



## Bonnard Standard

[Source: IE](#)

The Supreme Court (SC) of India has reaffirmed the **Bonnard standard**, emphasizing strict conditions for granting **pre-trial injunctions in defamation cases**, particularly involving journalists, to safeguard [freedom of speech](#) and public interest.

### Bonnard Standard

- **About:** Established in *Bonnard vs Perryman (1891, United Kingdom)*; sets the standard that an **injunction** can only be granted if the court is satisfied the **defendant cannot justify the defamation claim**, and not just based on suspicion.
  - An **injunction** is a **court order that requires someone to do or stop doing a specific action**.
- **2024 Bloomberg Case:** The SC in 2024 **upheld this principle or standard**, striking down an **ex parte injunction** against Bloomberg.
  - The Court emphasized the **importance of protecting free speech and public debate**, stating such injunctions should be granted **only when not granting them would cause greater injustice**.
- **Violation in Adani Case:** A Delhi trial court order barred journalists from publishing allegedly **defamatory content** about **Adani Enterprises Ltd (AEL)** and permitted the **plaintiff (Adani)** to demand **takedowns within 36 hours** violated this standard by:
  - Issuing an **ex parte ad interim injunction** without hearing the **journalists' defenses**.
  - Acting as a "**prior restraint**" on **publication**, seen as an **unconstitutional restriction** on the **fundamental right to free speech** under **Article 19(1)(a)**.
- **Legal Framework:**
  - [Article 19\(2\)](#) of the Constitution outlines **reasonable restrictions on free speech, including defamation**. However, restrictions must be justified.
  - The SC has repeatedly criticized the **granting of ex parte injunctions without a proper trial**, emphasizing the severe consequences these may have on freedom of speech and the public's right to know.

## **Right to Freedom**

- ✓ Protection of Right to
  - freedom of speech and expression;
  - assemble peacefully;
  - form associations/unions;
  - move freely throughout the territory of India;
  - reside and settle in any part of India;
  - practise any profession, or to carry on any occupation, trade or business.
- ✓ Protection in respect of conviction for offences
- ✓ Right to life and personal liberty
- ✓ Right to education
- ✓ Protection against arrest and detention in certain cases

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