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PROTECTION OF JOURNALIST RIGHTS IN INDIA : A LEGAL STUDY OF ITS CHALLENGES AND STATUTORY FRAMEWORK

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I. ABSTRACT

Freedom of the press constitutes the cornerstone of a democratic society, serving as a safeguard for Accountability , transparency and public participation. Journalists,often confront multifaceted challenges including Death threats, censorship, intimidation, defamation proceedings, digital surveillance and gender-based harassment. In India, while constitutional guarantees under Article 19(1)(a) of right to freedom of speech and expression, practical limitations and misuse of legal provisions frequently undermine this freedom. This research paper examines the vulnerabilities faced by journalists and analysing constitutional provisions, statutory laws, judicial precedents and state-level legislations. It also explores international standards under the ICCPR, UN resolutions and International Humanitarian Law, highlighting India's obligations to protect media freedom. Through a doctrinal and comparative methodology, the study identifies systemic gaps in legal protections and proposes the need for comprehensive, national-level safeguards for journalists. By situating press freedom within the broader democratic and human rights discourse, the paper underscores the urgency of ensuring a secure environment where journalists can function without fear or undue restriction.

II. KEYWORDS

Press Freedom, Journalist Protection, Legal Framework, Freedom of Speech and Expression, Physical Threats to journalists, Press Council of India.

III. INTRODUCTION

The media, the fourth pillar of democracy, is essential to both effective governance and democratic accountability. In a democracy , when the people have the power, the

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media acts as a watchdog by educating the public, opposing authority and exposing corruption. It provides a forum for discussion, disagreement and debate, guaranteeing that a range of viewpoints are not only heard but also recognized. A press that is free and unafraid does more than simply report the news, it safeguards democracy itself.² Even with constitution protection, Indian Journalists nevertheless confront several obstacles, such as physical threats, censorship, institutional restrictions that restrict their ability to practice their job freely, Harassment. Such obstacles not only undermine journalistic freedom but also weaken democratic governance

The protection of journalists' rights has increasingly become a matter of legal and social concern. While India has developed several statutory provisions, institutional mechanisms, and judicial pronouncements aimed at safeguarding press freedom, questions remain regarding their adequacy and implementation. ³Judicial interpretation has played a critical role in expanding the ambit of press freedom, yet the absence of a dedicated legal framework often leaves journalists vulnerable to constraints in performing their professional duties.

A. RESEARCH PROBLEM

Although the Constitution under Article 19 (1)(a) guarantees freedom of speech and expression, the protection of journalist as a professional group remains limited and often indirect. Unlike some other democratic systems, India does not have a comprehensive legislation exclusively safeguarding journalist's right. Instead, the protection of press freedom is derived from general Constitutional guarantees, scattered statutory provisions and judicial pronouncements. This fragmented framework creates uncertainty regarding the scope and enforceability of such protections.

At the same time, journalists in India face multiple challenges in the discharges of their duties. These challenges range from professional risks such as harassment, threats and restrictions on access to information, to systemic concerns such as misuse of laws,

² Urvashi Pandey, 'The Fourth Pillar Under Fire: Legal Protection for Journalists in India' *The Legal Youngster* (9 August 2025) <https://www.thelegalyoungster.com/recent-posts/the-fourth-pillar-under-fire-legal-protection-for-journalists-in-india/> accessed 21 September 2025.

³ *ibid.*

absence of institutional safeguard and lack of effective redressal mechanisms. There is no dedicated statutory body to rapidly redress complaints against attacks or censorship, and insufficient legal or institutional backing for physical and cyber protection, especially those who covers high risk beats. Further, safeguards against strategic litigation aimed at silencing journalists are weak, institutional oversight to monitor threats and attacks is lacking and online harassment.

Despite the central role of the press in upholding democratic governance, there has been limited systematic legal research that examines both the statutory and judicial framework for the protection of journalists in India considering the practical difficulties they encounter. This gap forms the basis of the present research, which seeks to identify the challenges faced by journalists, critically evaluate the adequacy of the existing legal and institutional framework and provide constructive suggestions for reform.

B. RESEARCH OBJECTIVES

1. To examine the challenges faced by Journalists in India.
2. To analyse the National and International Legal Framework governing the protection of journalist.
3. To explore relevant judicial framework relating to the right and protection of journalist in India.
4. To provide constructive suggestions for strengthening the legal and institutional framework to safeguard journalists.

C. RESEARCH QUESTIONS

1. What are the major challenges encountered by journalist in India?
2. How does the existing national and international legal framework address the protection of Journalists?
3. What role have judicial decisions played in shaping the Right and protection of Journalist in India?

4. What measures can be suggested to improve the protection of Journalists in India?

D. RESEARCH HYPOTHESIS

1. Journalists in India encounter significant professional and institutional challenges that hinder the free exercise of their rights.
2. The statutory framework in India provides only partial protection to journalist and lacks comprehensive safeguards.
3. Judicial pronouncements have contributed to the recognition of journalist's rights but have not fully addressed their practical challenges.
4. Strengthening the legal and Institutional Framework through dedicated legislation, independent oversight, fast-track remedies and protective measures is essential for effectively safeguarding journalist in India.

E. RESEARCH METHODOLOGY

This research paper is purely a doctrinal study. The study aims to explore the challenges faced by journalist and evaluate the legal framework available under international, national and state level. It also analyses the judicial proceedings for journalist protection. Descriptive and analytical method is used in analysing laws, judicial pronouncement and identifying area for improvement.

Primary and Secondary sources of data were gathered for this study to ensure comprehensive coverage and reliable finding. The primary sources encompass both national and international legislation for understanding legal framework and regulations. Also, judicial decisions were taken into consideration for better legal insights. Secondary sources comprise of scholarly articles, published journals, research paper, newspaper, reports etc. Google scholar, research gate and other websites are used for journal, paper, e-book and other similar purposes.

F. LITERATURE REVIEW

Iqbal and Hussain Bhat (2020)⁴ highlight role of media in democracy and the constitutional protection of press.. the author also noted the rising threads and violence against journalists in India and the absence of dedicated legislation ensuring their safety. The study emphasises the gap between international protection standards and Indian laws, pointing to the need for stronger legal safeguard and institutional support to protect journalists effectively.

Sethy (2023)⁵ provides an overview of media in India, emphasizing the constitutional guarantee of freedom of speech and expression , which inherently includes freedom of press. The study highlights the scope of modern media, including print, television radio and digital platforms, while also discussed the reasonable restrictions under article 19(2) related to sovereignty, security, defamation, and public morality. The paper situates media law as a crucial framework balancing free freedom with societal and legal responsibilities.

Kriswanro (2022)⁶, The literature review of Kriswanto and Chansrakao's journal paper looks at the state's role in ensuring journalistic competence, with a focus on competency testing for journalists It looks at state legislation, journalistic ethics, and the challenges of implementing such exams The overview provides global perspectives on the topic and emphasizes the importance of ongoing professional growth and training in maintaining journalistic integrity in the face of evolving media setting .

Mukherjee (1994)⁷, The author significantly advances the global discussion on the protection and safety of journalists. The author's study examines the legal and practical frameworks that are currently in place to protect journalists worldwide, as

⁴ Kehkashan Iqbal and Iftikhar Hussain Bhat, 'Protection of Journalists in India: A Legal Perspective' (2020) 19(4) *Ilkogretim Online – Elementary Education Online* 8125< <http://ilkogretim-online.org/?mno=765204>> accessed 21 September 2025.

⁵ Nilanchala Sethy, 'Media Law in India: An Overview' (2023) 11(7) *International Journal of Creative Research Thoughts (IJCRT)*.

⁶ Kriswanto and Ructaitip Chansra Kaso, 'The State's Responsibility to the Journalist Profession: The Problem of Journalist Competency Test' (2022) 6(1) *Syiah Kuala Law Journal*.

⁷ Amit Mukherjee, 'International Protection of Journalists: Problems, Practice and Prospects' (1994) *Arizona Journal of International and Comparative Law*.

well as the challenges that journalists confront in carrying out their duties, using a wide range of scholarly and legal resources, he explains the various obstacles that journalists face, such as censorship, legal restrictions, violence, and intimidation. The article highlights the successes and failures of international procedures and initiatives aimed at defending journalists' rights. His in-depth research adds valuable new material to the body of knowledge on press freedom and human rights while highlighting the urgent need for concerted international action to ensure journalist's safety and security in an increasingly hostile media landscape.

Murthy (2019)⁸ The author addresses the important issue of the security and safety of Indian journalists, highlighting the lack of response from academic institutions and the media industry. The review of the literature probably looks at earlier research and scholarly publications regarding the dangers, intimidation, and physical assaults that journalists face in addition to the more significant implications for press freedom and democracy. It reviews studies examining the fundamental causes of these safety worries, such as organized crime, political pressure, and public opinion of the media. The evaluation also looks at past attempts to ensure the safety of journalists in India, assessing their effectiveness and identifying areas that need more focus s The art. most likely highlights how important it is for researchers, media, and lawmakers to collaborate to develop comprehensive plans that would defend press freedom and journalists in India.

Chakraborty, Hazarika and Goswami (2015)⁹ examine the challenges faced by Women journalist in Assam, where it highlights the gender-based discrimination, poor working conditions and workplace abuse that make journalism more difficult for women. The study underscores the underrepresentation of women in the media sector and identifies factor that enables or hinder their professional participation. Their findings aim to inform policies to support and strengthen the role of women journalists in India.

⁸ C SH N Murthy, 'Safety and Security of Journalists in Kashmir: An In-Depth Analysis' (2018) 7 *SAGE Open* 1.

⁹ Joya Chakraborty, Muktikam Hazarika and Arunima Goswami, 'Engendering Media Participation: The Case of Women Journalists in Assam' (2015) 6(1-2) *Global Media Journal – Indian Edition* < <https://share.google/4KN2Y1244crpY9f7Y>> accessed 20 September 2025.

Dhiman (2023)¹⁰The author offers a succinct summary of the literature on the opportunities and difficulties faced by female journalists . It highlights initiatives to address inequality while talking about the historical background of gender differences. It highlights issues including discrimination, uneven compensation, and few prospects for career growth while also looking at ways to be empowered through support systems and mentorship. All things considered, it provides a thorough analysis of the gender dynamics in journalism, highlighting the continuous initiatives to advance inclusivity and diversity in the field.

Rawat (2022)¹¹, examines the tension between security and freedom of speech in India, highlighting how security laws are sometimes misused to suppress dissent. The paper reviews historical developments, recent cases of arrest, and the judiciary's role in balancing security with constitutional rights. It underscores the need for legal and institutional reforms to address this imbalance.

Rathi and Chaudhary (2025)¹² explore the interplay between legal obligations and ethical responsibilities in Indian journalism. The authors highlight how journalists must navigate legal restriction like defamation and privacy laws while ensuring transparent reporting. The paper stresses the need for ethical journalism practices that reconcile the public interest with individual rights, advocating for increased awareness and adherence to legal norms to uphold both media freedom and accountability.

IV. JOURNALISM UNDER THREAT: CHALLENGES FACED BY JOURNALIST IN INDIA

Working journalist and other newspaper employee (condition of service) and miscellaneous Act 1955, section 2(f) "working journalist" means :

¹⁰ Bharat Dhiman, 'Opportunities and Challenges for Women Journalists in the Media Industry: A Critical Review' (2023).

¹¹ Shreya Rawat, 'National Security Laws in India Against Freedom of Speech and Expression' (2022) 30 *Supremo Amicus* < <https://share.google/6R6GhKpYBDAYIXIh>> accessed 3 October 2025.

¹² Praveen Kumar Rathi and Ritesh Chaudhary, 'Legal Frameworks and Ethical Journalism in India: Defamation, Privacy, and the Public's Right to Know' *Urban India* (ISSN: 0970-9045) < <https://share.google/Bs1okFkr7lQyeMD6f>> accessed 20 September.

“ A person whose principal avocation is that of journalist and who is employed as such, either whole- time, in or in relation to, one or more newspaper established and includes an editor. A leader written, news, editor, sub editor, feature write, copy tester, report, correspondent, cartoonist, news- photographer and proof reader”¹³.

One of the most important tools in a democracy is journalism, which make sure that information is freely available to the public and that people are educated about issues pertaining to development, society and governance. Since gathering information is the main goal of journalists work, their profession is extremely perilous and puts them in constant danger. Even though many nations have laws protecting journalists recognized by their constitutions, governments have not able to protect a secure environment for journalists to work in and sadly there are more reports of journalist being attacked and harassed.¹⁴

A. Physical Threats and Violence

For journalists, the potential for bodily danger while performing their jobs is major issue. Reporting from war areas, covering delicate events, or simply conducting ordinary research might put them at danger for violence, harassment, or intimidation. They may even get death threats. Because of the uncertainty created by these hazards, reports may feel pressured to curtail their coverage. Because the press's independence is undermined by the continual dread of physical violence, this limits the press capacity to carry out its mission.¹⁵

B. Gender-based Harassment and Workplace discrimination

Women journalists frequently have low representation in leadership positions, uneven prospects and pay disparities. Furthermore, they are proportionately targeted from harassment, ranging from targeted abuse to stereotyping, both online and in the workplace. These circumstances lead to dangerous workplaces condition, undermine

¹³ Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act 1955, s 2(f).

¹⁴ Iqbal and hussain (n 4).

¹⁵ Meera Selva, 'Five Challenges for Journalism' (Internews, 9 October 2023) < <https://internews.org/blog/five-challenges-for-journalism/>>accessed 21 September 2025.

professional trust and deter investigative reporting involvement. Equality and inclusion in journalism are further undermined by the lack of effective grievance redressal procedures. According to 2022 NewsLaundry & UN Women report, 87 % of editors and the proprietors in Indian news media are men, meaning only 13% of those senior leadership roles are held by women. In major Hindi newspaper, fewer than 10% of top roles are occupied by women, while English newspapers fare only marginally better (about 15 %).¹⁶

C. Legal and Regulatory Constraints

Journalists also work under legal provisions that may restrict press freedom. Proceedings against journalists are occasionally started under laws pertaining to defamation, sedition and national security which results in self-censorship and drawn-out court cases. The threat of lawsuits deters critical reporting, even in cases when convictions are rare. Media regulatory regimes may create room for abuse and put pressure on compliance.¹⁷ These limitations restrict journalistic independence and have a chilling impact on free speech.

D. Precarious Working Conditions

Unstable and precarious employment is becoming a more common aspect of journalism. A lot of professionals do not have access to social security benefits, reasonable compensation or even stable contracts. An increasing percentage of journalists are freelancers and independent journalists who frequently deal with unstable finances and little institutional support. Their susceptibility is heightened by such unstable employment situations, which also deprived them of sufficient assistance when faced with obstacles in their careers. The lack of a safe workplace deters young professionals from pursuing long term media jobs.¹⁸

¹⁶ Reuters, 'Indian Journalist Condemns Twitter for Blocking Account After Abuse Online' (18 February 2019) <<https://www.reuters.com/article/world/indian-journalist-condemns-twitter-for-blocking-account-after-abuse-online-idUSKCN1Q80LN>> accessed 5 October 2025.

¹⁷ Selva (n 15).

¹⁸ Rathi and Chaudhary (n 12).

E. Political and Economic Pressure

the outside forces that impact journalistic independence provide another difficulty. Media companies frequently work in settings where administrative or financial factors are paramount. As employees of these organizations, journalists may be impacted by these outside variables in an indirect way. These influences have the potential to restrict the extent of reporting and in some situations, to promote circumspect or constrained approach to delicate subjects. This limits the variety and neutrality of the information that the public may access in addition to compromising the independence of individual journalists.

F. Online Harassment and Surveillance

The increase of digital media has brought forth new and difficult problem for the journalist. Many people now frequently encounter online abuse, trolling and unpleasant remarks, especially those who share their work on independent platforms or social media. Concerns about digital surveillance have come up in addition to harassment, posing issues with journalists' safety and privacy as well as the confidentiality of their sources. These internet obstacles impede journalists' ability to freely participate in professional activities and increase their psychological burden.¹⁹

G. Impunity for Attacks

One of the most concerning aspects of the challenges faced by journalists is the lack of accountability for those who engage in threats or attacks. Such instances foster an atmosphere where transgressions against journalists are accepted when prompt action is not taken. In addition to endangering personal safety, this culture of impunity also erodes public confidence in the systems that are supposed to enforce the law. The whole fabric of the profession is weakened when there is a lack of sufficient deterrent, which deters journalist from pursuing thorough reporting.

¹⁹ Rath and Chaudhary (n 12).

V. LEGAL FRAMEWORK FOR THE PROTECTION OF JOURNALIST IN INDIA

A. Constitutional Protection

1. **Article 19(1)(a)** : The term “Freedom of Press” or “Media Freedom” refers to the rights granted under Article 19(1)(a) of the Constitution of India regarding the freedom of speech by enabling citizen to express their thoughts in favour of or against the activities of the government, it encourages independent media and advances democracy. It states that everyone in India has the freedom to express their opinions However, there are reasonable restrictions in place to safeguard vital interests like public order and national security, so this freedom isn’t unqualified.²⁰ In *Indian Express Newspapers v Union of India*²¹, it was said that the press plays a crucial part in the democratic process. The court have an obligation to protect journalistic freedom and declare any legislation or government measures that restricts it unconstitutional. Freedom of publication, freedom of circulation and freedom of access to all information sources are the three main components of press freedom.²²
2. **ARTICLE 19(1)(G)**: Guarantees the basic rights of journalist to engage in any profession, trade, or business .²³the field of journalism is included in this the freedom to publish news, assemble, and also to distribute information, and voice ideas without undue intervention from the state or other authorities is protected under article 19(1)(g). The right further

²⁰ Constitution of India, art. 19(1)(a).

²¹ *Indian Express Newspapers (Bombay) Pvt Ltd v Union of India* AIR 1986 SC 515.

²² ‘Legal Rights of Journalists, News Anchors, News Channels’ (LawyersAdvice)<<https://mylawyersadvice.com/legal-rights-of-journalists-news-anchors-news-channels-lawyers-advice/>> accessed 21 September 2025.

²³ Constitution of India, art 19(1)(g).

guarantees the independent and autonomy of the press by granting the freedom to create and run media companies.²⁴

3. **Article 21** :Under Article 21, this guarantees the right to life and individual liberty to all people. according to court rulings, this also implies that individuals have a right to privacy, which serves to shield reporters and their sources.²⁵
4. **Article 22** : This guarantees freedom from arbitrary arrest and detention. those who are arrested or detained are guaranteed specific rights under this article. ²⁶A person who is arrested must specifically be told of the reasons for their arrest, as per Article 22(1)²⁷ and they also have the right to consult with lawyer and be represented by a lawyer of their choosing, according to Article 22(2).²⁸ A person imprisoned under preventive detention regulations must also be given the option to challenge the detention order and be notified of the reason for their arrest. ²⁹These clauses protect journalists from arbitrary imprisonment and detention.

B. CONTEMPT OF COURT ACT ,1971

Contempt of court is recognised as one of the reasonable restrictions on the freedom of speech and expression. The law was initially governed by the Contempt of Courts Act, 1971 which did not provide any definition of civil or criminal contempt and was largely guided by common law principles. as a result, courts at times treated prejudicial publications, even those made after the filling of a FIR. As criminal contempt. However, in *Surendra Mohanty v. state of Orissa*,³⁰ SC clarified that the mere filling of an FIR does not mark the commencement of pendency in a criminal case. Responding to such ambiguities, parliament enacted the Act, 1971 which under section 3 (2) provides immunity to publications, even if they are prejudicial, so long

²⁴ *ibid.*

²⁵ *ibid*, art 21.

²⁶ *ibid*, art 22.

²⁷ *ibid*, art 22 (1).

²⁸ *ibid*, art 22 (2).

²⁹ Constitution of India, art 22 (3).

³⁰ *Surendra Mohanty v State of Orissa* AIR 1961 SC 1589.

as criminal proceedings have not commenced.³¹the legislation states that a criminal case is only considered pending when a court issues a summons or warrant, or when a charge sheet or challan is completed. Consequently, publications made after the filling of an FIR but before the filling of a charge sheet or issuance of process are not treated as contempt of court.

C. PRESS COUNCIL ACT, 1978

The Act was enacted to established PCI as a statutory authority tasked with preserving the freedom and independency of the press.³² Section 13 empowers the council to inquire into complaints against authorities or individuals that obstruct, intimidate or harass journalist, thus directly protecting them from undue interference. Section 14 allows the PCI to censure, admonish or warn institutions or authorities whose actions threaten press freedom. Additionally, section 15 enables the council to frame a code of conduct for journalists, promoting ethical and responsible reporting, which indirectly shields journalists by providing them with institutional support and legitimacy in case of allegations or harassment.³³ These provisos ensure that journalists can perform their duties independent while providing a statutory mechanism to address violation of press freedom.

D. THE WHISTLEBLOWER PROTECTION ACT, 2014

People who reveal criminal activity by public personnel, deliberate abuse of authority or acts of corruption in the public interest are protected by the 2014 whistleblower protection Act. This covers all employees of the federal, state and local governments including ministers, MPs members of the lower judiciary (district court judges) and regulatory bodies. Section 11 of this clause protects those who disclose under the legislation from being victimized.³⁴ It prohibits initiation of proceedings or victimization against such individuals if victimization occurs, the victim can seek redress from the competent authority, which may issue directions to protect them.

The burden of proof lies on the public authority to show that their actions are not

³¹ Contempt of Courts Act 1971, s 3(2).

³² Aishwarya Agrawal, 'Functions of the Press Council of India' (Law Bhoomi, 26 August 2024) <<https://lawbhoomi.com/functions-of-the-press-council-of-india/>> accessed 24 September 2025.

³³ Press Council Act 1978, ss 13–15.

³⁴ The Whistleblower Protection Act 2014, s.11.

victimization. Failure to comply with authority's directions may result in a penalty of up to thirty thousand rupees .³⁵ Although not explicitly limited to journalist, the Act indirectly protects them when they act as whistleblowers or facilitate disclosures in the public interest. Journalist who expose corruption or maladministration on the basis of credible information qualify for protection if they disclose the matter through an authorized channel or with the consent of the original whistleblower.

E. THE MAHARASHTRA MEDIA PERSONS AND MEDIA INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGES OR LOSS TO PROPERTY) ACT , 2017

Maharashtra media person and media institutions is the first state to enact such a law. One of the first laws in the nation to guarantee journalist protection is this Act.³⁶ The Devendra Fadnavis government passed a bill that suggests if media personnel while on duty are attacked, there could be a maximum 3-year sentence, a maximum fine of rs 50000 or both. Violence against members of the media will be considered a crime for which there is a legal basis ,and cases pertaining to this law will be looked into by officers with at least the level of Deputy Superintendent of Police/ Assistant Commissioner of Police.³⁷ Section 1 of the Act, Defines "Media person" means :

"A person whose principle avocation is that of a journalist and who is employed as a journalist, either on regular or contract basis, or in relation to, one or more media institutions and includes an editors, Sub-editor, news editor,reported,correspondent ,cartoonist,news photographer,television cameraman,leader writer, feature writer, copy tester and proof reader"³⁸

Any violent conduct directed at a member of media or any destruction or loss of their property is punishable under section 3. Section 4 stipulates that any individual who violates the provisions of section 3 by committing or attempting to commit, inciting

³⁵ (n 34).

³⁶ Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act ,2017.

³⁷ Rahul Tripathi, "Maharashtra only state with law to protect scribes, *"the economic times"*, November 25 < <https://economictimesIndiatimescom/news/politics-and-nation/maharashtra-only-state-with-law-to-protect-scribes/art.show/72214265.cms?from=mdr>>, May13 2024.

³⁸ Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act 2017, s 1.

or provoking the commission of any act of violence faced a maximum sentence of three years in prison , a maximum fine of fifty thousand rupees or both.³⁹ Under Section 7, Liabilities to make compensation for property damage or losses (1) apart from the penalty mentioned in section 4 ,the offender will also have to reimburse the media person for any medical expenses they have incurred and pay compensation for any damage or loss they have caused to the property of media person or institution, as decide by the court mentioned in section 6(2) if an individual found guilty under this act is found to have neglected to pay the fine and medical costs stipulated in sub - section(1),they will be recouped like unpaid land revenue arrears.⁴⁰

Despite its progressive intent, implementation of the Act has been limited. Most of the cases are still continued to be booked under general IPC provisions. Lack of awareness among both journalists and police , along with absence of regular monitoring or annual reporting mechanism.

F. THE CHHATTISGARH MEDIA PERSONNEL SECURITY ACT, 2023

The Act has a greater scope and a more expansive definition of journalism than that found in the Maharashtra Media Person Act.in addition to extending protection “News gatherers” , it also covers freelance journalists in its definition of a “Media person”, so expanding the protection’s reach.⁴¹ journalists must legally register in accordance with the Act’s provisions, according to section 3 of the Act, which calls for the maintenance of register of journalists.⁴² A combination of government appointed individuals and seasoned media professional make up the committee for protection of media persons, which is responsible for maintaining this record.⁴³ This committee is empowered to safeguard journalists under this Act against intimidation, assault and harassment. It can also perform any other duties that the government may designate. Section 11 grants the committee the authority of a civil court to conduct an investigation or proceedings under the Act.⁴⁴ A public servant’s failure to perform

³⁹ *ibid*, s 3.

⁴⁰ *ibid*, s 7.

⁴¹ The Chhattisgarh media personnel security act, 2023

⁴² *ibid*, s 3.

⁴³ *ibid*, s 8.

⁴⁴ *ibid*, s 11.

their responsibilities, private people and businesses harassment and intimidation (which carries a punishment) etc are all considered offense under the Act. The government would oversee the committee and have the right to support it.

This Act was the result of journalists efforts to get the Chhattisgarh government to defend their rights and ensure their safety. Nevertheless, a number of amendments were made to the 2020 draft law before the Act was enacted, which has caused journalists to express concerns. The provision criminalizing “ False information” could be broadly interpreted, risking imprisonment for critical reporting. Overrepresentation of public officials in enforcement bodies may compromise independence and the Act lacks accountability for officials who fail to perform their duties. While it offers important protections, reforms are needed to narrow the scope of “ false information” ensure independent oversight and hold officials accountable to make the law genuinely effective. The advantages and safeguards the act offers journalists against harassment and intimidation, however must balance these objections.

G. OTHER PROVISIONS

There were 2 significant bills directed at addressing the issue of violation against journalists. One at the state level and one at the national level. But neither has been enacted into laws as of now -

1. **The Journalist (prevention of violence and Damages or loss to the property) Bill, 2022 (National Level)-** This Bill was presented to the Lok Sabha to protect journalist from property destruction and violence, as well as to address the increasing number of attacks on journalists. The Bill established that violence against journalist is punishable by minimum one year jail sentence that can be extended to 3 years, fine.⁴⁵ Despite its introduction , the Bill has not yet been passed and therefore is not currently in force.

⁴⁵ Jus Corpus, 'An Overview of Legislation for Preventing Violence Against Journalists' (11 November 2024) <<https://www.juscorpus.com/an-overview-of-legislation-for-preventing-violence-against-journalists/>>accessed 24 September 2025.

2. **The Goa state assembly was presented with the “Goa media persons and media institutions (prevention of violence and damage or loss to property) Bill 2022 (State Level)-** This Bill was presented to safeguard goan media personnel and property against acts of violence. With nearly the same penalties as the Maharashtra media persons Act, However, the offenders are also liable for compensating the media person for any property loss and covering their medical costs. But like the national bill , this proposal has not yet been enacted and therefore does not have legal effect⁴⁶

VI. INTERNATIONAL PERSPECTIVE

“Without freedom of the press, there are no real democratic societies Without freedom of the press, there is no freedom”. - Antonio Guterres.⁴⁷

A. International Humanitarian Law (IHL)

International Humanitarian Law (IHL) provides a clear framework of protection for journalists operating in conflict zones by recognising them as civilians, provided they do not directly participate in hostilities. Journalists working in regions of armed conflict on hazardous professional job duties must be regarded as civilians and cannot be the target of intentional attacks, according to Article 79 of additional protocol I to the Geneva conventions.⁴⁸ Furthermore, Additional Protocol I includes a model identity card for journalists, which although not conferring any special legal status, serves as proof of their professional role and facilitates recognition in conflict situations. in case of international armed conflict, accredited war correspondent accompanying with article 4A(4) of the third Geneva Convention. Independent journalists, however continues to be protected as civilians’ objects are protected from attack unless they are being used for military purposes, in which case they may lose

⁴⁶ *ibid.*

⁴⁷ SG/SM/21254, ‘Without Freedom of Press, “There Are No Real Democratic Societies” Says Secretary-General, in Message for International Day’ (United Nations Press, 12 May 2022) <[https://pressun.org/en/2022/sgsm21254.doc.htm#:~:text=The%20results%20are%20also%20the,press%2C%20there%20is%20no%20freedom](https://press.un.org/en/2022/sgsm21254.doc.htm#:~:text=The%20results%20are%20also%20the,press%2C%20there%20is%20no%20freedom)> accessed 24 September 2025.

⁴⁸ *International Humanitarian Law: A Practical Guide*, “Journalists” (Guide to Humanitarian Law, updated) <<https://guide-humanitarian-law.org/content/article/3/journalists/>> accessed 24 September 2025.

such protection. These provisions underline the balance between safeguarding press freedom and maintaining the integrity of humanitarian protections in times of armed conflict.⁴⁹ It is important to note that India has not ratified Additional Protocol I, which means that these specific protections are not binding under Indian Law, although customary international law principles regarding the protection of journalists in conflict may still apply.

B. International Human Rights Law

These safeguards apply to journalists in both conflict and non-conflict situations.

1. Article 19 of ICCPR guarantees the right to freedom of expression, which includes the freedom for journalists to seek, receive, and impart information.⁵⁰
2. Article 6, 7, 8,9 and 10 of ICCPR also protects journalists by affirming their right to life, freedom from arbitrary detention and freedom from torture.⁵¹
3. Governments are obligated to create and maintain a safe environment for journalists ,to investigate and prosecute attacks against them.
4. India ratified the ICCPR on 10 April 1979, it entered reservations and declarations limiting the direct applicability of certain rights, under article 19(3) , which subjects freedom of expression to domestic laws and reasonable restrictions relating to public order, morality and national security. These reservation affect how ICCPR ⁵²protections are implemented domestically,making constitutional guarantees under article 19 (1)(a) of the Indian constitution the primary sources of press freedom protections. Nonetheless, ICCPR continues to provide an important

⁴⁹ *The Practical Guide to Humanitarian Law*, 'Journalists' (Guide to Humanitarian Law, updated) <<https://guide-humanitarian-law.org/content/article/3/journalists/>>accessed 24 September 2025.

⁵⁰*Free Press Unlimited — Knowledge & Quality*, 'International instruments' <<https://kq.freepressunlimited.org/themes/safety-of-journalists/international-instruments/>> accessed 24 September 2025.

⁵¹ *ibid.*

⁵² International Covenant on Civil and Political Rights (opened for signature 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

framework for assessing state obligations and international standards for journalist safety.

C. UN Mechanisms and Initiatives

1. **UN plan of Action-** Led by UNESCO, this plan works to make sure journalists can work in a safe and free environment. It focuses on three main areas: preventing attacks, protecting journalists and ensuring justice through prosecution when crimes occur.
2. **UN Security Council Resolutions-** Resolution such as 1738 (2006)⁵³ and 2222(2015)⁵⁴ specially address journalists in armed conflict. They strongly condemn attacks against journalists and confirm that journalists are civilians who must not be targeted.⁵⁵
3. **UN Human Rights Council-** the council regularly adopts resolutions on the safety of journalists. The urge member states to take concrete steps such as creating national protection mechanism, ensuring investigations into crimes and reporting back on progress.
4. **Special Rapporteurs-** The UN special Rapporteur on the promotion and protection of the right to freedom of opinion and expression plays a key advocacy role. The rapporteur investigates global trends, issues report to the UN, highlights violations against journalists also provides guidance to governments on aligning their laws and with international human standard practices.⁵⁶
5. **UNESCO Monitoring-** UNESCO maintains the observatory of killed journalists, which documents cases of killings of media workers since 1993. Every two years, UNESCO publishes reports on the judicial investigation statutes into these killings, holding states accountable. This monitoring

⁵³ UN SC Res 1738 (2006).

⁵⁴ UN SC Res 2222 (2015).

⁵⁵ UNESCO, 'UN Plan of Action on the Safety of Journalists and the Issue of Impunity' (UNESCO) <<https://www.unesco.org/en/safety-journalists/un-plan-action>> accessed 24 September 2025.

⁵⁶ International Media Support (IMS), 'Safety of journalists' (IMS) <<https://www.mediasupport.org/what-we-do/safety-for-journalists/>> accessed 24 September 2025.

process also helps identify pattern of violence against journalists and promotes awareness of this issue.

D. Non- Governmental Organizations (NGOs)

1. **Committee to Protect Journalists (CPJ)**- CPJ is a dedicated press freedom and supporting journalists under threat. It provides emergency grants through the Gene Roberts emergency fund, helping journalist who face sudden financial or safety crises. Though it is an international NGO, but it monitors India, specific attacks on journalist and provides emergency assistance, through emergency grant “ the gene Roberts Emergency Fund”⁵⁷
2. **Reporters without Borders (RSF)**- RSF is well known for its advocacy for press freedom around the world. Beyond raising awareness, it also provides direct supports to journalists through financial assistance, safety training and publishing practical safety guides. RSF also operates a 24/7 hotline that journalists can reach out in emergencies, ensuring that help is accessible to them at any time.it also supports journalist in India.⁵⁸
3. **International Federation of Journalists (IFJ)**- The largest global organisation representing journalists with a member from more than 140 countries, IFJ plays a leading role in protecting media workers. It manages the IFJ safety emergencies such as threats, exile or injury. In addition, IFJ campaigns for better labour rights and protect mechanisms for journalists worldwide.⁵⁹ Global organization , India has member unions affiliated with IFJ and participates in its programs.
4. **Rory Peck Trust**- This trust focuses particularly on freelance journalists, who often lack institutional backing and face greater risk in conflict zones or hostile environments. It provides emergency grants, training resources

⁵⁷ Council of Europe, ‘Early Warning, Rapid Response, Protection’ (Council of Europe) <<https://www.coe.int/en/web/freedom-expression/early-warning-rapid-response-protection>> accessed 24 September 2025.

⁵⁸ Global Investigative Journalism Network, ‘Emergency Aid for Journalists’ (Global Investigative Journalism Network) < <https://gijn.org/resource/emergency-aid-for-journalists/> >accessed 24 September 2025.

⁵⁹ International Federation of Journalists, ‘Safety’ (International Federation of Journalists) <<https://www.ifj.org/what/safety>> accessed 24 September 2025.

and practice guidance to freelancer and their families, it also recognises the contribution of freelancer journalist through its annual Rory peck Awards. Its also extends supports to Indian Journalists.

5. **International News safety Institute (INSI)**- INSI works as a global safety network for news organisations and journalists, especially those working in dangerous or unstable environments. It develops safety protocols, offers training programmes and shares resources to help newsrooms and reporter prepare for and respond to risks. By brining together media outlets, journalists and safety experts. It also provides support to Indian Journalists through its training and safety initiatives.⁶⁰

VII. JUDICIAL APPROACH TO THE PROTECTION OF JOURNALISTS

A. Romesh Thappar v State of Madra, AIR 1950

One of the India's first constitution cases pertaing to press freedom was this particular case. The distribution of a political publication that was critical of government was banned by the state of madras. The SC overturned the limitation, concluding that article 19 (1).The Court emphasized that a free press is essential for democracy as it enables public discussion and government criticism. It made clear that prior restraint on newspapers is unconstitutional unless it falls under the reasonable restriction of Article 19(2).⁶¹ The ground of Public safety under Article 19(2) is no a reasonable restriction and hence a ban on entry and circulation of the newspaper by the state of Madras cannot be imposed under Article 19(2).

B. R. Rajagopal v State of Tamil Nadu, AIR 1994

Popularly known as the "Auto Shankar case", it concerned a magazine's right to publish the autobiography of a death row convict. Prison officials tried to stop the publication by pressuring the convict to withdraw his approval. The SC held that the

⁶⁰ PEN America, 'Organizations That Can Help Those Facing Online Abuse' (PEN America) <<https://onlineharassmentfieldmanual.pen.org/organizations-that-can-help-those-facing-online-abuse/>> accessed 24 September 2025.

⁶¹ *Romesh Thappar v State of Madras* AIR 1950 SC 124.

state cannot prevent publication on the ground that the material might be defamatory. It ruled that the press can publish content from public records without prior approval and any defamation claims should be addressed after publication through proper legal channels.⁶²

C. **Shreya Singhal v Union of India, AIR 2015**

The SC struck down section 66A of the IT Act 2000, which made online speech punishable if it was “Annoying”, “Inconvenient” or “Grossly offensive”. The court found the provision vague and inconsistent with grounds for restricting speech. It clarified that speech on the internet is not subject to strict limits than speech elsewhere and warned of the law’s “chilling effect” on free expression.⁶³ This case became a landmark in protecting online free speech in India.

D. **Vinod Dua v Union of India, AIR 2021**

When veteran journalist Vinod Dua criticized the government’s response to COVID-19 in a YouTube video, he was charged with sedition. He challenged the FIR, arguing that he was only exercising his constitutional rights to free speech. The SC quashed the FIR, reaffirming that criticising government does not amount to sedition.⁶⁴ However, the Court rejected his request for standing committee to screen FIRs against journalists with over 10 years of experience. Referring to earlier judgements like *Indian Express Newspaper v Union of India*.⁶⁵ The court reiterated that freedom of the press lies at the “Heart of social and political intercourse”.

E. **Abhishek Upadhyay v State of Uttar Pradesh, AIR 2024**

In this particular case, journalist Abhishek Upadhyay faced an FIR under several penal provisions, including defamation. After he posted on X about caste-based bias in state administrative appointments. The FIR stemmed from an article he authored titled “Yadav Raj versus Thakur Raj,” which alleged caste-based favoritism in the state’s administrative appointments. The Supreme Court granted him protection from arrest, stressing that journalist should not face criminal cases merely because their

⁶² *R Rajagopal v State of Tamil Nadu* AIR 1994 SC2 647.

⁶³ *Shreya Singhal v Union of India* AIR 2015 SC 1523.

⁶⁴ *Vinod Dua v Union of India* AIR 2021 SC 2585.

⁶⁵ *Indian Express Newspapers (Bombay) Pvt Ltd v Union of India* AIR 1986 SC 515.

writings are critical of the government. The court ordered the state to file their response and, in the meantime, barred any coercive action against him.⁶⁶ The case remains pending before the Supreme Court, with the next hearing scheduled for November 5, 2024

VIII. SUGGESTIONS

A. Legislative Measures

1. **Anti – SLAPP Legislation** – Introduction of Anti SLAPP (strategic lawsuits against public participation) law to stop misuse of defamation suits by powerful actors to silence journalists. Court should quickly dismiss such cases unless a genuine prima facie claim is shown. This will protect investigative reporting on corruption, public safety and the environment. In California, the law under CCP §425.16 allows early dismissal of meritless suit through a two step test and fee shifting, safeguarding public interest speech. British Columbia's PPPA similarly enables early dismissal where expression concerns public interest, applying a public interest balancing approach. The United Kingdom is developing targeted anti SLAPP measures, including early dismissal and cost protection.
2. **Whistleblower Protection**- Strengthen protections for whistleblowers to ensure confidentiality, immunity and safeguards against retaliation. This will support investigative journalism that relies on confidential sources.
3. **Protection Against Digital Censorship and Platform Abuse**- With the increasing reliance on digital platforms for news dissemination, journalists face new forms of harassment, including arbitrary suspension of accounts, removal of content, or online intimidation. Regulations should be introduced to safeguard journalists against such abuses while balancing the need to prevent the spread of misinformation. Clear guidelines and grievance redressal mechanisms on digital platforms would make sure that journalists report freely online without any problem or censorship fear.

⁶⁶ *Abhishek Upadhyay v State of Uttar Pradesh* AIR 2024 SC.

4. **Mandatory Safety Protocols for High-Risk Reporting-** Journalists frequently operate in hazardous environments such as protests, conflicts zones, areas affected by natural disasters or crime scenes. To ensure their safety protocols should be established outlining best practices for both physical and digital security. Media organizations must be legally mandated to provide essential protective gear such as helmets, vests and secure communication devices and to conduct regular training on risk assessment, situational awareness and emergency response.

The enforcement of these mandates should fall under the purview of the ministry of information and broadcasting (MIB) in coordination with the labour ministry and press council media council, ensuring periodic compliance audits, non-compliance by media organisations could attract monetary penalties, suspensions of accreditation or temporary broadcasting and publishing restrictions in severe cases. Such regulatory oversight, coupled with accountability measures, would significantly enhance journalist safety and enable them to perform their duties without undue risk.

B. Institutional Measures

1. **Strengthening Self-Regulation-** The PCI should be restricted and expanded into a comprehensive “Media Council” with jurisdiction over all forms of media, including print, television and digital platforms. This unified body would subsume and coordinate the functions of existing regulatory institutions such as the press council of India and the News broadcasting standard authority (NBSA).

By consolidating these roles, the proposed media council would ensure uniform ethical standards, faster dispute resolution and consistent accountability across media platforms, it should also be vested with enhanced statutory powers to impose penalties, issue corrective directions and enforce professional ethics, thereby reducing the need for protracted litigation while strengthening media credibility and self-regulation.

2. **Creation of Independent Protection Bodies-** While several international bodies such as Reporters Without Borders, the CPJ and the Rory Peck Trust actively support journalists worldwide, India does not yet have a comparable independent organization solely devoted to the protection and welfare of journalists. Establishing such a body at the national level could provide emergency support, legal assistance, and safety training tailored to the unique risks faced by Indian journalists.
3. **Monitoring and Reporting Mechanism for Press Freedom Violations-** An independent national portal should be created to systematically record all threats, harassment incidents, and attacks against journalists. This mechanism would provide transparency, facilitate timely interventions, and generate annual public reports to highlight patterns of press freedom violations. Such documentation would not only hold perpetrators accountable but also help policymakers, media organizations, and civil society identify areas requiring additional protection measures.

IX. CONCLUSION

"A free press is not a privilege but a necessity for democracy to thrive". Journalists are essential for operating a thriving democracy, acting as a watchdog for the public and its interest and ensuring accountability of power. In India, while constitutional guarantees and judicial pronouncements provide some protection, there is no dedicated statutory provision that directly safeguards journalists against harassment, threats, and other professional risks. The existing framework, being fragmented and largely reactive, is insufficient to address the multifaceted challenges of contemporary journalism, including digital threats and gender-based discrimination.

This gap underscores the urgent need for a comprehensive legal provision specifically designed to protect journalists, combined with effective enforcement and institutional support. Strengthening such protections, alongside promoting ethical practices, professional training, and self-regulation, is essential to ensure that journalists can operate independently and safely. Reforming the laws is not only necessary for

safeguarding the rights of journalists but is also critical for preserving the integrity and accountability of democratic governance in India.

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