



Article 19 and Media Freedom: Freedom of Expression, Media Responsibility and Democratic Governance in the Digital Age



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ABSTRACT

Freedom of expression is an integral part of good democratic governance and a key way of encouraging transparency, accountability and engagement. Freedom of the press is not specifically mentioned as a constitutional right in India, but has been interpreted by the courts as being a part of the freedom of speech and expression as protected under Article 19(1)(a) of the Constitution. This right is, however, subject to the reasonable restrictions provided under Article 19(2) for the protection of public order, national security, sovereignty and integrity, decency and morality and other lawful state interests.

Digital communication technologies have moved so quickly in the last few years that they have changed the media landscape, making information more readily available and civic opportunities more abundant. Meanwhile, new challenges have emerged with digital platforms, such as misinformation, online hate speech, privacy issues, and the predominance of algorithmically driven content moderation. The developments call to mind a number of key issues concerning media freedom, responsibility and democratic governance.

This study adopts a doctrinal and analytical method in exploring the constitutional structures of media freedom in India with specific reference to Article 19(1)(a), 19(2), 14 and 21 of the Indian Constitution. It states that the protection of democratic values in the digital age must strike a balance between freedom of expression and holding media to account and maintaining ethical media practices and proportionate regulation in line with constitutional principles.

1. Introduction

Background of Article 19 and Media Freedom

One of the most well recognised human rights and a fundamental precondition for the enjoyment of democratic values is freedom of expression. Internationally, the right of all people to "seek,

receive and impart information and ideas through any media and regardless of frontiers" was recognized in Article 19 of the Universal Declaration of Human Rights, 1948. Further, under Article 19 of the International Covenant on civil and political rights, 1966, this principle got

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reinforced and freedom of expression became one of the foundational pillars of constitutional democracies in the world.

The Indian constitution has not really spoken much about the “freedom of the press”. However, media freedom has been found to be part of the protection of freedom of speech and expression enshrined in Article 19(1)(a) of the Constitution of India consistently by the Supreme Court. A free press plays a vital role as a mediator between the state and its citizens as it helps in the passage of information and ideas which enrich the democratic processes of governance. But this liberty isn't unlimited. Article 19(2) allows the State to place reasonable restrictions to protect the interests of sovereignty and integrity of India, to protect security of the State, to protect public order, to protect decency or morality, to prevent contempt of court, to protect friendly relations with foreign States and prevent incitement to an offence.

Indian judiciary has contributed to the formulation of press freedom in the states, which in turn, has helped determine the scope of media rights. In *Romesh Thapper v. State of Madras (1950)*, the Supreme Court said that the freedom of speech and expression is the cornerstone of all democratic institutions. In the case of *Bennett Coleman & Co. v Union of India (1973)*, the Court on the same lines decided that freedom of the press is an essential part of Article 19(1)(a) to uphold the value of an independent and vibrant media system.

1.1 Significance of Freedom of Expression in Democratic Societies

The lifeline of democracy is freedom of speech. It allows citizens to do more than passively respond to

the governance process, judge government, and engage in some, but not total, opinion building. The free exchange of ideas, tolerance of dissent, and a range of information are essential to a democratic society. The media which is the "fourth pillar of democracy" acts as a facilitator towards the achievement of these objectives by advocating transparency, exposing deficiencies of power and enhancing accountability of institutions.

In the digital age, the value of expressive freedom has been gaining momentum. Technology has revolutionised the traditional media as it has widened the scope for communication, participation and involvement of citizens. Social media, digital news sites and smaller, independent creators have democratised access to information and put in the spotlight minority voices. Bandalong, these advances have come with new concerns such as the proliferation of misinformation, the influence of algorithms, online harassment, and the accountability of digital platforms as intermediaries. Therefore, contemporary democratic societies are faced with the complex challenge of safeguarding constitutional rights and freedoms and at the same time dealing with the medium in a way to be commensurate with the ethical principles, and keeping the public interest in view. The tension between liberty and regulation is thus a key issue in contemporary debates about media governance in the 21st century.

1.2 Research Gap and Objectives

While there is a good deal of literature and research on freedom of speech and the constitutional safeguards applicable to press freedom in India, not much study has been done on how freedom of

speech, media responsibility and democratic governance intersect in the context of digital transformation. Studies that exist are mainly on either the doctrinal aspects of freedom of expression or the regulatory problems of digital media platforms. Consequently, not enough attention has been given to the institutionalization of a holistic constitutional approach that can meet the growing needs of expressive freedom, accountability of media and democratic resilience.

Furthermore, new AI-enabled tools for content moderation, fake news and growing upper surveillance concerns will require fresh constitutional reviews. The current literature fails to make a satisfactory contribution to the question of how traditional constitutional principles for media freedom can be transformed to fit the needs of the digital public sphere.

Given this context, the aim of the present study is:

1. To discuss Constitutional aspects of media freedom u/s Article 19(1)(a) of the Constitution of India.
2. To consider the reasonable restrictions on freedom of expression as covenanted in article 19(2).
3. Fat to make an assessment of media institutions' contribution and accountability to the preservation of democratic values during the digital era.
4. To know the current issues that impact media freedom – misinformation, content moderation, digital regulation.
5. To suggest a balance between freedom of media and media responsibility, and between freedom

of media and democratic governance, in the written constitution.

1.3 Scope of the Study

The present study, with a doctrinal as well as analytical approach, is aimed to explore media freedom with its constitutional hues in India. The focus of the analysis has been in the context of procedural fairness, dignity, privacy and equality and primarily on Articles 19(1)(a) and 19(2) of the Constitution of India. The study also analyzes the important judgments which have influenced the press freedom jurisprudence in India.

Furthermore, implications of the contemporary digital communication technologies for media accountability and democratic governance are discussed. This article highlights the jurisprudential developments in the Indian constitution in relation to Freedom of speech despite reading the international regimes pertaining to the freedom of expression. The study does not aim to give an exhaustive comparative account of the regulatory systems prevalent around world; rather, it aims to join the current debate on forming a constitutionally sound system of regulating the media in the current India.

1.4 Hypothesis

In the present study, it is assumed that the freedom of speech and expression as guaranteed under article 19(1)(a) of the Constitution of India will continue to play an important role in a democratic form of government; but with the advent of digital media, the paramount importance of a balance constitutional approach that marries the freedom of media with accountability, ethical responsibilities, and reasonable restrictions as provided under article

19(2), is warranted.

The study also posits that India's current media freedom law and regulatory framework are ineffective in coping with the modern hazards like misinformation, digital surveillance, algorithmic content moderation, and growing power of private digital intermediaries, and therefore there arises a need for a regulatory framework which will be both rights based as well as constitutionally correlated as a means of protecting democratic values in the digital era.

1.5 Research Methodology

The methodology of the present research is “doctrinal and analytical”. The doctrinal aspect discusses the constitutional and legal framework about freedom of expression and media freedom in India. Special focus is laid in the Article 19(1)(a) and 19(2) of the Constitution of India and how this was construed by constitutional courts.

1.5.1 Sources of Data

Primary sources were primarily used in the study, as the following secondary sources:

1. Constitutional provisions, laws and delegated legislation concerning the media's regulation;
2. Freedom of speech and Press freedom in India through the Judgement of the Supreme Court of India and other High Courts of India;
3. International instruments (including the Universal Declaration of Human Rights, 1948, and the International Covenant on Civil and Political Rights, 1966);
4. Books, peer-reviewed journal articles, law commission reports, government publications and reports of international organizations;

5. Scholarly writing on: digital governance, media ethics, platform accountability, and democratic participation.

1.5.2 Method of Analysis

The method that will be used in the study will be by Descriptive, Analytical and Comparative. The type of research used is descriptive which is used to explain the constitutional scheme concerning freedom of expression. The analytical approach enables you to critically address legal concepts and new issues in the digital information space. A limited comparative method is used, with a focus on gaining insights from international standards and selected foreign jurisdictions concerning media regulation and digital governance.

1.5.3 Research Design

Research is qualitative in nature and it is based on the aspect of doctrinal evolution of media freedom in India. It critically considers the effectiveness of current legal frameworks in tackling modern issues as misinformation, hate speech, online censorship, intermediary liability, and content moderation. It also aims at clarifying principles of norms that can be used as a guideline for further strengthening of democratic governance and the protection of constitutional freedoms.

1.6 Review of Literature

The connections between freedom of expression, media responsibility and democratic governance have been the subject of much academic study. But with the development of electronic communication technologies have come some new debates about what is protected and what is not.

The Comprehensive analysis of Article 19(1)(a) and judicial broadening of freedom of speech and

expression to incorporate the concept of press freedom is given by M.P. Jain (2018), Indian Constitutional Law. The author underscores the need for an independent media to inform citizens and scrutinize activities of government as essential for constitutional democracy to be fostered. However, the core discussion is conventional constitutional theories and the effects of a digital media environment are not explored to the same extent.

H.M. Seervai (1996) in his monumental work "Constitutional Law of India" has dealt with the constitutional rationale and the allowable restrictions on free speech as provided in Article 19(2). Seervai's analysis can greatly help in the understanding of the legal principles that shape rights to freedom of expression, but did not address the recent challenges of digital communication.

Basu (2019) has insisted that freedom of speech, guaranteed by the Indian Constitution is an important pillar within a democratic regime. The author stresses that the notion of reasonability of restrictions should not only be present as required by law but that constitutional freedoms should be seen in their evolution in light of changing dynamics in society.

Barendt (2005) deals with the philosophical rationale for freedom of expression, such as the pursuit of truth, individual autonomy and democratic engagement on the international level. The work does not focus on the impact of digital platforms on the public discourse and offers a normative structure for interpreting limitations on freedom of expression.

Tambini (2021) argue(s) that digital technologies

have transformed the traditional conception of media freedom and empowered private intermediaries in the communication process. The study posits that the regulation of media in the 21st century can only be nuanced and include both expressive rights and demands for digital platforms to be transparent and to demonstrate accountability. In the same vein, Suzor (2019) analyses the governance mechanisms of an online platform and how they shape the regulation of speech in the online public sphere. The author stresses that private actors such as the companies behind content moderation have taken on more and more quasi-regulatory power and decries a lack of due process, legitimacy, and democratic control.

The search of the literature to date shows that while there is an ample amount of research on constitutional free speech and media ethics, much less attention has been paid to the intersections of such considerations in the context of democratic governance in the digital era. In particular, there has been a lack of detailed examination on how Article 19 of the Constitution of India can be harmonized with emerging concerns pertaining to misinformation, platform regulation and media responsibility. The present study aims to fill this lacuna and construct therefore an all-encompassing analysis of media freedom based on a constitutional perspective and on technological realities of today's times.

2. Theoretical and Legal Foundations of Article 19

2.1 Evolution of Freedom of expression as a Human Right

Freedom of expression as a human right was a

gradual development following political contestation of restrictions on expression and authoritative practices. Such free expression was considered essential by early liberal thinkers like John Milton and John Stuart Mill for the quest for truth and self-development. Especially Mill argued that even beliefs which were not popular, or even true, were beneficial for intellectual progress, as a remedy that forced society to critically confront accepted beliefs (Mill, 1859/2001, pp. 19–52). These philosophical foundations later influenced constitutional democracies and international human rights instruments.

After the horrors of the Second World War, the international community realised that the protection of civil and political liberties was necessary to maintain and respect human dignity and to prevent abuses of power. Thus has the right to freedom of expression become a human right in all jurisdictions instead of a constitutional privilege only in special cases. The idea of freedom of expression was discovered not only as a personal right, but also as a democratic asset which enables political engagement, accountability of governments, and social evolution. The modern sense of "expressive freedom" is not only a freedom of speech, but a freedom of access to information and a freedom to take part in democratic discourse and decision making. 6–23).

2.2 Article 19 of the UDHR/ ICCPR

International law concerning freedom of expression is mainly reflected in Article 19 of the Universal Declaration of Human Rights (UDHR, 1948) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR, 1966). In accordance

with Article 19 of the UDHR, everyone has the right to freedom of opinion and expression: "Everyone has the right to freedom of opinion and expression; to free from interference the right to hold opinions; to free from interference the right to receive and impart information and ideas without interference, whether by governments or by private individuals. According to the UDHR, article 19, everyone has the right to freedom of opinion and expression: "Everyone has the right to freedom of opinion and expression; to free from interference the right to hold opinions; to free from interference the right to receive and impart information and ideas without interference, whether by governments or by private individuals. Though not legally binding, the UDHR set a "normative standard" which had an important impact on a later constitutional and treaty development (Morsink, 1999, pp.). 302–304).

The ICCPR's effect was to make these ideal notions legally binding commitments for State Parties. Article 19(2) of ICCPR states the right to freedom of expression, Article 19(3) states that the right may be limited only when such restriction is prescribed by law and necessary for the respect of the rights of others or for protection of national security or public order, public health or public morals. The Human Rights Committee has consistently emphasized that any limitations on expressive freedom must satisfy the requirements of legality, necessity, and proportionality (United Nations Human Rights Committee, 2011, para. 22). Thus, under international human rights law, there is a need to strike a balance between the right to express a freedom of interest and other competing

legitimate society interests to avoid arbitrary interference or action by public authorities.

2.3 Constitutional parameters of Media freedom at the national and international level

The Indian Constitution doesn't provide any separate provision for the freedom of press as a fundamental right. However, the Supreme Court had repeatedly reiterated that the freedom of press is an integral part of the right to freedom of speech and expression as guaranteed in Article 19(1)(a) of the Constitution. The interpretation depends on the understanding of how the media in the constitution serves important democratic roles, such as informing citizens, aiding collective discussion, and holding governments accountable.

Media freedom was expressed in the constitution through *Romesh Thappar v. State of Madras* (1950) where Supreme Court said that freedom of speech and expression is the foundation stone of all the democratic institutions. In a similar way, in *Brij Bhushan vs State of Delhi* in 1950 Supreme Court struck down the censorship of a newspaper and reiterated the inconsistency of pre-censorship with constitutional norms. Further clarifications were given in class of cases that impinged upon freedom of expression indirectly, such as those that affected newspaper circulation, in *Bennett Coleman & Co. v Union of India*, 1973.

But it is not the case that the guarantee of the constitution is inviolate. One of the conditions that can be imposed via Article 19(2) is in the interests of the sovereignty and integrity of India; the other is the security of the State. The Courts have always interpreted that the restrictions must be tailored and must be proportionate to the goal being pursued

(Jain 2018, Positions: 1665–1672). As such, the constitutional aspects of media freedom require an ongoing balancing of conflicting public interests with regard to individual freedom, in a democratic framework.

2.4 Theory of Press Freedom and Democratic Communication

Press freedom is explained through various theoretical models which have been referred to as the normative foundations of press freedom. For the classical libertarians, the press is an independent, self-governing institution and it is null and void to have government intervention in it. This view is based on the concept of the "marketplace of ideas," which proposes that the truth will necessarily come to light with free public discussion, and that thus any restrictions on freedom of expression will impede intellectual development (Siebert et al., 1956, p. 39–71).

The social responsibility theory, on the other hand, sees that media organizations have a strong impact on public opinions, and consequently an obligation with regard to society. This model calls for free press to be complemented by ethics, correctness and public interest. The Hutchins Commission advocated that the media should give truthful, comprehensive, and intelligent reporting of contemporary events and represent diversities of opinion in society (Commission on Freedom of the Press, 1947, pp. 20–29).

Democratic-participant theory also highlights the role of decentralized modes of communication that invite citizens and those on the fringes to actively engage in public communication. Today this attitude has become more important in the digital

era where new communication technologies such as social media create opportunities for new civic involvement and new worries of misinformation and an unequal distribution of communicative resources too (McQuail, 2010, pp. 169–174).

There is an amalgamation of these theories, showing that freedom of media is not an unfettered right nor exclusively an institutional right. Instead, it is a dynamic democratic concept that needs to come to terms with expressive freedom, moral duty and democratic duties. The grasp of these theoretical developments is crucial when considering the present challenges of digital technologies and when crafting constitutional responses which ensure freedom without undermining the integrity of democracy.

3. Freedom of the press in our digital era

3.1 Transformation from Traditional to Digital Media

Communication technologies have changed the way the media systems work and are organized worldwide. Traditional media organisations like newspapers, radio or television have traditionally functioned with a more centralised structure, with editorial controls, and limited opportunities for users to interact with them. Professional journalists and media entities dominated the production and dissemination of information, which in many cases was limited by their own agenda. These traditional ways of communicating and sharing information have been turned upside down with the arrival of the internet and digital technologies, which have made it possible to communicate and share information in real time in a decentralised fashion. Today's media ecology is defined by convergence,

interactivity, and accessibility, which allow people to be both consumers and producers of information (Jenkins, 2006). This change has allowed the space of freedom of expression to grow by lowering the barriers to publication and increasing access for diverse voices to engage in the public conversation. It has also, however, put in question already established legal frameworks, which are mostly geared towards traditional media structures.

Media transformation from analogue to digital from a constitutional point of view entails giving greater meaning to the expression of freedom. The Supreme Court of India has acknowledged the internet as a significant medium for citizens to exercise their freedom of speech and expression as per Article 19(1)(a) of the Constitution. In the case of *Anuradha Bhasin v. Union of India (2020)*, the Court noted that the internet has now become a medium of exercise of constitutionally guaranteed freedoms in modern society. As a result, in the digital age, media freedom goes beyond the rights of institutionalised forms of media, and more to include the rights of individual media users to communicate in online settings.

3.2 Social Media and the Democratization of Information

Social media has revolutionized the way all the information flow works and has made it possible for everyone to be part of the information flow more than ever before. Digital media platforms allow people to create, tag and share content around the world that circumvented traditional media with little barrier to cost or technology. This has helped to democratize information by elevating the voice of the marginalized, empower people to mobilize at

the grassroots and made people more active citizens. By facilitating direct communication between people without the need for established media, social media has also been able to influence social movements, disaster response, electoral campaigns and public awareness (Shirky, 2008).

However, information democratization should not be confused with equal distribution of communicative power. Independent golden properties of digital platforms are regulated by private firms, and their algorithms shape what shows up—and what does not—and the kinds of tales that get circulated. The focus on engagement-oriented business models has the potential to foster sensationalism, polarization and spread of misleading information. Thus, social media not only has opened up avenues for expression, but also raised issues around transparency, accountability and power centralisation in digital intermediaries.

3.3 Digital public sphere and participatory communication

Habermas' idea of the public sphere is a communicative arena where citizens debate rationally about issues of public relevance. Digital technologies have transformed this concept with the development of virtual spaces, promoting communication among geographical, cultural and political barriers. Participatory communication can take place via digital platforms such as online forums, blogs, podcasts and social networks, allowing for more inclusive communication and public engagement (Habermas, 1989).

Participatory communication promotes democratic governance by involving citizens in the public sphere and engaging them in public or public-

affiliated discussion and decision-making, instead of them being content with merely receiving information. Digital tools have placed power into the hands of the people to create records of social injustice, to contest the ways in which social injustice is metonymically represented, and to hold public institutions accountable. Equally though, critical conditions in a digital public sphere such as media literacy, equitable access to technology, and the safeguarding of expressive freedoms must exist in order to achieve meaningful dialogue in the digital sphere. In this way the “social polarization” was reinforced, as online discussion became increasingly ideologically homogeneous and tends to become a “echo chamber” typical of democratic communication (Sunstein, 2017). Thus, the digital public sphere offers potential for greater participation but also poses social cohesion and informed decision-making-related challenges.

3.4 Emerging Opportunities and Risks

The growing power of digital media has provided many avenues to empower democratic and human rights development. The more information that is disseminated greater the chance for education development, greater the government transparency, and greater the citizens' involvement in governmental activities. The digitization of journalism transformed source of news production and technology has improved communication network system, its speed, and quality of service. These advances have helped to make the world a more interconnected and enlightened society.

Meanwhile, the digital climate carries with it significant dangers, which make the realization of Media freedom difficult. Misinformation and

disinformation are spreading faster than fact, posing a particular risk to free and fair elections and two-way communication with government. Online hate speech, cyber harassment and manipulations coordinated through online channels can deter participation and disproportionately impact vulnerable communities. Moreover, there are worries about privacy and personal autonomy due to practices such as extensive data collection and digital surveillance. Further, given the growing primarily of automated content moderation systems, it also raises questions over the procedure-fairness, transparency, and safeguards for legitimate expression (Suzor, 2019).

The challenge of the constitution in the digital age is to hold on to the emancipatory potential of new communication technologies and to deal with the harms in case of misuse. Regulatory measures also need to be characterized by legality, necessity and proportionality, so that measures to address digital harms do not undermine democratic values freedom of expression is meant to safeguard. Balance, based on constitutional protections, with moral obligation and responsibility of institutions, is key to ensure media freedom in today's digital societies.

4. Media Responsibility and Ethical Challenges

4.1 The Concept of Responsible Journalism

Responsible journalism is based on the understanding that the use of freedom of expression carries responsibilities towards society as well. Freedom of expression gives journalists the freedom to investigate, report and engage in commentaries on issues of public interest while also good journalism must be done in line with professional values and standards which include the

principles of accuracy, fairness, impartiality and respect for human dignity. Siebert et al. (1956) noted that the social responsibility theory of the press puts the idea that since the media hold the strong power of shaping public opinion, they should be run in a way conducive to the public interest rather than just for commerce and ideology. Hence, responsible journalism is a search for balance: to be independent without being unethical, to report the facts, engendering a desire for balanced and inevitably democratic considerations of various viewpoints.

Journalists in democratic societies are used to playing an important role in informing citizens and in enabling them to deliberate as a public. But this responsibility is only possible for media practitioners who are credible to the readers, who undergo proper verification mechanism and work following the ethics laid down. In digital spaces, particularly, where information proliferation is often rapid, the pressure on responsibility is increased for prioritizing timely dissemination of information over accuracy. Hence, everyone's role in journalism is crucial to maintain public confidence in media and enhance democracy.

4.2 Misinformation, Disinformation, and Fake News

With the rise of the digital age, there has been a major increase in concern about the proliferation of false and misleading information. While these terms are often used interchangeably, misinformation tends to be information that is simply wrong without any intention to deceive, while disinformation is information targeted at spreading falsehoods to manipulate the population and/or

damage reputations (Wardle & Derakhshan, 2017). "Fake News" has become a common term to describe the deliberate fabrication or distortion of information and the dissemination of the information as legitimate news, despite the caveats of scholars that the term is inaccurate and politically problematic.

Misinformation is a significant challenge to democratic governance especially in the current climate. False election, health, communal and national security narratives can lead to misinformed decision making and overall deconfidence in democracy. Digital platforms could be inadvertently encouraging the spread of sensational or misleading content through algorithmic amplification and engagement-driven business models. Allcott and Gentzkow (2017, pages). With the ease and low expense of online publication and sharing information, the informational landscape has been changed (Seargeant), and it has become more difficult than ever to determine credible sources from inaccurate sources for citizens.

There must be precise responses to meet these concerns. Overly broad regulations on online speech can impair constitutionally protected freedom guaranteed under Article 19(1)(a) of the Constitution of India and under restrictions may cause substantial harm to the society. Thus, a media literacy campaign, independent fact checking mechanisms, transparency in content management and proportionate measures based on constitutional principles should be a major thrust of counter misinformation initiatives.

4.3 Ethical Obligations of Media Institutions

Media institutions have a number of ethical

responsibilities in addition to complying with the law, and they exist within a broader social context. Right to information media values include truthfulness, independence, accountability and minimisation of harm in the collection and reporting of information, which are a fundamental requirement of professional ethics. Ethical journalism involves the careful checking of facts, keeping with the confidential sources where appropriate, respecting privacy and not using any description or representation likely to add to social tensions and abuses, and could be said to discriminate against a person or groups (Ward, 2019).

Digital convergence, commercialization of the Internet communication, and new media technologies have made the ethical responsibility of media organizations more complicated. Competing pressures related to audience measurement values can lead to sensationalism, clickbait and emotionally charged reporting. These changes jeopardise the credibility of public debate and citizens' trust of journalism. Moreover, media outlet can't eliminate the conflict between people's right to know, protecting individual rights and interests' reputation, protecting social harmony.

Ethical use of media freedom is a corresponding limitation of the constitutional freedom as prescribed in Article 19(2). While not in lieu of legal safeguards, ethical norms are helpful in developing a professional culture that upholds the constitutional values and has editorial autonomy. Ethical journalism thus plays an important role as a tool to enhance media credibility, as well as democratic accountability.

4.4 Self-regulation and accountability mechanisms

Due to the value of editorial independence, it has often been considered that the system of self-regulation is a better option than the Government's direct control over the content of the media. Self-regulatory systems comprise the creation of professional codes of conduct, editorial guidelines, ombudsman systems and institutional bodies to deal with complaints about journalistic practice. These are done to promote ethical compliance whilst reducing the risk of state censorship or political interference.

Within India, organizations like the Press Council of India have been tasked as the role of ensuring high standards of press practices and protecting press freedom. But the effectiveness of the current self-regulatory systems has been challenged, especially when it comes to over-the-top (OTT) digital media platforms, which are not regulated by traditional institutions. Because of the decentralized nature of online communication, there are issues related to jurisdiction, enforcement and accountability there. For this reason, the study of co-regulatory or mixed forms of regulation, which involve industry involvement and clear mechanisms of governance that can account for developments in technology, has gained in popularity (Tambini, 2021).

Accountability mechanisms are not only to punish wrongdoing, but also induce corrective action, public response, and institutional learning. A strong correction policy, independent review mechanisms and involvement with stakeholders can help move public trust and maintain independence that's

essential to strong journalism. The ultimate task of being effective is to make sure there's the proper balance, between freedom of the media and the responsible use of communicative power in democratic societies.

5. Democratic Governance and the Role of Media

5.1 The Media's Role in Ensuring Governmental Transparency and Accountability

The media has an important role in democratic systems of government, as it serves as an institutional process to engage in public discussion of government actions. The media can be said to play the fourth pillar role in respecting transparency and accountability in checking abuse of power, corruption cases, informing the public and maintaining a meaningful public discourse on issues. Journalists play a key role in helping citizens monitor the use of the government's powers and judge if public institutions are following the rule of law and working in line with constitutional principles. In this sense, the media is not just a communication link but it is an intermediate link between the State and society.

Even the court's interpretation of Article 19(1)(a) of the Constitution reflects the Constitutional importance of this Watchdog role. While the Constitution is not strictly silent on the right to freedom of the press, the Supreme Court has, from time to time, affirmed that a free press is an essential to any working democracy. In "Indian Express Newspapers (Bombay) Pvt. Ltd. Vs Union of India", the Court has also said that the press serves as a "watch dog" for public education and allows citizens to take an educated, informed

decision on subjects which impinges on the national life. But the watchdog role of the media can only be effectively performed in the context of a range of codified protections against arbitrary interference and in the sense of institutional independence.

5.2 Media Pluralism and Public Accountability

Media pluralism is the availability of a variety of media outlets and independent types of information in a society that represents a diversity of views. It is considered a precondition for democratic governance since the citizens are provided with conflicting points of view and enable them to critically appreciate public issues. According to McQuail (2010), a pluralistic media environment is able to reduce the danger of the concentration of ownership and communicative power and promote inclusiveness and inclusivity in the communication process, thereby avoiding domination of public talking by a few or limited actors.

Media pluralism is very connected to public accountability. When citizens have the requisite information on governmental policies, administrative decisions and political processes, democratic institutions are accountably managed. Media helps them to be held accountable as it is a platform where the public voice their grievances and demand explanations when things go wrong. However, the trends of more commercialization, more focussed ownership and more algorithms controlling the distribution of content have given rise to a number of worries concerning the loss of diversity in today's media environment. In this context, a democratic society needs to establish systems to protect the editorial autonomy and promote pluralism in ownership, content and

representation within the press industry.

5.3 Freedom of expression and citizen participation

Freedom of expression is a basic precondition for effective and active involvement of citizens in their democratic life. Article 19(1)(a) of the Constitution of India provides the right to freedom of speech and expression which allows citizens to express their views and ideas to participate in public discourse. This guarantee of autonomy, or the right to free expression of opinions and ideas, serves a democratic value other than merely the satisfaction of the individual by promoting debates, disagreements and collective action.

Expressive freedom and democratic participation have become more relevant and prominent in the digital world. Thanks to technological developments, citizens now have more possibilities to talk directly with their politicians, to organise social movements and to participate in debates on public policies. Digital platforms have helped to give voice to many groups that were historically non-participatory in civic affairs, contesting dominant narratives. Inclusive opportunities, offered by participatory communication, however, can be jeopardised by the unequal availability of digital technologies, online harassment and the spread of false information.

The Supreme Court of India has also found that the right to receive and convey information is a part and parcel of the right to free expression. In *Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal (1995)*, the Court said that every citizen has a right to be informed and variety of information is very crucial in

democratic process of decision making. In this sense, freedom of expression must also be understood as a positive democratic condition of freedom of citizens to actively act, not just as the freedom of people not to be censored.

5.4 Media influence on electoral integrity and policymaking

Media plays a significant role in the electoral process and public policy and helps set political agendas and provide information on governmental affairs shaping public perceptions. Media during elections offer voters information on candidates, political parties and policy suggestions, which allows them to make informed choices. Independent and responsible journalism's role in strengthening electoral integrity can involve revealing information about electoral malfeasance, evaluating the behavior of campaigns, and encouraging transparency of political messages.

Meanwhile, as well, there are challenges of media influence. During the electoral process, the dissemination of false or misleading information can be a source of misinformation and undermine fair competition in elections. Digital technologies are being used more and more to deliver more and more professionally directed political advertising, more algorithmic amplification, and more persuasion based on data, and some are concerned about manipulation and the loss of electoral autonomy. It's been noted that digitally network platforms can spread emotionally charged or polarising information with speed that can impact political views and actions (Sunstein, 2017).

In the case of media, their role in the policy making process indicates their ability to bring attention to

social issues, shape the agenda and shift governmental priorities beyond elections. Investigative reporting often sparks political attention on issues that demand a legislative or administrative response and thus accountability in democratic forums. However, if the media fails to act this way well, the effectiveness of this role depends on the media's ethics, independence in carrying them out, and levels of trust by the public.

In today's digital landscape, striking a balance between freedom of expression and accountability are central to the connection between media and good governance for democratic practice. Finally, a resilient and democratic media system must be independent and pluralistic and empower citizens to make informed decisions, and be able to withstand these challenges from misinformation, polarisation and excessive concentrations of communicative power. Ensuring the constitutional values that Article 19(1)(a) is capable of reflecting is thus an imperative to maintain, and promote, participatory democracy in the 21st century.

6. Contemporary Digital challenges to Article 19

Digital technologies have brought major opportunities for the exercise of freedom of expression, allowing anyone to communicate distances and enter into public discourse from the internet. But these technological developments are accompanied with complicated issues pertaining to challenges of the rights guaranteed under Article 19(1)(a) of the Constitution of India as well as their scope and protection. Current online reality is defined by a tension between Freedom of Expression and other interests surrounding national

security, public order, privacy or protection against harmful expression. The countermeasure of balancing these individual freedoms with the concern of addressing the new types of digital harms is therefore one of the toughest challenges for constitutional democracies today.

6.1 Government censorship and restrictions

One of the most controversial aspects of freedom of expression in the Internet age is that of governmental interference. Restrictions on digital communication are often justified by a state on grounds of public order, or prevention of unlawful activities, and national security. Article 19(2) of the Constitution gives the State permission to restrict freedom of expression, but these restrictions must be: legal, necessary, and proportional. Any limitation of the Article 19(1)(a) rights which is excessive or arbitrary could compromise the democratic values the freedoms in this part are meant to secure.

The Supreme Court of these united states has repeatedly stressed on the need that restrictions on speech should have a proximate relationship to the evils they are intended to cure. In *Shreya Singhal v. Union of India (2015)*, the Court invalidated Section 66A of the Information Technology Act, 2000 (ITI), on the ground that the over-colored and over-broad language in the law had a chilling effect on free speech. In the same way, in the case of *Anuradha Bhasin v. Union of India (2020)*, the Court found that the Internet has become part of how constitutional freedoms exercise and noted that imposing indefinite restrictions on Internet services is unconstitutional. The decisions show how the judiciary can play a role in harmonizing the

constitutional guarantees, contained in Article 19, to governmental regulation of digital expression.

6.2 Surveillance and Privacy Concerns

There have been significant advances in the ability to collect, process and monitor personal information, particularly through technological developments, both public and private. While surveillance can have legitimate aims, like preventing crime or advancing the country's security, unrestrained monitoring can have a chilling effect on the autonomy of individuals and on the encouragement of exercise of expressive freedoms. The threat of surveillance might have a "chilling effect" effect that causes people to avoid publicly speaking out for fear of retribution, profiling or damage to their reputation.

In *Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)*, the Supreme Court set out the principle to elucidate the nexus between privacy and freedom of expression, and held that the right to privacy is an inherent part of Article 21 and necessary for the effective enjoyment of other rights. In the judgment it was recognised that information privacy is essential in protecting individual dignity and participation in the exercise of democracy. Thus, appropriate protection against arbitrary surveillance is needed in the digital realm, not only to guarantee the privacy of users but also because citizens must be able to voice their opinions freely, without the threat of unnecessary interference.

6.3 Hate speech and extremist content online

Digital communication technologies have allowed hate speech and extremist material with potentially great negative social impact to spread rapidly.

Discriminatory stories can be strengthened in online spaces, they can trigger hatred against vulnerable groups and foster social polarization. Governments are thus increasingly called upon to take steps to curb damaging speech in the interests of preserving public order and social cohesion.

But constitutionally, the regulation of hate speech poses tricky challenges. If the restrictions are too wide, there is a risk that it could inhibit legitimate political opposition, minority opinions, and even unpopular views that fall under Article 19(1)(a). Meanwhile, the denial of harmful expression risks to violate the rights and dignity of those and communities impacted by it. Generally, international human rights jurisprudence is in favour of a narrow scope for the restrictions and therefore for any advocacy of hatred when it constitutes incitement to discrimination, hostility or violence (United Nations Human Rights Committee, 2011, para. 52). So, the challenge is to establish laws that try to balance between free speech and in fact harmful speech, will not restrict democracy.

These regulations are further complicated by the use of digital platforms by extremist groups for purposes of recruitment, propaganda, and mobilization. A range of activities from coordination between governments to non-public sector coordination, and from technological solutions to the role of civil society and education must be implemented, and the practices of counter-extremism should continue to be subject to constitutional protection and oversight.

6.4 Algorithmic control and platform governance

Algorithms shape the architecture of digital communication to influence visibility, prioritization and dissemination of digital content. Digital platforms dominate public discourse using automated processes engineered for a high engagement volume and have other influences on frames, rather than traditional media. All of these algorithmic procedures have an impact on what information people will be exposed to, how political issues are presented and whose opinions are given more weight in the digital public sphere.

As these private companies have increased in power, there have been worries about transparency, accountability and due process in content moderation. Platform governance mechanisms include the filtering or blocking of content or the promotion/boosting of content based upon proprietary criteria, which may not be aligned with democratic values or constitutional norms. Digital platforms like these seem to be taking on a quasi-regulatory role, setting and enforcing rules that define the realm of online expression according to Suzor (2019). Likewise, Gillespie (2018) points out that content moderation decisions shape much of current public discourse, and are made by entities not directly answerable to democratic institutions.

These developments pose significant issues about which constitutional principles apply in privately regulated communicative arena. While there are justifiable reasons for platforms to take action and ensure that their online spaces are kept safe, their actions can have far-reaching consequences on individuals' access to democratic life. Hence, there is a growing emphasis on increasing transparency in, and independent oversight of, platform

governance with due process protections in law and policy debates.

Finally, the present digital age poses unprecedented threats to the realization of the rights of freedom guaranteed under Article 19 of the Constitution of India. The consideration of government censorship and whalelike government surveillance and the prevalence of hate speech and algorithmic governance are each challenge to the strength of constitutional protections for earlier communicative contexts. Regulatory solutions are needed that are based on legal principles, proportionality, transparency and respect of basic rights. The strengthening of democratic values in the digital era requires the creation of rules that are able to protect not just expressive freedom but the public interest as well.

7. Freedom of expression and media responsibility in balance

Freedom of expression is an essential element of democratic government, which is enshrined in the constitution. The exercise of this right; however, comes with responsibilities designed to ensure protection for competing interests in society such as public order, the dignity of persons and national security. As digital communication technologies have been rapidly expanding, the importance of balancing freedom of expression with accountability in media has also increased especially when faced with issues like misinformation, online hate speech and spreading harmful content. In this context, the balance between constitutional freedoms and with responsibility conveyed, has become one of the most exigent challenges faced by modern

democracies. The Indian constitutional structure, international human rights standards and emerging governance models all help to guide how these concerns might be addressed.

7.1 The Principle of Proportionality

The concept of proportionality has developed as a key instrument of the constitution for the evaluation of the legitimacy of restrictions on fundamental rights. In essence, with this principle, every restriction on freedom of expression should serve a legitimate interest, be connected to that interest in a rational manner and be the least restrictive available method and, of course, strike a balance between the interest being promoted and interests being restricted. Proportionality is a tool to limit arbitrary regulatory action and thematically ensures that curils on freedom of expression do not go beyond what is necessary in a democratic society.

The Constitution of India allows reasonable restrictions under Article 19(2) on the freedom embodied in Article 19(1)(a) in the interest of sovereignty and integrity of India, security of the State, public order, decency or morality, contempt of court, defamation, incitement to an offence and friendly relations with foreign States. The rules of reasonableness and constitutional necessity have always been used as the yardstick in judicial interpretation for these restrictions. In the case of *Modern Dental College and Research Centre v State of Madhya Pradesh* (2016), the constitutional bench of the Supreme Court, for the first time, officially employed proportionality as one of the prime constitutional principles in influencing the limitation of fundamental rights. Though the case was not one on media freedom, the proportionality

test is of great importance in assessing freedom of expression rules applicable in the digital landscape. The application of proportionality is especially pertinent with regard to current problems of internet shutdowns, blocking orders for content and obligations for intermediaries. Any regulatory actions to mitigate digital harms should, therefore, strike a balance between protecting against digital harms and refraining from unduly interfering with the material of expressive freedom.

7.2 Limits to Free Speech under International Law

Freedom of expression is fundamental right, however not absolute as recognized by international human rights laws. Under the International Covenant on Civil and Political Rights (ICCPR) Article 19 everyone has the right to seek, receive and impart information and ideas of all kinds without frontiers. But, Article 19(3) allows for restrictions which are 'prescribed by law' and are necessary for "the protection of the rights or reputations of others" / "national security" / "public order" / "public health and morality".

The United Nations Human Rights Committee has said that restrictions on freedom of expression must meet the three-part test of legality, legitimacy and necessity and must be proportionate (United Nations Human Rights Committee, 2011, paras. 21–36). Restrictions should thus be carefully drawn, and must not be relied upon as a justification for stifling criticism, political opposition or views which are unpopular with the authorities. Also, Article 20 of ICCPR states that States must ban inciting hatred 'against any national group, race, religion or any other group on the basis of religion'

or any other basis. Such provisions demonstrate the international consensus on the need to have freedom of expression coexist with the measures aimed at preventing serious social harms.

International standards thus call for a balance that safeguards wide public debate, while also allowing some limited interventions where speech involves a direct threat to the rights and safety of others. These are principles that offer useful guidance to constitutional democracies seeking to respond to new challenges in the digital age.

7.3 Regulatory responses to digital harms

To address the growing threat of misinformation and disinformation, cyber harassment, and harmful content and courts, governments have devised new regulatory approaches, with a view to safeguarding users and democratic processes. But rules often raise issues of overreach, censorship, and potential chilling effects on legally protected speech.

In India, the Information Technology Act, 2000 and the subordinate legislation, are important elements in the legal architecture of digital communication. There have, however, been some judicial reviews highlighting the need to make certain that measures do not conflict with constitutional rights. In *Shreya Singhal v. Union of India* (2015), the Supreme Court struck down section 66A of the Information Technology Act, noting that Section 66A is framed in "overly vague terms, which can cause a chilling effect on citizen's freedom of speech." The judgment reiterated that speech-restrictive regulations must "be sufficiently precise; in other words, they should target only speech of the type to which they apply and have been identified in terms of Article 19(2)".

Detrimental measures that can be incurred by digital doings ought to be given to both preventive and corrective measures. Media literacy campaigns, alternative fact-checking platforms, disclosure and transparency requirements for news media, and audience empowerment tools are alternative measures that can help in conjunction with legal measures without curtailing expression. Regulatory policies should thus focus on evidence-based policy-making and ensure that safeguards are put in place that are able to defend and contribute to democratic debate and the protection of human rights.

7.3 Co-regulation and multi-stakeholder governance models

Current approaches for direct government control can be found lacking in how they respond to the complexities of digital communication ecosystems, with transnational platforms and rapidly changing technologies. As a result, more attention has been paid to co-regulatory and multi-stakeholder governance models and the de-centralisation of responsibilities across governments, private bodies, civil society, academia and users.

Co-regulation typically involves a mix of legislation and industry controls and is usually linked to industry-implementations of standards and procedures. This model identifies broad targets, allowing that operational processes for realizing these goals are left to the media organisations and digital platforms. These types of agreements aim for protecting editorial independence while making sure of accountability and respect of public interest requirements.

With multi-stakeholder governance, people realize

that no one can effectively regulate digital communication as an independent action. The advantages that technology firms master over the operation of a platform are matched with insights from civil society organizations on human rights issues and vulnerable communities and the accountability of the government regarding legality and constitutional compatibility. As Tambini (2021) suggests, the governance of contemporary media now relies on collaborative structures more and more to balance contradictory principles of freedom, accountability and innovation.

But co-regulatory arrangements could and should include built in protections for transparency, fairness of procedures, and substantive involvement. Private platforms may centralize and sequester decision-making power as a result of being unsupervised can risk undermining democratic legitimacy. Good governance structures should include easily accessible grievance options, grievance review processes, and ways to involve the community in policy design.

Finally, it is clear that the balance between freedom of expression and responsibility of the media cannot be determined without consideration of constitutional values and international standards for human rights. The concept of proportionality is an important principle used to examine restrictions on expressive freedoms, and international law affords some guidance on the permissible limits of regulation. The institution of responses to digital harms should focus on offering interventions which are narrow in scope and can tackle real-world harms while preserving freedom of speech. Co-regulatory and multi-stakeholder governance structures

provide potential avenues for balancing fundamental rights and the duty that accompanies modern media landscapes potentially with the appropriate safeguards in place. Maintaining this complex balance between free expression, responsibility and the public good is critical to preserving freedom of expression in the digital age – and democratic governance.

8. Comparative Perspectives and Judicial Trends

Regulation of media freedom has developed in different ways in different constitutional democracies, depending on the different historical experiences, political cultures and legal traditions. However, there is a shared aim in these processes which is freedom of expression and the facilitation of media institutions in working with and around democratic values and public welfare. Comparative analysis is a valuable tool for gaining valuable insights on how other jurisdictions are dealing with new challenges that these technologies pose in terms of digital communication, platform governance, and harmful content. In this context, the question of examination is valid more so in the Indian context where Article 19(1)(a) of the Constitution of India empowers freedom of speech and expression with reasonable restrictions as enumerated in Article 19(2) of the Constitution of India. Taking into account judicial interpretation and comparative experiences, combined, leads to balanced approaches to safeguard constitutional freedoms in the digital age.

8.1 Comparative Approaches to Media Regulation

To balance freedom of expression and other

interests within the society, different regulatory models have been developed in constitutional democracies. American freedom of speech and freedom of the press are well protected by the First Amendment, which embodies a strong preference for the government interfering as little as possible in public discussion. The "marketplace of ideas" model is strongly embedded in the American understanding, and it believes that the truth and democratic rule can be created from open discussions instead of regulated by the state (Barendt, 2005). As a result, limitations on freedom of expression tend to be scrutinised severely by the courts.

In contrast, the different jurisdictions within the European Union (EU) tend to adopt a more equilibrated stance that aims at reconciling the interests of freedom of expression with other rights including right to privacy, dignity, and right to reputation and equality. According to Article 10 of the European Convention on Human Rights, freedom of expression is a right protected but there are clear restrictions on it to be made to protect legitimate public interests and it explicitly reflects that these restrictions are possible in a democratic society. In this model it is acknowledged that there may be times where freedom of expression conflicts with other fundamental rights and social goals (Fenwick & Phillipson, 2006).

India falls somewhere in between the two of these. Expressive freedoms are well protected under the constitutional framework provided in Article 19(1)(a), allowing reasonable restrictions under Article 19(2) in the case of specific matters. Thus, Indian courts have been tasked with balancing

interest that lie in apparently conflicting corners of the constitution by testing any restrictions on expression against the litmus test of reasonableness and proportionality. As illustrated by the comparative experience there is no one-size-fits-all solution: regulatory frameworks should be highly responsive to the specific social and constitutional environment in which they function.

8.2 Landmark Judicial Decisions on Article 19

Judicial definition has been the ultimate deciding force in shaping the boundaries of freedom of media in India. The Supreme Court has settled upon several key judgements which have deferred and broadened the parameters of freedom of speech and action protected under Article 19(1)(a) of the Constitution even as it has outlined the reasonable and permissible restrictions on the State in its encroachments.

In *Romesh Thappar v. State of Madras (1950)*, NEA Supreme Court struck down governmental limitations on the distribution of a political journal, noting that the right of freedom of speech and expression forms the very backbone of democratic government. In deciding the case, it was held that restrictions on the exercise of the freedom of speech and expression must have a close connection with the constitutionally valid restrictions grounds.

Likewise, in *Brij Bhushan v. State of Delhi (1950)*, the Court nullified a pre-censorship order issued against a newspaper, and reiterated that the imposition of pre-censorship restrictions on newspapers is generally non-compatible with the constitutional protection of freedom of expression. These early rulings manifested the judiciary's willingness to protect the press freedom in a new

constitutional regime.

This importance of freedom of the media was further highlighted in the case of *Bennett & Coleman Ltd v. Government of India (1973)*, wherein the Court ruled that any governmental action which indirectly had ramifications for the circulation of newspapers was also covered under Article 19(1)(a). The judgment reiterated that the freedom of expression covers not only what is written but the conditions in which it is written.

In a more recent case, *Shreya Singhal v. Union of India (2015)*, the challenges of 'digital communication' were considered. The Supreme Court held Section 66A of the Information Technology Act, 2000 to be unconstitutional because of the wide nature of its definition which had a similar chilling effect on lawful speech. The Court emphasized the distinction between discussion and advocacy and incitement, and concluded that only speech which amounted to incitement was worth inviting the restrictive measures envisaged by Article 19(2). However, in *Anuradha Bhasin v. Union of India (2020)*, the Court did acknowledge the importance of the internet as a space to exercise constitutional liberties and hence brought restrictions on internet under the test of necessity and proportionality.

Through these judicial developments, it can be seen that the interpretation of the Constitution is a dynamic process, and that the judiciary are involved at the end of the day, in adapting the known principles of the Constitution to the realities of changed technologies.

8.3 Lessons from Global Best Practices

Comparative experiences provide useful learning

for reinforcing the free media and ensuring accountability in the digital space. A major takeaway relates to the critical need for regulatory transparency. Democratic societies are quickly acknowledging that any decisions regarding expression online ought to be made with clear legal norms, procedures and independent review. Transparency helps build the trust of the public and will reduce the risks arising from arbitrary decision-making.

A second key observation has to do with the inclination to make proportional regulatory interventions. The UNHRC and other international human rights bodies have consistently stressed that any form of restriction on freedom of expression must be in accordance with the law, serve legitimate aims and be the least intrusive means of serving those aims (United Nations Human Rights Committee, 2011, para. 21–36). Any regulatory response which lacks these attributes may actually jeopardize the absent democratic values of which it is meant to be a protector.

The value of multi-stakeholder governance structures made up of governments, digital platforms, civil society organizations, academic institutions and users is also mentioned in global experiences. Through collaborative efforts, policies can be created and adapted in a context-specific way to tackle misinformation, online abuse and harmful content in ways that do not go overboard and chill the right to freedom of expression. Furthermore, investment in media literacy programs can help citizens be critical consumers of information and more effectively engage in the democratic process.

These comparative reflections underscore the types of limits that Article 19(2) of the Indian Constitution allows for the protection of freedom of speech and expression, while making it clear that both State and non-State actors must respect the fundamental guarantee of expression in their parallel powers. Judicial vigilance, institutional accountability and participatory governance mechanisms will continue to play a key role in protecting media freedom in an increasingly interconnected digital environment. The history of other jurisdictions indicates that democratic resilience is more likely to be pursued not by a high degree of control of communication, but by communication models that reflect liberty and responsibility in an atmosphere of transparency, with respect for human dignity.

9. Conclusion

The present study investigated the constitutional and democratic aspects of freedom of the media in view of Article 19 of the Constitution of India focussing on the changing challenges in the digital age. The analysis established that free expression is not just about individual freedom, it's about enabling informed citizenship, public accountability and participative decision-making, which are essential elements of good democratic governance. While the Constitution of India (CoI) may not explicitly mention freedom of the press, there has been consistent judicial interpretation that freedom of the press is an integral part of the right to freedom of speech and expression, as guaranteed by Article 19(1)(a). In parallel, Article 19(2) recognizes that the rights to free expression may be limited "in order to protect other rights recognized

in this Convention or other important interests of society. The study, therefore, reinforced the notion that the constitutional structure for freedom of the media in India aims at a combination of “liberty and responsibility”, so that the free use of expression has a positive impact on the democratic life of the country.

9.1 The main findings of the study are as follows:

The study came up with a number of findings that, as relevant to the relationship of Article 19, media responsibility and democratic governance, aided the same. First, the development of constitutional doctrine surrounding freedom of expression has gradually become more broadly conceived, extending to the freedom of the press, the right to access and freedom of information and the right to use digital platforms as present-day communication. Court rulings like *Bennet Coleman & Co. v. Union of India* (1973), *Anuradha Bhasin v. Union of India* (2020), *Romesh Thappar v. State of Madras* (1950) and *Shreya Singhal v. Union of India* (2015) demonstrate the court's efforts to safeguard free expression and apply constitutional principles to evolving technological landscapes.

Second, the study revealed that with the digitalization of media, there has been a significant change in the characteristics of communication in a democracy. Digital technologies have created opportunities to share and connect with others, access information, and empower diverse voices, but they also have given rise to concerns about misinformation and online hate speech, algorithmic amplification and coalescence of communicative power, as well as access to information. These are unprecedented developments in the media space

and call for innovative approaches in media governance.

Thirdly, the project revealed that media freedom cannot exist without ethical attitude. Good journalism, consistent standards, and accountability of institutions have always been vital ingredients for sustaining trust and integrity in both citizenship and the civic exchange of ideas. The results indicate that media and digital media must assume their responsibilities in terms of truth, fairness, and respects for the values in the constitution.

Finally, the study made the conclusion that proportionality has to be the overarching test for the assessment of freedom of expression restrictions. All measures that impact on the right to freedom of religion or belief must meet the standards of necessity, legitimacy and reasonableness.

The research results in this study have significant implications for the democratic governance in India and other constitutional democracies that are facing the truths of digital communication. A free and independent media helps to ensure that government institutions are addressed, maladministration is revealed and that the public can take part in the debate on issues of collective importance. Hence safeguarding the freedom of media is a vital condition to the maintenance of constitutional democracy.

But the study also points to the fact that resilient democracy requires "laboratories that can do something about the harms of the current media ecology. Unregulated or regulated digital media can contribute to the spread of false information, magnify polarization, and lead less people to believe in the democratic processes. Likewise,

when government action is too great there can be a chilling effect on legitimate speech and it risks violating constitutional guarantees of individual freedom. Democratic governance thus needs to be appropriately tuned a balance between freedom and accountability.

The study also indicates that responses to new problems might be more likely to be effective in collaborative governance that includes governments, media institutions, digital platforms, civil society organisations and citizens rather than state-centric approaches. Media literacy programs, clear content control, external oversight systems, and participatory policymaking processes can help shift the overall information environment in a direction with a respect for constitutional values.

Digital communication, by its very nature, is fluid and this will lead the relationship between media freedom and democratic governance to keep shifting. It is important, however, to research the constitutional interdependencies of new technologies, such as artificial intelligence, automated decision-making systems and generative content tools, that are now playing an increasing role in the production and dissemination of information. A special focus should be given to the influence of the algorithmic systems on public discourse and their influence on the real-life experience of free expression.

Other empirical work addressing the impact of current regulatory regimes to tackle misinformation and online harms would also greatly assist in scholarly and policy discussions. Comparative analyses can be beneficial to learn more about context-specific approaches that can balance

expressive freedom and social responsibilities, with jurisdictions from Global South areas of the world being particularly relevant. Besides, research transcending disciplines and including legal, media, political science and information technology student perspectives could contribute to the construct of more complete answers to the challenges of digital communication environments.

Finally, sustaining democratic governance relies significantly on the maintenance and protection of a free and pluralistic information society that is practiced in a responsible manner. The constitutional guarantees as enumerated in Article 19 of the Constitution of India continue to be at the core of this goal. However, in a digital world, the need to protect these freedoms depends on constant vigilance by the courts, solid and appropriate sets of regulations, responsible journalism and an educated populace, able to engage effectively in democratic life. The clash between "freedom" and "responsibility" is not the issue for today's societies, but making institutions that make both values live together in accordance with human dignity and constitutional democracy.

10. Suggestions

1. Enhance constitutional safeguards for media freedom and independence, in digital contexts.
2. Make sure, that limitations under article 19(2) are imposed, in strict conformity with the principle of proportionality.
3. Run media literacy programmes to combat citizens' lack of an ability to detect misinformation and disinformation.

4. Foster self-regulatory and ethical journalism journalism practice via proper institutional mechanisms and professional codes of conduct.
5. Develop clear and publicised human rights aligned content moderation policies on digital platforms in a fair, accountable, transparent and accountable way.
6. Create multi-stakeholder governance mechanisms between government, media, technology companies, civil society and academia.
7. Improve the legal framework to protect journalists from intimidation, harassment and unlawful interference with the exercise of their professional duties.
8. Increase media pluralism by not allowing concentration of media ownership and diverse media opinions.
9. Improve privacy and data protection regulations to protect people from excessive surveillance.
10. Promote international collaboration in tackling internet-based harms that affect across borders without undermining the right to free speech.

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