

Can a private news channel be held accountable under Article 226 when it's reporting allegedly infringes fundamental rights?



In *TV Today Network Limited v. ABC & Ors.* MANU/SCOR/51366/2026, the Supreme Court dismissed TV Today's challenge, bringing renewed focus to the constitutional accountability of private media organisations when performing functions of significant public importance.

Background

The dispute dates back to 2005, when Aaj Tak, operated by TV Today Network, broadcast a report concerning the alleged sexual abuse of a minor girl by her father.

The report did not disclose the child's name, but it reportedly revealed several identifying details, including information about her father, his workplace, the locality, and the family's residence.

The child's mother alleged that these details made it possible to identify the child and violated her right to privacy and confidentiality under Article 21.

Delhi High Court

The Delhi High Court found that the broadcast had violated the child's right to privacy and upheld an award of ₹5 lakh compensation.

But an important constitutional issue arose:



Can Article 226 be invoked against a private media organisation?

TV Today argued that it was a private company and was therefore not amenable to writ jurisdiction in the same manner as the State or a public authority.

The Delhi High Court rejected this argument.

It applied the “**public function test**”, holding that the relevant question is not merely whether the organisation is privately owned, but **what function it performs**. The Court recognised the dissemination of news as a function of significant public importance and held that a private entity performing such a public function may, in appropriate circumstances, be subject to the writ jurisdiction under Article 226.

What is Article 226?

Article 226 of the Constitution of India gives High Courts the power to issue writs to protect people's rights and ensure that public authorities act according to law.

Supreme Court

TV Today challenged the High Court's decision before the Supreme Court.

On 10 August 2026, a Bench comprising Chief Justice Surya Kant, Justice Joymalya Bagchi and Justice V. Mohana dismissed the Special Leave Petition.

During the hearing, TV Today's counsel raised concerns that treating private media as performing a public function could open the door to numerous writ petitions.

The Bench did not accept the argument that the private status of a media organisation, by itself, places it outside constitutional scrutiny.

The Supreme Court therefore left the High Court's decision and the ₹5 lakh compensation undisturbed.



Why was privacy central to the case?

The case highlights an important distinction:

Not naming a victim does not necessarily mean that her identity has been protected.

A combination of information such as family details, location, photographs, workplace information or other identifying particulars may effectively reveal the identity of a victim. This is particularly significant where the victim is a child survivor of sexual abuse, whose privacy, dignity and confidentiality receive heightened protection.

What does this mean for private media?

The judgment is significant for the public-function doctrine under Article 226.

It reinforces the proposition that:

Private ownership ≠ immunity from constitutional accountability.

Where a private entity performs a public function and the challenge concerns the discharge of that function in a manner allegedly violating fundamental rights, Article 226 may be invoked in appropriate cases.

*But the decision should **not** be read as saying that every dispute involving a private media organisation automatically becomes a writ matter. The nature of the function, the public duty involved, and the constitutional right allegedly infringed remain crucial.*

Key takeaway

A private media organisation cannot simply say “we are private” and thereby avoid constitutional scrutiny. The nature of the function, the public duty involved, and the constitutional right allegedly infringed are to be considered.

