ACCOUNTABILITY AND RESPONSIBILITY OF NEWS BROADCASTING MEDIA IN INDIA: A CONSTITUTIONAL AND REGULATORY ANALYSIS

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ABSTRACT

In the constitutional framework, news broadcasting media assume a central role, with the media recognised as the "Fourth Estate" with its authority flowing directly under Article 19(1)(a) of the Indian Constitution. Nevertheless, there is an apparent disconnect between the two, especially in the current media scenario. In this paper, it is argued that media freedom is not equivalent to commercial license but is, in fact, constitutionally mandated and underpinned by trust in democracy.

This article, through a doctrinal and regulatory analysis, attempts to examine the Cable Television Networks (Regulation) Act, 1995, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, with regard to the structural limitations of the regulatory framework in ensuring ethical compliance. Moreover, it critically examines the voluntary self-regulatory model of the News Broadcasting & Digital Standards Authority (NBDSA), which is an adjudicatory body under the News Broadcasting & Digital Association, with regard to the "accountability deficit" in broadcast journalism due to the lack of a regulatory framework. Furthermore, it is argued that the economic imperatives of TRP-based rewards and competition-based sensationalism result in the "commodification of news," which is inaccurate, unfair, and raises constitutional concerns.

This study, through an analysis of key judicial cases such as *Sahara India Real Estate Corporation Ltd. v. SEBI* and *Justice K.S. Puttaswamy v. Union of India,* attempts to evaluate the constitutional conflict between the freedom of the media and other constitutional freedoms such as privacy, dignity, and a fair trial. It concludes that a co-regulatory model has to be developed to strike a balance between the freedom of the media and constitutional accountability.

Keywords: Media Accountability; Social Responsibility; Broadcast Ethics; Article 19(1)(a); Media Trials; TRP Manipulation; Co-regulation; Constitutional Duty.

Introduction

The news broadcasting media in India is called the **"Fourth Estate.[1]"** "Fourth Estate" is an informal but necessary pillar of constitutional democracy and is charged with the responsibility to provide transparency and accountability to the legislature, executive, and judiciary. This responsibility is constitutionally enshrined in **Article 19(1)(a)** of the Constitution of India, which provides for the **"Freedom of Speech and Expression**[2]." Although there is no mention of "Freedom of Press" in our Constitution, it is interpreted as an integral part of **Article 19(1)(a)** of the Constitution of India by our Supreme Court in landmark judgments such ***as "Bennett Coleman & Co. v. Union of India"***[3] and ***"Indian Express Newspapers v. Union of India.***[4]***"*** However, constitutional freedom is not an end in itself but only a means to an end.

The current media environment for broadcasts is marked by fierce competition for **Television Rating Points (TRPs),** and this competition is now driving a further push for immediacy, spectacle, and confrontation[5]. The incentive system enabled by TRPs, as in the Mumbai Police investigation into suspected TRP[6] manipulation in **2020,** shows the scope for commercial interests to compromise editorial integrity. This transformation—what may be termed a "duality of freedom"[7]—increased autonomy from the State while, in many instances, weakening adherence to constitutional and professional responsibility.

At the heart of such an evolution is an "accountability deficit" in development. Unlike other professions, which are subject to statutory regulation, television news in India largely remains in a fragmented state of self-regulation[8]. The absence of such an authority has led to "business interests" being placed above "journalistic integrity," and the "consequences" of "sensationalism," "prejudicial reporting," and "trial by media[9]." The Supreme Court, in its judgment in ***Sahara India Real Estate Corporation Ltd. v. SEBI***, held, "Right to know cannot be invoked to prejudice the right to fair trial[10]." The Supreme Court in another judgment,

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[1] *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 S.C.C. 641, 685.*
[2] *INDIA CONST. art. 19, cl. 1(a).*
[3] *Bennett Coleman & Co. v. Union of India, (1973) 2 S.C.C. 788.*
[4] *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 S.C.C. 641.*
[5] *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 S.C.C. 641, 685–86.*
[6] *Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 2 S.C.C. 427; see also Press Trust of India, Mumbai Police Probe TRP Manipulation Scam, The Hindu (Oct. 8, 2020).*
[7] *INDIA CONST. art. 19, cl. 2; Sahara India Real Estate Corp. Ltd. v. SEBI, (2012) 10 S.C.C. 603.*
[8] *Secretary, Ministry of Information & Broadcasting v. Cricket Ass'n of Bengal, (1995) 2 S.C.C. 161.*
[9] *R.K. Anand v. Registrar, Delhi High Court, (2009) 8 S.C.C. 106.*
[10] *Sahara India Real Estate Corp. Ltd. v. SEBI, (2012) 10 S.C.C. 603, 664–65.*

Justice K.S. Puttaswamy v. Union of India, held, "Privacy is an intrinsic part of **Article 21**[11]."

In this context, the paper aims to conduct constitutional and regulatory analysis on the existing regulatory regime for news broadcasting in India. It also aims at addressing an important issue: "*How can institutional accountability be enhanced without compromising the editorial independence which is a prerequisite for democratic press freedom?"*[12]. This research, through an examination of legislative means, judicial rules, and systemic limitations of self-regulation[13], advocates a co-regulatory approach to finding a balance[14].

I. The Regulatory Framework: A Critique of Fragmented Oversight

In India, the current system of regulation of news broadcasting is governed by a combination of legislative provisions and voluntary guidelines[15]. The outcome of such an approach is regulatory duplication, centralization, and normative confusion[16]. The section will discuss the lacunae of the existing regulatory scheme and reveal the ways in which it perpetuates the accountability deficit in Indian broadcast journalism[17]. The following section will discuss the statutory lacunae of the existing regulatory scheme and reveal the ways in which it maintains the accountability deficit in Indian broadcast journalism.

The Cable Television Networks (Regulation) Act, 1995 (CTN Act), remains the most important legislation in the regulation of television broadcasting in India.[18] Enacted prior to the advent of digital convergence and 24-hour news programs, the legislation is informed by a regulatory approach that is focused on content regulation, as opposed to institutional accountability[19].

The Programme Code

Rule 6 of the Cable Television Networks Rules, 1994[20] lays down the **"Programme Code**."

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[11] *Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1.*
[12] *Bennett Coleman & Co. v. Union of India, (1973) 2 S.C.C. 788; Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 S.C.C. 641.*
[13] *INDIA CONST. art. 19, cl. 2; Sahara India Real Estate Corp. Ltd. v. SEBI, (2012) 10 S.C.C. 603.*
[14] *Cricket Ass'n of Bengal, (1995) 2 S.C.C. at 203–04.*
[15] *The Cable Television Networks (Regulation) Act, 1995, No. 7 of 1995, INDIA CODE; Information Technology Act, 2000, No. 21 of 2000, INDIA CODE.*
[16] *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139(E) (Feb. 25, 2021); see also Sahara India Real Estate Corp. Ltd. v. SEBI, (2012) 10 S.C.C. 603.*
[17] *Secretary, Ministry of Information & Broadcasting v. Cricket Ass'n of Bengal, (1995) 2 S.C.C. 161.*
[18] *The Cable Television Networks (Regulation) Act, 1995, No. 7 of 1995, INDIA CODE.*
[19] *Secretary, Ministr of Information & Broadcasting v. Cricket Ass'n of Bengal, (1995) 2 S.C.C. 161.*
[20] *Cable Television Networks Rules, 1994, G.S.R. 729(E) (Sept. 29, 1994), r. 6 (India).*

It requires that "no programme should:

- offend 'good taste or decency' [Rule 6(1)(a)][21],
- promote 'disharmony or feelings of enmity' between different groups of citizens,
- or incite 'contempt of court' [Rule 6(1)(f)]."

Although the Programme Code is articulated as a set of values that must guide cable television, it is formulated in very vague terms. Words such as "good taste" or "decency" have no clear parameters. It is thus not a moral or ethical code but a tool for control. Administrative Inconsistency and Episodic Interventionism Apart from the textual vagueness, there are issues with the enforcement of the Programme Code that could best be characterized as ***"episodic interventionism."*** This means that without a permanent independent body to oversee broadcasting[22], there are instances where the State only gets involved during public controversy. The episodic approach does not advance the cause of the rule of law, which requires consistency and predictability[23]. For journalists and broadcasters, there is a "strategic ambiguity" as to which standards are being applied and enforced at any given time. Rather than encouraging ethical standards, this approach encourages risk-calibrated sensationalism until executive attention is drawn[24].

II. Literature Review: The Paradox of the Fourth Estate

The debate about the responsibility of the Indian media arises from what academics call the "**Autonomy–Accountability Paradox.**" The early juridical approach considered the media to be in a "preferred position" in **Article 19(1)(a),** emphasizing that they were essential for democratic rule. This aspect became more evident when the Supreme Court declared indirect censorship on press freedom as unconstitutional in ***Sakal Papers (P) Ltd. vs Union of India***[25]**.**

Modern scholarship, on the other hand, questions the possibility that the shield has evolved from a protective tool to one of exploitation by businesses. This is because there exists a contradiction between constitutional autonomy, which protects the press as an institution of

[21] *Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1.*
[22] *Secretary, Ministry of Information & Broadcasting v. Cricket Ass'n of Bengal, (1995) 2 S.C.C. 161.*
[23] *INDIA CONST. art. 14.*
[24] *R.K. Anand v. Registrar, Delhi High Court, (2009) 8 S.C.C. 106.*
[25] *Sakal Papers (P) Ltd. v. Union of India, (1962) 3 S.C.R. 842.*

democracy, and commercial autonomy, whose primary goal is to maximize profits.

Gautam Bhatia's critique on this phenomenon is insightful when he suggests how this change is marked by the emergence of a **"market-driven model of speech**[26]." This model conflates the idea of the *public interest* with the *interest of the public*, thus misrepresenting the ethical premises of the freedom of speech. Under such an understanding, **"Article 19(1)(a)"** ceases to be about the protection of discourse and becomes an instrument for legitimizing the sensationalist and profit-driven practices of the media industry.

In a similar view, **Anupama Joshi** draws attention to the inherent weaknesses in the self-regulation systems like the **News Broadcasting & Digital Standards Authority (NBDSA).** According to her, such regulatory institutions fail to have **"coercive teeth"**[27] in terms of their ethical principles, which can be viewed as prescriptive and not legalistic in nature. The resultant inability to impose any form of punishment further reinforces the accountability gap prevalent in broadcast journalism.

Further comparative theoretical frameworks help to strengthen this critique. According to **Jürgen Habermas** Public Sphere Theory, media is viewed as an environment for the discussion of matters in rational terms vital for the creation of a legitimate democracy[28]. Nonetheless, with the advent of sensationalistic and polarized media environments, the deliberative aspect fails to take shape. Similarly, according to **Denis McQuail's** media responsibility theory, the concept of responsibility is not alien to freedom but rather inherent to it, as unbridled freedom may lead to arbitrariness[29].

Such worries are strengthened by Indian analysts like **Paranjoy Guha Thakurta** and **Sevanti Ninan** who highlight the impact of the corporatization process and TRP-based competition on the matter at hand. According to these critics, the growing involvement of media organizations in commercial activities and corporate affairs is gradually turning news into a commodity that can be marketed to people[30].

Extending the findings from previous studies, this paper presents the thesis that

[26] *Gautam Bhatia, Offend, Shock, or Disturb: Free Speech under the Indian Constitution 24-28 (2016).*
[27] *Anupama Joshi, Media Law and Ethics in the Digital Age 112 (2020).*
[28] *Jürgen Habermas, The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society 181-84 (Thomas Burger trans., MIT Press 1989) (1962).*
[29] *Denis McQuail, McQuail's Media and Mass Communication Theory 166-70 (7th ed. 2020).*
[30] *Paranjoy Guha Thakurta, Media Ethics 342 (2012).*

"accountability" should not be viewed as a curtailment of liberty but as its constitutional foundation. **"Freedom of press,"** guaranteed by **Article 19(1)(a)**, cannot be exercised without taking into consideration the fact that its exercise should also involve upholding basic democratic ideals like equity, respect, and dignity. In summary, academic studies converge on the need for **"co-regulation,"** which ensures a harmonious balance between **"editorial independence"** and "institutional accountability," enabling the press to remain a watchdog for democracy and not an instrument of commercial sensationalism.

III. Comparative Perspectives: Lessons from Ofcom and the AVMSD

To overcome the recurring "accountability gap" that has plagued broadcast journalism in India, a comparative approach must be taken into account. In this regard, the model provided by regulatory bodies such as **Ofcom in the United Kingdom** and European Union's Audiovisual Media Services Directive **(AVMSD)** in the European Union can be quite enlightening for understanding how editorial autonomy and accountability can be harmonized. A rigorous comparative analysis reveals not only the strengths of these systems but also the structural inadequacies of India's fragmented regulatory regime.

1. The United Kingdom Model: Ofcom

The United Kingdom government uses Ofcom; a **statutory regulatory** agency created through legislation but insulated from political pressure by design[31]. In contrast to the self-regulation approach adopted in India through the **News Broadcasting and Digital Standards Authority (NBDSA),** Ofcom wields legal power, thus mandating rather than recommending adherence to regulations.

The Broadcasting Code, enforced by Ofcom, contains legally binding requirements for broadcasters, such as:

- Unbiased presentation of news and current events
- Presentation that is accurate and balanced
- Provision of protection from harm and offense

[31] *Communications Act 2003, c. 21 (UK).*

The key strength of the British system can be seen through the graduated nature of the process for enforcement. Violations can result in appropriate penalties, including:

- Fines
- Required corrections or apologies
- Temporary suspension or cancellation of licenses

Some examples of the application of these regulations, as seen in GB News[32], demonstrate how Ofcom can enforce impartiality regulations in a predictable fashion.

Lesson for India

The framework for the UK shows that it is necessary for there to be accountability which is institutionalized by statutory powers alongside regulatory independence. On the other hand, the regulatory approach followed by India based on the Cable Television Networks (Regulation) Act, 1995 and self-regulation leads to interventionism which is episodic and dependent on executive discretion.

A reformed Indian model must therefore:

- Establish an **independent statutory regulator** insulated from political influence
- Ensure **uniform and predictable enforcement** of content standards
- Replace reactive oversight with **continuous and structured regulation**

Such reforms would align media regulation with the **rule of law**, curbing sensationalism while preserving editorial autonomy.

2. **The European Union Model: AVMSD**

The European Union's Audiovisual Media Services Directive AVMSD stands out as a

[32] Ofcom, Decision - GB News, People's Forum: The Prime Minister (Mar. 18, 2024), https://www.ofcom.org.uk/news-centre/2024/ofcom-finds-gb-news-in-breach-of-impartiality-rules.

regulation regime that encompasses both traditional broadcasting as well as VSPs[33].

One of the major innovations of the AVMSD is the acknowledgment of digital convergence, whereby such platforms as YouTube fall under its jurisdiction.

The Directive has obligations that entail:

- Transparency and accountability via algorithms.
- User protection especially against illegal or harmful content.

Importantly, the AVMSD requires the creation of Independent National Regulatory Authorities, thus guaranteeing that regulatory supervision is institutionally independent, as well as accountable in both the traditional and digital media ecosystem. This model indicates a multi-layered co-regulatory architecture, which is a combination of:

- Legislative frameworks
- Independent regulatory oversight
- Platform-level responsibility

Lesson for India

India should view the possible reforms such as a possible Broadcasting Services (Regulation) Act which can be directed by the model established by the AVMSD on how to think ahead in regulation.

India's current regime is piecemeal, with disparate and sometimes conflicting systems for regulating both broadcasting and digital media.

India can learn from the AVMSD that it should:

- Incorporate traditional broadcasters and digital media into a comprehensive regulatory

[33] *Council Directive 2010/13/EU, on the Coordination of Certain Provisions Laid Down by Law, Regulation or Administrative Action in Member States Concerning the Provision of Audiovisual Media Services (Audiovisual Media Services Directive), 2010 O.J. (L 95) 1, as amended by Directive (EU) 2018/1808.*

system

- Mandate platform accountability, especially where algorithms determine content distribution

- Implement institutional autonomy, so as to guard against regulatory capture and excessive executive control

Such a strategy would allow India to address both under-regulation, which could cause misinformation and unethical behaviour, and over-regulation, which could amount to censorship.

Conclusion: Comparative Insights and Constitutional Alignment

Similar observations can be made from a comparative analysis of both Ofcom and the AVMSD. The key normative principle for effective media regulation in both jurisdictions appears to be that media regulation needs to be enforceable and autonomous.

However, in order for India to develop an effective regime for media regulation, it needs to adapt these two models rather than replicate them entirely. A well-tailored system of co-regulation could achieve the following objectives:

- Maintain editorial autonomy in accordance with Article 19(1)(a) [34]

- Guarantee institutional accountability and ethical responsibility

- Overcome issues of regulation in a converging digital environment

Comparative practice thus serves to strengthen the thesis statement presented earlier in the paper: media regulation is not contrary to media freedom but necessary for it.

IV. The 2026 Shift: AI, Deepfakes, and the New Liability

The regulatory environment was brought at a crucial juncture on 10th February 2026 owing to the Notification of Information Technology (Intermediary Guidelines and Digital Media Ethics

[34] *India Const. art. 19, § 1, cl. a.*

Code) Amendment Rules, 2026[35]. The term Synthetically Generated Information (SGI) was officially recognized within these rules, thus shifting towards a preventive framework from a responsive one. It is for the very first time that Indian laws address any ethical and constitutional issues associated with generative AI in the realm of broadcast journalism[36].

1. The Legal Definition of SGI

The 2026 Rules define SGI as *audio, visual, or audio-visual information artificially created or altered using computer resources to appear authentic to a reasonable person[37].*

- **Ethical Burden:** The definition clearly focuses on deepfakes employed in impersonation and deception purposes. In news media, such a definition clearly makes a distinction between "AI anchors" or "synthetic reenactments" to be held under the same ethical standard[38] as any other video material.

- **Good Faith Exception:** It is important to note that the Rules specifically make an exception for editing techniques like coloring, subtitling, or assistive technology in the definition of SGI, which makes sure that "Positive Duty of Verification" does not become an obstacle in journalistic creativity[39].

2. From "Safe Harbour" to "Positive Duty of Verification"

The most significant constitutional shift occurs in the recalibration of **Section 79 of the IT Act[40]**, which previously granted intermediaries broad immunity.

- **The 3-Hour Takedown Mandate:** The timeframe for takedown of illegal AI-generated content from broadcast media and online platforms has been reduced from 36 hours to 3 hours after receipt of a judicial order or a directive from the executive

[35] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E) (notified on Feb. 10, 2026) (India) [hereinafter IT Amendment Rules 2026].
[36] See generally Ministry of Electronics and Information Technology, Press Note: Safeguarding Digital Integrity through the IT Amendment Rules 2026 (Feb. 11, 2026), https://www.meity.gov.in/press-release/2026-rules.
[37] IT Amendment Rules 2026, supra note 1, r. 2(1)(pa) (defining 'Synthetically Generated Information').
[38] Cf. European Parliament, Artificial Intelligence Act, 2024 O.J. (L 123) 1 (setting a global precedent for transparency in AI-generated media).
[39] IT Amendment Rules 2026, supra note 1, r. 2(1)(pa), proviso (excluding routine digital editing and accessibility tools).
[40] Information Technology Act, 2000, § 79, No. 21 of 2000, India Code.

branch. For NCII, the time limit is further shortened to 2 hour[41].

- **Mandatory Labelling and Provenance:** Disclosure of information is also a statutory requirement. All SGI shall bear clear and prominent markers. Under Rule 3(3), metadata or digital watermarking of the computer resource employed in creating the content shall be permanently embedded into the material[42].

- **De-Intermediation:** Rule 4(4), which mandates the use of automated verification systems, has rendered the Notice-and-Takedown system obsolete, replacing it with Technical Due Diligence. For the Fourth Estate, the "intermediary shield" depends on Algorithmic Vigilance[43].

3. The Proportionality Argument: Risks of Over-Compliance

While the amendment improves compliance, it also raises concerns about over-compliance. By reducing the time required to take down any post from social media platforms, there is a risk of "**algorithmic censorship**," in which broadcasting companies, fearful of the withdrawal of **Section 79** protection, might proactively pull down satirical content or investigative news or even computer-generated visual aids[44].

4. The "Accountability Deficit" and the End of the Intermediary Defense

Previously, news broadcasters acted as "intermediaries" to avoid liability from third parties' guest appearances. The 2026 Amendments will render such a Safe Harbour strategy obsolete when the platform does not use automatic verifiers or ignores the compulsory labelling directive. Liability rests on the following conditions:

- **From Passive Responsibility to Proactive Duty of Care**- News broadcasters have the responsibility to verify synthetic media before broadcasting. Immunity from liability depends on evidence that verification processes were followed, not post-verification

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[41] *IT Amendment Rules 2026, supra note 1, r. 3(1)(b) (revising timelines for synthetic and non-consensual content).*
[42] *Id. r. 3(3) (mandating permanent metadata and digital watermarking for all SGI).*
[43] *Id. r. 4(4) (imposing a positive duty to deploy automated tools for content verification).*
[44] *See Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1, 45-50 (discussing the "chilling effect" of over-broad digital regulations).*

disclaimer statements[45].

- **Comparative Justification Table**

Jurisdiction	**Regulatory Authority**	**Core Accountability Mechanism**	**Lesson for India**
India (2026 Amendments)	**IT Rules, 2026**	**Rule 4(4): Automated Verification; 3-hour takedown; mandatory labelling**	**Editorial immunity conditional on Algorithmic Vigilance**
United Kingdom (Ofcom)	**Ofcom**	**Statutory Broadcasting Code; impartiality enforcement; fines, license revocation**	**Independent statutory oversight ensures consistent accountability**
European Union (AVMSD)	**National Regulatory Authorities**	**Algorithmic accountability for VSPs; unified regulation of digital and broadcast**	**Blueprint for integrating digital and broadcast under one ethical umbrella**

V. Towards a Co-Regulatory Model: Policy suggestions

In order to solve the issues with the structural constraints discussed above, a Statutory Co-regulatory Model is put forth. This framework aims to ensure that there is harmony between the rights provided under **Article 19(1)(a)** for the press and those provided under Article 21 for the general public to have a dignified life, privacy, and the truth in its purest form[46].

1. **Statutory Standing for the NBDSA**

The existing accountability deficit can be largely attributed to the voluntariness of the self-regulating entities.

[45] *See Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (affirming that technological advancements must be balanced against the constitutional right to informational privacy and dignity).*
[46] *See INDIA CONST. art. 19, cl. 1(a); id. art. 21.*

- **Proposal**: Amend the Broadcasting Services (Regulation) Act (modified up to 2025) to make the News Broadcasting and Digital Standards Authority (NBDSA) a Delegated Statutory Authority[47].

- **Implications:** It means that the NBDSA will cease to be a private organization and will become a statutorily mandated entity. "Regulatory Flight" can be avoided. The conformity with NBDSA requirements will be compulsory for obtaining broadcasting licenses[48].

2. Independent Oversight: The "Ofcom" Model for the BAC

The present-day Broadcast Advisory Council (BAC) is burdened with an **"executive-heavy"** membership structure, which jeopardizes editorial freedom.

- **Proposed Solution**: Restructure the BAC based on the British Ofcom model[49].

- **Guardrail**: The post of the **Chairperson** must go to a former Supreme or High Court Judge, whose appointment will be made by a bipartisan group comprising the Leader of the Opposition and the **Chief Justice**. Thus, the State continues to function as a facilitator of morality and not a referee of content[50].

3. National Media Provenance Standard (NMPS)

The shift to AI and deepfakes in 2026 requires a technical response to keep up with digital disinformation.

- **Solutions:** Adopt a National Media Provenance Standard (NMPS) that mandates cryptographic media provenance methods such as C2PA[51].

- **Protection:** The inclusion of a Truth-Seal in metadata at the first step of content

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[47] *See Broadcasting Services (Regulation) Bill, 2023 (India) (providing the legislative precursor for the proposed 2025 modifications).*
[48] *Cf. Communications Act 2003, c. 21, § 3 (UK) (illustrating the link between statutory standards and licensing conditions).*
[49] *See OFCOM, RETHINKING REGULATION IN THE DIGITAL AGE 14-18 (2022).*
[50] *See Secretary, Ministry of Information & Broadcasting v. Cricket Ass'n of Bengal, (1995) 2 S.C.C. 161, 203 (holding that airwaves are public property and must be regulated by an independent public authority).*
[51] *Coalition for Content Provenance and Authenticity (C2PA), C2PA Technical Specification v.1.3 (2023), https://c2pa.org/specifications/.*

creation provides an unalterable audit trail, which protects both journalists against being falsely accused of posting fake news and citizens against synthetic disinformation[52].

4. Proportionality and Good Faith Safeguards.

- **The Proportionality Argument:** The takedown time of 3 hours has the threat of creating so-called algorithmic censorship whereby satirical and investigative AI-generated images can be blocked in advance to avoid Section 79 immunity. There should be proportionality so as not to choke free expression[53].

- **Good Faith Exception:** The 2026 Guidelines astutely omit common video editing operations such as colour correction and subtitle editing from the definition of SGI, protecting genuine creativity from the Positive Duty of Verification obligation[54].

VI. Conclusion

The Indian news broadcasting media finds itself at a constitutional crossroads[55]. As argued throughout this paper, while the Fourth Estate status granted to the media is not a carte blanche license for commerce, it is instead a constitutional mandate. The shift from the **"preferred position"** of the press to a commodified news ecosystem centered on ratings poses a conflict between profit motives and public responsibilities[56].

While the 2026 Amendments to **the IT Rules** represent a considerable triumph for digital rights and privacy[57], there needs to be institutional autonomy in such a scenario. This is ensured through the proposed co-regulatory structure, wherein **"statutory teeth**" are provided by the State, "ethical standards" come from the industry, and "oversight" comes from the independent judiciary[58].

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[52] *See Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E) (Feb. 10, 2026), r. 3(3) (mandating metadata and watermarking).*
[53] *Modern Dental College & Research Centre v. State of Madhya Pradesh, (2016) 7 S.C.C. 353 (applying the four-pronged proportionality test to constitutional restrictions).*
[54] *G.S.R. 120(E), supra note 7, r. 2(1)(pa) (proviso excluding routine editing).*
[55] *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India, (1985) 1 S.C.C. 641, 685 (observing that the press is "the heart of social and political intercourse" and a "public educator").*
[56] *See Gautam Bhatia, Offend, Shock, or Disturb: Free Speech under the Indian Constitution 24 (2016) (critiquing the "market-driven model of speech")*
[57] *See Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (affirming the constitutional protection of informational privacy and dignity under Article 21).*
[58] *Cf. Communications Act 2003, c. 21, § 3 (UK) (illustrating a statutory framework for independent media*

Finally, this paper advocates for the disintermediation of news platforms, where the broadcaster's role is no longer one of passive facilitation but one of curatorship with due diligence[59]. Through the inclusion of statutory authority, independent oversight, and technological origin in India's regulations, the **Fourth Estate** is able to fulfill its constitutionally mandated purpose rather than being confined to either commercial sensationalism or synthetic propaganda[60].

oversight).

[59] *See Jack M. Balkin, Free Speech in the Algorithmic Society: Big Data, Private Governance, and New School Speech Regulation, 51 U.C. Davis L. Rev. 1149, 1152-55 (2018) (discussing the shift toward proactive duties for digital platforms).*

[60] *See also Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E) (Feb. 10, 2026), r. 4(4) (codifying technical due diligence for synthetic information).*

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2. **Case Law**

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