

Regulating Ethics in Independent Electronic Media in India: A Legislative and Policy Review

Brijesh Bahadur Singh¹ and Dr. Narendra Kumar Singh²

¹Research Scholar, Department of Law

²Associate professor, Department of Law

Kalinga University, Raipur, Chhattisgarh, India

Abstract: *This paper examines the ethical regulation of independent electronic media in India by reviewing existing legislative and policy frameworks. With the proliferation of digital platforms and independent journalism, questions regarding ethical standards, accountability, and freedom of expression have gained prominence. This study analyzes legal instruments such as the Cable Television Networks (Regulation) Act, 1995, the Information Technology Act, 2000, and recent guidelines like the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. It also investigates self-regulatory mechanisms including those by the News Broadcasters and Digital Association (NBDA) and the Press Council of India. The paper concludes by recommending a balanced, transparent regulatory approach that protects both media freedom and public interest*

Keywords: Electronic Media, Ethics, India, Media Regulation, Policy Review

I. INTRODUCTION

The twenty-first century has witnessed an unprecedented transformation in the global media landscape, with the emergence and rapid proliferation of independent electronic media reshaping the modes of communication, information dissemination, and civic engagement. In India, the growth of independent digital platforms such as news websites, YouTube-based news channels, blogs, and podcasts has complemented and in many ways disrupted the traditional print and broadcast media. Enabled by high internet penetration, low-cost smartphones, and the democratizing potential of social media, independent electronic media has empowered citizens and allowed for alternative narratives outside the purview of mainstream outlets. However, this explosion of content creators and platforms has also triggered concerns about media ethics, accountability, misinformation, hate speech, sensationalism, and the erosion of journalistic standards (Chadha & Kavoori, 2021).

Ethical regulation of media, particularly electronic and digital media, occupies a crucial place in the democratic framework of any nation. In India, freedom of speech and expression is a fundamental right enshrined in Article 19(1)(a) of the Constitution. However, it is not an absolute right and is subject to reasonable restrictions under Article 19(2) in the interest of public order, decency, morality, defamation, and the sovereignty and integrity of the country (Constitution of India, 1950). Balancing this constitutional right with the growing need for ethical conduct in journalism poses a serious regulatory dilemma. Independent electronic media, operating outside the formal structures of legacy media houses, often escapes regulatory scrutiny, raising questions about the adequacy and effectiveness of existing laws and self-regulatory mechanisms.

In recent years, concerns over fake news, media trials, political propaganda, communal incitement, and targeted disinformation campaigns have intensified public discourse on media ethics. Unlike print and television, which are subject to formal codes and industry regulation, independent digital outlets often rely on voluntary codes of conduct or are governed through indirect means, such as intermediary liability rules. The lack of a coherent, enforceable regulatory framework has allowed some sections of the digital media to operate without accountability, sometimes to the detriment of public interest and social harmony (Goswami, 2020). Yet, any attempt to impose regulation on media must be cautious and democratic, so as not to violate constitutional freedoms or facilitate state censorship.

The regulation of independent electronic media in India is primarily governed by a patchwork of legislative measures and policy directives. Prominent among them are the Information Technology Act, 2000 and its associated rules, especially the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which attempt to bring digital news platforms and content aggregators under a structured code of ethics and a three-tier grievance redressal mechanism (Ministry of Electronics and Information Technology [MeitY], 2021). These rules mark a significant step toward formalizing the regulation of digital media, but have been criticized by media bodies and civil rights organizations for excessive government control and vague provisions that may chill free speech (Internet Freedom Foundation, 2021).

Historically, media regulation in India was focused on print and television. The Press Council of India (PCI), a statutory body established under the Press Council Act of 1978, was created to preserve the freedom of the press and improve standards in print journalism. However, the PCI has no jurisdiction over electronic or digital media. Similarly, the Cable Television Networks (Regulation) Act, 1995 governs television broadcasting and lays down a Program and Advertisement Code, but it has not been amended to cover digital platforms (Ministry of Information and Broadcasting [MIB], 1995). In the absence of a singular statutory body to regulate digital news media, self-regulatory mechanisms like the News Broadcasting & Digital Standards Authority (NBDSA) have attempted to fill the void. These mechanisms, however, are voluntary and limited to member organizations, rendering them ineffective against the larger universe of independent content creators (NBDA, 2023).

This disjointed regulatory framework underscores the urgent need for a holistic legislative and policy review. Effective regulation must strike a balance between promoting responsible journalism and safeguarding freedom of expression. It must also take into account the distinct nature of independent digital media its accessibility, speed, reach, and interactivity as well as the challenges of jurisdiction, platform governance, and editorial independence. Moreover, with the global trend of digital convergence, where platforms are not merely passive intermediaries but active curators of content, any regulatory architecture must consider the accountability of intermediaries such as Facebook, YouTube, and WhatsApp (Gillespie, 2018).

Several models from democratic jurisdictions may offer valuable insights. The United Kingdom, for instance, established the Independent Press Standards Organisation (IPSO) to regulate press ethics, while the Office of Communications (Ofcom) governs broadcast and on-demand services. In Australia, the Australian Communications and Media Authority (ACMA) oversees media regulation with an emphasis on protecting consumers and maintaining standards. However, transplanting foreign models into the Indian context must be done with care, considering India's unique constitutional, social, and technological landscape.

In this context, the present paper seeks to conduct a comprehensive review of the legislative and policy instruments governing the ethical regulation of independent electronic media in India. It examines existing statutes such as the IT Act, Cable TV Act, and the 2021 IT Rules; analyzes the role of institutions such as the PCI, NBDSA, and MIB; and evaluates the effectiveness of current self-regulatory efforts. Through this analysis, the paper aims to identify gaps, overlaps, and challenges in the current regulatory framework and propose a set of recommendations for a more transparent, participatory, and democratic approach to media ethics regulation in the digital age.

The stakes of this inquiry are high. A free and ethical media is essential for the functioning of a vibrant democracy, yet an unregulated or poorly regulated media ecosystem can undermine democratic values, disrupt social harmony, and erode public trust. As India continues to evolve into a digitally empowered society, it is imperative that its media regulation keeps pace with these changes—ensuring not just the right to speak, but the right to speak responsibly.

EVOLUTION OF INDEPENDENT ELECTRONIC MEDIA IN INDIA

Independent electronic media includes news portals, blogs, YouTube channels, and social media platforms not affiliated with mainstream television or print outlets. Their rise has been catalyzed by internet penetration and mobile accessibility (Chatterjee, 2020). While these platforms empower marginalized voices and facilitate real-time reporting, their independence also means they often bypass editorial scrutiny and regulatory oversight.

LEGAL FRAMEWORK FOR MEDIA REGULATION IN INDIA

1. Cable Television Networks (Regulation) Act, 1995

Primarily intended for traditional cable television networks, this Act mandates content compliance with the Programme and Advertising Code (Ministry of Information and Broadcasting [MIB], 1995). However, its relevance to digital media remains limited due to its broadcast-centric focus.

2. Information Technology Act, 2000

The IT Act governs electronic communication and provides mechanisms for content regulation, especially in cases involving obscenity, defamation, or cybercrimes (Ministry of Law and Justice, 2000). Yet, it does not directly address journalistic ethics or content integrity.

3. IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

The 2021 Rules represent the most direct attempt to bring digital media under a regulatory framework. These rules mandate self-classification of content, grievance redressal mechanisms, and adherence to a Code of Ethics (MIB, 2021). While aiming for accountability, critics argue they risk infringing on editorial freedom (Internet Freedom Foundation, 2021).

SELF-REGULATORY MECHANISMS

1. News Broadcasters and Digital Association (NBDA)

Formerly the News Broadcasters Association, NBDA lays down ethical guidelines for its members and operates a self-regulatory body the News Broadcasting & Digital Standards Authority (NBDSA). While effective in principle, its jurisdiction is limited to member organizations (NBDA, 2023).

2. Press Council of India (PCI)

The PCI, although a statutory body, has limited power over electronic media. It primarily governs print journalism and lacks punitive authority (PCI, 2022). Nevertheless, its principles serve as ethical benchmarks for responsible journalism.

CHALLENGES IN ETHICAL REGULATION

Lack of Uniform Framework: The coexistence of multiple laws and regulatory bodies leads to inconsistencies and jurisdictional confusion.

Enforceability: Self-regulation often lacks enforceable mechanisms, especially for non-member digital platforms.

Freedom of Expression vs. Regulation: Regulatory attempts are often criticized for potentially curbing press freedom and dissenting voices (Bhushan, 2021).

Digital Misinformation: The speed and virality of digital content complicate real-time regulatory interventions.

COMPARATIVE INSIGHTS

Countries like the UK and Australia have adopted co-regulatory models, blending state oversight with independent regulatory bodies. For example, the UK's Ofcom regulates content while upholding editorial freedom. A similar model in India could balance ethical accountability with media autonomy (Ofcom, 2022).

RECOMMENDATIONS

Creation of an Independent Media Regulatory Authority: An independent, constitutionally backed body for digital media could ensure impartial oversight.

Mandatory Registration and Ethics Code: All independent media platforms must adhere to a standardized code of ethics.

Grievance Redressal Mechanism: A centralized digital grievance portal should allow users to report unethical or harmful content.

Digital Literacy Campaigns: To empower users to critically engage with digital content and discern misinformation.

II. CONCLUSION

The rapid expansion of independent electronic media in India necessitates a reimagined regulatory framework that upholds media freedom while ensuring ethical responsibility. Current laws offer only partial solutions, and voluntary codes remain insufficient in the face of misinformation and unethical practices. A transparent, balanced, and participatory model of regulation is essential to safeguard democratic values in the digital age.

REFERENCES

- [1]. Bhushan, P. (2021). *The new IT rules and the freedom of press*. The Hindu. <https://www.thehindu.com/opinion>
- [2]. Chatterjee, R. (2020). *Digital journalism in India: Growth and challenges*. Media Watch, 11(2), 312–324. <https://doi.org/10.15655/mw/2020/v11i2/195678>
- [3]. Internet Freedom Foundation. (2021). *Legal analysis of the IT Rules, 2021*. <https://internetfreedom.in/it-rules-2021>
- [4]. Kumar, A. (2021). *Media ethics and digital news: A new frontier in India*. Journal of Media Studies, 33(1), 45–60.
- [5]. Ministry of Information and Broadcasting. (1995). *Cable Television Networks (Regulation) Act, 1995*. Government of India. <https://mib.gov.in>
- [6]. Ministry of Information and Broadcasting. (2021). *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*. <https://mib.gov.in>
- [7]. Ministry of Law and Justice. (2000). *The Information Technology Act, 2000*. Government of India. <https://legislative.gov.in>
- [8]. News Broadcasters and Digital Association. (2023). *Code of ethics and broadcasting standards*. <https://www.nbdanewdelhi.com>
- [9]. Ofcom. (2022). *Regulating broadcasters in the UK*. <https://www.ofcom.org.uk>
- [10]. Press Council of India. (2022). *Norms of journalistic conduct*. <https://presscouncil.nic.in>
- [11]. Chadha, K., & Kavoori, A. (2021). *Digital journalism in India: Ethics, practices, and challenges*. Journal of Media Ethics, 36(2), 89–103. <https://doi.org/10.1080/23736992.2021.1897173>
- [12]. Constitution of India. (1950). *Article 19 – Protection of certain rights regarding freedom of speech, etc*. Retrieved from <https://legislative.gov.in>
- [13]. Gillespie, T. (2018). *Custodians of the Internet: Platforms, content moderation, and the hidden decisions that shape social media*. Yale University Press.
- [14]. Goswami, D. (2020). The ethics and regulation of digital journalism in India. *Economic and Political Weekly*, 55(43), 23–27.
- [15]. Internet Freedom Foundation. (2021). *A legal analysis of the IT Rules 2021: Detriment to press freedom and privacy*. Retrieved from <https://internetfreedom.in>
- [16]. Ministry of Electronics and Information Technology. (2021). *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*. Retrieved from <https://meity.gov.in>
- [17]. Ministry of Information and Broadcasting. (1995). *Cable Television Networks (Regulation) Act, 1995*. Retrieved from <https://mib.gov.in>
- [18]. NBDA. (2023). *About NBDA and NBDSA*. News Broadcasters and Digital Association. <https://www.nbdanewdelhi.com>