



INDIA'S FREE PRESS AT RISK: LEGAL CHALLENGES AND THE NEED FOR REFORM

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ABSTRACT

Press freedom is a cornerstone of democracy, enabling citizens to hold power accountable and fostering informed public discourse. This article critically examines the deteriorating state of press freedom in India, currently ranked 151st in the 2025 World Press Freedom Index. It explores constitutional protections under Article 19(1) (a), key judicial interpretations, and international standards. The paper highlights challenges such as censorship, corporate-political nexus, internet shutdowns, violence against journalists, and recent controversial regulatory changes including the amended IT Rules, 2023. Through a comparative lens, Norway ranked 1st globally serves as a model of press autonomy, transparency, and journalist safety. The article underscores the need for structural reforms, editorial independence, protection laws for journalists, and policy measures to ensure media diversity. The article concludes with recommendations to strengthen legal protections, reduce political interference, and promote journalistic safety and diversity. It asserts that a free and fearless press is essential for democratic accountability and the protection of civil liberties.

Keywords: Article 19(1)(a) of the Constitution, Censorship, Internet Shutdowns, Judicial Approach.

INTRODUCTION

“Freedom of the press is not just important to democracy, it is democracy”

- Walter Cronkite

Justice Patanjali Shastri expressed in *Romesh Thapar v. State of Madras*¹ that the freedom of the press, imbibed within the right to free speech, acts as the groundwork for every

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democratic organization, and that in the absence of unrestricted political dialogue and instruction, the democratic structures will wither away. The press's right to freedom, which is implied in the right to free speech, is critical for political autonomy and democracy's efficient operation. The freedom of the press is a subpart of the bigger domain of freedom of speech and expression. Freedom of the press is extremely vital to democracy, and there is no freedom when a man cannot openly communicate his perspective to another, even though the right of free speech subsists from the outset of a free and liberated society, and tools for every aim of actualising autonomy already exist. India ranked 151st with a total score of 32.96 in the World Press Freedom Index in 2025, with top Performers: Norway (1st), Estonia (2nd) and the Netherlands (3rd). India is still categorized as having a "very serious" press freedom situation.

UNDERSTANDING PRESS FREEDOM

The freedom of the press means freedom from interference from authority, which would have the effect of interfering with the content & circulation of newspapers.² "Press freedom is defined as the ability of journalists as individuals and collectives to select, produce, and disseminate news in the public interest, independent of political, economic, legal, and social interference and in the absence of threats to their physical and mental safety."³ Our democracy is built on four pillars, and the strongest among them is the media. Without freedom of the press, democracy becomes unstable, just like a building that collapses when one of its key pillars is removed. As said by Lord Acton, "Absolute power corrupts absolutely." Without a free and independent media, power goes unchecked, leading to domination by a single force. A healthy democracy requires open, unfettered debate in society; without it, democratic values begin to erode. Through unbiased reporting and analysis, media outlets empower citizens to make informed decisions, promote vigilance, and uphold the integrity of the democratic process by raising awareness of their rights and responsibilities. Various legal instruments safeguard press freedom in India. The preamble is called the heart and soul of the Constitution and the Constitution starts with the preamble itself; therefore, it is considered a vital part of the Constitution. The word 'liberty' is

¹ Romesh Thappar v. State of Madras, 1950 SCC 436

² Ijalr, Freedom of Press and the Law of Sedition – A Critical Analysis (Ijalr, August 27, 2020)

<https://ijalr.in/freedom-of-press-and-the-law-of-sedition-a-critical-analysis/>

³ Methodology Used for Compiling the World Press Freedom Index 2025(RSF)

https://rsf.org/en/methodology-used-compiling-world-press-freedom-index-2025?year=2025&data_type=general

mentioned in the preamble of the Constitution, which means that every individual of the country has the freedom of thought ideas and belief. Article 19(1) (a) of the Indian Constitution explicitly states that “all citizens shall have the right to freedom of speech and expression,” which serves as the constitutional foundation for the freedom of the press. The constituent assembly decided that there is no need for a separate provision because the guarantee of freedom of speech and expression enshrined in Article 19(1) (a) is wide enough to include the press. This is evidenced by the following statement of Dr. B. R. Ambedkar: “The press is merely another way of stating an individual or a citizen. The press has no special rights that are not to be given or which are not to be exercised by the citizen in his capacity. The editor of a press or the manager is all citizens and therefore when they choose to write in newspapers, they are merely exercising their right of expression; and in my judgment, therefore, no special mention is necessary of the freedom of the press at all.”⁴ Even the Court, in many judgments, has reiterated that the freedom of the press is a part of Article 19(1) (a) of the Constitution. However, this right is subject to reasonable restrictions, if needed, in the interest of the security of the state, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, or incitement to an offense. At the international level, the right to freedom of expression is first enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR), which affirms that everyone has the right to seek, receive, and impart information and ideas through any media and regardless of frontiers.⁵ This foundational principle is further reinforced and given legal weight by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to hold opinions without interference and the freedom of expression through any medium of one’s choice, including oral, written, artistic, or other forms. However, the ICCPR also recognizes that the exercise of these rights carries with it special duties and responsibilities, and may be subject to certain restrictions provided they are established by law and are necessary for (a) respect of the rights or reputations of others, and (b) the protection of national security, public order (ordre public), or public health or morals.⁶

⁴ Trial By Media: A Need To Regulate Freedom Of Press, By Hon’ble Mr. Justice G. S. Singhvi [Chrome extension://Efaidnbmnnnibpcajpcglclefindmkaj/https://docs.manupatra.in/newsline/articles/Upload/0158AEEE-1A16-473C-A41A-DB93A66000EB.pdf](https://docs.manupatra.in/newsline/articles/Upload/0158AEEE-1A16-473C-A41A-DB93A66000EB.pdf)

⁵United Nations, Universal Declaration of Human Rights, United Nations (United Nations) <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁶ International Covenant on Civil and Political Rights <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

INDIA'S PRESS FREEDOM: A DETERIORATING LANDSCAPE

Reporters without borders (RSF)'s World Press Freedom Index aims to compare the level of press freedom enjoyed by journalists and media in 180 countries and territories. India ranked 151st out of 180 countries in the World Press Freedom Index, with a total score of 32.96, placing it in the “very serious” category (0–40 points, marked in dark red) and has been consistently falling in the index since 2019, when it was ranked 133.⁷

Key Factors Identified by RSF

According to Reporters without Borders (RSF)⁸ Press freedom in India has experienced a significant decline since Prime Minister Narendra Modi came to power in 2014. The organization highlights concerns over the growing concentration of media ownership among large corporate groups closely linked to the government, such as those led by Mukesh Ambani and Gautam Adani. This consolidation has, in RSF's view, contributed to the shrinking space for independent journalism. Several major television channels have been criticized for exhibiting pro-government bias, often referred to in popular discourse as "Godi media." Additionally, the Prime Minister rarely holds open press conferences and typically engages only with select journalists. Critics of the government, including independent reporters, often face coordinated online abuse and harassment, further discouraging dissenting voices. As a result, India's once-diverse and free media is under serious threat. governments have never shied away from using colonial-era laws, such as those relating to defamation and anti-state activities, to suppress the media. Anti-terrorism laws are increasingly used against journalists. The main opposition party, the Indian National Congress, and other regional parties have also used legal provisions against journalists for intimidation purposes and as retaliation. Recent legislative developments in India, including the 2023 Telecommunications Act, the draft Broadcasting Services (Regulation) Bill, and the Digital Personal Data Protection Act, have raised concerns among media watchdogs and civil society groups regarding increased governmental oversight and potential constraints on press freedom. Critics argue that these laws could expand the state's power to regulate media content, raising questions about censorship and freedom of expression. Additionally, there are concerns about the lack of social diversity within Indian newsrooms. Studies indicate that upper-caste Hindu men occupy a majority of senior editorial positions, which may influence

⁷ Index (RSF) <<https://rsf.org/en/index>>

⁸ Index(RSF) <<https://rsf.org/en/index>>

media narratives and representation. Women remain underrepresented in media discourse, comprising less than 15% of guests on major television talk shows. Furthermore, some Hindi-language news channels have been observed to promote a particular ideological stance, with reports alleging instances of biased reporting and content that may contribute to communal polarisation. However, there are exceptions like *Khabar Lahariya*, a news outlet run by women from rural and minority backgrounds, showing that inclusive journalism is still possible. India is one of the most dangerous countries for journalists, with 2–3 killed each year for their work. Those critical of the government face, harassment, threats, violence, arrests, and lawsuits. Like back in 1992, journalist Madan Singh was shot for exposing the Ajmer sex scandal. While being treated at JLN Hospital, he was brutally killed by assailants. His death remains a grim reminder of the risks faced by truth-telling journalists. More recently, journalist Dilwar Hussain Mozumder has faced relentless reprisals after attempting to interview the director of a bank allegedly linked to the chief minister of Assam, regarding suspected fraud. Arrested, re-arrested, and discredited, Mozumder has been entangled in a series of legal actions. Although released on bail on 29 March, he continues to face multiple charges, including trespassing and attempted theft of documents. Women journalists are often targeted with hate campaigns and online abuse, including the leaking of personal information. Reporters covering the environment or Kashmir face serious risks, including police harassment and long detentions without trial.

CHALLENGES TO PRESS FREEDOM

Censorship and Intimidation: Censorship in India has been a topic of debate and controversy for decades. The legal framework for censorship in India is primarily governed by the Constitution of India, which guarantees the right to freedom of speech and expression. However, this right is not absolute and is subject to certain restrictions, such as public order, decency, and morality. Additionally, laws such as the Bhartiya Nyay Sanhita 2023, the Information Technology Act, and the Cinematograph Act provide the government with the authority to censor and regulate content that is deemed objectionable or harmful to the public interest. In 2020, the Press Council of India, a state-owned self-regulatory body, was incessantly vocal against government authorities' censorship of the mass media. The press is being accused of various malpractices like corruption, paid news syndromes, fake news, media trials, unethical practices of sting operations, etc. In recent times, various allegations of severe repression of the press, like in the case of revocation of special status of Jammu &

Kashmir, amendment of Citizenship Act and NRC, the Covid-19 pandemic, and farmers' protests have been raised. The freedom of the press is vastly muzzled through various legal measures like imposing charges of sedition and subsequent imprisonment, placing criminal charges under the Official Secrets Act, the National Security Act, the National Investigation Agency (NIA), the Unlawful Activities Prevention Act, and other various sections of the Criminal Procedure Code of India all over the country. Government intervention in the reconstitution of the self-regulatory bodies like PCI, Central Press Accreditation Committee (CPAC) was seemingly biased and termed as "veiled censorship"⁹In *Romesh Thapper VS State of Madras*¹⁰ the government issued an order under sec. Section 9(1-A) of the Maintenance of Public Order Act 1949 banned the circulation of a journal, 'The Cross Road', and the court held it to be invalid. The Supreme Court held that any restriction on press freedom not directly justified under Article 19(2) is unconstitutional. Similarly, in *Brij Bhushan v. State of Delhi* (1950)¹¹, the Court struck down pre-censorship of a newspaper, affirming that prior restraints violate Article 19(1) (a). Even indirect censorship, such as economic pressure, was questioned in *Indian Express Newspapers v. Union of India* (1985)¹², where the Court warned against taxing or burdening the press in ways that threaten its independence. These decisions underline that censorship, whether overt or covert, undermines democracy by restricting the public's right to know and silencing independent media voices. The Centre blocked the YouTube channel 4 PM News, a Lucknow-based digital news outlet, without prior notice. The channel's editor, Sanjay Sharma, approached the Supreme Court challenging the sudden takedown. During the hearing, the Centre informed the Court that the blocking order had been withdrawn.¹³ Many countries, including a number of democratic countries, have introduced new restrictions that limit freedom of expression. Journalists and the media are being prevented from doing their job in various ways, and human rights defenders and other critical voices are being denied access to information and silenced. Government-sanctioned censorship of the internet and media channels is a growing problem. It is essential to strengthen freedom of expression and freedom of the press to restore people's trust in public institutions and each other, and to

⁹ Press Freedom In India: Virtuous or Vulnerable

(https://www.researchgate.net/publication/358582246_Press_Freedom_In_India_Virtuous_Or_Vulnerable)

¹⁰ MANU/SC/0006/1950

¹¹ *Brij Bhushan & Anrs. v State of Delhi*, AIR 1950 SC129

¹² *Indian Express Newspapers (Bombay) Ltd v. Union of India*, 1985 1 SCC 641

¹³ Pti, Order Blocking YouTube Channel '4PM' Withdrawn, SC Told, The Economic Times (May 13,2025) <<https://economictimes.indiatimes.com/news/india/order-blocking-youtube-channel-4pm-withdrawn-sc-told/articleshow/121135004.cms?from=mdr>>

promote support for social development based on respect for human rights and democratic values.

Internet Shutdowns and Surveillance: According to #KeepItOn¹⁴ India recorded 84 internet shutdowns in 2024, the highest number among democratic countries that year, despite a slight drop from 2023. People in 16 states and territories experienced a shutdown, with state government officials in Manipur (21), Haryana (12), and Jammu & Kashmir (12) topping the list of offenders in India. Of the 84 shutdowns, 41 were related to protests, and 23 were related to communal violence. The frequent use of internet shutdowns in India, especially to curb dissent, violates Articles 19(1) (a) (freedom of speech), 19(1) (g) (freedom to practice any profession), and 21 (right to life and personal liberty) of the Constitution. Vague terms like "public emergency" and "public safety" is often invoked without clear legal thresholds, allowing for arbitrary imposition of shutdown. The Supreme Court in *Anuradha Bhasin v. Union of India* (2020)¹⁵ emphasised that internet access is essential for free expression and must be curtailed only under exceptional and legally justifiable circumstances. Scholars like Mathur & Varma (2019) argue that the denial of internet access today equates to denying access to life-essential services and information. In 2023, Manipur witnessed a 142-day internet shutdown, justified by the state as a measure to contain ethnic violence and misinformation. The shutdown delayed the reporting and public knowledge of horrific crimes, including a viral video of two women paraded and gang-raped, which only surfaced after over two months. The lack of internet affects Media reporting and information flow, access to education, banking, and daily services. Victims and citizens right to communicate and seek justice. The case illustrates how shutdowns cripple public accountability and muzzle press freedom during crises, violating both Article 19(1)(a) and Article 21.¹⁶

Corporate-Political Nexus and Media Bias: It was very aptly put by Justice Louise Brandeis of the US Supreme Court that "Freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth." It is therefore very important to ensure there is no misuse of political control over media by politicians and administrative bodies, and make sure that there is development in regulatory safeguards against political control over media in India. Journalism must be, at all costs, transparent and

¹⁴ Rosson Z and others, *Emboldened Offenders, Endangered Communities* (2025) Report

¹⁵ AIR Online 2020 SC 17:: 2020 (3) SCC 637

¹⁶ Darkening Digital Democracy: A Case Study of Manipur Internet Shutdown
https://www.researchgate.net/publication/387207553_Darkening_Digital_Democracy_A_Case_Study_of_Manipur_Internet_Shutdown

independent, and there must not be governments using funding to push their agendas and thus creating a biased outlook for the audience. There are bodies such as the Press Council of India (PCI), which is a statutory body and the News Broadcasting Standards Authority (NBSA), a self-governed organisation, which sets standards and issues guidelines for the press and media. There are four main categories of financial strategies and tactics that authorities use to dominate the media sector: Public funding for state-administered media, State (or official or public) advertising, State subsidies, Market-disruption measures. Governments use money from their budgets or from state-owned companies to run social campaigns or advertise products and services offered by the companies they own. In reality, they use this money to buy favors from the media and journalists.¹⁷ In India, a few big companies own many types of media like newspapers, radio, TV, and online platforms. This is called cross-media ownership, and it's a growing trend (Thakurta, 2012). Although India has rules to protect media diversity (The Media Ownership Rules), more and more businesses – even those not originally in the media industry are buying media companies because the media industry is growing fast (Telecom Regulatory Authority of India, 2008). In 2014, Reliance Industries Ltd, a large business group, took over Network18, a major news company (Mahr and Chatterjee, 2014). After the takeover, three top editors at Network18 resigned. They were concerned about press freedom. One editor said Reliance interfered in the news, giving verbal instructions and hints about what to report. However, Reliance denied controlling the news content.¹⁸ The Adani Group, led by Gautam Adani, acquired a majority stake in NDTV, a prominent news organisation; several well-known journalists and media professionals have resigned from NDTV, including Ravish Kumar. These resignations are seen by some as a direct result of the change in ownership and the perceived shift in editorial direction. sparked concerns over press freedom in the country.¹⁹ A well-built separation brings a well-balanced watchdog function in the field of the media. Without this condition, media ownership impacts the news and may eventually control journalism by manipulating the public's sources of information. While the right to freedom of expression is legally enshrined

¹⁷ Control the Money, Control the Media: How Government Uses Funding to Keep Media in Line https://www.researchgate.net/publication/319467884_Control_the_money_control_the_media_How_government_uses_funding_to_keep_media_in_line

¹⁸ Lee SA and others, "Current Challenges to Media Freedom in India" <<https://cfom.org.uk/wp-content/uploads/2017/08/Student-Comp-2016-17-Final-India-case-study.pdf>>

¹⁹ Staff AJ, Concerns over Free Press in India after NDTV's Ravish Kumar Quits, Al Jazeera (December 1, 2022) <<https://www.aljazeera.com/news/2022/12/1/concerns-over-free-press-in-india-after-ndtvs-ravish-kumar-quits#:~:text=One%20of%20India's%20most%20popular,considered%20close%20to%20the%20BJP.&text=The%20resignation%20of%20one%20of,stepped%20down%20from%20its%20board%20>>

in the Indian Constitution, concentrated media ownership seems to be a challenge to editorial independence.

Attacks on Journalists: Siddique Kappan was arrested in October 2020 while travelling from New Delhi to Uttar Pradesh to report on the alleged gang-rape and killing of a 19-year-old woman from the Dalit caste (formerly known as “untouchables”) in Hathras and was released from jail after two years.²⁰ 32-year-old freelance journalist Mukesh Chandrakar, a journalist, was murdered, whose battered body was found in a septic tank in Bijapur, in the east-central state of Chhattisgarh, shortly after he reported on the poor state of a road built by a local contractor.²¹ On September 5, 2017, the journalist Gauri Lankesh, a journalist and social activist was known for being a fierce critic of right-wing Hindutva politics, was shot and killed outside of her house in Bangalore by armed assailants travelling on a motorbike for her outspoken views. Then there is the frequent jailing of Manipur journalist Kishorechandra Wangkhem, who has been jailed three times in almost three years, including a preventive detention stint under the National Security Act, for Facebook posts criticising the state government. Journalism in Kashmir is also under pressure in many different ways. Since 22 November 2022, the homes of at least 17 journalists have been raided in the state. Three are currently in prison: one accused of “harbouring militancy” in Kashmir and two others booked under the Public Safety Act and the UAPA. Several others charged with the UAPA are out on bail. More than 40 Kashmiri journalists are on the temporary “No Fly List” (Exit Control List) that exists for Kashmiri citizens and is reviewed and updated from time to time. They have been prevented from travelling abroad to receive awards, attend training programmes or take up jobs.²²

Judicial Opacity and Its Impact on Press Freedom: While the Indian judiciary is constitutionally independent, its “in-house procedure” for dealing with allegations of misconduct against judges raises serious concerns from a press freedom perspective. This system excludes public scrutiny, complaints that are not publicly acknowledged, investigations are conducted by fellow judges rather than an independent body, and final reports are rarely, if ever, disclosed. Even in cases where serious wrongdoing is found, the

²⁰ RSF Demands Release of Detained Indian Journalist Siddique Kappan, Hospitalised with Covid-19 (RSF) <https://rsf.org/en/rsf-demands-release-detained-indian-journalist-siddique-kappan-hospitalised-covid-19>

²¹ “Indian Reporter Murdered for Exposing Corruption Surrounding Road Contract” (RSF, September 1, 2025) <https://rsf.org/en/indian-reporter-murdered-exposing-corruption-surrounding-road-contract#:~:text=Two%20days%20after%2032%2Dyear,who%20is%20now%20under%20arrest>

²² Ninan S, “Contours of Media Control in India” The India Forum (April 25, 2023) <https://www.theindiaforum.in/society/contours-media-control-india>

public remains unaware. This secrecy prevents journalists from accessing information, reporting on judicial accountability, or initiating investigations, all essential roles of a free press. The result is an erosion of the public's right to know, which the Supreme Court itself has upheld as an integral part of Article 19(1) (a) (freedom of speech and expression). For example, in March 2024, a fire at Justice Yashwant Varma's official residence led to the discovery of several half-burnt sacks filled with cash, sparking widespread concern. Within days, he was transferred, and soon after, a recommendation for his impeachment followed. While the judiciary released visuals of the burnt cash sacks, crucial records such as police reports and the final inquiry findings remain undisclosed. To make matters worse, the cash sacks reportedly went missing the next day, and there is no clarity on why law enforcement failed to preserve this evidence. This is not an isolated instance. In 2019, a Supreme Court staffer accused then-Chief Justice Ranjan Gogoi of sexual harassment. The internal panel that cleared him did not allow the complainant legal representation or access to the final report. In 2020, Andhra Pradesh's Chief Minister accused Justice N.V. Ramana and others of misconduct; the case was dismissed silently, and one of the named judges was later elevated. Similarly, Justice Surya Kant, expected to become the Chief Justice in 2025, has faced serious allegations of corruption, yet no public record of any investigation exists.²³ When judicial accountability is hidden, the press, acting as a bridge, can't access information and cannot fulfill its role of informing the public, demanding reforms and the public is left in the dark.

Norway (Beacon of Press Freedom): Freedom of expression is a prerequisite for a functioning democracy where all members of society have access to information and can participate in social and political life. Promoting freedom of expression is a key priority in Norway's foreign and development policy. The country's robust legal framework, strong institutional support, and public consensus around media independence have consistently placed Norway at the top of the World Press Freedom Index. Norway's media environment is characterized by a vibrant and diverse press landscape, featuring a powerful public service broadcaster NRK (Norwegian Broadcasting Corporation) and a variety of private media outlets that enjoy substantial editorial autonomy. The Norwegian media operate in a favourable political environment with zero killings or detentions. Political leaders largely

²³ Raghavan A, Serving Justices, but Not Justice (June 17, 2025) <https://www.thehindu.com/opinion/op-ed/serving-justices-but-not-justice/article69700748.ece/amp/#amp_tf=From%20%251%24s&aoh=17503457471757&referrer=https%3A%2F%2Fwww.google.com>

refrain from disparaging the press or discrediting unfavorable reports as “fake news.” Importantly, government ministers and parliamentarians avoid interfering in the functioning of publicly subsidized media. The Norwegian Media Authority plays a central role in maintaining media plurality by monitoring and publishing data on media ownership, while competition authorities ensure that monopolistic trends are curbed. Additionally, the government’s zero VAT policy on news media significantly contributes to maintaining journalistic diversity and quality.²⁴ The legal protection of press freedom is deeply embedded in Article 100 of the Norwegian Constitution, which guarantees the right to freedom of expression and access to public information. It highlights three main justifications for this right: the pursuit of truth, the promotion of democracy, and the freedom of individuals to form and express opinions.²⁵ Furthermore, the Constitution mandates that public authorities are responsible for creating the conditions necessary for open and informed public discourse. Though the Norwegian Criminal Code does not contain specific provisions for the protection of journalists, the country has implemented strong institutional safeguards. The Attorney General has directed law enforcement to prioritise cases involving threats or violence against media personnel. Additionally, the Supreme Court of Norway has ruled that such offences should be met with enhanced penalties. The Norwegian Union of Journalists remains actively engaged in defending journalists' rights and collaborate regularly with other press organisations to address safety, ethics, and policy issues. Norway also boasts one of the world’s most effective systems of media self-regulation. The Norwegian Press Association oversees the journalistic code of ethics and appoints members to the Press Council, which handles complaints and ethical violations. This council operates independently of state control and includes both media professionals and members of the public. Its existence reflects the high degree of professional autonomy enjoyed by Norwegian journalists, who report minimal instances of political or economic interference in their work. The crucial legal safeguard is the Media Liability Act secures editorial independence, stating that publishers or owners cannot interfere in editorial questions, makes the editor(s) legally responsible for any published content, specifies what is meant by news media, and what should be perceived as editorial content and user-generated content.

²⁴ Index (RSF) <<https://rsf.org/en/index>>

²⁵ Ministry of Foreign Affairs, “Ministry of Foreign Affairs Strategy: Strategy for Promoting Freedom of Expression in Norwegian Foreign and Development Policy” report
<https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/mr/strategy_expression.pdf>

A key pillar of Norway's media system is NRK, the national broadcaster, which is funded through a universal individual tax. NRK's mandate, enshrined in its governing statutes, includes producing quality programming related to news, public affairs, language, and culture. Despite criticisms from private media entities about its broad mandate and digital expansion, NRK remains dominant and widely trusted. It employs approximately 3,200 staff across 10 regional offices and operates 14 radio stations, three TV channels, and multiple digital platforms, including a weather forecast website. Another cornerstone of Norway's media ecosystem is its comprehensive subsidy policy, which dates back to 1969. These subsidies are designed to preserve diversity and support economically vulnerable newspapers, particularly small local outlets, newspapers operating in markets with dominant competitors, and those that serve niche ideological or cultural communities. In addition to direct financial support, an indirect press subsidy in the form of VAT exemption was introduced in 1970, ensuring that daily newspapers, books, and certain subscription publications are not taxed. This policy is grounded in the principle that freedom of expression should not be burdened by financial constraints. Collectively, these measures explain why Norway continues to lead globally in press freedom rankings.²⁶ Its legal guarantees, supportive economic policies, ethical oversight mechanisms, and widespread societal respect for journalism have cultivated an environment where the press can thrive without fear or coercion. While modern challenges like online harassment remain, Norway's comprehensive approach to safeguarding media freedom serves as a compelling model for other democracies. Despite its top global ranking, Norway faces modern challenges to press freedom. Journalists reporting on polarising topics such as immigration, gender, and international conflicts often face online harassment, especially those from minority and LGBTQIA+ backgrounds. Digitisation has disrupted traditional revenue models, leading to financial strain and dependence on global tech platforms, which raises concerns about editorial autonomy and fair competition. Public broadcaster NRK's digital dominance has also drawn criticism from private media. Regulatory debates continue over implementing the EU's Digital Services Act and Digital Markets Act to ensure media independence and sustainability.

INDIAN JUDICIAL APPROACH TO PRESS FREEDOM

Anand Chintamani v. State of Maharashtra: The Full Bench of the Bombay High Court in *Anand Chintamani v. State of Maharashtra* emphasised the importance of free speech, even

²⁶ "Norway: Media Welfare in a Small Nation

(https://www.researchgate.net/publication/383365346_Norway_Media_Welfare_in_a_Small_Nation)

on controversial issues. Quashing the forfeiture of the play *Me Nathuram Godse Boltoy* under Section 95(1) CrPC, the Court upheld the right to criticise and stressed that tolerance of diverse and unpopular viewpoints is essential in a democracy governed by the rule of law.²⁷

Anuradha Bhasin v. Union of India (2020): It was held that the responsible government is required to respect the press freedom at all times. The Supreme Court held that access to the internet is integral to the exercise of freedom of speech under Article 19(1) (a). It emphasised that internet shutdowns must pass the test of proportionality and cannot be imposed arbitrarily. This landmark ruling recognised the digital dimension of press freedom.²⁸

Majid Hyderi v. State (UT of J&K): Majid Hyderi, an independent journalist working for the local daily *Greater Kashmir* and the news portal *DailyO.in*, was first arrested on 15 September 2023 by the local police in Srinagar, in Jammu and Kashmir in the north-west of the country, following a complaint filed for ‘criminal conspiracy, intimidation, extortion, spreading false information and defamation’. Although the journalist was released on bail the following day, he was rearrested a few hours later under the controversial Public Safety Act (PSA) – which applies specifically to Jammu and Kashmir. He was then accused of threatening India’s ‘sovereignty, security and integrity’. The High Court ultimately ruled that the grounds given were ‘vague and ambiguous’ and violated the journalist’s constitutional rights, violating Article 21 (right to life and personal liberty) and Article 14 (equality before the law). The court considered that these vague grounds were ‘arbitrary on the part of the detaining authority’. The court ruled that being a government critic can’t be used as a ground to put a person under preventive detention if their views don’t lead to “any problem, much less a public order problem to the government”. After 527 days in detention, [Majid Hyderi](#) was finally reunited with his family.²⁹

Siddharth Varadarajan v. State of U.P: The Allahabad High Court held that the FIR against The Wire’s founding editor Siddharth Varadarajan and reporter Ismat Ara did not reveal any offence under Sections 153-B and 505(2) IPC, as their publication simply reported facts without inciting public disorder or promoting enmity. Citing key Supreme Court rulings, including *Amish Devgan*, *Patricia Mukhim*, and *Vinod Dua*, the court reaffirmed that factual reporting or criticism, without intent to incite or actual disruption, does not amount to hate

²⁷ *Anand Chintamani Dighe v. State of Maharashtra*, 2001 SCC OnLine Bom 891

²⁸ *AIROnline* 2020 SC 17, 2020 (3) SCC 637

²⁹ *Majid Hyderi v. State (UT of J&K)*, 2025 SCC OnLine J&K 179

speech or criminal incitement. As the FIR lacked specific and actionable allegations, it was quashed.³⁰

RECENT DEVELOPMENTS AND LEGAL FRAMEWORK

Digital India Guidelines, 2021: The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, were introduced to regulate digital content and ensure accountability of social media platforms. These Rules mandate grievance redressal mechanisms and establish a three-tier regulatory framework for digital media. However, a key concern is the lack of an independent oversight body for digital news. While the Press Council of India (PCI)—a statutory and independent body—regulates print media and protects press freedom through adjudication and disciplinary powers, digital media falls under the direct oversight of the Ministry of Information and Broadcasting. Additionally, the Rules permit emergency blocking of online content without providing the publisher an opportunity for a hearing, raising serious concerns about due process and press freedom.

Press & Registration of Periodicals Bill, 2023: The Press and Registration of Periodicals Bill, 2023, recently passed by both Houses of Parliament, replaces the colonial-era Press and Registration of Books Act, 1867. It introduces a modern, digital framework for registering periodicals (excluding books and academic journals) through the newly created Press Registrar General of India. Publishers must now register online, and those convicted of terrorism or offenses against national security are barred from publishing. The Bill requires prior central government approval to reproduce foreign publications in India. The Press Registrar General is empowered to issue, suspend (for up to 180 days), or cancel registrations, verify circulation data, and ensure no duplication of periodical titles. Non-compliance, such as publishing without registration or failing to file annual statements, may lead to penalties including imprisonment up to six months. Appeals against such actions can be filed within 60 days before the Press and Registration Appellate Board.

Fact-Checking Units & Judicial Intervention: In this case, comedian and journalist Kunal Kamra, among others, challenged the validity of the amended Rule 3(1)(b)(v) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as modified on April 6, 2023. The amendment empowered the government's fact-checking unit to flag and potentially remove online content related to the Central Government

³⁰ Siddharth Varadarajan v. State of U.P., 2022 SCC OnLine All 351

it deemed false. Rule 3(1)(b)(v) of the Rules of 2021 as amended in 2023 is violative of the provisions of Article 14, Article 19 (1)(a) and , Article 19(1)(g) of the Constitution. He also held it ultra vires Section 79 of the Information Technology Act, 2000, which provides safe harbor protection to intermediaries. Justice Patel emphasized that allowing the government to label content as "fake or false" without independent oversight would chill free expression and enable state-controlled narratives a threat to democracy and press freedom. The court held that the Rule 3(1)(b)(v) of the Rules of 2021 as amended in 2023 is liable to be struck down.

RECOMMENDATIONS

Fundamental rights inherently connote a qualitative standard, wherein the State is obligated to act responsibly in upholding Part III of the Constitution and must not infringe upon these rights in an implied, casual, or cavalier manner. The need to balance competing considerations brings us to the principle of proportionality, which ensures that no right is restricted more than necessary to fulfill a legitimate countervailing interest. The Supreme Court in *K.S. Puttaswamy v. Union of India*³¹ affirmed the proportionality test, thereby requiring that any restriction imposed by the State on fundamental rights must meet this standard. Importantly, it is not only the legal and physical restrictions that must be evaluated but also the chilling effect such measures may produce in the minds of the public. On the issue of ownership, the Authority responding to references from the Ministry of Information and Broadcasting has recommended that (i) political bodies, (ii) religious institutions, (iii) urban and local bodies including Panchayati Raj institutions and other publicly funded bodies, and (iv) central and state ministries, departments, government companies, undertakings, joint ventures, and their affiliates should not be allowed to operate broadcasting and TV channel distribution services. Where such permissions have already been granted, an appropriate exit mechanism should be implemented.³² Laws and institutional mechanisms must be enacted to protect whistleblowers and journalists who report on sensitive or controversial issues. With the rise of digital media, it is equally vital to address online threats, including cyber harassment, trolling, and targeted misinformation campaigns. Furthermore, there is a pressing need for media literacy and ethics training programmes for journalists to resolve ethical dissonance in journalism, while also promoting transparency and

³¹ *K. S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

³² Telecom Regulatory Authority of India, Recommendations on Issues Relating to Media Ownership (New Delhi 2014) <https://traai.gov.in/sites/default/files/Recommendations_on_Media_Ownership.pdf>

accountability within media organizations. Safeguarding the constitutional guarantees of press freedom demands robust legal protections.

India should also seek collaboration with international organisations and forums to exchange best practices, share experiences, and harness global support for strengthening press freedom. Additionally, laws like the Unlawful Activities Prevention Act (UAPA), 2019 and the Public Safety Act, 1978 etc must not be used as tools to suppress media voices. These and other criminal laws should not be weaponized against journalists. India can draw several vital lessons from Norway's successful press freedom model. One of the most significant is the Media Liability Act, which ensures that editorial decisions remain free from political or ownership interference. India should consider enacting a similar law to guarantee editorial autonomy and protect journalists from undue influence by media owners or political entities. Norway also supports smaller media outlets through direct subsidies and a zero VAT policy on news media, promoting media pluralism. India can replicate this model by offering non-partisan subsidies and tax exemptions, especially to regional, rural, and independent news organizations that are often economically vulnerable. Furthermore, Norway treats attacks on journalists with utmost seriousness, enforcing enhanced penalties. In contrast, India has seen rising incidents of violence, trolling, and harassment of journalists especially those critical of government policies. India should enact a Journalist Protection Act, equip law enforcement and the judiciary to sensitively handle such cases, and establish swift redressal mechanisms for digital harassment. Another key takeaway from Norway is the absence of political hostility toward the press. Norwegian leaders refrain from discrediting unfavourable reports as "fake news." In India, by contrast, politicians often discredit journalists and misuse sedition and defamation laws to suppress dissent. The political class must instead uphold press institutions, abandon coercive legal tactics, and adopt an approach grounded in fact-based engagement. Lastly, Norway's Media Authority actively monitors media ownership to prevent monopolistic dominance. India should take similar steps to enhance transparency in media ownership and enforce anti-monopoly regulations, thereby preserving a healthy diversity of media voices.

CONCLUSION

Press freedom is a vital part of any healthy democracy. It empowers citizens, ensures transparency, and holds those in power accountable. However, the current situation in India paints a troubling picture. With a ranking of 151 out of 180 in the World Press Freedom

Index, India falls into the category of countries with a “very serious” press freedom crisis. Journalists in the country face online harassment, legal intimidation, physical threats, and even death. Censorship, internet shutdowns, and politically motivated ownership of media have further eroded independent journalism. Despite constitutional safeguards like Article 19(1)(a), which guarantees freedom of speech and expression, press freedom in India is increasingly under pressure. Laws such as the UAPA, Public Safety Act are often used to silence critical voices. In stark contrast, Norway shows how a strong legal framework, transparency, editorial independence, and societal respect for the media can foster a truly free press. India can draw important lessons from Norway’s model especially in creating independent regulatory bodies, ensuring media diversity, and protecting journalists’ safety. As George Orwell warned in his dystopian novel 1984, when truth becomes controlled and rewritten, freedom is lost. A democracy cannot survive without an informed and empowered public. For India to truly uphold its democratic values, it must protect the independence of its fourth pillar. Reforming regulatory mechanisms, reducing political interference, and fostering an open media culture are not luxuries they are necessities.