutions. This constitutional protection allows journalists to publish news and opinions without undue interference from the government.⁸⁹

- **Reasonable Restrictions:** While the Constitution provides broad freedoms, Article 19(2) imposes certain restrictions in the interest of sovereignty, security of the state, public order, decency, and morality, among other things. This means that the state can intervene in media operations under circumstances that threaten public safety or national security. For instance, media coverage that incites violence or communal hatred can be restricted by law. Balancing this freedom with state interests has been a continual challenge, and the courts have played an active role in interpreting these boundaries.⁹⁰

- **Judicial Safeguards:** The judiciary in India has played a critical role in protecting media freedom. Through landmark judgments, the courts have expanded the scope of Article 19(1)(a) while striking down arbitrary or excessive restrictions imposed by the state. For example, in *Romesh Thappar v. State of Madras* (1950)⁹¹, the Supreme Court of India ruled that press freedom is part of the broader right to free speech, and pre-censorship was struck down as unconstitutional.⁹²

Evolution of the Media Landscape in India- From Traditional Print to Digital and Social Media: The media landscape in India has undergone significant transformations over the past century, evolving in step with technological advancements and changing social dynamics. The journey from a predominantly print-based medium to a multi-faceted digital ecosystem reflects the country's growing media diversity.⁹³

- **Early Days of Print Media:** The history of Indian media dates back to the colonial period, with newspapers playing a key role in mobilizing public opinion during the freedom struggle. Newspapers like *The Hindu*, *Amrit Bazar Patrika*, and *The Times of India*⁹⁴ became voices of

⁸⁹ Supra 8

⁹⁰ Ibid

⁹¹ Supra 35

⁹² Supra 65

⁹³ Supra 1, page no. 3

⁹⁴ Supra 8, page no. 889

dissent against British colonial rule. Post-independence, print media remained dominant, shaping political debates and public opinion during the early years of Indian democracy.⁹⁵

- **The Rise of Broadcast Media:** In the mid-20th century, radio and television emerged as powerful tools of mass communication.⁹⁶ All India Radio (AIR)⁹⁷, established in 1936, was used by the government to broadcast information, education, and entertainment. The introduction of television in the 1980s further transformed media consumption in India. Doordarshan⁹⁸, India's public service broadcaster, became an integral part of the nation's media landscape, covering national events and providing educational content. The liberalization of the economy in the 1990s brought about the growth of private TV channels, leading to the proliferation of 24-hour news channels that played a significant role in shaping public discourse.

- **The Digital Revolution:** The advent of the internet in the late 1990s and early 2000s heralded a new era of media in India. Digital news portals, blogs, and online journals began to gain popularity, offering readers instant access to news and a wider array of opinions. Unlike print and broadcast media, digital platforms allowed for real-time reporting and an interactive relationship with the audience.⁹⁹

- **Social Media and Citizen Journalism¹⁰⁰:** The explosion of social media platforms such as

⁹⁵ Id, page no. 887

⁹⁶ Supra 1

⁹⁷ Supra 8, page no. 737

⁹⁸ Doordarshan is India's public service broadcaster, established in 1959. It operates under the Prasar Bharati Corporation and is one of the largest broadcasting organizations in the world in terms of infrastructure and content reach. Doordarshan was the only television network in India for many years, and it played a significant role in providing news, educational programming, entertainment, and government communications to the public, especially in rural areas. Doordarshan's role expanded during the 1980s and 1990s, broadcasting iconic shows like Ramayana, Mahabharata, and Chitrahaar, which became household names. The introduction of private TV channels in the 1990s brought competition, but Doordarshan continues to serve as an important medium for government messaging, educational programming, and covering national events like Independence Day and Republic Day. In contemporary times, Doordarshan offers a range of channels, including DD National, DD News, and regional channels, to cater to diverse audiences across India. It also plays a key role in promoting Indian culture, language, and heritage.

⁹⁹ Supra 1 and Supra 8, page no. 770

¹⁰⁰ Citizen journalism refers to the practice of ordinary individuals, rather than professional journalists, collecting, reporting, and disseminating news and information. It is often enabled by digital technologies, like smartphones and social media platforms, where users share news through videos, photos, and posts. Citizen journalism plays a critical role in amplifying grassroots movements and providing firsthand accounts of events, though it raises concerns about the accuracy and reliability of information.

Facebook¹⁰¹, Twitter¹⁰², and Instagram¹⁰³ has democratized media, allowing ordinary citizens to participate in news creation and dissemination. These platforms have revolutionized the speed and reach of news, enabling real-time updates on global events and encouraging grassroots journalism. However, the rise of social media has also presented new challenges, such as the spread of fake news¹⁰⁴, hate speech¹⁰⁵, and misinformation. The ease of sharing unverified content has made it difficult for regulatory authorities to manage and ensure the accuracy of information.

- **Challenges in the Digital Era:** While digital and social media have expanded the media's reach, they have also raised questions about ethical journalism¹⁰⁶, privacy¹⁰⁷, and the spread of disinformation. The government's attempts to regulate digital media and social platforms, particularly through policies like the IT Rules, 2021¹⁰⁸, have been met with criticism for

¹⁰¹ Facebook is a social networking platform founded in 2004 that allows users to connect with friends, share content (photos, videos, updates), and engage in online communities. It has grown into a global platform used for communication, social interaction, news dissemination, and digital marketing. In contemporary times, Facebook also serves as a space for political engagement, social activism, and business promotion, but it faces criticism for its role in spreading misinformation and fake news.

¹⁰² Twitter is a microblogging and social media platform founded in 2006 where users post short messages, called tweets, limited to 280 characters. It is widely used for real-time communication, sharing news, and public discussion. Twitter is popular for its role in amplifying breaking news, political conversations, and social movements. However, it has also faced challenges around the spread of misinformation, trolling, and hate speech.

¹⁰³ Instagram is a photo and video-sharing social media platform launched in 2010, known for its visual content. Users can share photos, short videos (reels), and stories, and it has become a popular platform for influencers, businesses, and brands to engage with audiences. In addition to personal use, Instagram plays a significant role in digital marketing, lifestyle branding, and online activism, but it also faces issues like the spread of fake news and cyberbullying.

¹⁰⁴ Fake news refers to intentionally false or misleading information presented as news to deceive the public. It may include fabricated stories, conspiracy theories, or manipulated content designed to mislead readers, often for political, financial, or ideological purposes. In contemporary times, fake news spreads rapidly via social media, exacerbating misinformation and influencing public opinion or political outcomes.

¹⁰⁵ Hate speech is any communication, whether spoken, written, or displayed, that attacks, threatens, or insults individuals or groups based on attributes such as race, religion, ethnicity, gender, sexual orientation, or disability. In today's digital landscape, hate speech often spreads through social media platforms, contributing to societal polarization, discrimination, and sometimes violence.

¹⁰⁶ Ethical journalism refers to the standards and principles that guide journalists and media organizations in their reporting and storytelling. It emphasizes accuracy, fairness, impartiality, accountability, and integrity. Ethical journalists are expected to verify facts before publication, avoid sensationalism, respect privacy, prevent harm, and provide balanced viewpoints. The goal is to uphold the truth and serve the public interest while avoiding conflicts of interest, bias, and exploitation.

¹⁰⁷ K.S. Puttaswamy v. Union of India, (2015) 8 SCC 735

¹⁰⁸ The **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** are regulations introduced by the Government of India to govern digital platforms, social media companies, and online news outlets. These rules aim to regulate content on digital platforms, ensure compliance with Indian laws, and protect users' rights. They mandate that platforms appoint compliance officers, respond to content takedown requests within a specified timeframe, and adhere to a code of ethics. The rules also introduce a three-tier grievance redressal system for digital media and OTT (over-the-top) streaming services. While intended to curb misinformation, fake news, and harmful content, the IT Rules, 2021 have faced criticism for potentially curbing freedom of speech and increasing government oversight of digital platforms.

potentially curbing freedom of expression online. Striking a balance between media freedom and the need to regulate harmful content remains a pressing issue.

Conclusion: In sum, the role of media in India, emerging from the constitutional values and changing technological environments, has been deeply changing.¹⁰⁹ It was from the contribution of print media during the freedom movement to the impact of digital and social media on present-day society that the role of media has continued to be a crucial shaper of democratic processes in India. The tedium with which the Constitution awards freedom to the media, coupled with changes in technology and media landscapes, is indicative that their relationship will require modification in light of new concerns like misinformation and ethical journalism.

¹⁰⁹ Supra 8

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