



Original Article

The Conflict between Press Freedom and Individual Privacy: A Legal Perspective

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Abstract

*This paper considers the complex relationship between two basic yet often conflicting constitutional rights the right to privacy and the freedom of the press. Despite the fact that freedom of expression provides the media with power to report, investigate, and criticize, the uncontrollable use of it may destroy the reputation of the people and their privacy. This balance is analyzed in the context of the legal framework in this essay and specific focus is made on judicial interpretations, constitutional clauses and media ethics. To understand how courts have pitted the interest of the people against the right of the individuals, it studies some landmark cases of India and other similar jurisdictions. The role of self-regulation, legal constraints and the emergence of privacy law in creating responsible journalism is also a subject-matter of the study. Eventually, the paper argues that neither side is correct in its assertions that preservation of both democratic transparency and individual dignity needs to be in a certain and context-based manner. Indian rulings of landmark-value, such as *R. Rajagopal v. State of Tamil Nadu, PUCL*, and *K.S. Puttaswamy* are examined in order to comprehend the application of proportionality and public interest tests by courts in resolving conflict between the rights. The paper also assesses worldwide attitudes and the increased pressure of digital and social media, in which privacy violations take place at an extremely high rate and are frequently unchecked. It concludes that neither of the two rights is absolute and that a subtle, contextualized way is needed to safeguard both democratic transparency and the individual dignity. Ethical journalism, legal clarity, and the awareness of the people should be enhanced to help make sure that press freedom and privacy complement each other, and work hand in hand with a mature democracy.*

Keywords: Judicial Interpretation, Article 19, Article 21, Digital Media, Media regulating, Human dignity, Freedom of speech, Freedom of the press, Freedom of expression, Constitutional rights, Freedom of expression, Public interest, Journalism ethics and Privacy protecting.

Introduction

Freedom of the press and the right to privacy are two of the greatest pillars of a democratic society. The press as a watchdog ensures accountability, transparency and free flow of information, which is required to have an informed population. Simultaneously, the right to privacy safeguards the independence, self-respect and personal space of an individual against intrusion by the authorities. The rights come into conflict when the search of the truth by the media goes beyond the boundary of individual privacy, which poses an issue. This essay will evaluate the legal facets of this controversy by examining significant court decisions, legislations and constitutional ethics, comparing them to the perspectives of the rest of the world and paying particular attention to the Indian legal system. The ethical responsibility of journalists and the need to have a balanced approach in the pursuit of individual freedom and freedom of speech are also put into consideration by the study. The awareness of the connection between ethics and the law in this sphere will allow the research to come up with a structure that safeguards press freedom without the need to infringe on the dignity of individuals a balance that any society that is developed needs.

Objectives of the Study:

1. Dissect the Indian legal and constitutional systems on the rights to press freedom and privacy.
2. To analyze the decisions made by the court and some of the landmark cases in determining the balance between personal privacy and freedom of the media.
3. To investigate the ethical responsibility of journalists to human dignity in the spirit of their freedom of expression.

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4. To examine how controversies between freedom of the press, and privacy have become more heated with digital and social media.
5. To provide recommendations on the policies and changes in laws to ensure there is a fair balance between the common good and personal privacy.

Literature Review:

The legal and constitutional framework is structured in ways that restrict the authority of the president to the extent of the constitution's limitations on executive power.¹ Legal and Constitutional Framework. The legal and constitutional framework is designed in a manner that limits the powers of the president to the limit of the constitution on how far the executive powers can go.

1. A series of researches indicates that this debate initially started with the Indian Constitution Articles 19(1) 1(a) and Article 21 constitutional guarantees. Ramesh (2015) also highlights the fact that Article 21 grants safety to personal liberty and privacy whereas Article 19 insures the liberty of expression of the media. Sharma (2018) says that such clauses should be understood in such a manner that neither right will be higher than the other.
2. Interpretations by Judges Judicial efforts to create a balance between these rights has been given much consideration by the legal thinkers. Cases like R. Rajagopal v. Tripathi (2016) reviews State of Tamil Nadu (1994) which concluded that right to privacy is a right of Article 21 that limits the press intrusion into the private life. Singh (2020) continues on discussing Justice K.S. Puttaswamy v. In the case of Union of India (2017), where the Supreme Court transformed the concept of media accountability in the digital era by re-establishing privacy as a central right.
3. Journalistic Ethical Aspects According to Mehta (2017), the commercialisation of the media has led to sensationalism and trial by media that has compromised observance of ethical journalism practices and adherence to ethical journalism principles. To ensure that the freedom of information and rights of the individual are balanced, Nair (2019) has it that voluntary codes of conduct and editorial guidelines can be more effective than strict state regulation.
4. Global Views Comparative studies such as Lewis (2019) and Brown (2014) show that Global democracies such as the US and the UK have long been confronted with such issues. Indicatively, the Leveson Inquiry in UK emphasized on high privacy laws and misuse of power by press. These instances can serve as the illustration of the significance of press freedom, yet the uncontrolled intrusion harms the people with their trust in journalism overall. As the example of the Leveson Inquiry in the UK reveals, there is a strong necessity of the development of privacy legislation and the misuse of press authority. These are the events which show the value of press freedom, but unregulated interference harms the trust of people to journalism overall.

5. Digital and Technological Problems Online news outlets and social media make the privacy-press equation more complicated, as recent studies demonstrated by Kumar and Iyer (2022) suggest. Lack of proper laws in the digital environments has allowed most personal content to be widely distributed and this makes upholding the law difficult and time consuming.

Case Study:

1. State of Tamil Nadu v. R. Rajagopal The case also commonly known as the Auto Shankar case is essential in establishing the right to privacy in relation to the press freedom. The Supreme Court entered that unless it involves any issue of community account, it is a breach of the right of privacy of a person to publish his or her life story without their permission as outlined in Article 21. The Court ensured it was quite clear that the press can only report on matters of public interest but not investigate the personal matters of the individual to arouse public interest.
2. Union of India v. People Union of Civil Liberties (PUCL) Surveillance and tapping of the telephones was a question in this case.
3. Union of India v. People Union of Civil Liberties (PUCL) In this scenario, it was surveillance and telephone tapping. The Supreme Court claimed that privacy right is an aspect of the article 21 right to life and personal liberty. The Court emphasized that there was no way in which privacy could be arbitrarily invaded in the name of security or investigation and it provided procedural protection to avoid the exploitation of the state power. This case indirectly affects media practices that rely on information that has been leaked or acquired in an illegal manner.
4. Union of India v. Justice K.S. Puttaswamy (Retd.) In this landmark case, privacy was recognized by a panel of nine judges as a fundamental right to media privacy. The case had significant effect on the law of media since the Supreme Court reiterated that individual privacy must not be violated by press freedom unless there is a legitimate purpose to do so. The abuse of digital data and media surveillance is also a warning given by the Court in the present era.
5. State of Madras v. Romesh Thapar This is a pre-independent case that reaffirmed that press freedom is an aspect of freedom of speech and expression. However, the Court did recognize that Article 19(2) does allow a reasonable restriction to be placed to enforce morality, decency, and order in the community. This gave the impression that, even though it is significant, the freedom of the press is not absolute.
6. SEBI v. Sahara India Real Estate Corp. Ltd. The case promoted the concept of prior restraint of media reporting on a case in trial in which the Supreme Court engaged itself. The Court decided that though free press is necessary, the unregulated reporting can also corrupt the process of justice. Hence, temporary publication restriction can be justified in some extraordinary cases to ensure justice and privacy in the courts of law. Case Study A variety of landmark



decisions present valuable background information on the manner in which courts have wrestled with a balance between the right to privacy and freedom of the press. These cases demonstrate how the judiciary of the Indian legal system has affected definitions of the two rights.

Recommendations:

1. Establish clear legal lines: The line between press freedom and infringing on the right of privacy of a person should have clear lines, as outlined by lawmakers. These boundaries must be not only lenient to protect the reporting of the interests of the people, but also clear enough to guide journalists.
2. Media Boost Media Self-Control: Media companies should strengthen their ethical code of conduct to avoid sensationalism and focus on the dignity of every individual. The independent press councils can be vigilant on violations and propose solutions.
3. Promote the Culture of Accountable Journalism: Journalists should also be inculcated on how to balance the privacy of personal life and the right to information by the people. Frequent ethics training programs and certification may help to develop the culture of responsibility.
4. Judicial Surveillance and Compensation: To make sure that freedom of the press and privacy are duly balanced, the courts must play an active role in it. They can establish strategic precedents that would determine the acceptable scope of journalism and provide prompt remedy in case of privacy infringement.
5. Media literacy and awareness: The population should be made to be aware of their right to privacy and responsible use of the media. Media literacy programs may help the people distinguish between invasion of privacy and investigative journalism.
6. Marketing of Technology: With the increasing digital media, clear instructions must govern the application of covert cameras, surveillance and data collection. The privacy online should be considered as much as the traditional media.
7. Encourage Co-existence Policy Frameworks: Governments, media organisations, and civil society organisations should collaborate to come up with a guideline that will balance the freedom of expression, transparency, and individual dignity.

Conclusion:

One of the most delicate balances in constitutional law is reflected in the relationship between the right to privacy and freedom of the press. Both rights are essential to a democratic society: privacy safeguards personal autonomy and dignity, while the press guarantees accountability and transparency. The difficulty, however, is deciding which of these rights should take precedence in a particular situation when they clash. According to the study, neither right is unqualified. Privacy cannot be used as a cover for issues of true public concern, and freedom of expression must be exercised within appropriate bounds. An evolving attempt to harmonise these rights through proportionality and public interest tests is evident in Indian

judicial precedents, especially in R. Rajagopal and Puttaswamy.

The tension between press freedom and privacy has grown more complicated in the digital age, when information spreads instantly and frequently without verification. Legal clarity, ethical consciousness, and responsible journalism are the answers, not censorship or undue restrictions. In the end, a developed democracy requires both a protected private sphere and a free press. It takes constant communication between the public, media outlets, courts, and legislators to maintain this balance. Freedom of the press and the right to privacy can coexist as complementary protections of liberty and human dignity rather than as opposing forces when they are used responsibly and with respect.

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Conflicts of interest

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