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EXPANDING ROLE OF MEDIA ON INDIAN DEMOCRACY IN 21ST CENTURY: A CRITICAL STUDY

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I. ABSTRACT

Media shapes Indian democracy through relentless engagement with politics, people, and governance. Its role evolved beyond information to mobilisation, accountability, transparency, and citizen empowerment. “Article 19(1)(a) of the Indian Constitution ensures freedom of speech and expression for the press”. Courts have repeatedly reaffirmed media's centrality to democratic dialogue and constitutional accountability. In “*Romesh Thappar v. State of Madras, Supreme Court*” held press freedom is essential. The transition from print and radio to television and digital platforms altered democratic discourse. Social media platforms became instrumental in influencing public opinion, elections, and policymaking. They act both as tools for participation and sources of disinformation and manipulation. The 2014 and 2019 Lok Sabha elections showcased social media's unprecedented political outreach. Yet, excessive media trials have distorted justice as seen in “*Manu Sharma v. State (NCT of Delhi)*”. While media uncovers corruption, it also succumbs to paid news, TRP wars, and political allegiance. Regulatory frameworks like the “*Press Council Act, 1978, and Cable TV Networks Act, 1995,*” lack sharp enforcement. The IT Rules, 2021 raised concerns over chilling effects on free speech and editorial freedom. India needs urgent legislative clarity and judicial review of digital regulation under constitutional scrutiny. Democratic ideals demand that media remain free, factual, ethical, and representative of public conscience.

II. KEYWORDS

Media Freedom, Indian Democracy, Constitutional Law, Social Media Regulation, Press Accountability

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III. INTRODUCTION

Media connects citizens to government actions, judicial processes, and policy decisions in real time³. It operates as a vigilant watchdog of executive overreach and public misconduct in a democracy. “*The Indian Constitution under Article 19(1)(a) guarantees freedom of speech and expression to all*”⁴. This provision includes media’s right to freely report, criticise, and inform public discourse on governance⁵. The judiciary has firmly upheld press freedom as intrinsic to constitutional democracy in India⁶.

Democracy remains incomplete without a functional, free, and responsible press acting in public interest⁷. The term “fourth pillar of democracy” symbolises the media’s moral power to ensure institutional accountability. Media influences legal, social, and electoral choices through its reach, persuasion, and accessibility. It helped during colonial times by shaping public opinion against British rule using vernacular press⁸. Publications like *Sambad Kaumudi* and *Mirat-ul-Akhbar* highlighted socio-political oppression.

Post-independence, media advanced constitutional values and advocated civil rights across the country⁹. The role expanded from print to radio, television, and digital communication technologies. News now travels at digital speed, reaching even remote voters through smartphones and social platforms¹⁰. This speed challenges traditional journalistic ethics, editorial filters, and fact-checking norms. The internet democratised participation but exposed society to disinformation and polarisation.

The 21st-century media includes television debates, YouTube commentary, memes, and influencer journalism¹¹. Elections reflect this change with social media campaigns,

³ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, “*Role of Media in Indian Democracy*”, NAIRJC Vol. 8, Issue 5, 42 (2022).

⁴ “INDIA CONST. art. 19(1)(a).”

⁵ “*Romesh Thappar v. State of Madras*, AIR 1950 SC 124.”

⁶ “*Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641.”

⁷ Sanchita Hazra, “*The Role and Importance of Media in Indian Democracy*”, IJCRT Vol. 9, Issue 2, 4325 (2021).

⁸ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 43.

⁹ Sanchita Hazra, *supra* note 6, at 4327.

¹⁰ Noor MdBajlun Hussain, *Impact of Social Media in Indian Politics*, Int’l J. “Recent Scientific Research Vol. 9, Issue 1(I), 23451” (2018).

¹¹ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 45.

hashtags, and real-time speeches online¹². The 2014 and 2019 General Elections marked a digital-first approach by political parties nationwide. Data-driven targeting raised concerns about voter manipulation and violation of privacy norms¹³. Institutions like Election Commission have warned against deepfakes, false ads, and hate speech proliferation.

Case law has emerged to balance “Article 19(1)(a) rights with Article 21” protections for privacy and dignity¹⁴. In “*Sahara India Real Estate Corp. v. SEBI*, (2012) 10 SCC 603”, court allowed postponement of media reports¹⁵. This ensured fair trial and integrity of judicial proceedings remained protected from media prejudice. Similarly, in “*Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1”, media’s role in prejudging guilt was flagged¹⁶. Courts increasingly face tension between press freedom and accused’s fundamental rights under criminal law.

Media coverage of political scandals, environmental protests, and farmer agitations created national momentum¹⁷. Cases like the Jessica Lal murder saw public mobilised through mass media and demand for judicial action. Yet, sensationalism, TRP ratings, and polarised narratives compromise investigative depth and social harmony¹⁸. This deterioration threatens constitutional ethos if media aligns with political or corporate interests blindly. The balance between independence, ethics, and responsibility becomes urgent in today's multimedia ecosystem.

A. RESEARCH OBJECTIVE

1. To assess how Indian media has changed its democratic role in the 21st century¹⁹.

¹² Noor MdBajlun Hussain, *supra* note 13, at 23452.

¹³ “Election Commission of India, *Model Code of Conduct and Social Media Guidelines*”, 2019.

¹⁴ “INDIA CONST. art. 21”.

¹⁵ “*Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603”.

¹⁶ “*Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1”.

¹⁷ Sanchita Hazra, *supra* note 6, at 4329.

¹⁸ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 44.

¹⁹ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4325 (2021).

2. To examine constitutional protections for media and its limitations under Article 19(2).
3. To study the effect of political interference on media independence and credibility²⁰.
4. To evaluate the growing impact of digital and social media in shaping public opinion.
5. To examine the judicial interpretation of media freedom in landmark constitutional cases.

B. RESEARCH QUESTIONS

1. How has the rise of digital media platforms transformed the balance between press freedom and ethical responsibility in 21st century Indian democracy?
2. To what extent have judicial interpretations of Article 19(1)(a) and Article 19(2) of the Indian Constitution shaped the evolution of media regulation in India?
3. What reforms are needed in India's media regulatory framework to address the challenges of paid news, media trials, and disinformation while preserving constitutional protections for free speech?

C. RESEARCH METHODOLOGY

Doctrinal method used to analyse legal provisions, constitutional texts, and judicial rulings²¹. Descriptive and analytical approach applied to trace historical evolution of Indian media. Case study analysis used in "*Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1"²². Qualitative review of secondary data from government reports and legal commentaries. Comparative analysis drawn from foreign jurisdictions like USA and UK on media regulation.

²⁰ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 45 (2022).

²¹ D.D. Basu, "*Introduction to the Constitution of India*" 233 (22nd ed. 2015).

²² "*Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1"

Judicial precedents reviewed to understand trends in media freedom jurisprudence²³. Legislative texts like Cable TV Act and IT Rules studied for their impact on press liberty²⁴. Social context examined through media coverage of elections, protests, and high-profile cases²⁵. Online sources and research papers used to interpret current digital media issues in India. Data triangulated with constitutional provisions and scholarly opinion for objective depth²⁶.

D. STATEMENT OF PROBLEM

Media in India holds constitutional protection but lacks institutional accountability and independence²⁷. Article 19(1)(a) grants free speech, yet state overreach under Article 19(2) often curtails it²⁸. Social media lacks robust legislative control, leading to unchecked hate speech and fake news²⁹. Cases like "*Romesh Thappar v. State of Madras*, AIR 1950 SC 124" reveal tension between liberty and security³⁰.

IT Rules, 2021 imposed executive control over digital content, risking editorial autonomy³¹. Media trials violate right to fair trial, undermining *Article 21* of the Indian Constitution³². Regulatory institutions like Press Council lack enforcement capacity and statutory strength³³. Commercialisation fuels biased narratives, harming journalistic objectivity and democratic values. Media's alliance with political and corporate actors distorts electoral processes and public perception³⁴. In absence of structural reforms, media may drift from its role as the fourth pillar of democracy³⁵.

²³ "*Romesh Thappar v. State of Madras*, AIR 1950 SC 124."

²⁴ "Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India)".

²⁵ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, NAIRJC, *supra* note 3, at 45.

²⁶ D.D. Basu, "*Introduction to the Constitution of India* 235" (22nd ed. 2015).

²⁷ Sanchita Hazra, IJCRT, *supra* note 1, at 4329.

²⁸ "INDIA CONST. art. 19(1)(a), 19(2)".

²⁹ "Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021".

³⁰ "*Romesh Thappar v. State of Madras*, AIR 1950 SC 124".

³¹ *LiveLaw Media Pvt. Ltd. v. Union of India*, W.P. (C) No. 1354/2021 (pending before SC).

³² Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, NAIRJC, *supra* note 3, at 44.

³³ "Press Council Act, 1978, No. 37, Acts of Parliament, 1978 (India)".

³⁴ Noor MdBajlun Hussain, IJRSR, *supra* note 4, at 23452.

³⁵ Sanchita Hazra, IJCRT, *supra* note 1, at 4330.

IV. CONSTITUTIONAL FOUNDATION OF MEDIA FREEDOM IN INDIA

Freedom of media is implicit in freedom of speech and expression under “Article 19(1)(a)”³⁶. Indian Constitution does not explicitly mention freedom of press but guarantees it through interpretation”³⁷. In “*Romesh Thappar v. State of Madras*, AIR 1950 SC 124, the Supreme Court” expanded the meaning of “Article 19(1)(a)”³⁸. The Court held that freedom of propagation includes freedom of circulation without prior restraints. It clarified that liberty of the press is essential to democratic governance and open discourse.

In “*Brij Bhushan v. State of Delhi*, AIR 1950 SC 129”, pre-censorship orders on publication were struck down³⁹. Court reaffirmed that prior restraint violates the constitutional mandate under “Article 19(1)(a)”. This judgment further recognised press autonomy in exposing administrative misconduct and governmental failure. In “*Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641”, Court protected economic viability of press⁴⁰. It held that excessive taxation or printing restrictions can indirectly curb freedom of the press.

Press freedom is not absolute and is subject to Article 19(2) which allows reasonable restrictions⁴¹. Restrictions include sovereignty, public order, decency, contempt of court, and defamation. However, courts have insisted on strict scrutiny of such limitations to prevent misuse by the State⁴². In “*Sakal Papers (P) Ltd. v. Union of India*, AIR 1962 SC 305”, Court invalidated regulation on newspaper circulation⁴³. It held that circulation is inseparable from freedom of speech and cannot be indirectly curtailed.

³⁶ “INDIA CONST. art. 19(1)(a)”.

³⁷ “D.D. Basu, *Introduction to the Constitution of India* 148” (22nd ed. 2015).

³⁸ “*Romesh Thappar v. State of Madras*, AIR 1950 SC 124”.

³⁹ “*Brij Bhushan v. State of Delhi*, AIR 1950 SC 129”.

⁴⁰ “*Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641”.

⁴¹ INDIA CONST. art. 19(2).

⁴² D.D. Basu, *supra* note 2, at 150.

⁴³ “*Sakal Papers (P) Ltd. v. Union of India*, AIR 1962 SC 305”.

The Constituent Assembly debated inclusion of explicit press freedom but relied on general speech liberty⁴⁴. “Dr. B.R. Ambedkar stated that press is comprised of citizens and does not require separate rights”. This understanding helped constitutional courts to interpret Article 19(1)(a) broadly and purposefully⁴⁵. Yet, India lacks a statutory charter on media rights unlike the First Amendment in the United States⁴⁶. Judicial interpretation therefore plays a vital role in preserving democratic space for media action⁴⁷.

In “*Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788”, Court struck down newsprint restrictions⁴⁸. Court held that limiting newspaper size affected editorial content and violated Article 19(1)(a). Judiciary in this case reinforced the economic independence and editorial freedom of media houses. In modern digital context, Article 19(1)(a) is extended to cover electronic and internet-based platforms⁴⁹. But State often invokes national security and public order to “regulate online content and digital journalism”.

The “*Supreme Court in Shreya Singhal v. Union of India*, (2015) 5 SCC 1 struck down Section 66A of the IT Act”. It held that vague laws cannot restrict free expression without violating constitutional safeguards. Court stated that freedom of opinion includes dissent, satire, parody, and even harsh criticism. Thus, any executive or legislative overreach that chills press freedom invites constitutional scrutiny. Media freedom in India rests on a delicate constitutional equilibrium between liberty and social responsibility⁵⁰.

V. ROLE OF MEDIA IN DEMOCRATIC GOVERNANCE

Media facilitates civic awareness by disseminating information on state policies, laws, and governmental actions⁵¹. It educates citizens about their rights, duties, and

⁴⁴ Constituent Assembly Debates, Vol. VII (Nov. 24, 1948).

⁴⁵ D.D. Basu, *supra* note 2, at 152.

⁴⁶ U.S. CONST. amend. I.

⁴⁷ Indian Express Newspapers, *supra* note 9.

⁴⁸ “*Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788”.

⁴⁹ “*Shreya Singhal v. Union of India*, (2015) 5 SCC 1”.

⁵⁰ D.D. Basu, *supra* note 2, at 153.

⁵¹ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4325 (2021).

channels available for participation in public decision-making. It brings distant governance closer, enabling people to assess their leaders through real-time coverage⁵². It promotes accountability by exposing scams, corruption, and administrative failures to public scrutiny. In a participatory democracy, such watchdog function empowers people to demand justice and transparency.

Television, newspapers, and digital portals influence legislative discourse and frame public agenda⁵³. In “*S.P. Gupta v. Union of India*, AIR 1982 SC 149”, court upheld openness and free discussion as democratic virtues⁵⁴. Media shapes electoral participation through campaign coverage, debate moderation, and issue-based reporting⁵⁵. It reminds politicians of unfulfilled promises and election manifestos through continuous reporting. The Election Commission monitors paid news and fake content, citing the risk to free and fair polls⁵⁶.

Local and regional media play a vital role in rural governance by reporting grassroots-level challenges⁵⁷. Radio stations like Krishi Vani inform farmers about weather, seeds, and subsidy schemes in regional dialects. During the COVID-19 pandemic, both traditional and social media helped spread public health directives⁵⁸. It assisted in communicating lockdown rules, vaccination awareness, and relief scheme accessibility. The government also uses media for outreach through schemes like *Mann Ki Baat* and press briefings⁵⁹.

Media brings judiciary to the public by reporting judgments, trials, and legal reforms in understandable language. Judicial activism gained momentum due to media attention on public interest litigations and social injustice. “*The Supreme Court in State of Uttar Pradesh v. Raj Narain*, (1975) 4 SCC 428 recognised right to know as part of free

⁵² Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 42 (2022).

⁵³ Sanchita Hazra, *supra* note 1, at 4327.

⁵⁴ “*S.P. Gupta v. Union of India*, AIR 1982 SC 149”.

⁵⁵ Noor MdBajlun Hussain, *Impact of Social Media in Indian Politics*, Int’l J. “Recent Scientific Research Vol. 9, Issue 1(I), 23451” (2018).

⁵⁶ “Election Commission of India, *Model Code of Conduct and Social Media Guidelines*”, 2019.

⁵⁷ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 3, at 45.

⁵⁸ Sanchita Hazra, *supra* note 1, at 4328.

⁵⁹ Press Information Bureau, *Mann Ki Baat Archives*, www.pib.gov.in (last visited Apr. 15, 2025)

speech”⁶⁰. Court held that openness in government functions is essential to hold officials answerable to the public. Media, in this context, becomes an instrument to operationalise this right to information.

Investigative journalism in India exposed scams like 2G, Commonwealth Games, and the Bofors scandal⁶¹. It triggered legislative probes, judicial intervention, and administrative restructuring across sectors. Cases like “*Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1” highlighted media’s power to mobilise justice⁶². Media coverage ensured retrial and sustained public pressure on prosecution agencies to act fairly. Similarly, the Jessica Lal and Priyadarshini Mattoo cases reflected media’s influence on trial outcomes.

Excessive media influence, however, may compromise the presumption of innocence in criminal jurisprudence⁶³. In “*Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603”, Court allowed temporary postponement of media trials. It recognised need to safeguard fair trial rights under Article 21 from prejudicial reporting. Media must balance its freedom under “Article 19(1)(a)” with the constitutional dignity of the accused⁶⁴. Ethical standards and internal self-regulation are necessary to maintain this balance in a functional democracy⁶⁵.

VI. MEDIA AND JUDICIARY: THE ISSUE OF ‘TRIAL BY MEDIA’

Media sometimes declares the accused guilty before the court decides the matter⁶⁶. This practice violates the basic tenet of *presumption of innocence* under criminal jurisprudence. Such interference obstructs judicial process and can prejudice judges and witnesses alike. Courts in India have warned against parallel trials by news anchors and viral social

⁶⁰ “*State of Uttar Pradesh v. Raj Narain*, (1975) 4 SCC 428”.

⁶¹ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 3, at 44.

⁶² *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.

⁶³ “*Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603”.

⁶⁴ INDIA CONST. art. 21.

⁶⁵ “Press Council of India, *Norms of Journalistic Conduct* (2022 ed.)”.

⁶⁶ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 44 (2022).

media debates⁶⁷. In “*Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1”, the Supreme Court expressed serious concern over media conduct⁶⁸.

Court said excessive coverage during trial may hamper fair trial rights under “*Article 21 of the Constitution*”. Trial by media results in preconceived opinions which may affect judicial impartiality. Accused individuals often face social stigma, job loss, and reputational damage before being proven guilty⁶⁹. In “*State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 SCC 386”, the Court reiterated the principle of judicial primacy⁷⁰. Judgment clarified that guilt must be established in court, not in television studios.

The Constitution protects both Article 19(1)(a) and Article 21 with equal constitutional weight⁷¹. Freedom of speech cannot override the accused's right to life and fair procedure under due process. In “*Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603”, the Court allowed postponement orders on media reporting⁷². The ruling introduced the concept of “postponement orders” to balance fair trial and press freedom. Court held that regulating publication during ongoing proceedings is constitutionally permissible when justified.

Media trials often use selective leaks, edited footage, and emotional narratives to gain public attention⁷³. In high-profile cases like *Arushi Talwar murder*, media presented versions before the court was done hearing⁷⁴. This led to public outrage, misperceptions, and a breakdown in public trust toward court verdicts. Ethical journalism demands restraint in coverage of sub judice matters and protection of judicial dignity⁷⁵. The “*Press Council of India has issued norms to regulate media commentary on pending criminal cases*”.

⁶⁷ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4329 (2021).

⁶⁸ “*Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1”.

⁶⁹ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 45.

⁷⁰ “*State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 SCC 386”.

⁷¹ INDIA CONST. art. 19(1)(a), 21.

⁷² “*Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603”.

⁷³ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 45.

⁷⁴ *Nupur Talwar v. CBI*, (2012) 11 SCC 465.

⁷⁵ “*Press Council of India, Norms of Journalistic Conduct* (2022 ed.)”.

Judicial discipline has mostly respected media freedom but called for maturity in its exercise⁷⁶. In “*In Re: Harijai Singh, (1996) 6 SCC 466*”, Court recognised press’s role but cautioned against contemptuous reporting⁷⁷. The “Contempt of Courts Act, 1971” provides sanctions for acts that scandalise or prejudice judicial proceedings⁷⁸. “*Section 4 of the Act permits fair and accurate reporting of trials, but not sensationalised narratives*”. The press must act as a facilitator of justice, not a judge or executioner in public eyes.

With rise of digital media, unregulated platforms now publish speculative and false narratives instantly⁷⁹. Fake news, deepfakes, and WhatsApp forwards pose fresh challenges to judicial independence and fairness. The Supreme Court in “*Shreya Singhal v. Union of India, (2015) 5 SCC 1 struck down vague provisions of Section 66A IT Act*”⁸⁰. Court emphasised the importance of clarity and necessity in speech-restricting laws to avoid chilling effects. Hence, regulation of media trials must be rooted in reason, necessity, and constitutional scrutiny.

VII. CHALLENGES TO MEDIA’S DEMOCRATIC ROLE IN 21ST CENTURY

Commercialisation pushes media to prioritise profit over public interest and democratic ethics⁸¹. TRP-driven reporting results in sensationalism, ignoring accuracy and depth in content delivery. Many channels focus on celebrity gossip while neglecting rural distress, public health, or legal reforms. Corporate ownership concentrates editorial control, restricting ideological diversity and independent

⁷⁶ Sanchita Hazra, *supra* note 4, at 4330.

⁷⁷ “*In Re: Harijai Singh, (1996) 6 SCC 466*”.

⁷⁸ “Contempt of Courts Act, 1971, No. 70, Acts of Parliament, 1971 (India)”.

⁷⁹ Noor MdBajlun Hussain, *Impact of Social Media in Indian Politics*, Int’l J. “Recent Scientific Research Vol. 9, Issue 1(I), 23452 (2018)”.

⁸⁰ “*Shreya Singhal v. Union of India, (2015) 5 SCC 1*”.

⁸¹ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 44 (2022).

journalism⁸². Journalists often face pressures from advertisers and sponsors to avoid investigative criticism.

Paid news corrupts the electoral process by misleading voters and manipulating democratic opinion⁸³. Election Commission identified paid content as a serious threat to free and fair democratic participation. Political parties exploit friendly media houses to influence voters using propaganda disguised as reporting⁸⁴. This breaks media neutrality, turning it into a political tool rather than a public watchdog. Such media-politics nexus severely undermines democratic choice and informed voting rights.

Social media platforms remain largely unregulated and amplify disinformation at an unprecedented scale⁸⁵. Fake news, deepfakes, and algorithmic echo chambers create polarisation and hate speech cycles. Freedom of expression gets misused for spreading communal hate, without legal accountability mechanisms⁸⁶. “The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021” aimed to regulate content⁸⁷. These rules, however, raised fears of executive overreach and press censorship in digital media space⁸⁸.

Data privacy violations and surveillance on journalists challenge free speech and editorial independence⁸⁹. Pegasus spyware reports revealed unlawful intrusion into phones of activists and media professionals. This violates the fundamental right to privacy recognised in *Justice “K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1”*⁹⁰. Right to report and gather information suffers when journalists fear illegal monitoring or harassment. Protection of source confidentiality is vital for press freedom in a constitutional democracy.

⁸² Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4327 (2021).

⁸³ “Election Commission of India, *Compendium of Instructions on Paid News*, 2020”.

⁸⁴ Sanchita Hazra, *supra* note 4, at 4328.

⁸⁵ Sanchita Hazra, *supra* note 4, at 4328.

⁸⁶ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 45.

⁸⁷ “Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021”.

⁸⁸ “*LiveLaw Media Pvt. Ltd. v. Union of India*, W.P. (C) No. 1354/2021” (pending before SC).

⁸⁹ Reporters Without Borders, *India: 2022 World Press Freedom Index*, www.rsf.org (last visited Apr. 16, 2025).

⁹⁰ “*Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1”.

Decline in investigative journalism reduces exposure of corruption and public sector accountability⁹¹. Newsrooms cut long-form reporting budgets, preferring quick updates and algorithm-friendly visuals. This limits democratic debate and reduces journalism to entertainment or partisan rhetoric. Courtrooms are increasingly influenced by public outrage driven by viral narratives on social platforms⁹². This poses a risk to judicial independence and undermines rule of law principles under Article 14 and 21⁹³.

Media lacks effective self-regulation and is unwilling to enforce ethical standards among practitioners⁹⁴. The Press Council of India has no punitive powers to act against violations of journalistic conduct⁹⁵. News Broadcasting & Digital Standards Authority remains voluntary, with limited member participation⁹⁶. Statutory reform is necessary to empower regulators without infringing editorial independence. Balance must be struck between accountability, autonomy, and citizens' right to truthful information.

VIII. SOCIAL MEDIA AND DEMOCRACY: NEW THREAT OR NEW HOPE?

Social media platforms enable citizens to share opinions, ideas, and grievances without editorial filters⁹⁷. They allow direct engagement with government functionaries, ministers, and public policy debates. People use Facebook, Twitter, Instagram, and WhatsApp for political mobilisation and awareness campaigns⁹⁸. Movements like #MeToo, #FarmersProtest, and #CAA protests gained momentum

⁹¹ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 46.

⁹² "Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1".

⁹³ INDIA CONST. arts. 14, 21.

⁹⁴ "Press Council of India, *Norms of Journalistic Conduct* (2022 ed.)".

⁹⁵ "Press Council Act, 1978, No. 37, Acts of Parliament, 1978 (India)".

⁹⁶ News Broadcasting & Digital Standards Authority, *Code of Ethics*, www.nbdsa.in (last visited Apr. 16, 2025).

⁹⁷ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4329 (2021).

⁹⁸ Noor MdBajlun Hussain, *Impact of Social Media in Indian Politics*, Int'l J. "Recent Scientific Research Vol. 9, Issue 1(I), 23452" (2018).

using digital activism tools[4]. Social media amplifies voices of marginalised communities often ignored by mainstream press houses⁹⁹.

Online platforms democratise access to news but also promote misinformation at alarming levels. Algorithm-driven feeds create echo chambers where users see only ideologically compatible content. Fake news circulates faster than verified reports and erodes public trust in institutions. Bots and trolls manipulate public discourse, targeting dissenting voices with abuse or threats¹⁰⁰. The Cambridge Analytica episode revealed global misuse of social data for electoral profiling and targeting.

During 2014 and 2019 Lok Sabha elections, political parties used WhatsApp groups and Twitter campaigns extensively¹⁰¹. Microtargeting through ads and viral videos influenced first-time voters in urban and semi-urban constituencies. Unregulated spending and opaque funding on digital campaigns create an uneven electoral field¹⁰². Election Commission flagged concerns over misuse of digital media to promote hate and misinformation. Despite model codes, enforcement on social media platforms remains weak and inconsistent.

Social media challenges legal interpretation of “Article 19(1)(a)” in the digital environment¹⁰³.

Freedom of expression online includes memes, hashtags, anonymous posts, and livestreams. Courts face difficulty in drawing the line between legitimate speech and incitement on such platforms. In “*Shreya Singhal v. Union of India*, (2015) 5 SCC 1”, the Supreme Court struck down “Section 66A of the IT Act”¹⁰⁴. Court held vague expressions like “offensive” and “annoying” as violative of Article 19(1)(a).

Social media enables citizen journalism, but it lacks verification and editorial accountability frameworks¹⁰⁵. Doctored videos, communal posts, and viral falsehoods

⁹⁹ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 45 (2022).

¹⁰⁰ Reporters Without Borders, *India: 2022 “World Press Freedom Index*, www.rsf.org” (last visited Apr. 16, 2025).

¹⁰¹ Noor MdBajlun Hussain, *supra* note 3, at 23453.

¹⁰² “Election Commission of India, *Model Code of Conduct and Social Media Guidelines*”, 2019.

¹⁰³ “INDIA CONST. art. 19(1)(a)”.

¹⁰⁴ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1

¹⁰⁵ Sanchita Hazra, *supra* note 1, at 4330.

frequently incite riots and social unrest. State police departments report daily cases of hate speech and mob incitement arising from social media¹⁰⁶. Courts are flooded with PILs seeking action against offensive or defamatory online content. India lacks a comprehensive digital media regulatory law that ensures both rights and responsibilities¹⁰⁷.

The IT Rules, 2021 attempted to impose accountability on intermediaries and digital publishers¹⁰⁸. They mandate grievance officers, compliance reporting, and traceability of originators on messaging apps. Digital news publishers oppose the rules citing overregulation and risk of executive censorship¹⁰⁹. *“Petitions filed in High Courts and Supreme Court challenge the constitutionality of several provisions”*. Content moderation and speech restrictions must meet proportionality test as laid down in *Puttaswamy case*¹¹⁰.

IX. Global Insights and Comparative Perspective

United States protects press freedom through First Amendment with absolute bar on prior restraint¹¹¹. In *“New York Times Co. v. United States, 403 U.S. 713 (1971)”*, Court disallowed censorship of Pentagon Papers¹¹². The U.S. Supreme Court ruled that national security cannot justify excessive suppression of publication. American courts use the “clear and present danger” test before restricting journalistic expression¹¹³. Journalists enjoy constitutional insulation even while reporting on sensitive political or military matters.

United Kingdom recognises freedom of press under common law and Human Rights Act, 1998¹¹⁴. *“Article 10 of the European Convention on Human Rights guarantees freedom of expression including media”*¹¹⁵. In *“The Observer and The Guardian v. United Kingdom,*

¹⁰⁶ Press Information Bureau, *Fact Check Reports*, www.pib.gov.in (last visited Apr. 16, 2025).

¹⁰⁷ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 5, at 46.

¹⁰⁸ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

¹⁰⁹ *LiveLaw Media Pvt. Ltd. v. Union of India*, W.P. (C) No. 1354/2021 (pending before SC).

¹¹⁰ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

¹¹¹ U.S. CONST. amend. I.

¹¹² *New York Times Co. v. United States*, 403 U.S. 713 (1971).

¹¹³ *“Schenck v. United States, 249 U.S. 47 (1919)”*.

¹¹⁴ Human Rights Act, 1998, c. 42 (UK).

¹¹⁵ “European Convention on Human Rights, art. 10”.

(1991) *ECHR 13585/88*”, court upheld journalistic disclosure rights¹¹⁶. UK judiciary permits restrictions only when they are necessary in a democratic society. Media can be restrained in UK under Contempt of Court Act, 1981 to ensure fair trial¹¹⁷.

Germany adopts a proportionality principle in balancing press freedom with other constitutional values¹¹⁸. The *Lüth case* (BVerfGE 7, 198) established that all state actions must align with Basic Law values¹¹⁹. German Basic Law under Article 5 ensures media freedom and artistic liberty with democratic safeguards¹²⁰. Press plays a critical role in public discourse especially post-World War II constitutional reconstruction. Restrictions apply only when press harms personal dignity or spreads hate under criminal codes¹²¹.

France acknowledges media’s role but permits regulation through Conseil Supérieur de l’Audiovisuel (CSA)¹²². Media outlets must follow editorial fairness, pluralism, and anti-hate speech principles under French laws. French courts apply strict scrutiny when media expression conflicts with national unity or public decency¹²³. Digital misinformation laws like Loi Avia aim to combat online hate and fake content¹²⁴. These laws sparked criticism over vagueness and censorship risk, leading to partial invalidation¹²⁵.

India follows a hybrid constitutional tradition influenced by British common law and American liberalism¹²⁶. Unlike the U.S., India permits “reasonable restrictions” on Article 19(1)(a) under Article 19(2)¹²⁷. In *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788, Court upheld economic freedom of the press¹²⁸. In *Sakal Papers Ltd. v. Union*

¹¹⁶ “The Observer and The Guardian v. United Kingdom, (1991) ECHR 13585/88”.

¹¹⁷ Contempt of Court Act, 1981, c. 49 (UK).

¹¹⁸ “Donald P. Kommers, *The Constitutional Jurisprudence of the Federal Republic of Germany* 170 (Duke Univ. Press 1997)”.

¹¹⁹ “Lüth case, BVerfGE 7, 198 (1958) (Fed. Const. Ct., Germany)”.

¹²⁰ “Basic Law for the Federal Republic of Germany, art. 5”.

¹²¹ German Criminal Code, § 130 (Volksverhetzung).

¹²² Conseil Supérieur de l’Audiovisuel, *Charter of Audiovisual Ethics*, www.csa.fr (last visited Apr. 16, 2025).

¹²³ Conseil d’État, Décision n° 395122, 6 février 2018 (France).

¹²⁴ Loi Avia, Law No. 2020-766 of 24 June 2020 (France).

¹²⁵ “Conseil Constitutionnel, Décision n° 2020-801 DC, 18 juin 2020 (France)”.

¹²⁶ “D.D. Basu, *Introduction to the Constitution of India* 147 (22nd ed. 2015)”.

¹²⁷ “INDIA CONST. art. 19(1)(a), 19(2)”.

¹²⁸ “Bennett Coleman & Co. v. Union of India, (1973) 2 SCC 788”.

of India, AIR 1962 SC 305, limits on newspaper size were struck down¹²⁹. Indian courts generally balance press liberty with collective interests like public order and morality¹³⁰.

Developed democracies create institutional mechanisms to regulate digital content without political bias¹³¹. United States uses self-regulatory bodies like NewsGuard and platform-level moderation standards. UK launched the Online Safety Bill to combat harms while ensuring free speech compliance¹³². EU's Digital Services Act imposes obligations on platforms to prevent systemic disinformation¹³³. India's IT Rules, 2021 offer similar goals but lack independent oversight and clear procedural safeguards¹³⁴.

X. JUDICIAL AND LEGISLATIVE RESPONSE IN INDIA

Supreme Court has consistently upheld press freedom as vital for democratic functioning and accountability¹³⁵. In *"Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 SCC 641"*, Court protected editorial freedom¹³⁶. It held that economic restrictions cannot indirectly *"curtail Article 19(1)(a) rights of the press"*. In *"Bennett Coleman & Co. v. Union of India, (1973) 2 SCC 788"*, Court invalidated newsprint policy capping circulation¹³⁷. Court ruled that newspaper freedom includes both content and economic viability necessary for public dissemination.

Judiciary responded to media trials by reaffirming fair trial rights under *"Article 21 of the Constitution"*¹³⁸. In *"Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1"*, Court expressed concern over prejudicial coverage¹³⁹. Court stated that media must not cross boundaries that interfere with judicial impartiality or investigation. In *"Sahara India*

¹²⁹ *"Sakal Papers Ltd. v. Union of India, AIR 1962 SC 305"*.

¹³⁰ *"Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 SCC 641"*.

¹³¹ Reporters Without Borders, *Global Legal Frameworks on Digital Journalism*, www.rsf.org (last visited Apr. 16, 2025).

¹³² UK Parliament, *Online Safety Bill*, 2023.

¹³³ *"European Union, Digital Services Act, Regulation (EU) 2022/2065"*.

¹³⁴ *"Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021"*.

¹³⁵ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *"Role of Media in Indian Democracy"*, NAIRJC Vol. 8, Issue 5, 42 (2022).

¹³⁶ *"Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 SCC 641"*.

¹³⁷ *"Bennett Coleman & Co. v. Union of India, (1973) 2 SCC 788"*.

¹³⁸ *"INDIA CONST. art. 21"*.

¹³⁹ *Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1*.

Real Estate Corp. Ltd. v. SEBI, (2012) 10 SCC 603”, Court introduced “postponement orders” as a balancing mechanism¹⁴⁰. It allowed temporary restraint on reporting to preserve the sanctity of sub judice proceedings.

Courts have struck down vague speech-restricting provisions violating free expression in digital context¹⁴¹. In “*Shreya Singhal v. Union of India*, (2015) 5 SCC 1”, Section 66A of the IT Act was declared unconstitutional¹⁴². Court held that laws must be narrowly tailored and not criminalise mere annoyance or inconvenience. This landmark judgment affirmed that online speech must enjoy same safeguards as traditional press. Court clarified that intermediary liability must be coupled with actual knowledge and due process.

Legislature enacted the “*Press Council Act, 1978*” to maintain ethical journalism and press accountability¹⁴³. The “Press Council of India” issues warnings, directives, and advisory guidelines but lacks punitive authority. “*Cable Television Networks (Regulation) Act, 1995*” governs broadcasting and prohibits objectionable content¹⁴⁴. Programme Code under Rule 6 restricts communal, obscene, and defamatory material in public broadcast. Despite this, enforcement gaps and delays hinder effectiveness of grievance redressal mechanisms¹⁴⁵.

“*Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules*”, 2021 aimed to regulate online content¹⁴⁶. Rules mandate due diligence by intermediaries and introduce grievance officers for redressal compliance¹⁴⁷. Part III of the Rules extends to digital news publishers, OTT platforms, and curated online content¹⁴⁸. Several media bodies challenged the Rules for enabling executive

¹⁴⁰ “*Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 SCC 603”.

¹⁴¹ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4329 (2021).

¹⁴² “*Shreya Singhal v. Union of India*, (2015) 5 SCC 1”.

¹⁴³ “*Press Council Act, 1978*, No. 37, Acts of Parliament, 1978 (India)”.

¹⁴⁴ “*Cable Television Networks (Regulation) Act, 1995*, No. 7, Acts of Parliament, 1995 (India)”.

¹⁴⁵ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 1, at 45.

¹⁴⁶ “*Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules*, 2021”.

¹⁴⁷ *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules*, 2021.

¹⁴⁸ *Ibid.* Part III.

censorship without judicial oversight¹⁴⁹. Petitions pending before Supreme Court question constitutionality of traceability mandates and Code of Ethics.

Broadcasting lacks a statutory regulator like the Press Council for print journalism in India¹⁵⁰. News Broadcasting & Digital Standards Authority (NBDSA) exists as a self-regulatory mechanism for TV and digital content¹⁵¹. Its recommendations lack binding force and depend on voluntary compliance by member broadcasters. Legislative vacuum exists regarding fake news, deepfakes, and AI-generated political misinformation¹⁵². Urgent need arises for comprehensive media regulation aligned with Article 19 and proportionality doctrine¹⁵³.

XI. MEDIA ETHICS AND NEED FOR REFORM

Media has a constitutional duty to inform, not sensationalise, public discourse on democratic matters¹⁵⁴. Ethical journalism demands fairness, neutrality, accuracy, accountability, and respect for individual dignity¹⁵⁵. Sensationalised headlines distort facts and create public panic without legal or empirical basis¹⁵⁶. Trial by media disregards presumption of innocence and often maligns the accused beyond repair¹⁵⁷. Public trust in journalism suffers when media acts as judge, jury, and executioner on prime time.

Paid news remains one of the most dangerous ethical violations in Indian journalism¹⁵⁸. Election Commission flagged this malpractice for misleading voters and undermining democratic values. Media houses receive payments for favourable coverage without disclosure, violating editorial independence¹⁵⁹. Such unethical

¹⁴⁹ *LiveLaw Media Pvt. Ltd. v. Union of India*, W.P. (C) No. 1354/2021 (pending before SC).

¹⁵⁰ Sanchita Hazra, *supra* note 11, at 4330.

¹⁵¹ News Broadcasting & Digital Standards Authority, *Code of Ethics*, www.nbdsa.in (last visited Apr. 16, 2025).

¹⁵² Reporters Without Borders, *Global Legal Frameworks on Digital Journalism*, www.rsf.org (last visited Apr. 16, 2025).

¹⁵³ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

¹⁵⁴ *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641.

¹⁵⁵ Press Council of India, *Norms of Journalistic Conduct* (2022 ed.).

¹⁵⁶ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 44 (2022).

¹⁵⁷ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.

¹⁵⁸ Election Commission of India, *Compendium of Instructions on Paid News*, 2020.

¹⁵⁹ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4328 (2021).

practices convert journalism into covert propaganda masked as neutral reporting. Voters lose informed choice, turning democracy into a commercially manipulated event¹⁶⁰.

The Press Council of India has laid down the *Norms of Journalistic Conduct* since 1992¹⁶¹. These norms cover privacy, communal harmony, public decency, and prohibition of paid content. Council lacks binding powers, reducing guidelines to mere advisories with limited deterrent effect¹⁶². Journalists violating ethics escape accountability due to absence of statutory punishment or peer review. Self-regulation fails where commercial interests overpower journalistic principles and public good¹⁶³.

Digital journalism complicates enforcement of ethical rules across unregistered and anonymous platforms¹⁶⁴. Social media lacks a unified editorial code and is vulnerable to bots, trolls, and fake profiles. Misinformation campaigns can originate outside India, complicating legal action and jurisdictional clarity¹⁶⁵. The IT Rules, 2021 attempted to impose ethical compliance on digital publishers and intermediaries¹⁶⁶. They mandate code adherence, grievance officers, and monthly compliance reports from platforms.

These Rules were challenged for violating editorial autonomy and enabling indirect censorship¹⁶⁷. Petitions argued that requiring publishers to align with a government-formed Code chills free speech. Absence of independent regulator weakens credibility of content moderation and redressal system. Constitutional safeguards under Article 19(1)(a) must be respected while enforcing ethical oversight¹⁶⁸. Regulatory

¹⁶⁰ Noor MdBajlun Hussain, *Impact of Social Media in Indian Politics*, Int'l J. Recent Scientific Research Vol. 9, Issue 1(I), 23452 (2018).

¹⁶¹ Press Council of India, *supra* note 2

¹⁶² Press Council Act, 1978, No. 37, Acts of Parliament, 1978 (India).

¹⁶³ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 3, at 45.

¹⁶⁴ Sanchita Hazra, *supra* note 8, at 4329.

¹⁶⁵ Reporters Without Borders, *India: 2022 World Press Freedom Index*, www.rsf.org (last visited Apr. 17, 2025).

¹⁶⁶ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

¹⁶⁷ *LiveLaw Media Pvt. Ltd. v. Union of India*, W.P. (C) No. 1354/2021 (pending before SC).

¹⁶⁸ INDIA CONST. art. 19(1)(a).

mechanisms must balance transparency, accountability, and press freedom using the least restrictive method¹⁶⁹.

Institutional reforms must introduce independent media ombudsman with statutory enforcement powers¹⁷⁰. Journalist accreditation should depend on ethics compliance and periodic peer assessment¹⁷¹. Media literacy programs must be made compulsory at school and college levels to combat misinformation¹⁷². Public broadcasters like Doordarshan and AIR must be revitalised as impartial content providers. Law reforms should integrate AI-generated media ethics and cross-border digital content regulation frameworks¹⁷³.

XII. RECOMMENDATIONS

Establish a statutory Media Regulatory Authority with independent composition and enforcement capacity¹⁷⁴. Ensure autonomy from executive influence and empower it to penalise unethical and misleading content. Replace fragmented frameworks with a unified Media Law covering digital, print, and broadcast platforms. Incorporate constitutional principles, judicial standards, and international best practices in media regulation¹⁷⁵. Define “public interest journalism” and provide statutory protections against corporate and political pressures^{Ibid}.

Mandate transparency in media ownership to prevent cartelisation and hidden political affiliations¹⁷⁶. Compel disclosure of cross-holdings, financial backers, and editorial control structures by media outlets. Enforce norms that limit concentration of media houses across language, geography, and delivery formats¹⁷⁷. Model

¹⁶⁹ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

¹⁷⁰ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *supra* note 3, at 46.

¹⁷¹ *Ibid*

¹⁷² Press Council of India, *Recommendations on Media Literacy*, www.presscouncil.nic.in (last visited Apr. 17, 2025).

¹⁷³ European Union, *AI Act Draft Regulation*, COM/2021/206 final.

¹⁷⁴ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 45 (2022).

¹⁷⁵ Reporters Without Borders, *Global Legal Frameworks on Digital Journalism*, www.rsf.org (last visited Apr. 17, 2025).

¹⁷⁶ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4329 (2021).

¹⁷⁷ TRAI, *Recommendations on Issues Relating to Media Ownership*, www.trai.gov.in (last visited Apr. 17, 2025).

ownership guidelines on TRAI's recommendations and global examples like UK's Ofcom framework. Revisit FDI caps in media to prevent foreign influence over national political narratives.

Strengthen Press Council of India with quasi-judicial powers to impose enforceable sanctions and penalties¹⁷⁸. Amend the Press Council Act, 1978 to include digital and OTT platforms under its purview. Convert Press Council into a multi-platform Media Ethics Commission for integrated standards enforcement¹⁷⁹. Empower the Commission to initiate suo motu inquiries and publish binding compliance directives. Make registration with the Council mandatory for receiving government ads, PIB access, or accreditation.

Introduce a Digital Media Code through legislation rather than executive rule-making under IT Act¹⁸⁰. Ensure that digital regulation adheres to proportionality test as laid down in *Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1¹⁸¹. Avoid vague terms like "offensive" or "objectionable" without judicially manageable standards¹⁸². Incorporate layered grievance redressal with independent appellate review and platform-level compliance. Build a fast-track Digital Media Tribunal under Article 323B with domain expertise in free speech jurisprudence¹⁸³.

Integrate media ethics curriculum into journalism schools, law courses, and civil service training modules¹⁸⁴. Offer certification for media professionals in legal literacy, press freedom, and conflict-sensitive reporting. Create a National Media Literacy Mission to train citizens in fact-checking and misinformation response. Encourage public service journalism by granting tax incentives and infrastructure support to investigative agencies¹⁸⁵. Offer public subsidies to local journalism initiatives covering rural, tribal, and socio-economically excluded areas.

¹⁷⁸ Press Council Act, 1978, No. 37, Acts of Parliament, 1978 (India).

¹⁷⁹ Press Council of India, *Norms of Journalistic Conduct* (2022 ed.).

¹⁸⁰ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

¹⁸¹ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

¹⁸² *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹⁸³ INDIA CONST. art. 323B.

¹⁸⁴ Press Council of India, *Recommendations on Media Literacy*, www.presscouncil.nic.in (last visited Apr. 17, 2025).

¹⁸⁵ Reporters Without Borders, *supra* note 4.

Ensure State neutrality in allocating government advertisements and access to information¹⁸⁶. Adopt criteria based on public reach and content diversity instead of political alignment. Codify rules for political advertising during elections to prevent covert propaganda disguised as news¹⁸⁷. Empower the Election Commission with stronger mechanisms to audit and penalise paid news practices. Form a Parliamentary Committee on Media and Democracy to periodically review impact of press on governance¹⁸⁸.

XIII. CONCLUSION

Media is the most visible interface between state and citizens in a participatory constitutional democracy¹⁸⁹. It shapes political choices, monitors governance, and amplifies public concerns in real-time dialogues. Print, broadcast, and digital platforms construct democratic narratives that impact justice, elections, and reforms¹⁹⁰. Freedom of speech under Article 19(1)(a) forms the normative spine of media autonomy in India¹⁹¹. This freedom is subject to Article 19(2), which permits restrictions grounded in national security or public order¹⁹².

Judicial pronouncements have developed a constitutional compass for striking this delicate balance¹⁹³. In *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788, the Court protected the financial independence of media¹⁹⁴. In *Indian Express Newspapers v. Union of India*, (1985) 1 SCC 641, editorial freedom was upheld against fiscal interference¹⁹⁵. But media must not assume the role of parallel judiciary or substitute

¹⁸⁶ Sanchita Hazra, *supra* note 6, at 4330.

¹⁸⁷ Election Commission of India, *Compendium on Political Advertising*, 2020.

¹⁸⁸ Indian Parliamentary Research Service, *Need for Committee Oversight on Media Impact*, www.prsindia.org (last visited Apr. 17, 2025).

¹⁸⁹ Arshid Ahmad Sheergojeri & Lateef Ahmad Shergugrey, *Role of Media in Indian Democracy*, NAIRJC Vol. 8, Issue 5, 42 (2022).

¹⁹⁰ Sanchita Hazra, *The Role and Importance of Media in Indian Democracy*, IJCRT Vol. 9, Issue 2, 4327 (2021).

¹⁹¹ INDIA CONST. art. 19(1)(a).

¹⁹² INDIA CONST. art. 19(2).

¹⁹³ D.D. Basu, *Introduction to the Constitution of India* 145 (22nd ed. 2015).

¹⁹⁴ *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788.

¹⁹⁵ *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 SCC 641.

due process with public trials¹⁹⁶. In *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1, excessive coverage was held detrimental to fair trial rights.

Commercial interests and political alignments erode journalistic integrity and editorial independence¹⁹⁷. Paid news distorts electoral choice and public accountability, weakening democratic competition and transparency¹⁹⁸. Social media introduced an era of hyper-connectivity but also disinformation, polarisation, and algorithmic bias¹⁹⁹. Fake narratives viralised by bots and influencers often overshadow verified facts and investigative depth. The judiciary responded in *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 by reinforcing safeguards for online expression.

Regulatory responses remain piecemeal and lag behind global standards on content moderation and platform liability²⁰⁰. The IT Rules, 2021 introduced compliance obligations but triggered judicial scrutiny over executive overreach²⁰¹. Institutional regulators like Press Council of India lack deterrent authority and digital coverage mandate²⁰². Self-regulatory bodies like NBDISA operate without enforcement muscle and rely on voluntary adherence²⁰³. Unified legislation is needed to harmonise ethical standards and ensure cross-platform accountability²⁰⁴.

Media must re-centre its role in constitutional democracy, beyond profit, TRP, or political partisanship²⁰⁵. Democracy thrives when media holds power accountable while respecting truth, dignity, and procedural justice²⁰⁶. Reforms must protect independence while demanding transparency, fairness, and institutional responsibility. Journalism should be shielded from censorship but not from scrutiny

¹⁹⁶ *Manu Sharma v. State (NCT of Delhi)*, (2010) 6 SCC 1.

¹⁹⁷ Press Council of India, *Norms of Journalistic Conduct* (2022 ed.).

¹⁹⁸ Election Commission of India, *Compendium of Instructions on Paid News*, 2020.

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²⁰⁵ Reporters Without Borders, *Global Legal Frameworks on Digital Journalism*, www.rsf.org (last visited Apr. 17, 2025).

²⁰⁶ Sanchita Hazra, *supra* note 3, at 4330.

where public harm is demonstrable. The future of Indian democracy will reflect how responsibly the media embraces its fourth pillar mandate²⁰⁷.

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