

---

# NEWS MEDIA ACCOUNTABILITY IN THE ERA OF DIGITAL PLATFORMS: AN ERA OF SELF-REGULATION AND STATE INTERVENTION

---

Sabarinath S, Symbiosis International Deemed University

Jaina John, Symbiosis International Deemed University

## ABSTRACT

The advancement of Digital platforms has altered the landscape of news dissemination by manipulating the conventional models of journalism and media accountability. These digital platforms have centred themselves as the intermediaries between news producers and consumers. Such intermediaries are driven by the algorithm curated information flow. This influences the manner in which information is accessed and processed. It arguably true that such evolutions have increased the speed of information flow, however, simultaneously also intensified concerns relating to misinformation, lack of editorial oversight, platform immunity and erosion of social accountability. These cavities have reignited the debates between media self-regulation and state intervention in regulating the digital news platforms. The study is majorly developed based on the Doctrinal research method. The paper analyses the Constitutional provisions, judicial decisions and policy developments concerning digital media governance. It is pertinent to observe that the research has devoted significant attention to the issues that arise from algorithmic curation, intermediary liability etc. The paper argues that neither an exclusive self-regulatory framework nor excessive state control can effectively address the complexities of digital media governance.

The study concludes by stating that a balanced hybrid model, combining robust self – regulatory mechanisms with constitutionally compliant regulatory oversight is the need of the hour to ensure accountability and transparency. The paper includes relevant suggestions to be incorporated that can contribute to fostering a responsible, transparent and accountable digital media environment in India.

**Keywords:** Digital Media, Media Accountability, Self-Regulation, State Intervention, Freedom of Speech and Expression, Algorithmic Governance, Intermediary Liability, Content Moderation.

## 1. INTRODUCTION AND CONCEPTUAL FRAMEWORK

### 1.1 INTRODUCTION

The digital induction “has radically transformed” the ecosystem of how the area of information dissemination is seen. This has restructured and aligned the traditional framework of media.

The present era witnesses the increasing role of digital platforms as trusted intermediaries between the news producing agents and the news consuming agents. However the responsibility factor, accuracy remain questionable. This central concern has called for the necessity of self-regulation and state action.

Post the rise of the modern digital media run based on the individual algorithmic curation has deeply tracked the system. The information an individual observes is based on the person’s search habits, the algorithm curates itself to view only so related information, this is unleashed a free flow of singular and inadequately overseen disinformation.<sup>1</sup>

This is the juncture at which the debate between self-regulation and state intervention has gained importance. Autonomy of any establishment is best achieved through self-regulation because self-regulations vocal for a flexible uniformity rather than state imposed restrictions. But the level of self-regulation and the interpretation of the term self-regulations in the digital environment leave lacunae to be addressed.

Thus the state intervention is seen as an encroachment and an iron hand regulations on the medias. When observed governments across the world have introduced content moderation intermediaries. They are introduced to protect the facets of democracy. However when the restriction turn arbitrary concerns such as censorship, political affiliations take up the place.<sup>2</sup>

Therefore this study is to analyse the accountability of news media in the digital platform era by finding a middle path between the self-regulation and state intervention. The paper is divided into 5 chapters comprising of introduction, the self-regulating aspects, the state

---

<sup>1</sup> Amanda Williams, Chapter 9: Digital Media History and Contemporary Issues, in Media History for Canada (Open Educational Alberta 2024) Jan. 18, 2026). “<https://pressbooks.openeducationalberta.ca/media-history-canada/chapter/chapter-9-digital-media-history-and-contemporary-issues/>”.

<sup>2</sup> Content Moderation Under Indian Law, Your Legal Career Coach (June 26, 2025), (last visited Jan. 18, 2026).<https://yourlegalcareercoach.com/content-moderation-under-the-indian-law/>.

intervention with valid conclusion and suggestions.

## 1.2 STATEMENT OF PROBLEM

“The Indian Constitution” has given the right to know and receive information. It also gave the press right to publish news and disseminate information. However the rapid expansion of the digital media has disrupted the accurate flow of information thereby diluting the editorial control and measures of self-regulation. The core statement of problem thus is the absence of a balanced accountability that addresses democratic rights and journalistic independence. Therefore this study addresses how the media accountability can be conceptualised in the digital media era by examining the limitation of self-regulation and excessive state regulation. It seeks to explore the hybrid nature to ensure a level playing field.

## 1.3 LITERATURE REVIEW

The works by **Tony Harcup** demonstrates about the self-regulations that practiced in journalism and it is thereby the associated media from the historical period onwards. The work is a critical analysis on the present day challenges that are posed by the different kinds of digital media platforms. The author emphasises on the need of accountability, self-regulation and argues that the friction between the journalist autonomy and state regulations should find a mutually beneficial balance.<sup>3</sup> **Terry Flew** argues the issue of information monopolies, hateful online content and the impact on the society at large. The author draws a transition from how the world thought the cyber space to be borderless world, to the thought to carve a boundary for the cyberspace. The author draws a critical analysis on how the stakeholders of the society such as government, society, politicians view the necessary regulation on the media platforms. Terry flews stresses on the aspect that governance is an inherent feature of digital platforms. He finds that to reach a middle path between the self-regulation and government regulation is the toughest achieved objective. However the book views the subject in a global perspective, a country perception is absent<sup>4</sup>.

The contributions of “**Dr Shashi Tharoor**” has penned on the contemporary governing and societal issues. He argues that information dissemination is not a mere privilege conferred upon

---

<sup>3</sup> Tony Harcup, *Journalism: Principles And Practice* 7th Ed. South Asian Ed 2024.

<sup>4</sup> Terry Flew, *Regulating Platforms*, 310, Polity Pr, 1st Ed. 2022.

the citizens, rather it is a constitutional mandate under Article 19<sup>5</sup> and Article 21<sup>6</sup> of the Indian Constitution. In his works, Dr. Tharoor has categorically explained the contemporary scenarios where media as a form of dissent was countered by the state action.<sup>7</sup> Likewise, **Dr. Devender Bhardwaj**'s scholarship is considered as a comprehensive literature carefully curated to guide the journalist, academicians when to navigate through the evolving landscape of new age media in India. This seminal work is a reflection of the knowledge gained by the on field realities in India. His work projects a jurisprudence of the present media generations. Each chapter is a skill oriented chapter comprising all the aspects of Media and its regulation.<sup>8</sup>

**Nicole Stremlau** in her article "Information interventions and social media" highlights the implications of social media when an information is amplified thereby disseminating hate speech, propaganda and trigger violence and conflicts. The author argues for a state intervention to counter the media abuses. The practicability of these regulations on the platforms are to be analysed. The author argues that such analysis is necessary to align the media governance in one whole international standard to attract a mutual stakeholder driven responsibility.<sup>9</sup> Similarly, **Meera Mathew** critically studies the extent of media self-regulation in India. The author focuses on the limited effectiveness of the Press Council of India. The concerns such as news authenticity and weak grievance redressals are highlighted. The author urges for self-regulation to for an effective function with enforceable standards in adherence to the ethics of journalism<sup>10</sup>.

**Padmakshi Sharma** in her article titled "Free Speech v. Digital Disinformation : How is State Intervention in Social Media Content Moderation Being Navigated in USA & India" elucidates on the frictions between the right of free speech and digital misinformation through a comparative study based on the United States and India. The Article is criticises the state led content moderation regulations. The author argues that such regulations highlight constitutional rights violation and the role of intermediary as an hindrance to "freedom of speech and expression". The article is however silent on the governmental control over the

---

<sup>5</sup> India Const. Art. 19.

<sup>6</sup> India Const. Art. 21.

<sup>7</sup> SHASHI THAROOR, INDIAN SHASTRA: REFLECTION OF THE NATION IN OUR TIME, 330 – 473 (1st Ed. 2015).

<sup>8</sup> Neha Jingala & Devender Bhardwaj, *The Handbook of Digital Media & Journalism: Practices and Perspectives* (2024).

<sup>9</sup> Giovanni De Gregorio & Nicole Stremlau, *Information Interventions and Social Media*, (June 30, 2021).

<sup>10</sup> Meera Mathew, *Media Self-Regulation in India: A Critical Analysis*, *ILI L. Rev.*, Winter 2016.

online speech<sup>11</sup>.

#### **1.4 RESEARCH QUESTIONS**

1. Whether the present levels of self-regulation is enough to cater the dissemination of misinformation via the digital media platforms ?
2. Whether the state authored interventions on digital media platforms violate the Constitutional rights guaranteed to the Indian Media ?
3. Whether there is a need to arrive at a middle path in the friction between self-regulation and state intervention ?

#### **1.5 RESEARCH OBJECTIVES**

1. To analyse the present levels of alertness followed by the present digital media houses cater to necessary level of scrutiny while disseminating information.
2. To examine the significance of freedom of the Media as a form of communication that delivers accurate and authentic information.
3. To analyse the role of executive in bridging the gap between self-regulation and state imposed regulations and to propose a hybrid mechanism imbibing the qualities of an editorial scrutiny to deviate from over censorship.
4. To examine the probable alternatives for strengthening the news media accountability aligning with the established constitutional standards.

#### **1.6 RESEARCH METHODOLOGY**

##### **Nature of the Research**

The present study adopts a doctrinal approach. A doctrinal approach would be the suitable for understanding the concept at based on published reports and data. This would help the

---

<sup>11</sup> Padmakshi Sharma, Free Speech v. Digital Disinformation: How Is State Intervention in Social Media Content Moderation Being Navigated in USA & India, LiveLaw (July 4, 2024, 11:36 AM), <https://www.livelaw.in/articles/free-speech-v-digital-disinformation-how-is-state-intervention-in-social-media-content-moderation-being-navigated-in-usa-india-262225>

researchers frame a reasoning to the topic selected.

### **Research Approach**

The present study adopts Qualitative approach as the same would aid the researcher in studying the changing dimension of centre and state relations depending on the political conditions. Several research tools are utilised including literature review, case law analysis and comparative legal analysis.

### **Research Type**

The primary data consist of studying the Indian Constitution and its Articles with a judicial reasoning relevant to the topic. The secondary data consist of scholarly articles, law commission reports and other state records thereby helping the researcher to get better understanding broader perspective on the research topic.

## **2. Understanding self-regulation in the Media vis-à-vis Freedom of Expression**

The right of the media is not absolute, it comes with its own necessary levels of reasonable restrictions. The reasonable restriction shall not be in picture when the media practices their own methods of self-regulation.<sup>12</sup>

### **2.1 Understanding the Freedom of Expression:-**

Media finds a crucial role in sustainably running the democratic framework of the country. For this reason Freedom of Expression is recognised under various international human rights instruments. Article 19 of the “Universal Declaration of Human Rights<sup>13</sup>”, the “International Convention on Civil and Political Rights”, “Article 19 (1)(a)” of the Indian Constitution are the prominent reflecting texts.<sup>14</sup>

In “Media Development Indicators” by the UNESCO urges a need for a media environment that supports for a free pluralistic media. Such an environment is necessitated for a diversified media structure to sustain pluralistic views<sup>15</sup>.The indicator simultaneously recognised state

---

<sup>12</sup> Id. Tony Harcup, Journalism: Principles And Practice 7th Ed. South Asian Ed 2024.

<sup>13</sup> Universal Declaration of Human Rights art. 19, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

<sup>14</sup> India Const. art. 19, cl. 1(a).

<sup>15</sup> UNESCO, Media Development Indicators: A Framework for Assessing Media Development (2008),

intervention on permissible limits as necessary in the specific contexts such as that of upholding public order, fair trial and individual rights.

In the digital media era, the algorithmic curation, commercialising news and media, border less contents are exposed the weak self regulatory structure in the digital platforms. This is a departure from an opportunity to align with the voluntary compliance regime. Owing to this reason the state intervention has beefed up, leading to prospected violation of the freedom of expression. The ANI News channel arrest under the criminal law depicted a coercive state action. It is argued that the private media in some manner crossed the self regulatory mechanism to invoke state machinery<sup>16</sup>.

## 2.2 Making the Media Accountable :-

In India, the function of the media is derived from Article 19 (1) (a) of the Indian Constitution<sup>17</sup>. Freedom of the press is a derived right from the judicial interpretations.

The Supreme Court of India in their landmark judgement of “Sahara India Real Estate Corp. Ltd. V. Securities Exchange Board of India”<sup>18</sup> has stressed on the impact of news and media. Much has changed from 2010 the year the decision was delivered, however the magnifying issues related to media has remained untamed. The court recognised that self-regulations is better than state intervention due to which the then Honourable “Chief Justice S.H Kapadia” stressed on the need for preventive regulation than punitive censorship.

From the traditional canvas, it can understood that democratic societies preferred self-regulation model for governing not just media but the facets of a society. The then known self-regulations mechanism include editorial scrutiny which continues even today, ethical codes, office of the ombudsman and press councils. In India the Press Council of India is a representative of this traditional approach.<sup>19</sup>

Thus the limitations of voluntary compliances have brought in the necessity of state

---

<https://www.unesco.org/en/media-development-indicators>

<sup>16</sup> Nandini Singh, ANI Vs Wikipedia: What The Case Is About And What Has Happened So Far, BUSINESS STANDARD (Apr. 10, 2025), [https://www.business-standard.com/India-News/Ani-Vs-Wikipedia-Defamation-Case-What-We-Know-So-Far-125041000498\\_1.html](https://www.business-standard.com/India-News/Ani-Vs-Wikipedia-Defamation-Case-What-We-Know-So-Far-125041000498_1.html) (Last Visited Jan. 18, 2026).

<sup>17</sup> Id.

<sup>18</sup> Sahara India Real Estate Corp. Ltd. v. Securities and Exchange Board of India, (2012) 10 S.C.C. 603 (India).

<sup>19</sup> Press Council of India, Ministry of Information and Broadcasting, Government of India, <https://mib.gov.in/ministry/organizations/press-council-india>

intervention in Media regulation. This shift aimed at ensuring a hybrid equilibrium has to certain extent satisfied the balance, however there are certain hiccups in the path to reconcile certain interested stake holders.

### 2.2.1 Conundrum between balance and struggle

The Press Council of India is conferred with only limited enforcement powers, again piling up questions effectiveness of self-regulation. It is welcoming that the Press Council Act, 1978<sup>20</sup> maintain standards of newspaper and news agencies in India. It is pertinent to note that this legislation however does include within its ambit the clutches of digital media or online news or rather the Press Council of India does not have the power to control digital media. “The Information Technology Act 2000” is short of amendments required to cater to the needs of the coming years. The Act does not mention the term digital news media, rather it mentions a standard umbrella understanding of all the information published in electronic form.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021” regulates the digital media presently. The 2021 rule can be seen as a necessary state intervention with an hybrid element. The rule authors for three tier grievance redressal mechanism. The first tier incorporates an internal compliance officer a form of self-regulation in disguise to carry out the editorial scrutiny of the content. The notion behind the rules was novel, however excessive guidelines in the rule transformed into a iron hand state intervention raising constitutional questions regarding the freedom of the press. This regulatory measure rather intensified the conundrum between balance and struggle.<sup>21</sup>

### 2.3 Practical realisation of self-regulation :-

As discussed above the Constitution of India under the “Article 19 (1)(a)” guarantees the freedom of press and digital media<sup>22</sup>as decided in the case of *Romesh Thappar v. State of Madras*.<sup>23</sup>

The facets of self-regulation speaks about the rights of the media being guaranteed within the

---

<sup>20</sup> Press Council Act, 1978, Act No. 37 of 1978 (India).

<sup>21</sup> Kaustubh Kumar, Navigating New Digital Frontiers: The IT Rules 2021 and Their Impact on Intermediaries, (Aug. 20, 2024), <https://www.khuranaandkhurana.com/2024/08/20/navigating-new-digital-frontiers-the-it-rules-2021-and-their-impact-on-intermediaries>.

<sup>22</sup> INDIA CONST. art. 19, cl. 1(a).

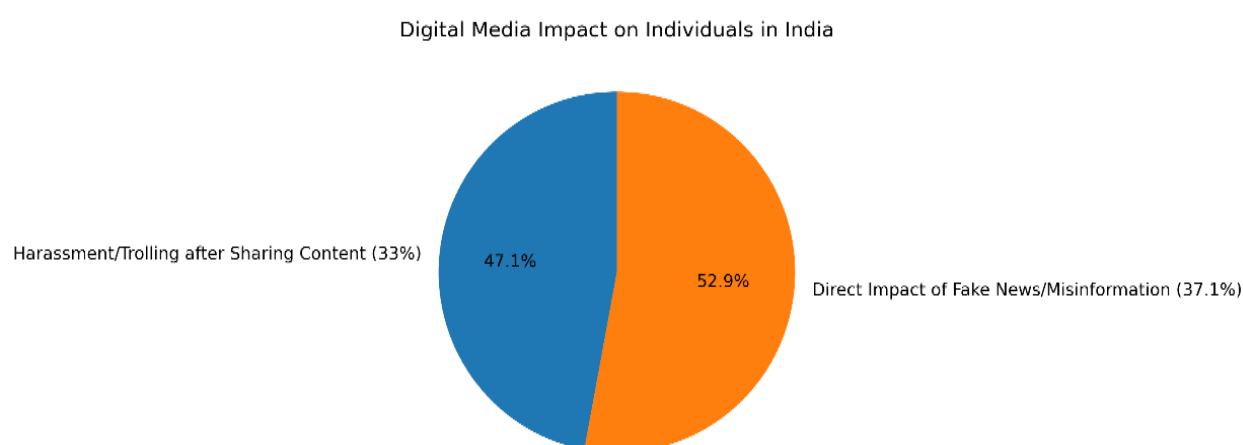
<sup>23</sup> *Romesh Thappar v. State of Madras*, A.I.R. 1950 S.C. 124 (India).

socially accepted norms. In the case of *Re: Harijai Singh* the apex court of India emphasised that media in the modern sense the digital media actively plays the role of a watchdog. The court intended that there should be necessary levels of restraint and responsibility from within.<sup>24</sup> However in the practical realisation a dilemma lies at as to what constitutes effective self-regulation and how does the state ensure a proper check and balance over the content disseminated.

Here another landmark decision by the Supreme Court of India in *Ajay Goswami v. Union of India*, remarked that ethical journalism and accountability factor of the news in digital media cannot be ensured only through state regulation, it requires credible self-regulatory mechanism. However the enforcement factor remains unanswered.<sup>25</sup>

The growth of digital media news has also triggered the extensive growth of paid news with an aim to trigger sensationalism. The case of *R. Rajagopal v. State of Tamil Nadu* is one such welcoming case. Even when the apex court forbids the emergence of intrusive media reporting, the guidelines are thrown in air in practical senses<sup>26</sup>.

Therefore the practical aspects of self-regulation is nearing its failure, the regulatory vacuum calls for a hybrid model of executive control and the media themselves has to imbibe the thoughts of creating their boundaries.



27

<sup>24</sup> *In re Harijai Singh & Anr.*, (1996) 6 S.C.C. 466 (India).

<sup>25</sup> *Ajay Goswami v. Union of India*, (2007) 1 S.C.C. 143 (India).

<sup>26</sup> *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 S.C.C. 632 (India)

<sup>27</sup> Centre for the Study of Developing Societies (Lokniti), *Indian Media: Trends and Patterns* (2025),

### 3. Accountability of News Media in a Digital Platform Environment

Online platforms allow the content to be published without scrutiny or editorial oversight. Bloggers, influencers can reach users of such content within limited. As a result it is twin edged sword capable of causing harm and good at the same time.

In India nearly 22 % is using a smart phone, out of which 35% are young people within the age group of 18 to 36. A country with aspiring individuals as majority is at high risk of such working population being prone to fake news. It is at this juncture the accountability factor of media in the digital platform sparks debate.<sup>28</sup>

#### 3.1 News Media and Digital Era is NOT FREE:-

At the face of it news from digital media platform might appear to be free of cost, the effort being put is just to view it from the devices in one's hand. However no thought is given to the source and authenticity of the content shared.

The preference driven model of the news in digital platforms kicks in sensationalism, regionalism and all necessary ingredients to foster anxiety. The Supreme Court through its decision in the "Shreya Singhal case" recognised the harmful impact of online hate speech. In another intervention by the apex Court in the case of "Tehseen S. Poonawalla v. Union of India"<sup>29</sup> acknowledged news through digital platforms can very well trigger social unrest.

Just a few years ago, the average time on social media use hovered around two hours which at present at climbed to two and a half hours. This is triggered by the increase of short videos less than 30 seconds. At the larger picture this graph reveals a whopping 75 hours per month time schedule and individual invests in digital media platforms. This viewing hours when clubbed with the volume of information that flows irrespective of being scrutinised or not reveal that the accountability factor of the news/ information being disseminated is to be tamed<sup>30</sup>.

---

[https://lokniti.org/media/upload\\_files/Media%20in%20India-%20Trends%20and%20Patterns%20\(1\).pdf](https://lokniti.org/media/upload_files/Media%20in%20India-%20Trends%20and%20Patterns%20(1).pdf) (last visited Jan. 19, 2026).

<sup>28</sup> Press Information Bureau (PIB), Results of Comprehensive Modular Survey: Telecom, 2025 (Jan.–Mar. 2025), (May 29, 2025), <https://pib.gov.in> (last visited Jan. 19, 2026).

<sup>29</sup> Tehseen S. Poonawalla v. Union of India, (2018) 7 S.C.C. 786 (India).

<sup>30</sup> Sean Withington & Alexandra Punch, There Are Costs from Spending Too Much Time on Social Media (Oct. 2019), Maxwell School Population Health Research Brief Series.

### 3.2 Platform immunity as a cause of societal harms :-

The concern that the platforms avail the benefit of immunity doctrine wherein they relinquish their role in declaring the authenticity of the content. They diminish their role to that of an intermediary. This has sent waves of unethical journalism round the policy circles.

Adequate reforms are necessary to the “Press and Registration of Periodicals Act”, 2023<sup>31</sup> to cater to the modernised definition of media environment. The immunity or the safe harbour doctrine often cited by the platforms have been indeed countered with the implementation of the 2021 Information Technology Rules, however not in the full proof understandings. In the case of “Swami Ramdev v. Facebook, Google & Twitter” the respondents herein argued that they are intermediaries. The court was keen in rejecting the absolute immunity and ordered global takedowns. The court rightly in the case of “AMI v. Union Of India” declared that Digital news publishers are not intermediaries and further held that safe harbour not automatically available.<sup>32</sup>

### 3.3 News Media Curated by Algorithm :-

Algorithm determines the access to welfare policies as well as the access to fake propagandas. They are the primary gatekeepers of information. Unlike the normative and traditional media and thereby the editorial decisions, this curation operates in an opaque process driven by the parameters of engagement. The fundamentals of ethical journalism is not even heard of in this domain<sup>33</sup>. The domain when left unchecked triggers unrest in the society. To ensure an accountable news media in digital era, algorithmic governance must be a subject for regular oversight. There has been sincere judicial recognition in this regard via the case of “Shreya Singhal v. Union of India”<sup>34</sup>.

Further the algorithmic curation can be operationalised within the platforms as a form of self-regulation, this can be done in compliance with the Supreme Court of India’s decision in the case of “Anuradha Bhasin v. Union of India”, wherein it was clearly mentioned that “*digital*

---

<sup>31</sup> Press and Registration of Periodicals Act, 2023, (India).

<sup>32</sup> Need accountability in digital media to combat fake news: Vaishnaw, BUSINESS STANDARD (Jan. 19, 2026), [https://www.business-standard.com/industry/news/need-accountability-in-digital-media-to-combat-fake-news-vaishnaw-124111600845\\_1.html](https://www.business-standard.com/industry/news/need-accountability-in-digital-media-to-combat-fake-news-vaishnaw-124111600845_1.html).

<sup>33</sup> Karen Rebelo, How Journalists Can Hold Algorithms Accountable in India – and Beyond (Sept. 2, 2025), Reuters Institute for the Study of Journalism, <https://reutersinstitute.politics.ox.ac.uk/how-journalists-can-hold-algorithms-accountable-india-and-beyond>

<sup>34</sup> Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).

*media platforms cannot be unaccountable when any of the arms of their systems affects the fundamental rights of an individual”<sup>35</sup>.*

Therefore controlling the algorithmic curation through state intervention is a viable option within the purview of Judicial review to align the upcoming news media in digital era dissemination according to the values of the “Indian Constitution”.

#### **4. “Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules” 2021.**

##### **4.1 Patron of a pragmatic shift:-**

A notification issued under Information Technology Act, 2000 recognises that digital news platform should exhibit necessary significant editorial scrutiny over the information discourse. Understanding the jurisprudence of the Shreya Singhal case, one can understand that a media platform can only avail the benefit of safe harbour when they function as mere passive passer of information which is clearly defined under “Section 79 of the Information Technology Act”, 2000<sup>36, 37</sup>.

In the case of “Anuradha Basin v. Union of India”<sup>38</sup> the court recognised that the restrictions in the digital domain must satisfy the test of necessity and proportionality which makes the foundation for a structured mechanism which is not arbitrary in nature. The court urged for an enhanced due diligence on the news media disseminated through digital platforms.

The role of the Court has very well formed a structured balance. The safe harbour taken by the media platforms cannot be invoked when there was an understanding to a prudent person that necessary levels of editorial scrutiny can and should have been made by the media platform<sup>39</sup>. The observation was made by the Honourable High Court of Delhi in the case of “Association of Indian Magazines v. Union of India”<sup>40</sup>, wherein the constitutional validity of regulatory

---

<sup>35</sup> Anuradha Bhasin v. Union of India, (2020) 3 S.C.C. 637 (India).

<sup>36</sup> Krisztina Rozgonyi, Accountability and Platforms’ Governance: The Case of Online Prominence of Public Service Media Content, 12(4) Policy & Internet (Institute for Comparative Media and Communication Studies, Austrian Academy of Sciences) (Year), <https://policyreview.info/articles/analysis/accountability-and-platforms-governance-public-service-media>

<sup>37</sup> Information Technology Act, No. 21 of 2000, § 79 (India)

<sup>38</sup> Id.

<sup>39</sup> Meera Mathew, Media Self-Regulation in India: A Critical Analysis, ILI L. Rev., Winter 2016.

<sup>40</sup> Ass’n of Indian Magazines v. Union of India, 2022 SCC OnLine Del 4207 (India).

oversight over a news was upheld without violating the presently enjoyed “*press freedom in India*”.

#### **4.2 As opposing the democratic legitimacy :-**

While the notion of the rule was to enhance accountability, it was often argued as raising serious concern regarding the democratic legitimacy and the constitutional validity surrounding the benefits of freedom of speech and expression . The argument holds strong because of the evidence absence of thoughtful stakeholder consultation between the proposal stage and their final notification.

The Rules do certain have a progressive texture, the provisions mandate prior notice to the users before a content is taken out with necessary hearings regarding the reasons of doing so. The provision also demands the digital platforms to publish periodic compliance reports that improves the transparency and public oversight<sup>41</sup>.

However this notion is what is argued to fall in place owing to the vague definitions. Judicial decisions have previously held that vague defining laws fail the reasonable test under “Article 19(2) of the Indian Constitution”. In the case of *K.A Abbas v. Union of India* <sup>42</sup>cautioned that any ambiguity can lead to over compliance and self-censorship.

A requirement to identify the “first originator” of messages and deploying the automated censorship can be seen both as violation of privacy and necessary controlling measures. The present structure being invited upon suffers the handicap of being dominated by discretionary power of the executive which ultimately weakens the news media accountability in the era of digital platforms. <sup>43</sup>

#### **5. Conclusion and Suggestions**

The Transition witnessed in the news media through a digital platform has altered the existing definitions of accountability, regulation. It is accepted that digital platforms have catered to the expansion of information but it is pertinent to note that such expansion was at the cost of editorial and statutory safeguards. The commercial aspect of media in a way has ebbed away

---

<sup>41</sup> Rohin Garg, Dear MEITY, Withdraw the New IT Rules (Mar. 23, 2021), 6 min read, Internet Freedom ([internetfreedom.in](https://internetfreedom.in)), <https://internetfreedom.in/withdraw-the-it-rules/>

<sup>42</sup> *K.A. Abbas v. Union of India*, A.I.R. 1970 S.C. 1138 (India).

<sup>43</sup> *Id.*

the core principles of ethical journalism.

Thus the need of the hour is to arrive at a middle path after having policy discussions with the stakeholders. The urge should run in transitioning from punitive censorship to algorithmic transparency.

The jurisprudence invites a balanced approach underlying with the principles of reasonableness. Simultaneously the Press Council of India reforms are to be done to incorporate the facets of Digital Media.

Aligning with the recommendations of Justice Mudgal Committee Report, a statutory recognition to the regulating bodies and power to impose suspension shall create a sense of deterrence, a further step ahead giving a statutory recognition to the self-regulating bodies of the digital platforms shall also help enhance the accountability<sup>44</sup>. Alongside the IT Rules 2021 should consider incorporating the aspect of ethical auditing to be carried out by the digital platforms for algorithmic curation with a clause mandating the publication of a biennial report.

Taking the suggestion by “The 255<sup>th</sup> Law Commission Report”, the definition of news should be amended to differentiate between the organic content and sponsored information<sup>45</sup>. Adopting the top down hybrid hierarchy from the “European Union’ Digital Service Act<sup>46</sup>” shall ensure that a necessary level of caution and balance is ensured between the conundrum of self-regulation and state intervention.

---

<sup>44</sup> Comm. on Paid News, Election Comm’n of India, Report on Paid News (2010) (India) (commonly known as the Justice Mudgal Committee Report)

<sup>45</sup> Law Commission of India, Report No. 255: Electoral Reforms: Law Commission Report (Mar. 12, 2015).

<sup>46</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act), 2022 O.J. (L 277) 1.

## **Bibliography**

1. Centre for the Study of Developing Societies (Lokniti). Indian Media: Trends and Patterns (2025), [https://lokniti.org/media/upload\\_files/Media%20in%20India-%20Trends%20and%20Patterns%20\(1\).pdf](https://lokniti.org/media/upload_files/Media%20in%20India-%20Trends%20and%20Patterns%20(1).pdf).
2. Comm. on Paid News, Election Comm'n of India. Report on Paid News (2010) (Justice Mudgal Committee Report).
3. De Gregorio, Giovanni & Nicole Stremlau. Information Interventions and Social Media (June 30, 2021).
4. Flew, Terry. *Regulating Platforms* (1st ed. 2022)
5. Garg, Rohin. Dear MEITY, Withdraw the New IT Rules, Internet Freedom (Mar. 23, 2021), <https://internetfreedom.in/withdraw-the-it-rules/>.
6. Harcup, Tony. *Journalism: Principles and Practice* (7th ed., South Asian ed. 2024).
7. Jingala, Nandini Singh. ANI v. Wikipedia: What the Case Is About and What Has Happened So Far, Bus. Standard (Apr. 10, 2025), [https://www.business-standard.com/india-news/ani-vs-wikipedia-defamation-case-what-we-know-so-far-125041000498\\_1.html](https://www.business-standard.com/india-news/ani-vs-wikipedia-defamation-case-what-we-know-so-far-125041000498_1.html).
8. Kumar, Kaustubh. Navigating New Digital Frontiers: The IT Rules 2021 and Their Impact on Intermediaries, Khurana & Khurana (Aug. 20, 2024), <https://www.khuranaandkhurana.com/2024/08/20/navigating-new-digital-frontiers-the-it-rules-2021-and-their-impact-on-intermediaries>.
9. Law Commission of India. Report No. 255: Electoral Reforms (Mar. 12, 2015).
10. Mathew, Meera. Media Self-Regulation in India: A Critical Analysis, ILI L. Rev. (Winter 2016).
11. Padmakshi Sharma. Free Speech v. Digital Disinformation: How Is State Intervention in Social Media Content Moderation Being Navigated in USA & India, LiveLaw (July 4, 2024, 11:36 AM), <https://www.livelaw.in/articles/free-speech-v-digital-disinformation-how-is-state-intervention-in-social-media-content-moderation-being-navigated-in-usa-india-262225>.
12. Press Council of India, Ministry of Information & Broadcasting, Gov't of India, <https://mib.gov.in/ministry/organizations/press-council-india>.
13. Press Council of India. Press Council Act, 1978, Act No. 37 of 1978 (India).

14. Press Information Bureau, Gov't of India. Results of Comprehensive Modular Survey: Telecom (Jan.–Mar. 2025) (May 29, 2025), <https://pib.gov.in>.
15. Rebelo, Karen. How Journalists Can Hold Algorithms Accountable in India – and Beyond, Reuters Inst. for the Study of Journalism (Sept. 2, 2025), <https://reutersinstitute.politics.ox.ac.uk/how-journalists-can-hold-algorithms-accountable-india-and-beyond>.
16. Sharma, Neha Jingala & Devender Bhardwaj. *The Handbook of Digital Media & Journalism: Practices and Perspectives* (2024).
17. Shashi Tharoor,. *Indian Shastra: Reflections of the Nation in Our Time 330–473* (1st ed. 2015).
18. UNESCO. *Media Development Indicators: A Framework for Assessing Media Development* (2008).
19. Universal Declaration of Human Rights art. 19, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).
20. Vaishnav. Need Accountability in Digital Media to Combat Fake News, *Bus. Standard* (Jan. 19, 2026), [https://www.business-standard.com/industry/news/need-accountability-in-digital-media-to-combat-fake-news-vaishnav-124111600845\\_1.html](https://www.business-standard.com/industry/news/need-accountability-in-digital-media-to-combat-fake-news-vaishnav-124111600845_1.html).
21. Williams, Amanda. Digital Media History and Contemporary Issues, in *Media History for Canada* ch. 9 (Open Educational Alberta 2024).
22. Withington, Sean & Alexandra Punch. There Are Costs from Spending Too Much Time on Social Media, *Maxwell Sch. Population Health Rsch. Brief Series* (Oct. 2019).
23. Your Legal Career Coach. Content Moderation Under Indian Law (June 26, 2025), <https://yourlegalcareercoach.com/content-moderation-under-the-indian-law/>.