REGULATORY MECHANISMS OF NEWS BROADCASTERS IN INDIA: A STUDY

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ABSTRACT

This paper aims to examine the broadcasting regulatory mechanisms which governs the news media in India and thereby highlighting their impact and effects on different sections of the societies. This paper explores and examines how these regulations affect the way the media operates. It will also study the way news media channels affects the public perception and thereby targeting them to believe what they are showing. Recommendations are made to strengthen the existing systems. These changes could help ensure that the media can function more effectively and support democratic processes. A stronger regulatory framework could ultimately lead to a more informed citizenry and a healthier democracy.

Introduction:

The News plays a vital role in an economy. It serves as a scanner over all the sectors working and running under a democracy. The main task of news channels is to present the accurate picture of the current scenario of happenings in a society to the public at large. This will helps in keeping transparency between policy makers and common public. It is also duty bound to show truth of those in power and facilitates information to public discourse.

At present, the news media environment of India, has undergone significant changes, with the exponential growth of private news channels and several new online news platforms. These private news media runs for profit making. And for earning profit they can go to any extent, which they think will work.[1] The regulatory mechanism of controlling news sector is duty bound to ensure that these news platforms either in TV or at online are doing their duty responsibly or be accountable, accurate, and fair in news reporting.[2]

In recent years, our country has witnessed concerning trends of rising misinformation, particularly through news media platforms.[3] This has had significant effects on various aspects of Indian society, including the political and public discourse. New criminal laws were introduced to combat the spread of false and harmful information.[4]

This paper is going to highlights the multifaceted nature of the misinformation problem in India spreads through News Media. Studies have found that a some significant portions of the news which were shared on News media during the 2019 Indian election was from dubious sources, raising concerns about the integrity of the democratic process.[5] Additionally, this paper is showing that spread of religious related issues and politically polarized issues have been

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[1] - Metla Sudha Sekhar et al., Raising the curtain: Media industry and the changing landscape The Economic Times, https://economictimes.indiatimes.com/industry/media/entertainment/media/raising-the-curtain-media-industry-and-the-changing-landscape/articleshow/92499946.cms?from=mdr (last visited Feb 14, 2025).

[2] Taberez Neyazi, Indian News Media Research guides: Persistent links for library resources: JSTOR JSTOR - Persistent Links for Library Resources - Research Guides at University of Oregon Libraries, https://researchguides.uoregon.edu/persistentlinks/jstor (last visited Feb 16, 2025)

[3] Gandharv Dhruv Madan, Understanding misinformation in India: The case for a meaningful regulatory approach for social media platforms arXiv.org, https://arxiv.org/abs/2207.01508 (last visited Feb 6, 2025)

[4] Andrew M. Guess, Michael Lerner & Neelanjan Sircar, A digital media literacy intervention increases discernment between mainstream and false news in the United States and India | Proceedings of the National Academy of Sciences Research Article Political Sciences (2020), https://www.pnas.org/doi/10.1073/pnas.1920498117 (last visited Feb 6, 2025).

[5] Marion Fernando, How disinformation, fake news, and AI threatens India's electoral process TRT World - Breaking News, Live Coverage, Opinions and Videos (2024), https://www.trtworld.com/magazine/how-disinformation-fake-news-and-ai-threatens-indias-electoral-process-17837049 (last visited Feb 6, 2025).

amplified through the dissemination of misinformation thorough our news channels.[6]

To curb these concerns, the Indian government has taken several steps to regulate the News media landscape, including the introduction of the Information Technology Rules, 2021.[7] However, the effectiveness of these regulations has been subject to debate, with some experts arguing that they may not adequately address the complex nature of the misinformation challenge.[8]

In 2023, Indian Legislative's enacted new criminal laws that marks as a crucial step in tackling the new problems of society which was not able to curb by old laws. This legislative change is aiming to combat the spread of false information, which can lead to serious consequences for individuals and society as a whole. The government is in reply to the increase in the concerns of the over impact of misinformation on public thinking, social stabilities, and democratic efficiency. The Ministry of Information and Broadcasting is controlling all types of media in India and thereby it makes sure that the contents of these media must fits the Laws of the Land.

Overall, these developments show some serious efforts by our Indian government to fight the challenges posed by misinformation from these news Medias and its potential damage to society. The introduction of these laws represents an acknowledgment of the urgent need for action in an era where information spreads rapidly through various News channels. With these measures in place, the government aims to foster a more informed public and enhance overall accountability in media and communication.

Regulatory Framework

The media regulation framework in India is a rather complex mechanism that includes several laws, self-regulatory organizations, and government agencies. It operates based on several tenets to manage the media landscape effectively.

Indian laws define how the Indian media operate within statutory norms. Statutory law dictates, hence setting ground for regulations for any kind of operation regarding broadcasting or print

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[6] Das, A. (no date) Online disinformation in the run-up to the indian 2019 ..., oxfrd university research archive. https://ora.ox.ac.uk/objects/uuid:0cc0e40a-b460-4814-8101-cc9d462e1036/files/r3197xm07m (last visited Feb 6, 2025).

[7] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

[8] Meity, Information Technology Rules, 2021 - Mandates & Guidelines. Test book (2024), https://testbook.com/ias-preparation/information-technology-rules-2021 (last visited Feb 8, 2025).

or online. Statutory law does a good job at holding responsibility through print or media in responsible action not detrimental to the interests of society as a whole.

In addition to statutory laws, the body which play important role is self-regulatory bodies. They play a significant roles in overseeing news media practices. These following organizations are created by media professionals which create their own standards and codes of conduct. They are duty bound to promote ethical journalism and help handle complaints about news content. This self-regulation allows the news channels to maintain integrity and be abide by laws while being accountable to the public.[9]

Government-controlled bodies also helps to the regulatory framework. These bodies enforce laws and ensure compliance among news media outlets. They monitor content creation and can impose penalties for violations.[10] By doing it, they helps in maintaining order in the news media broadcasting sector and thus protecting citizens from misleading or harmful informations.

Overall, this combination of statutory laws and codes, self-regulatory bodies, and government supervision shapes how news media operates in the country. some of the Key regulatory mechanisms are as follows:

1. Press Council of India (PCI): Established in 1966, the PCI is a statutory body which is responsible for promoting and safeguarding press freedom and also helps in investigating complaints against newspapers.

2. News Broadcasters Association (NBA): NBA is a self-regulatory body representing private news broadcasters, the NBA aims to promote ethical standards and responsible reporting practices.

3. Central Board of Film Certification (CBFC): Though this body is primarily responsible for the film censorship and related supervision but it also regulates television content, including news programs.

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[9] Ashok Kumar Rai & Swatantra Kumar, Effectiveness of Media Self-Regulation in India: A Critical Analysis within the Legal Framework, 5 International Journal of Research Publication vond Reviews 1355–1359 (2024).
[10] Meity, Approved Social Media Framework and guidelines _2_ Department of Electronics and Information Technology (2012), https://www.meity.gov.in/writereaddata/files/Approved Social Media Framework and Guidelines _2_.pdf (last visited Feb 7, 2025).

4. Telecom Regulatory Authority of India (TRAI): TRAI regulates the broadcast and cable services sector, including news channels.

The news media industry in India has undergone significant changes in the recent years, and these changes have had significant impact over journalistic freedom and the quality of news reporting.[11] One among the change is the increasing commercialization of the news media, with a greater focus on profits making and ratings over public service journalism.[12] This has led to a decline in the diversity of news coverage in present time, as news media outlets prioritize sensationalistic and entertainment-oriented content in the place of in-depth reporting on important issues for the common people.[13]

The current regulatory mechanism governing news platforms and media channels is characterized by significant shortcomings, particularly in terms of enforcement mechanisms and clear, actionable guidelines. This regulatory gap has created an scenario ripe for the unchecked spreading of misinformation, sensationalised contents, and potentially harmful narratives across a wide array of digital and traditional media platforms. The absence of robust oversight has allowed some actors to exploit these channels, prioritizing engagement and profit over accuracy and social responsibility.

Though the current news media regulatory mechanism have proven ineffective, leading to diminished in public trust and increased skepticism toward news reporting, implementing comprehensive reformative plans with strong enforcement system and clear guidelines has the potential to restore credibility, enhancing transparency, and uphold ethical standards in present days' journalism.

To effectively fight these challenges, there is a dire and pressing need for a comprehensive overhauling of existing news media regulations. This reform has to be multifaceted, addressing

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[11] Kalyani Chadha, The Indian News Media Industry: Structural Trends and journalistic implications | request PDF Research Gate (2017),
https://www.researchgate.net/publication/316838469_The_Indian_news_media_industry_Structural_trends_and_journalistic_implications (last visited Feb 7, 2025).
[12] Dr. Pesara Venu Gopal Reddy, A STUDY ON STRUCTURAL TRENDS AND JOURNALISTIC IMPLICATIONS IN THE INDIAN NEWS MEDIA SECTOR Vegueta (2024),
https://vegueta.org/index.php/VEG (last visited Feb 7, 2025).
[13] Vibodh Parthasarathi, Sunitha Chitrapu & Sathya Prakash Elavarthi, 25 Media Economics in India: Traversing the rubicon? De Gruyter (2020), https://www.degruyter.com/document/doi/10.1515/9783110589542-025/html?lang=en&srsltid=AfmBOoos3IIuaUkdEQDisrAtewTJ4E8kvIOcF0xLbLsfBCAQuZR68P_M (last visited Feb 7, 2025).

not only the current vacuum in enforcement but also taking care of future technological developments and their potential impact on information dissemination. A perfect component of this regulatory restructure should be the establishment of an independent supervisory body, well equipped with the necessary authority and resources to monitor compliance, investigate breaches, and enforce standards across the media landscape.

It is proposed that this oversight body should have man power full of experts from diverse fields and sectors, including journalism and media ethics, technology, law, and social sciences, to ensure a gripping approach to regulation. Its mandate should include with the development of clear, adaptable guidelines that can evolve with the rapidly changing present day news media ecosystem. These guidelines will be for ensuring a striking delicate balance between protecting freedom of expression as provided under Constitution of India and safeguarding the public from the harmful effects of misinformation and sensationalism.

Furthermore, this suggested regulatory framework should incorporated with the graduated system of penalties for non-compliance, ranging from warnings and fines to more severe sanctions for repeated violations. These penalties must be efficient enough to serve as a genuine deterrent, particularly for large, well-resourced and rich news channels platforms that might otherwise see fines as merely a cost of doing business and thereby they can easily get rid of such sanctions.

In addition to punitive measures, these new regulations should also help in initiating responsible journalism and in reporting true news contents.[14] In this, it can include recognition programs for such news platforms and outlets that consistently abide by the high standards of accuracy and ethical news reporting. Educational initiatives should also be integrated into the regulatory approach, aimed at improving true journalism literacy among the general public and empowering individuals to critically evaluate the information they encounter after watching different news channels.[15]

The implementation of these suggested reforms will also require collaborative efforts between

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[14] Janjira Sombatpoonsiri & Sangeeta Mahapatra, Regulation or repression? Government influence on political content moderation in India and Thailand | Carnegie Endowment for International peace Carnegie (2024), https://carnegieendowment.org/research/2024/07/india-thailand-social-media-moderation?lang=en (last visited Feb 8, 2025).

[15] Media Information Literacy Initiatives, Digital Empowerment Foundation, DEF, https://www.defindia.org/media-information-literacy-initiatives/ (last visited Feb 8, 2025).

government bodies, responsible industry stakeholders, civil society organizations, and academic institutions. It will also necessitate ongoing dialogue and adaptation to address new emerging challenges in the ever-evolving news media landscape. By utilizing these comprehensive steps as suggested by this research, we can work towards creating a more responsible, accountable, and trustworthy news media broadcasting environment that will serve the public interest while also help in preserving the fundamental freedom of free expression and democratic discourse.

Challenges and Gaps:

This ineffectiveness in the regulatory mechanism for the news media broadcasting has led to a decline in the credibility of news media and a rise in public skepticism towards reported information. The lack of through robust enforcement mechanisms for news media content and clear guidelines for distinguishing between genuine news and paid content has further elevated the problem. As a result, there is an urgent need for comprehensive reforms in news media regulation to ensuring the transparency, accountability, and ethical reporting practices.

Our government has increased the exerted control over the news media industry, limiting the ability of news organizations to criticize the ruling parties[16]. Commercialism, rising levels of concentration and cross-media ownership, as well as the expansion of control by politicians and industrialists over the media, have contributed to this trend. The government has used sedition laws and labels of "antinational" to crack down on dissent, with only a few media organizations maintaining their independence.

Despite the presence of various regulatory mechanisms, significant challenges and gaps continue to obstruct their effectiveness. One of the main issues is the lack of enforcement power within organizations such as the Press Council of India (PCI) and the News Broadcasting Authority (NBA).[17] Without the ability to enforce rules, these bodies struggle to properly address complaints or ensure that media outlets adhere to ethical standards. As a result, these

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[16] Natasha Behl, India's Farmers' Protest: An Inclusive Vision of Indian Democracy: American Political Science Review Cambridge Core (2022), https://www.cambridge.org/core/journals/american-political-science-review/article/indias-farmers-protest-an-inclusive-vision-of-indian-democracy/78B4021417116DCC65F05177645AA34F (last visited Feb 8, 2025).

[17] Simran, Regulation of media in India - A brief overview PRS Legislative Research (2011), https://prsindia.org/theprsblog/regulation-of-media-in-india-a-brief-overview?page=37&per-page=1 (last visited Feb 8, 2025).

new mechanisms are designed to uphold integrity of our country which our news media often fall short of their intended purpose.

Now another concern which arises is the government's control over key regulatory bodies like the Central Board of Film Certification (CBFC) and the Telecom Regulatory Authority of India (TRAI).[18] This control over regulatory bodies raises serious questions about the potential for political influence. The possibility in censorship due to government interests compromises the independence of these regulatory bodies, which can hinder fair media practices.

The News Broadcasting Association also faces criticism for its membership structure. Presently, it consists mainly of private news broadcasters, which results in a lack of adequate representation.[19] Smaller regional news outlets and online news platforms often do not find their voice in this framework. This exclusion limits the diversity of perspectives in the media landscape and affects the overall quality of news reporting.

Additionally, India's media laws are in dire need of reform. The Press and Registration of Books Act of 1867 and the Indian Telegraph Act of 1885 are outdated. These laws do not reflect the complexities of today's media environment. They fail to address modern issues such as the rise of digital news platforms and changes in communication technologies.[20] This gap in legislation leaves a significant void in the protection of journalists and the rights of media consumers in the current age.

Sedition: Media should be Careful under New Criminal Laws

The Bhartiya Nyaya Sanhita has proposed deletion of the word "sedition" and has brought in a new Section which deals with "Acts endangering sovereignty, unity and integrity of India". This 'new sedition' is in the name of Section 150, which is more specific and comprehensive than IPC Section 124A, which was often used to suppress dissent and criticism of the

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[18] History, History | Telecom Regulatory Authority of India, https://www.trai.gov.in/about-us/history (last visited Feb 8, 2025).
[19] Ashwini Kamble, Diploma in journalism and mass communication: Course, colleges, scope 2022 JOURNALISM & MASS COMMUNICATION, https://collegedunia.com/courses/diploma-in-journalism-and-mass-communication (last visited Feb 8, 2025).
[20] Shally Bhasin & Prateek Gupta, TMT Comparative Guide - India (2024), https://www.mondaq.com/india/media-telecoms-it-entertainment/1330908/tmt-comparative-guide (last visited Feb 8, 2025).

government. This will be very problematic for those who write.[21]

The penalty under this Section is higher and stiffer in the Bhartiya Nyaya Sanhita. It increases the maximum punishment for such offenses to life imprisonment or up to seven years imprisonment and adds the possibility of imposing a fine. The proposal means higher fines than the earlier. It also clarifies the meanings of terms such as "secession", "armed rebellion", "subversive activities" and "separatist activities", which were not defined in the earlier IPC Section 124A.[22]

The Executive and the Legislature claim that the Bhartiya Nyaya Sanhita is meant to balance the needs to protect India's national security and integrity together with citizens' right to freedom of expression and opinion.

The challenges and gaps which still persist in present regulatory mechanism are as follows:

1. Lack of Teeth: The PCI and NBA don't have effective enforcement powers, which rendering them as largely ineffective in addressing complaints or ensuring compliance with ethical standards.

2. Conflict of Interests: The governmental control over these regulatory bodies raises concerns about political interference and censorship all the time.

3. Inadequate Representation: The NBA's membership is largely limited to private news channels, excluding smaller, regional players and online news platforms which results in an inadequate proportional representation.

4. Outdated Laws: Some of the India's News media regulatory laws, such as the Press and Registration of Books Act, 1867, and the Indian Telegraph Act, 1885, are become outdated and thereby they are ill-equipped to address the complexities of modern media.

Lastly, the News Media Broadcasting regulatory framework in India is characterized by its complexity and multifaceted nature. The Ministry of Information and Broadcasting assumes a

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[21] M Sridhar Acharyulu, New criminal laws: Media needs to be careful NewsClick (2024), https://www.newsclick.in/new-criminal-laws-media-needs-be-careful (last visited Feb 8, 2025).
[22] Ibid.

primary role in the formulation of policies and laws pertaining to the sector, while the Telecom Regulatory Authority of India (TRAI) is responsible for overseeing technical aspects and licensing procedures for different bodies. Furthermore, self-regulatory bodies, including the News Broadcasters Association (NBA) and the Broadcasting Content Complaints Council (BCCC), are tasked with upholding ethical standards and addressing content-related grievances within the industry.[23]

1. Disinformation and Misinformation: The lack of effective regulation for news media enables the speedy spread of misinformation, undermining the public's right to have accurate information.

2. Censorship and Self-Censorship: Government control over these news media regulatory bodies and the fear of retribution can lead to censorship and self-censorship, stifling critical voices and dissenting opinions.

3. Polarisation and Sensationalism: The emphasis on TRPs, ratings and advertising revenues can result in sensationalized reporting, contributing to social polarization and erosion of civil discourse.

Recommendations:

In order to create a stronger regulatory framework and ensure a free, fair, and responsible media environment in India, several key recommendations can be put forward.

First, establishing an Independent Regulatory Body is essential. This organization should be autonomous and self-regulatory, ensuring it operates without external influence. It must represent all stakeholders in the media landscape, including both established companies and smaller players. This diverse representation is crucial, as it offers a more balanced view of the media ecosystem and allows for fairer regulation across different types of media platforms, especially online news outlets.

Next, it is important to strengthen the enforcement powers of this regulatory body. To do this, the body should be granted the authority to impose fines, suspend operations, or revoke licenses

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[23] Cons ultation Paper on Inputs for formulation of National Broadcasting Policy-2024, Lawrbit (2023), https://www.lawrbit.com/ (last visited Feb 8, 2025).

when necessary. These powers will ensure that the regulations are taken seriously and that media entities adhere to established standards. By having the ability to enforce rules effectively, the regulatory body can promote accountability and uphold the integrity of the media sector.

Updating media laws is also a critical step. Many existing laws are outdated and do not reflect the complexities of today's media environment. These laws should be reformed to align with international standards and best practices. By modernizing the legal framework, the regulatory body can ensure that it effectively addresses the challenges and unique situations posed by contemporary media practices.

Lastly, promoting media literacy among the public is vital. Media literacy programs can help citizens develop skills to critically analyze information. By empowering individuals to evaluate the news they consume, these programs can lead to more informed decision-making. A well-informed public is essential for a healthy media ecosystem, as it encourages accountability and demands higher standards from media providers.

Overall, these recommendations aim to create a regulatory environment that fosters a responsible media landscape in India, where diverse voices can thrive, and citizens are equipped to engage with information critically.

1. Establish an Independent Regulatory Body: Create a autonomous, self-regulatory body representing all stakeholders, including smaller players and online news platforms.

2. Strengthen Enforcement Powers: Grant the regulatory body effective enforcement powers, including fines, suspensions, and revocations of licenses.

3. Update Media Laws: Reform outdated media laws to address the complexities of modern media, ensuring they are in line with international standards and best practices.

4. Promote Media Literacy: Encourage media literacy programs, empowering citizens to critically evaluate information and make informed decisions.

Conclusion:

The regulatory mechanisms governing India's news media are inadequate, ineffective, and in need of urgent reform. Strengthening the regulatory environment is crucial for promoting a

free, fair, and responsible media ecosystem, essential for democratic functioning and informed public discourse.

The current regulatory framework that oversees news media in India lacks adequacy and effectiveness. This weakness poses significant challenges to the integrity and reliability of information available to the public. The existing rules are outdated and do not align with the rapid changes in how news is consumed and disseminated today. As a result, misinformation spreads quickly, undermining trust in the media.

Reforming these regulations is critical for fostering an environment that supports a free, fair, and responsible media. Such a media landscape is vital for the proper functioning of democracy. It ensures that citizens have access to diverse viewpoints and accurate information, which are essential for making informed decisions.

A robust regulatory system will not only protect the public from misinformation but also encourage ethical journalism. This improvement will help restore public confidence in media institutions. When journalists operate within a framework that promotes accountability and transparency, the quality of reporting improves.

Additionally, a reformed regulatory environment can enhance the role of the media in promoting social issues and fostering healthy public discourse. Strong regulations can encourage media outlets to act in the public interest, rather than simply seeking profit. Thus, the need for reform cannot be overstated; it is an urgent matter that requires immediate attention to ensure a well-informed society.