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RAJAGOPAL V. STATE OF TAMIL NADU (1994) – (AUTO SHANKAR CASE)

- *Badrinath R*

Citation: (1994) 6 SCC 632

Bench: B.P. Jeevan Reddy & S. Mohan, JJ.

Date of Judgment: 7 October 1994

ABSTRACT

This case summary examines the landmark Supreme Court decision in *Rajagopal v. State of Tamil Nadu* (1994), also known as the *Auto Shankar* case, which played a pivotal role in shaping the contours of the right to privacy, freedom of speech and expression, and freedom of the press in India. The case arose from the Tamil Nadu government's attempt to prohibit the publication of an autobiography written by a prisoner—Auto Shankar—that allegedly exposed the involvement of high-ranking police officials in corrupt practices. The judgment established important legal principles regarding prior restraint, the balance between privacy and public interest, and the extent of prisoners' rights under the Indian Constitution. Through this ruling, the Court fortified the position of the press as a watchdog of democracy and underscored that public officials cannot claim absolute privacy in matters affecting public governance. The case continues to influence legal interpretations concerning media freedom, state censorship, and individual rights in a democratic society.

INTRODUCTION

The case of *Rajagopal v. State of Tamil Nadu* (1994) 6 SCC 632, commonly referred to as the *Auto Shankar* case, is a landmark in the constitutional history of India, especially concerning the freedom of speech and expression under Article 19(1)(a) and the right to privacy. It presented a direct confrontation between two competing constitutional values—

press freedom and individual privacy. The Supreme Court was called upon to adjudicate the legitimacy of the State's attempt to prohibit the publication of an autobiography written by a convict, raising profound questions about prior restraint, freedom of the press, and the extent to which state authorities may interfere with journalistic publication in a democracy.

FACTUAL BACKGROUND

WHO WAS AUTO SHANKAR?

Gauri Shankar, infamously known as Auto Shankar, was a serial killer convicted of multiple murders in Tamil Nadu during the 1980s. He gained notoriety not only for his crimes but also for his alleged nexus with police officials and politicians. While lodged in prison and awaiting execution, Auto Shankar purportedly authored an autobiography detailing his life of crime and specifically alleging that he was protected and aided by several senior police officers and public officials in return for bribes and other favours.

PUBLISHER'S INTENTION AND STATE'S RESPONSE

The Tamil-language magazine Nakkheeran, edited by R. Rajagopal, intended to publish this autobiography in a serialized form. This decision was met with strong opposition from the Tamil Nadu government, which viewed the material as defamatory, sensational, and likely to disrupt public order. The State, acting under provisions of the Prisons Act, 1894, issued a notification preventing the publication of Auto Shankar's writings. The authorities claimed that such publication would tarnish the image of public officials and potentially lead to a breach of law and order.

In response, Rajagopal filed a writ petition, arguing that the government's attempt to prevent the publication amounted to unconstitutional censorship and a violation of freedom of speech and expression under Article 19(1) (a).

LEGAL ISSUES BEFORE THE COURT

The Supreme Court was asked to determine:

1. Whether the government's attempt to prohibit the publication of the autobiography constituted unconstitutional prior restraint.

2. Whether a prisoner retains the right to free speech, and whether such expression could be censored solely on grounds of public sensitivity or alleged defamation.
3. Whether the right to privacy of public officials could override the press's right to publish information that is arguably in public interest.
4. Whether the Prisons Act, 1894, provided legal authority for such blanket censorship by the State.

ARGUMENTS BY THE PARTIES

PETITIONERS (RAJAGOPAL AND NAKKHEERAN MAGAZINE):

1. Asserted that freedom of the press is a core democratic value and that the public has a right to know about corruption among public officials.
2. Argued that prior restraint is generally prohibited under Indian constitutional law and that any grievance about defamation could be addressed post-publication, through civil or criminal remedies.
3. Claimed that the Prisons Act did not authorize the government to impose a total ban on publication.

RESPONDENTS (STATE OF TAMIL NADU AND JAIL AUTHORITIES):

1. Maintained that the publication would undermine public trust in government institutions and affect law and order.
2. Argued that prisoners have limited rights, especially when their actions could pose a risk to the administration of justice or public peace.
3. Claimed that the autobiography contained unverified, scandalous, and defamatory material.

JUDGMENT OF THE SUPREME COURT

The judgment, delivered by Justice B.P. Jeevan Reddy, was a significant affirmation of press freedom and civil liberties, and established key constitutional doctrines.

1. FREEDOM OF SPEECH AND EXPRESSION – ARTICLE 19(1) (A)

The Court held that freedom of the press is a part of the broader right to freedom of speech and expression, and any restriction must fall within the narrow grounds enumerated in Article 19(2). It emphasized that prior restraint—i.e., prohibiting publication before it occurs—is a highly disfavoured form of censorship and is permissible only in exceptional circumstances, such as incitement to violence, threat to national security, or public order.

The Court ruled that in this case, there was no imminent or serious threat that justified pre-censorship. Public officials who felt defamed had the right to seek remedies under defamation laws, but not to stop the publication in advance.

“There is no law empowering the State or its officials to impose a prior restraint upon the publication of material that they may consider defamatory.”

2. RIGHT TO PRIVACY

In a crucial observation, the Court acknowledged the right to privacy as a part of the right to life under Article 21, but clarified that public officials enjoy a reduced expectation of privacy, especially in matters concerning their official duties or misuse of public office.

“Once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by the press and media.”

Thus, if the content of the autobiography exposed corruption or dereliction of public duty, it was in the public interest, and hence not protected by privacy claims.

3. VALIDITY OF THE GOVERNMENT’S ACTION UNDER THE PRISONS ACT, 1894

The Court held that the Prisons Act, 1894, does not confer upon the government or jail authorities the power to suppress freedom of expression, especially in the form of a blanket prohibition. While prisoners are subject to restrictions, their rights cannot be wholly extinguished unless such curtailment is explicitly authorized by law.

Therefore, the State's notification attempting to bar the publication of the prisoner’s writings was held unconstitutional and ultra vires.

4. RIGHTS OF PRISONERS

The judgment reiterated that imprisonment does not result in the total forfeiture of fundamental rights. A convict continues to enjoy basic civil liberties, including the right to write, publish, and express, subject only to reasonable restrictions in the interest of discipline and security.

The Court affirmed that Auto Shankar, while in prison, had the right to write an autobiography. The mode of publication, however, could be challenged only if the content was unlawful.

CRITIQUE AND COMMENTARY

While the judgment is widely celebrated for upholding press freedom, some legal scholars have pointed out that:

- The Court **did not fully explore the implications of privacy as a standalone right**, as it was still evolving at that time.
- The ruling **lacked a comprehensive framework for distinguishing public interest from mere sensationalism** in media reporting.
- By placing **greater emphasis on public accountability**, the Court may have left **grey areas on where to draw the line** between private and public conduct of officials.

However, these critiques do not undermine the importance of the ruling. On the contrary, the judgment served as a **foundational pillar for later jurisprudence** on media law and privacy.

CONCLUSION

The Auto Shankar case, formally known as Rajagopal v. State of Tamil Nadu (1994), remains a cornerstone in Indian constitutional law, particularly in the context of freedom of expression, privacy, and the power of the press. By striking down the attempt at prior restraint, the Supreme Court ensured that journalistic freedom remains a vital pillar of democratic accountability. It also created a balanced jurisprudence that respects the individual's right to privacy while acknowledging that public officials must be subject to greater scrutiny. This judgment continues to serve as a beacon for future legal interpretations where freedom of the press, state censorship, and privacy concerns intersect, reaffirming the importance of transparency and civil liberties in a constitutional democracy.

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Bluebook Citation (for main case)

R. Rajagopal v. State of Tamil Nadu, (1994) 6 S.C.C. 632 (India).