
FREEDOM OF PRESS IN INDIA: A DOUBLE- EDGED WEAPON

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"A free press is the cornerstone of democracy; there is no question about that."

- Hugh Grant

ABSTRACT

Often hailed as the fourth pillar of democracy, the press plays a vital role in upholding truth, ensuring transparency, and keeping those in power accountable. Yet, in today's rapidly transforming world, proliferation of misinformation, political polarization and other factors have redefined how news is produced, distributed and consumed. This article explores the dual nature of press freedom in India, questioning its practical application through legal, social, and ethical lenses, using contemporary examples and judicial precedents.

Introduction:

Actor Hugh Grant's remark underscores a significant reality about the vital role of press freedom in any functioning democracy. However, to grasp the actual condition of media freedom in India, one must look beyond the surface.

The phrase 'freedom of the press' generally denotes the right of media, whether in print, electronic, or digital form, to disseminate information and opinions. This freedom, however, is not absolute. It operates within the boundaries set by various legal provisions, including those concerning defamation, obscenity, sedition, and other reasonable restrictions imposed in the interest of public order and national security, like other rights, this freedom is also bundled with reasonable restrictions.¹

¹ State of U.P. v Lalai Singh Yadav, AIR 1997 SC 1295.

History:

The advocacy for press freedom can be traced back to the 17th century, notably through the writings of English poet John Milton. In his 1644 publication *Areopagitica*, Milton strongly criticized the British Parliament's proposal that mandated government approval before any book could be published. His work laid the foundation for later discussions on freedom of expression. Today, this right is considered a fundamental human entitlement and is clearly articulated in **Article 19** of the **Universal Declaration of Human Rights**, which upholds the liberty to seek, receive, and impart information without interference.

India's experience with press freedom has been shaped by a turbulent and multifaceted history. From the time of British colonial rule to modern-day democracy, the country's media landscape has witnessed both progress and repression. During British colonial rule, the press in India faced severe restrictions through a series of repressive laws intended to stifle dissent and control public opinion. Notable among these were the Indian Press Act of 1910 and the Indian Press (Emergency Powers) Act of 1931-32, both crafted to suppress publications that criticized colonial policies or fuelled nationalist sentiments. These legislations were instrumental in curbing press freedom and maintaining strict governmental control over the flow of information.

Constitutional Aspect:

Article 19(1) (a) of the Indian Constitution grants every citizen the fundamental right to express their views and opinions freely. While the term "freedom of the press" is not explicitly mentioned in the text, the Supreme Court of India has consistently interpreted this right as encompassing press freedom. However, this freedom is not without limits. Article 19(2) authorizes the state to impose reasonable restrictions on free expression in the interest of national security, public order, decency, morality, and other significant concerns, but the court has to decide what kinds of fetters are being imposed and the impact of the same.²

Is Freedom of Press Real?

Although the Constitution guarantees freedom of speech and expression, which inherently covers freedom of the press, the actual enforcement of this right in India remains a matter of

² Manoharlal Sharma v. Sanjay Lila Bhansali, AIR 2018 SC 86.

serious concern. A striking example occurred in September 2019, when a journalist in Mirzapur, Uttar Pradesh, was booked for criminal conspiracy just days after he released a video showing children in a government school being served only plain rotis and salt under the Mid-Day Meal Scheme.³

In another troubling case from Shamli, a reporter covering the derailment of a goods train alleged that he was subjected to police brutality. He claimed he was taken into custody by Government Railway Police, forced to strip, and was even urinated on while in the lock-up. These disturbing events raise serious questions about the safety of journalists and the practical boundaries of press freedom in the country.⁴

The situation deteriorated further during COVID-19 pandemic, with reports indicating that at least 55 journalists faced arrest, registrations of FIRs, summons or showcase notices, physical assaults, alleged destruction of properties and threats for covering issues on COVID-19 pandemic. In the recent years there has been a noticeable increase in criminal cases filed against media professionals. One notable instance is the case of **Vinod Dua v. Union of India**⁵, where the late Journalist Vinod Dua was accused of sedition over a YouTube video he posted in 2021, criticising the government. On June 3, 2021, a Division Bench of the Supreme Court set aside the FIR filed against him but rejected the request to constitute a committee for pre-screening FIRs. Citing the case **Indian Express Newspapers (Bombay) Private Ltd v Union of India**⁵, the Court stated that the freedom of press is the '*heart of social and political intercourse*'.

According to latest World Press Freedom Index (2025), prepared by Reporters without borders (RSF), India stands at 151st number among 180 nations and in 2024 it was at 159th position. India's ranking is disturbing, being classified as 'very serious', indicating a downward trend in media freedom and independence of press. This trend of restricted press freedom is not unique to India; nations like China and North Korea are also known for their tight control over media. For instance, China heavily censors information and has developed its own version of Google, enabling the government to regulate virtually all the online content and information.

³ "Journalist who exposed salt-roti meal in school booked by UP govt." *The Hindu*, Sep. 02, 2019.

⁴ "Two UP railway police personnel suspended for beating up journalist" *The Hindu*, June 12, 2019. ⁵Vinod Dua v. Union of India, 2021 SCC 414.

⁵ Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India, (1985) 1 SCC 641.

Is There a Need for a Stricter Code of Conduct for Press Freedom?

While press freedom is essential for a healthy democracy, its misuse has raised serious concerns. Though complete freedom of press is often not fully realised, instances of irresponsible reporting have made the need for regulation more apparent. According to an article of UNESCO, the COVID-19 pandemic revealed the dangers of misinformation, highlighting the access to verified facts and scientific data can be a matter of life and death.⁶ According to WHO⁸ and news article in BBC news about a study published in the *American Journal of Tropical Medicine and Hygiene* found that during the first quarter of 2020, nearly 6,000 people around the world were hospitalized due to false information related to corona virus.⁷

A tragic example of consequences of misinformation occurred in June 2018, in Karbi Anglong, Assam, where a rumour about child traffickers spread rapidly. Two men were brutally lynched by villagers of that area who mistakenly believed that they were child kidnappers. This incident illustrates the deadly potential consequences of misinformation occurred due to fake news.⁸ In 2025 also, according to an article published in The Times of India, a fake crash report went viral and later found to be AI generated misled the public and even the aviation professionals.⁹

It is thus settled that this liberty has been increasingly taking on a reactionary role. Rather than encouraging rationale thinking and supporting critical issues, a significant portion of the media tends to amplify the superstition and regressive believes. This not only hinders progress but also a threat to nation's socio-economic development.

Freedom of Press as a Double-Edged Weapon:

Freedom of Press is not inherently harmful, nor is it always beneficial. It is truly a double edged sword. Its impact largely depends for what purpose it is being used. Just like a knife can be used for constructive tasks like cutting or for harmful acts like stabbing, press freedom can

⁶ "Communication and Information: Response to COVID-19" UNESCO, available at: <https://www.unesco.org/en/covid-19/communication-and-information-response>. ⁸ "Fighting misinformation in the time of COVID-19, one click at a time" WHO (2021), available at: <https://www.who.int/news-room/feature-stories/detail/fighting-misinformation-in-the-time-of-covid-19-oneclick-at-a-time>.

⁷ "Hundreds dead because of Covid-19 misinformation" BBC news, Aug. 2020.

⁸ "Death by 'fake news': Social media-fueled lynchings shock India" *The Straits Times*, Jul. 2018.

⁹ "Air India plane crash: AI-Generated fake reports, videos spreading misinformation; fraudsters exploiting vulnerability" *The Times of India*, Jul. 2025.

serve both, to uplift society or cause serious harm. When used responsibly, it brings truth to life and shapes informed public opinion. But if misused or left unchecked, it can lead to misinformation, chaos and damage to social harmony.

Dr. B.R. Ambedkar aptly pointed out that press does not possess any special rights beyond what is available to every citizen. The editor and journalist are essentially exercising the same right to freedom of expression to all individuals. The right is considered one of the essential pillars of democratic liberty and should only be curtailed under authoritarian regimes. Nonetheless, the media bears the serious responsibility to ensure that the information they publish is accurate and verified.¹⁰

Press freedom v. Judicial Fairness:

In any functioning democracy, the twin pillars i.e. press freedom and judicial fairness is essential to uphold truth, accountability and justice. Fair trial have been defined and discussed in various dictums made down by constitutional courts such as High Courts as well as Supreme Court of India. Right of freedom of press provides for apprising the public about the matters of public interest. However, right of fair trial has also to be zealously guarded. In the event of conflict between the concept of freedom of speech and requirements of fair trials, all other things be equal, the latter should prevail. The concept of ‘trial by media’, where the press, electronic media, or public sentiment attempts to influence legal proceedings, can fundamentally oppose the principles of the Rule of Law. Such interference can seriously jeopardize the fairness of a trial and may result in a miscarriage of justice.

One of the major concerns is the possibility of bias when the media reports on a case without restraint or regulation. For instance, revealing photographs of suspects before an official identification parade is conducted, or making statements that declare someone guilty before a court has made such a determination, can severely compromise due process.

To uphold justice, it is crucial that media outlets refrain from engaging in speculative or accusatory reporting, especially during the preliminary stages of investigation or trial. At that point, the accused are still entitled to constitutional safeguards, and any violation of these rights through media intrusion would be both unlawful and unjustified.

¹⁰ Sanjay Narayan v. Hon’ble H.C. of Allahabad, (2011) 9 SCALE 532.

It is well said that liberty of press is subordinate to 'Administration of justice' the plain duty of the journalist is the reporting only and certainly not the adjudication of cases by starting media trials. The cable television network (Regulation) Act, 1995 (CTVNA) and Rules, in clear and un-ambiguous terms prohibits carrying of any programme on the cable network which amounts to contempt of court under Contempt of Courts Act, 1971.¹¹

On 21st July, 2025, the representation was moved by the Public Interest for issuance of directions/ guidelines restraining press, media, You Tube and news channels from printing or displaying any news items and initiating any discussions or debates in the serious matters, causing serious and fatal prejudice to the ongoing investigations in such matters, within the state of Punjab and not to violate or do any act contrary to the provisions of 'The Cable Television Networks Act, 1994 as well as the Rules. Recently, on 30th July, 2025, Ministry of Information and Broadcasting, posted a press release by which they enforced the norms of journalistic conduct through Press Council of India (PCI), programme code and its rules to curb fake and defamatory content across print, T.V and digital platforms. Moreover after due consultation with relevant ministries, the government of India has blocked 43 OTT platforms from spreading fake news, misinformation & hosting inappropriate content.

Elements of Responsible Journalism:

1. Commitment to Truth

The primary responsibility of journalism is a commitment to uncovering and presenting the truth. As emphasized by media scholars Kovach and Rosenstiel, while truth itself is not absolute and may evolve, much like scientific understanding the journalism seeks practical truths that are reliable and verifiable at a particular moment. This form of truth is constructed through a structured process: fact-gathering, verification, and balanced presentation, while staying open to corrections and updates as new information emerges.

2. Verification as a Foundational Principle

Verification is the cornerstone of credible journalism. Journalists are expected to critically assess and validate all information before it reaches the public domain. Although a single global standard for verification does not exist, widely accepted professional practices guide journalists

¹¹ REF NO. PWS/1020/2025

in ensuring accuracy. While complete neutrality may not always be achievable, due to external influences such as political or commercial pressures, the methods of journalism must remain objective, rigorous, and ethical to retain public trust.

3. The Importance of Oversight

Reporting the news is far more complex than it may appear, with significant consequences for society. An unregulated press often prioritizes sensationalism to attract viewership, sometimes at the cost of truth and public interest. On the other hand, excessive regulation can result in censorship and bias. India's fluctuating position on the global Press Freedom Index underscores the ongoing struggle to strike a delicate balance between media freedom and responsible journalism

Way forward:

In today's digital age, the average individual often functions similarly to a journalist. Whether through blog posts, social media sharing, or even simply liking a post, people make judgments about the credibility of information and decide what to pass on. As access to information grows, the relationship between news producers and consumers is evolving. Citizens now play a more active role in the news ecosystem and must recognize their responsibilities alongside their rights.

If current trends in Indian media persist unchecked, the risk of increased polarization and decline in journalistic standards grows. A solution could lie in the formation of an independent regulatory body free from governmental or corporate control, to oversee the press and ensure the responsible exercise of freedom of expression. Such a reform could mark a turning point in the credibility and global standing of Indian journalism.

Ultimately, Journalism is not solely the domain of media professionals, it is a collective responsibility shared by citizens, the press, and the government. When all three stakeholders operate with integrity, transparency, and accountability, the media can serve as a powerful catalyst for truth, justice, and democratic progress. A responsible press informs the public, upholds democratic ideals, and plays a critical role in combating corruption wherever it is practiced with sincerity and purpose.

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