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Investigative Journalism vs Right to Privacy: A Constitutional Balancing in the Age of Exposure

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The Fourth Pillar of Democracy – Media has a pivotal role in maintaining accountability and transparency in society. Investigative Journalism, in all its manifestations, has become a potent instrument for exposing Corruption, fraud and other illegal activities by using methods like undercover reporting and sting operations. The society benefits from this as a whole, but it also gives rise to concerns like personal privacy. The coexistence of two significant Fundamental rights – Freedom of Speech and Expression under Article 19(1)(a) and the Personal Liberty under Article 21 – makes this conflict more complicated in the Indian constitutional system. Due to the ruling in Justice K.S Puttaswamy vs Union of India.¹ The right to Privacy has been added to the ambit of Article 21. The operation of Investigative Journalism will be significantly impacted by this development.² The question of whether investigative journalism – sting operations can be acceptable in the absence of a clear legal framework controlling such methods is examined in this study. This study also points out that in certain situations, journalists take certain responsibilities that are customarily performed by law enforcement. Although courts have occasionally accepted evidence gathered in this way in the interest of justice, the problem is that the lacuna of regulation creates a risk of misuse. Furthermore, the potential for privacy invasion has greatly expanded in the current technology-advanced period, as mobile devices and digital platforms enable nearly anyone to capture and distribute information. Therefore, this paper attempts to analyse how to strike a balance between the preservation of personal privacy and the necessity of transparency in public life.

¹ Justice K S Puttaswamy (Retd) & Anr v Union of India & Ors (2017) 10 SCC 1

² Mrs S Mano, 'INTERSECTION OF INVESTIGATIVE JOURNALISM AND RIGHT TO PRIVACY- A LEGAL ANALYSIS' (2023) 2(8) International Journal For Social Sciences

<<https://apexpub.org/ijss/uploads/paper/e5875ca4013f4262c7506f3c6e343d61.pdf>> accessed 08 April 2026

It contends that although investigative Journalism is vital to a democratic society. It must function within appropriate bounds to protect people's rights and dignity.

Keywords: *investigative journalism, right to privacy, freedom of speech and expression, public interest, media ethics.*

INTRODUCTION

Investigative Journalism has long been linked to revealing concealed facts and holding those in positions of authority responsible for influencing public opinion. Reports exposing corruption, fraud and institutional wrongdoing were once expected by the public but also thought to be crucial to a democratic society's operation. However, there has been a discernible shift in the character and techniques of investigative journalism due to the shifting dynamics of media practices.³

In-depth research has steadily given way to quick information distribution in recent years, frequently due to competition, ratings, and internet visibility. This shift has sparked queries about whether investigative journalism still fulfils its initial goals or has occasionally strayed from moral and legal bounds. The power and dangers of contemporary society are reflected in the growing use of sting operations and illegal disclosure with the help of covert cameras. Unquestionably, these approaches have exposed serious problems, but they also raise a crucial question: Does the search for truth justify invading someone's personal space? In this era where technology has made information sharing and surveillance more available than ever before, the concern of security persists. The line between appropriate investigation and unjustified interference has become very thin, which makes it very challenging.⁴

As per the Indian Legal System, the co-existence of two essential values in the Indian Legal context - the Right to privacy, which protects human autonomy and dignity, and the Freedom of Speech and Expression, which allows the press to operate freely, complicates this matter even further. This paper aims to investigate the link between investigative journalism and the right to privacy within this changing society. The study also aims to comprehend how a balance between the demand for transparency and the protection of individual rights

³ Harish Khan, 'Investigative Journalism or Privacy Invasion? Legal Analysis of Sting Operations in India' (*Legal Wires*, 18 November 2024) <<https://legal-wires.com/lex-o-pedia/investigative-journalism-or-privacy-invasion-legal-analysis-of-sting-operations-in-india/>> accessed 08 April 2026

⁴ Mano (n 2)

can be maintained by examining the legal status and practical difficulties surrounding these problems.

STRUCTURE OF INVESTIGATIVE JOURNALISM IN MODERN DEMOCRACIES

To some, Investigative Journalism is a career, but it has always been a democratic need. Renowned journalist Bob Woodward once commented that ‘the central premise of investigative journalism is to hold the powerful accountable.’⁵ From this, we understand the weight of Investigative Journalism as a form of scrutiny aimed at individuals in positions of power, whether institutional, corporate, or government. In comparison to general Journalism, which frequently relies on official pronouncements and superficial information, Investigative Journalism necessitates thorough investigation, fact-checking and frequently the use of unorthodox techniques like undercover reporting or the examination of private documents.

Various Definition of a scholarly person helps clarify the purpose and scope of Investigative Journalism. ‘The unveiling of matters that are concealed either deliberately by someone in a position of power, or accidentally, behind a chaotic mass of facts and circumstances - and the analysis and exposure of all relevant facts to the public’ - UNESCO (United Nations Educational, Scientific and Cultural Organisation).⁶

An investigative journalist is a man or woman whose profession is to discover the truth and to identify lapses from it in whatever media may be available. The act of doing this generally is called investigative journalism and is distinct from apparently similar work done by police, lawyers, auditors, and regulatory bodies in that it is not limited to a target, not legally founded, and closely connected to publicity - British Media Theorist Hugo de Burgh.⁷

Investigative Reporter and Editor (IRE)⁸ describes investigative journalism as a methodical, comprehensive, and unique type of reporting that depends on independent investigation,

⁵ Amy Jacques, ‘Bob Woodward on the Importance of Investigative Journalism’ (PRSA) <<https://www.prsa.org/article/bob-woodward-on-the-importance-of-investigative-journalism>> accessed 06 April 2026

⁶ ‘Safety of Journalists’ (UNESCO) <<https://www.unesco.org/en/safety-journalists>> accessed 06 April 2026

⁷ Hugo de Burgh, *Investigative Journalism: Context and Practice* (Routledge 2014)

⁸ Brant Houston and Emilia Díaz-Struck, ‘Introduction to Investigative Journalism’ (*Global Investigative Journalism Network*, 26 November 2024) <<https://gijn.org/resource/introduction-investigative-journalism/>> accessed 06 April 2026

supporting documentation, and critical analysis. These definitions emphasise that investigative journalism encompasses more than just chronicling events; it also entails revealing facts that would otherwise remain hidden from the general audience.⁹ Real-world examples are the best way to comprehend the importance of investigative journalism. One such example is the UNESCO-documented story, in which investigative journalism helped raise awareness of Norma Sibilla's experiences, drawing attention to the abuse experienced by female journalists. Investigative Journalism plays a vital role in the advancement of human rights. These incidents show that investigative journalism is about more than just exposing wrongdoing; it is also about maintaining the truth and making sure that crimes are not overlooked or forgotten.¹⁰

The Watergate Scandal: The investigation done by Bob Woodward and Carl Bernstein exposed President Richard Nixon's administration as linked to illegal activities. This event served as an example of how journalistic investigation impacts political influence at the highest level.¹¹

In the Indian Scenario, the growth of Investigative Journalism has been steadily increasing. Not only has it been marked by great success, but also faced many challenges. With the help of Sting operations, numerous cases of corruption, fraud, and scams have been exposed to the public. Despite its many successes, its expansion has not been consistent. Moreover, it has frequently been adversely affected by media, political pressure, and legal limitations. As a result, investigative journalism is still crucial to a democracy. Its methods and practices are still changing, which raises significant concerns about its reach, boundaries, and effects, especially when it comes to other basic rights like the right to privacy.

⁹ Johana George, 'INVESTIGATIVE JOURNALISM AND THE INDIAN CONSTITUTION: BALANCING FREEDOM, METHODS, AND INTERESTS' (2024) 5(2) International Journal of Advanced Legal Research <<https://ijalr.in/wp-content/uploads/2024/11/Investigative-Journalism-and-the-Indian-Constitution-Balancing-Freedom-Methods-and-Interests.pdf>> accessed 06 April 2026

¹⁰ 'Investigative Journalism, memory and human rights' (UNESCO, 02 September 2022) <<https://www.unesco.org/en/articles/investigative-journalism-memory-and-human-rights>> accessed 06 April 2026

¹¹ 'Watergate and the Unraveling of American Trust: A Comprehensive Guide to the Scandal That Redefined Politics' (*Explaining History Podcast*, 15 November 2025) <<https://explaininghistory.org/watergate-and-the-unraveling-of-american-trust-a-comprehensive-guide-to-the-scandal-that-redefined-politics/>> accessed 06 April 2026

PRIVACY AS A CONSTITUTIONAL VALUE: EVOLUTION & SCOPE

The concept of the word 'Privacy' was not acknowledged by the Indian Constitution in the beginning. Therefore, the right to privacy was not expressly guaranteed by the Constitution. The early Judicial rulings show reluctance to recognise it as a separate basic right. The recognition developed through judicial interpretation in accordance with shifting societal and technological conditions. One such case is *Kharak Singh vs the State of UP*¹². The Supreme Court denied a comprehensive constitutional right to privacy in *Kharak Singh v State of UP (1963)*, ruling that surveillance methods did not always infringe upon individual liberty unless they constituted a physical restriction. But the minority ruling in the same case started a doctrinal shift by establishing the foundation for acknowledging privacy as essential to individual freedom.

The Supreme Court tentatively started to recognise that privacy can be a basic right, but not an absolute one. These changes started to come out in *Gobind v State of MP*,¹³ but the Court set some rules, which are that any invasion of privacy meets a standard of reasonableness and is compelling to governmental interest. This showed the Supreme Court's urge to recognise the need to safeguard human autonomy. This case acted as a catalyst that helped change the outright denial of the Supreme Court in this matter to conditional recognition.

The Right to Privacy got further clarification from the case *R Rajagopal vs the State of Tamil Nadu*.¹⁴ The Supreme Court explicitly acknowledged the right of citizens to protect parts of their private lives, such as marriage, family, and personal choices. The Supreme Court also gave an important verdict in which it clarified that information included in public records may be disseminated without permission, but unlawful interference with private life would result in legal liability. This case clearly sets boundaries for the media and its intervention as it directly addressed the limits of press freedom in relation to privacy.

The Supreme Court of India widened the scope of Article 21 and included the right to privacy under its scope in *People's Union for Civil Liberties (PUCL) vs Union of India*.¹⁵ In this case, the Supreme Court held that a private conversation on a telephone/mobile is an integral part

¹² *Kharak Singh v The State of U P & Ors (1964) SCR (1) 332*

¹³ *Gobind v State of Madhya Pradesh & Anr (1975) 2 SCC 148*

¹⁴ *R Rajagopal v State of T N (1994) 6 SCC 632*

¹⁵ *People's Union of Civil Liberties v Union of India & Anr (1997) 1 SCC 301*

of one's private life. Therefore, SC recognised that telephone tapping amounts to a serious invasion of privacy under Article 21. This highlights the necessity of legal safeguards to prevent arbitrary interference, even in the case of surveillance.

The case where the final nail was planted in the coffin was in Justice K.S. Puttaswamy vs Union of India.¹⁶ A nine-judge bench unanimously upheld the constitutional stance that the right to privacy is a basic right under Article 21. This ruling not only clarified the word 'Privacy' clearly by covering several aspects like bodily integrity, informational control, but also disregarded previously fragmented reasoning. Furthermore, SC introduced a methodical framework that requires proportionality, necessity, and legality to assess privacy violations.¹⁷

Thus, from an incoherent idea to a well-established right based on liberty and dignity under Indian Constitutional law, the right to Privacy emerged as a fundamental right, but it does not mean it is an absolute right. The legal system consistently highlights the need to balance privacy against competing interests, especially when the public interest and freedom of speech are at stake. The conflict, where courts are frequently required to determine the extent to which intrusion into private life can be legally justified, still remains and is very much evident.

THE CONSTITUTIONAL FABRIC: WHERE SPEECH MEETS SILENCE

Investigative journalism and the right to privacy are at odds under the Indian Constitution because of the link between Article 19(1)(a) and Article 21. Though Freedom of the press and Expression does not fall under an unqualified right, which implicitly includes freedom of the press, it is guaranteed under Article 19(1)(a). Reasonable limitations in the interests of, among other things, defamation, decency, morality, and public order are permitted under Article 19(2). Privacy is acknowledged as a fundamental element of Article 21, which safeguards the right to life and personal freedom. The conflict between these provisions occurs when freedom of the press is exercised in a way that invades people's private lives.

¹⁶ *Justice K S Puttaswamy (Retd) & Anr v Union of India & Ors* (2017) 10 SCC 301

¹⁷ 'Right to Privacy and Media Reporting (Article 21, Puttaswamy Judgement)' (*Law Curb*, 23 January) <<https://www.lawcurb.in/post/right-to-privacy-and-media-reporting-article-21-puttaswamy-judgment>> accessed 06 April 2026

In reality, the disagreement goes beyond a simple conflict of rights and raises profound issues regarding the boundaries of journalistic behaviour. The credibility of Investigative Journalism is based on both the disclosure of content and the procedures required to gather it. The Constitution does not give limitless freedom to use invasive or illegal methods to obtain information. When journalists employ techniques like sting operations, covert recordings, or unapproved releases, this problem becomes more serious. The manner in which the data is gathered may breach an individual's right to privacy under Article 21, even if it is released for public awareness. As a result, the issue is not only one of the rights to information, but also one of whether it is possible to get such information by going into private areas.

The solution to this issue is provided by the Supreme Court of India in Justice K.S. Puttaswamy v Union of India. The Court, by using the Proportionality test, changed the emphasis from abstract right to the justification of specific actions. This means when it comes to Investigative Journalism, we have to consider whether it is appropriate to violate someone's privacy. It entails posing three crucial queries:

1. Whether the intrusion is genuinely essential.
2. Whether it is proportionate to the advantage received, and
3. Whether there is a valid rationale (legitimate objective).

This ensures that journalists cannot justify every method they use simply by claiming it serves the public interest. However, because there are no previous restraint measures in place, a large portion of this evaluation takes place after the harm has already occurred. Media practices function in a largely self-regulated environment, in contrast to governmental action, which is subject to procedural safeguards. Because of this structural imbalance, the effects of excessive intrusion, such as harm to one's reputation or the disclosure of personal information, may not be entirely reversible, even if they are later determined to be unwarranted.

The situation becomes more complex when information which is 'personally intrusive' and information which is 'publicly relevant' overlap with each other. Investigative journalism often works in this grey area, where revelations about powerful people may also touch on aspects of their personal lives. Therefore, determining the point at which disclosure starts to

undermine individual dignity and no longer serves a democratic purpose is the constitutional challenge. Therefore, giving preference to one right over another will not address the contradiction between privacy and freedom of expression. Rather, it necessitates a contextual analysis of the process and goal of journalism. According to the current constitutional framework, the press must continue to be free to conduct research and provide information, but not at the expense of ignoring the boundaries set by individual rights.

STING OPERATIONS AND SURVEILLANCE: ETHICS AT THE EDGE

The situation becomes worse when information, rather than being reported, is gathered intentionally by using an intrusive method. The method used in obtaining such information raises a question: can the legality of publication excuse the impropriety of the methods used to secure it? This changes the focus of the discussion from freedom of expression to whether or not means are constitutionally permissible.

Indian courts have not taken a unified stance on this matter. Although sting operations are not governed by a full regulatory framework, judicial reactions show a cautious willingness to incorporate such material where it serves a proven public purpose. The Supreme Court acknowledged tape-recorded evidence that was collected without the accused's consent in *R.M Malkani v State of Maharashtra*,¹⁸ noting that such evidence may be acceptable if there was no statutory breach in acquisition. The ruling did not, however, support unrestrained monitoring, tacitly acknowledging that the legitimacy of the evidence does not inevitably justify the method of gathering.

The Law Commission of India's 94th Report (1983), which recommended amending the Indian Evidence Act to permit courts to exclude evidence obtained through unlawful or improper means if its admission would bring the administration of justice into disrepute, further emphasises this principle. But as of yet, no such law has been passed. Even if such evidence is admissible in court, people or organisations who carry out sting operations may be subject to legal repercussions if the techniques employed are illegal. For instance, if a firm steals or manipulates evidence to safeguard it, it may be punished for violating private rights or for crimes like theft or criminal breach of trust.¹⁹

¹⁸ *R M Malkani v State of Maharashtra* (1973) 1 SCC 471

¹⁹ Law Commission, *Report No 185: Review of the Indian Evidence Act, 1872* (Law Com No 185, 2003)

The Delhi High Court, in a landmark case, *Sri Bhardwaj Media Pvt Ltd v State*²⁰, recognised that a sting operation that recorded Members of Parliament taking bribes was lawful and that it served the public interest. In a different situation, though, the Supreme Court ruled in *People's Union for Civil Liberties v Union of India* that wiretaps infringe upon an individual's right to privacy and established guidelines for when the government may employ them. These divergent rulings imply that, even if sting operations may be legal, the way and setting in which they are carried out are crucial.

In addition to privacy issues, the legality of sting operations also raises ethical questions and possible repercussions. One of such examples of how such operations can result in defamation, public harm, and legal culpability includes the 2008 Live India sting, which wrongly accused a school teacher of involvement in a prostitution racket. In certain instances, journalists may even violate the Indian Penal Code's Section 108 by encouraging or aiding misconduct, which might be considered abetment. Despite the fact that Indian courts have generally permitted the acceptance of evidence regardless of how it was gathered, the constitutional issues pertaining to the methods employed remain. The proportionality test established in *Justice K. S. Puttaswamy v Union of India* becomes especially pertinent in this situation. Any invasion of privacy must be justified, required, and commensurate with the benefits received. This causes the emphasis to change from merely defending the result to analysing the method used to gather the data. The situation becomes graver when it concerns a private person rather than a public one because there is less evidence of the public interest and a greater chance of reputational and personal injury. Judicial rulings, like the one, further highlight the fact that media freedom does not include unrestrained invasion of personal space.

Therefore, the constitutionality of sting operations depends on whether they actually serve a legitimate public goal or instead create circumstances that result in disproportionate intrusion; they cannot be justified only based on exposing wrongdoing. In this way, sting operations operate on the periphery of constitutional bounds, and their approval is contingent upon a thorough assessment of their impact, technique, and goal.

²⁰ *Sri Bharadwaj Media Pvt Ltd v State* (2007) Supreme (Del) 2645

DIGITAL AGE DILEMMAS: PRIVACY IN THE ERA OF VIRALITY

The constitutional question now focuses on how much harm can be amplified by circulation rather than what can be published due to the digitalisation of news production. The negative impact on privacy in an ecosystem where platforms value reach and transparency increased by duplication, indexing, and algorithmic promotion, rather than being limited to the initial exposure. Therefore, the legal issue is not just intrusion but also irreversible – once personal information is shared, it takes on a life apart from its source and is frequently beyond effective remedial control.

Indian Courts have acknowledged that privacy must be safeguarded beforehand rather than only after damage has already been done. The Supreme Court ruled in Justice K S Puttaswamy v Union of India that people have control over their personal data and that this control is a crucial component of their dignity. This implies that the unrestrained exchange of personal information, particularly in the digital era, may be a constitutional rights infringement in and of itself.

In order to preserve privacy, courts have begun to recognise the ‘right to be forgotten,’ which permits the removal of personal data from the internet. The High Court of Delhi ordered the removal of the name from internet records in *Jorawar Singh Mundy v Union of India*.²¹ The High Court of Delhi acknowledged that maintaining such information publicly accessible may compromise her privacy and make it impossible for her to move on with her life.²²

The change was made clearer in *Subhranshu Rout v State of Odisha*,²³ when it was decided that the sharing of private photos on social media constituted a substantial invasion of privacy that required court action, even before a trial. The Court emphasised that in these situations, people are deprived of control over their personal data due to viral propagation as well as the act of recording. This demonstrates a change in perspective from concentrating just on the admissibility of evidence to including limiting harm caused by digital circulation. The obligation imposed on internet services to delete offensive content is another significant step. Intermediaries have been ordered by courts to remove privacy-violating content.

²¹ *Jorawar Singh Mundy v Union of India & Ors* (2021) SCC Online Del 2306

²² Shuvangi Das, ‘Jorawar Singh Mundy v Union of India: Right to be Forgotten’ (*My Lawrd*, 28 May 2021) <<https://www.mylawrd.com/jorawar-singh-mundy-vs-union-of-india/>> accessed 07 April 2026

²³ *Subhranshu Rout @ Gugul v State of Odisha* (2020) SCC OnLine Ori 878

The Supreme Court backed a ‘notice-and-takedown’ procedure in *Shreya Singhal v Union of India*,²⁴ which requires platforms to take down illegal content as soon as they become aware of it. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, have enhanced this strategy even more, particularly in situations involving non-consensual photos and the exploitation of personal data.²⁵

Investigative journalism has to take note of these trends. Digital tools make it easier for journalists to obtain and distribute information, but they also raise the possibility of abuse. These days, the question is not just whether material serves the public interest, but also whether it is rational and fair to keep it accessible online indefinitely. If information is permanently available and extensively disseminated, it can become dangerous even though it may have been appropriate in a specific setting. Additionally, courts have acknowledged that some material may become less significant with time. In certain situations, maintaining public access could no longer be beneficial. For this reason, courts have occasionally mandated that old documents be deleted or made anonymous. This demonstrates that the law now takes into account both whether information should be released and how long it should be accessible.

In general, in the digital age, the balance between privacy and journalistic freedom is shifting. The Constitution restricts how information is gathered, disseminated, and stored, but it does not prevent the media from reporting wrongdoing. In the absence of such restrictions, widespread online reporting may become an ongoing form of intrusion that violates Article 21's rights to privacy and dignity.²⁶

²⁴ *Shreya Singhal v UOI* (2015) 5 SCC 1

²⁵ Adv Heena Bedi, ‘Case Summary: *Shreya Singhal v Union of India* (2015)’ (*The Legal Quorum*, 13 November 2025) <<https://thelegalquorum.com/case-summary-shreya-singhal-v-union-of-india-2015-2/>> accessed 06 April 2026

²⁶ Kshitiz Dubey and Dr Jyotsna Singh, ‘MEDIA’S RIGHT TO REPORT VS CITIZEN’S RIGHT TO PRIVACY: HARMONIZING ARTICLES 19 AND 21 OF THE CONSTITUTION’ (2025) 5(2) *International Journal of Integrated Research in Law* <<https://ijirl.com/wp-content/uploads/2025/04/MEDIAS-RIGHT-TO-REPORT-VS.-CITIZENS-RIGHT-TO-PRIVACY-HARMONIZING-ARTICLES-19-AND-21-OF-THE-CONSTITUTION.pdf>> accessed 07 April 2026

REGULATORY GAPS AND ETHICAL FRAMEWORKS: IS SELF-REGULATION ENOUGH?

Investigative journalism is paradoxically regulated in India because, despite strong legal protections for free speech, the laws controlling journalistic behaviour are still mainly reactive and non-binding. As a result, there is a structural imbalance in which the press has extensive operational flexibility, but responsibility for privacy infractions is dispersed, slow, and frequently ineffectual.

The Press Council of India (PCI) and the News Broadcasting & Digital Standards Authority (NBDSA) are two organisations that oversee the self-regulation that forms the basis of the current regulatory structure. These organisations, however, are not able to enforce laws by coercion. Their position is essentially advisory and restricted to warnings or reprimands, which begs the fundamental question of whether ethical compliance can be guaranteed in a competitive media environment where speed, visibility, and profitability are the driving forces. When there are no strong penalties in place, deterrence is weakened and dubious behaviours, such as intrusive reporting and dramatic disclosures, go unchecked.

Although it is still essentially post-facto, judicial action has made some attempts to close this regulatory gap. The Supreme Court established the idea of postponement orders in *Sahara India Real Estate Corp Ltd v SEBI*,²⁷ acknowledging that extensive media coverage could compromise the right to a fair trial. Although this shows that judges are aware of media overreach, it is a case-specific remedy rather than a systemic one. It deals with the fallout instead of stopping the initial infiltration.²⁸

Privacy jurisprudence exhibits a similar constraint. The Court acknowledged people's right to regulate the dissemination of their personal information in *R Rajagopal v State of Tamil Nadu*,²⁹ although enforcement of this right depends on people going to court after a breach has taken place. In the digital sphere, where disclosure-related harm cannot be completely

²⁷ *India Real Estate Corp Ltd & Anr v SEBI* (2013) 2 SCC 733

²⁸ *SEBI v Sahara India Real Estate Corporation Ltd & Ors* (2014) 5 SCC 429

²⁹ *R Rajagopal v State of T N* (1994) 6 SCC 632

undone by damages or injunctions once it has been magnified, this reactive strategy is especially insufficient.³⁰

In the more recent case of *Kaushal Kishor v State of Uttar Pradesh*,³¹ the Supreme Court looked at the horizontal application of basic rights and the degree to which media organisations and other non-state actors can be held responsible for violations of such rights. The ruling allows for further examination of non-state behaviour that violates fundamental rights, even while it does not impose a direct constitutional obligation on private media. This is a judicial acknowledgement that self-regulation might not be enough to protect constitutional principles.³²

The emergence of digital platforms, where the traditional lines between publisher and journalist have become hazier, further complicates the regulatory gap. A hierarchical regulatory framework for digital media is attempted to be introduced under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.³³ However, rather than addressing the more fundamental problem of investigative techniques—like covert monitoring, data extraction, or entrapment—these regulations mostly concentrate on content control and grievance redressal. Because of this, the most invasive facets of investigative journalism are still mostly unregulated.

Therefore, the fundamental issue is not the lack of norms but rather the lack of legally binding rules leading to procedure. Whilst ethical norms place a strong focus on justice, accuracy, and privacy protection, they do not offer a precise cutoff point for identifying when investigation methods become unlawful, and because of this gap, journalists are not required to prove need or proportionality in their tactics, allowing the invocation of ‘public interest’ to function as a wide and frequently unquestioned rationale.

Hence, rather than replacing self-regulation, it is necessary to strengthen it structurally through more precise legislative guidelines, minimal but efficient inspection, and the integration of constitutional concepts like proportionality into media practices. Investigative

³⁰ Madhvi, ‘*Raja Gopal v State of Tamil Nadu (1994)*’ (*Law Bhoomi*, 04 February 2025) <<https://lawbhoomi.com/raja-gopal-v-state-of-tamil-nadu/>> accessed 07 April 2026

³¹ *Kaushal Kishore v State of Uttar Pradesh & Ors* (2023) 4 SCC 1

³² Utkarsh Singh, ‘*Kaushal Kishore vs. State of Uttar Pradesh & Ors (2023)*’ (*iPleaders*, 12 September 2024) <<https://blog.iplayers.in/kaushal-kishore-vs-state-uttar-pradesh-restrictions-article-191a/>> accessed 18 April 2026

³³ The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021

journalism will continue to be unevenly regulated until such procedures are created, leaving privacy protection dependent on post-event remedies rather than justified ex ante constraints.

TOWARDS A CONSTITUTIONAL HARMONY: REIMAGINING LIMITS IN INVESTIGATIVE JOURNALISM

Investigative journalism and privacy are difficult to reconcile because of the discriminatory use of 'public interest' as a reason rather than the lack of constitutional principles. According to court rulings, the content and context of the material disclosed are more important in determining the legitimacy of disclosure than its result. The Supreme Court indicated that not all material on public individuals is accessible to unlimited disclosure in *R Rajagopal v State of Tamil Nadu*,³⁴ limiting allowed publishing to facts that are part of the public record or have a clear connection with public duty.

This becomes important when investigative journalism goes beyond identifying misbehaviour to creating circumstances that produce evidence of guilt. *Selvi v State of Karnataka*,³⁵ where the Court rejected involuntary methods of information extraction and emphasised that the process of acquiring the truth cannot violate human autonomy, is where the constitutional unease with such activities may be found. When it comes to journalistic activities, this logic implies that exposure obtained through invasive or deceptive means cannot automatically claim legitimacy.³⁶

This kind of overreach has real-world repercussions. The Court acknowledged in *Nambi Narayanan v Siby Mathews*³⁷ that early public disclosure might cause long-lasting reputational damage, thus acting as punishment without a trial. This draws attention to a serious risk: unchecked investigative journalism has the potential to compromise due process rather than uphold it.³⁸

³⁴ *R Rajagopal v State of T N* (1994) 6 SCC 632

³⁵ *Selvi & Ors v State of Karnataka & Anr* (2010) 7 SCC 263

³⁶ Yash Jain, 'Selvi v. State of Karnataka (2010): case analysis' (*iPleaders*, 22 March 2024)

<<https://blog.iplayers.in/right-remain-silent-case-commentary-smt-selvi-v-state-karnataka/>> accessed 09 April 2026

³⁷ *S Nambi Narayanan v Siby Mathews & Ors Etc* (2018) 10 SCC 804

³⁸ Priyamvada Singh, 'Nambi Narayanan v. Siby Mathews and Others (2018)' (*iPleaders*, 10 September 2024)

<<https://blog.iplayers.in/case-brief-s-nambi-narayanan-v-siby-mathews/>> accessed 09 April 2026

Additionally, the acknowledgement of informational privacy in Justice K.S. Puttaswamy v Union of India draws attention to the ongoing consequences of disclosure, especially in the digital sphere, where data is always available. Therefore, the constitutional concern goes beyond the act of publication to its long-term effects, necessitating a more cautious approach to both collecting and dissemination. Therefore, in order to maintain a balanced constitutional stance, investigative journalism must be assessed not only on the significance of the information it uncovers but also on whether or not it goes beyond what is required to do so. Press freedom cannot be protected in ways that undermine dignity without significantly enhancing public accountability. The goal is to maintain journalism's exercise in accordance with the constitution's commitment to both transparency and individual autonomy, not to impose restrictions on it.

CONCLUSION

Investigative journalism and the right to privacy are incompatible because both are essential to a constitutional democracy, not because one virtue is intrinsically better than the other. It becomes evident throughout this study that the conflict is not abstract; rather, it is determined by the methods, practices, and degree to which journalism respects the boundaries of individual autonomy.

Investigative journalism is still essential for maintaining accountability and exposing wrongdoing. Many cases of power abuse would go unnoticed by the public without it. Simultaneously, the acknowledgement of privacy as a fundamental right has changed the constitutional environment by imposing significant restrictions on the access and distribution of information. It is impossible to take a firm stance in favour of either privacy or transparency because of this dichotomy.

A careful effort to preserve equilibrium rather than a strict rule is what results from judicial developments. The value of free speech has been recognised by courts, but they have also emphasised that one's dignity cannot be compromised in the process. But this balance's effectiveness is still unequal. A large portion of the current system is reactive, dealing with infractions only after they have caused harm. Such an approach seems increasingly inappropriate in the setting of digital media, where knowledge spreads quickly and frequently irreversibly.

Therefore, the issue is structural rather than just legal. The concept of public interest can be applied too widely due to the lack of precise guidelines guiding investigation techniques, which occasionally conceals actions that needlessly encroach on private lives. Rethinking how constitutional principles are applied in practice is crucial since the possibility of disproportionate harm is increasing as media practices change, particularly in the digital realm.

Instead of limiting journalism, a sustainable strategy focuses on improving its use. In order to expose issues of true public importance, investigative reporting must continue to be free, but this freedom must be exercised within bounds that uphold people's autonomy and dignity. Making sure that the search for the truth does not become an excuse for intrusion is a difficult task.

In the end, privacy and transparency have a coexisting relationship rather than an antagonistic one. A democratic society needs both protected individuals and an informed populace. Therefore, the goal of the law is to manage this conflict in a way that upholds the integrity of both ideals rather than to resolve it.