



REVISITING GAURI LANKESH: JOURNALISM, JUSTICE AND THE 'RIGHT TO DISSENT'

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INTRODUCTION

A democracy dies not only in the shadow of dictatorship but in the silence of its citizens. In recent years, India's democratic framework has been shaken not by a sudden collapse, but by a slow erosion of press freedom, judicial independence, and most crucially, the right to dissent. Journalism, once hailed as the fourth pillar of democracy, is increasingly treated as an adversary by the very institutions it is meant to hold accountable. Dissenters are branded as "anti-nationals," courtrooms grow quieter in the face of power, and those who speak the truth often do so at great personal risk. Gauri Lankesh was one such truth-teller. A journalist, editor, and activist who refused to conform, Lankesh was known for her razor-sharp critique of majoritarian politics, caste injustice, and the complicity of the state. Her words disturbed the powerful because they were grounded in facts, spoken in plain language, and driven by constitutional values. She believed that the duty of journalism was not to please governments but to question them—and she paid for that belief with her life. Her assassination in 2017 was a terrifying inflexion point in India's democratic story. It wasn't just the killing of a journalist—it was a targeted strike against the idea that one has the right to examine, evaluate, and contest the prevailing narrative. However, *The Way I See It* resurrects what her killers aimed to silence. This book serves as a warning and a guide for those who still believe in the spirit of the republic, including lawyers, law students, policymakers, journalists, and citizens. It guides us towards reclaiming the democratic spaces that are being systematically destroyed and serves as a warning about what happens when institutions cease speaking truth to power. Gauri Lankesh wrote more than just a report. To resist, she wrote. As we read her words, we need to consider: Does our society still allow for dissent without fear? Are we

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fostering a legal system that hears before it renders a decision? Is journalism being reduced to state propaganda, or are we defending it as a tool of truth?

JOURNALISM AND THE RULE OF LAW IN A CONSTITUTIONAL DEMOCRACY

Journalism is essential to maintaining the rule of law in a constitutional democracy like India. By serving as a bridge between the public and the government, journalists keep people informed and in control. However, the rule of law is undermined when journalism is hindered, whether by censorship, violence, or the abuse of legal provisions. Article 19(1)(a) of the Indian Constitution guarantees the right to free speech and expression. Although it isn't stated directly, this includes press freedom. In *Indian Express Newspapers v. Union of India* (1985), the Supreme Court declared that "freedom of the press is the heart of social and political change." Courts have continuously interpreted press freedom as an essential component of Article 19(1)(a).

THE CRISIS OF JOURNALISM IN INDIA

The media in this country still provides useful service as a watchdog on a developing democracy, but one can find multiple factors, such as censorship, legal harassment, surveillance, and sometimes even violence against its victims, that are eroding it. FIRs, sedition charges, or trolling/internet harassment typically land in the hands of independent reporters engaged in investigations of corruption, intercommunal violence or abuses of state power. Where corporate media promoters build a version of news in support of the narrative, while newsrooms struggle with following government requirements. India's media and journalists, as identified by several international indices measuring freedom, in most cases declining dramatically, such as RSF, in 2023, measuring 161 out of 180 countries, is one indication of the situation. Lankesh's murder was not a one-off incident, and she became a serious symbol of the threat within a struggle for reform in India.

THE SOCIAL ROLE AND JOURNALISTIC PRACTICES OF GAURI LANKESH

Lankesh's writings were almost exclusively about social issues of caste oppression, religious tolerance, women's rights, and rationality. Lankesh's newspaper, called *Gauri Lankesh Patrike*, was dedicated to distilling political and social fears to any ordinary reader. Lankesh's journalism also articulated views of marginalised communities in the mainstream, including Dalit communities, women, and religious minorities. Lankesh presents an open-minded dialogue and a socially inclusive citizen, making her a darling of both radical thinking and

student activism. In Lankesh's book *The Way I See It*, Lankesh's values and beliefs in her departure are ideals of democracy, equality, secularism and justice. However, it must be noted that if some readers did not agree with either her views or perceptions on democracy, she was still an advocate of civil debate and civil discourse, which is a democratic ideal in essence.

BALANCING PRESS FREEDOM AND STATE RESPONSIBILITY

Finding the correct level of press freedom, against the responsibilities of state action, is always going to be a constant balancing act. While it is expected that in their actions governments have a duty of care to their citizens, they have obligations in ensuring national security and terms of public order, while fulfilling these obligations, they have as much an obligation to make sure that citizens can question government policy and can be critical, respectfully of government policy. This is not necessarily perfect; countless journalists in recent years have showcased their worries over being contained by police forces, being surveilled, and or the arduous path of being detained in trials where the law is not always on their side under repressive legislation. It is difficult to overlook the news media state examples of the raid at NewsClick in 2023 or reporters simply confined under detention by the Indian Authorities in Kashmir and Manipur, to invoke more protections in an already troubled time, to advocate for press freedom. However, for a journalist, there is an ethical obligation to ensure his/her duty, assuring that the media is relevant, fair and accurate, which was important, and that they make conscious decisions. Gauri Lankesh supported the idea that journalism is more than just facts; it is about right and fair. And her legacy has lit a torch for future generations of students and media practitioners to ask the right questions, listening to all, many voices, to ensure that we keep the society we are in informed and inclusive.

ROLE IN A DEMOCRACY

It takes on the serious responsibilities of informing the public, holding power to account and providing a place for public discussion on critical but often uncomfortable matters. Recently, there has been a growing array of threats made against journalists in India that can be legal, extra-legal and violent, many have observed, which impacts their right to work freely and safely, as journalists have received legal notices and have faced online harassment and violence, in rare and tragic events. In the 2023 World Press Freedom Index by Reporters Without Borders (RWB), India ranked 161 out of 180, raising questions about the health of

the freedom of the press. The assassination of journalist Gauri Lankesh in 2017 drew national and even international attention to the dangers of journalists who ask uncomfortable questions or challenge dominant narratives. Gauri Lankesh was known for her pointed editorials (many said that her editorials she was the last word in an argument and therefore a serious consideration), radical belief in equality for all humans, and commitment to harmony among communities. Then, there was anger over her death, and a Special Investigation Team (SIT) was created to investigate the murder of Gauri Lankesh, and it is within this legal process.

PRESS FREEDOM VS. STATE POWER: WHERE ARE WE HEADED

The situation with the press and the state in India is becoming increasingly antagonistic, with journalists being detained and harassed and imprisoned (sometimes on criminal charges) for covering controversial topics such as Kashmir, the violence in Manipur, or election marking. There are many journalists, especially in Kashmir, who have been detained by the Indian state without trial for months under the Public Safety Act (PSA), such as Aasif Sultan and Sajad Gul, only to then possibly be given frivolous charges. In 2012, the revelations of the Pegasus spyware scandal revealed dozens of journalists, lawyers and activists who had their phone numbers monitored in some way (with spyware) - it raises great concerns about our press freedoms and privacy. Gauri Lankesh was speaking of these dangers long before they came to light, concerning the rise of state-sponsored narratives in the media, the restriction of alternative opinions to dominate narratives, and the disappearance of reasoning and secular public discourse. If this occurs, will we continue to punish a society that punishes 'truth' while rewarding propaganda? We must intervene, as students of law, as aspirant journalists, and as members of civil society. The law is not limited to protecting institutions, but must also protect the individuals within institutions who take a principled stance against their unlawful procedures.

CONCLUSION

One of the most glaring tragedies of the murder of Gauri Lankesh is the killing of the expression of dissent, a legal and democratic principle. Gauri Lankesh demonstrated, through her journalism, two important functions of media and journalism: the right to free speech and free public expression; dissent against the acts of government, or in the interest of public good, through journalism. Gauri Lankesh's killing was more than just the loss of a human

being - it was a demonstrable warning and expression of a loss of legal protection of free speech and expression. It is clear the legal limitations on freedom of the press, and dissent are being significantly eroded; many laws are being passed, or imposed - and serious laws used to limit the use of dissent, or scrutiny based on misuses of section 124A IPC, UAPA, or Acts of public safety for the states - are out of control of those protections enumerated and embodied in the Constitution of India, including article 19(1) (a). Recent legal decisions existing in the law, including the majority judgments in *Shreya Singhal v. Union of India* and *Romesh Thappar v State of Madras*, also demonstrate that the relevance of free speech, free media, and dissenting voices in the democratic process cannot be overstated. However, a troubling trend within the realities of continuing abuses of law by courts in the context of journalists acting as journalists may indicate a diversifying application of constitutional ideals. Journalism such as that practised by Gauri Lankesh was speech in the 'interests of the public' and is an act of speech protected by the Constitution.

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