

**Fragmented Controls, Fading Trust: Evaluating the Legal Efficacy of India's Media Self-Regulation Regime****PROF. ASHOK KUMAR RAI, Head and Dean, Department of Law, Dr R M L Avadh University, Ayodhya****SWATANTRA KUMAR, Research Scholar, Department of Law, Dr R M L Avadh University, Ayodhya****Abstract**

India's media landscape is characterized by an evolving interplay between journalistic freedom, regulatory autonomy, and growing public skepticism. This paper critically examines the fragmented nature of India's media self-regulation regime, focusing on institutions like the News Broadcasting & Digital Standards Authority (NBDSA) and the Press Council of India (PCI). Through a doctrinal and institutional analysis, it evaluates their legal standing, enforcement capacity, and normative influence. The study highlights a growing trust deficit stemming from voluntary compliance, overlapping mandates, and lack of statutory backing, which undermine public accountability and media ethics. It also explores judicial responses and policy debates around proposed statutory alternatives. Ultimately, the paper argues that without structural consolidation and legally enforceable mechanisms, India's media self-regulation risks further erosion of both credibility and constitutional balance between press freedom and responsibility.

**Index Terms** Media self-regulation, India media law, News Broadcasting & Digital Standards Authority (NBDSA), Press Council of India (PCI), Media accountability, Legal efficacy

**Introduction**

Within the context of self-regulation, the findings of this study investigate the fundamental role that the media plays in the dissemination of news updates. The purpose of this research is to investigate the powers that are possessed by the Press Council of India, which has been widely criticized for its inability to effectively carry out the duty that it was designed to perform. In addition, it evaluates the reliability of unfettered information distribution as well as the accuracy of a news piece in the wide variety of news providers that are currently available [1]. It is the purpose of this study to assess the necessity of establishing standards for the purpose of addressing all issues that are associated with media regulation, namely self-regulation, and to offer suggestions for the establishment of these standards. In addition to this, it investigates the necessity of being able to create an effective method for resolving complaints from members of the general public [5]. This essay intends to demonstrate that the self-regulation of the media that is now in place is effective. Self-regulation, also known as media culpability, is a term that the author uses to describe the joint efforts of reporters and editors to construct a set of norms for journalistic conduct. This helps to ensure that the system is successfully adhered to. The media has been increasingly pushed by the desire to be popular to place a higher priority on gaining attention than on producing authentic news that serves the public



interest. Additionally, the author contends that if the media were to be allowed to govern itself, it may potentially result in the media exploiting regulatory aims for the purpose of advancing its own financial interests. Additionally, it is stated that in order for self-regulation to be effective, media outlets must first take the necessary safeguards and then continue to demonstrate their commitment to the standards that have been developed. As the mechanism by which individuals exchange information, communication is an essential and fundamental component of human connection. It acts as the way by which individuals communicate knowledge. One Communication that is both unrestricted and thorough makes it possible for people to freely exchange information and ideas with one another. The protection of freedom of speech and expression is a fundamental right that is safeguarded by a substantial number of international agreements as well as the majority of constitutions, including the Constitution of India [2]. The right to freedom of speech involves a number of different dimensions, including the freedom to hold and express ideas, the capacity to communicate and receive information, and even the right to voice opposition to governments that have been democratically elected. Furthermore, it is tied to the ideas of autonomous thought, creativity, and critical deliberation, all of which are components that are necessary for the self-actualization of a person. In addition to this, it is of the utmost importance to have a healthy democratic administration in which citizens have a considerable amount of awareness regarding political happenings.

Speech, according to the findings of a number of studies, serves the objective of achieving self-fulfilment. The cognitive capacity of an individual to comprehend, visualize, and create ideas is connected to the satisfaction that may be received from communication, according to this notion. The right to freedom of speech and expression was elevated to a more prominent position by a number of people of intellectual standing. Communication, which may take numerous forms such as oral, pictorial, or musical expressions of speech, is a basic right that enables individuals to actively engage in civic undertakings, according to Joseph Raz. Communication spans a wide range of modalities. Professor Edwin C. Baker makes the assertion that communication is the embodiment of an individual's genuine objectives and capabilities. The potential that each person possesses is extremely personal and varies greatly from one person to the next. Four According to the legal scholar Wellington, the term "freedom of speech" does not have a definition that is established by its very nature. In this context, it refers to things that cannot be regulated and are protected. It is his opinion that the interpretation of the First Amendment of the United States Constitution, which is concerned with the freedom of speech and expression, ought to center on the extent to which it is protected and the scope of the protection that it provides. Freedom of speech has two purposes: first, it enables individuals to share their views and opinions to the general public; second, it helps individuals to build their own unique voice. Both of these functions are important. The cultivation of one's self-determination may be accomplished via the use of words and expressions to demonstrate it to the general audience. In spite of the fact that the general public is given the right to freedom of communication and speech, the primary means by which information is disseminated in the form of news is through



the press and the media. As a result, it is generally understood that the media serves as the mechanism by which freedom of speech and expression may be attained. Despite the fact that the terms "press" and "media" are sometimes used interchangeably, the essence of the difference resides in the fact that the former refers to printed materials, whilst the latter encompasses technical means of communication [4]. Collecting, analyzing, and disseminating information with the intention of presenting it to the wider public is the focus of both of these endeavors. As a result, the media functions as the fourth pillar of power, acting as an intermediary between the government and the general population. It accomplishes its mission by spreading information and ensuring that individuals are provided with sufficient information. When seen from the standpoint of a democratic society, the media plays an essential role since it is responsible for providing essential information for two significant reasons. The primary objective of this organization is to ensure that individuals create opinions that are correct and up to date by assessing the information that is offered by the media that is credible and authentic. Taking India as an example, the consumption of news through reading or watching is an essential component of the routines that people follow on a daily basis. Fifteen in total with the increasing literacy rate, the press is gaining a strong presence in both urban and rural areas of the nation. There is comprehensive coverage of local, national, and regional news that broadcasts stories from every part of the country on a daily basis. The media is widely acknowledged as a fundamental component of democracy, since it plays a crucial role in upholding professional standards. Eighteen It is sometimes referred to as a watchdog since it monitors and regulates the authority of the other three divisions of government, namely the executive, the legislative, and the judiciary [6]. Nineteen The free press enables people to participate in all relevant subjects that concern them. The consensus is that only an independent press or media can provide people with a wide range of information and perspectives on topics of public importance. The media have the freedom to disseminate information. Twenty The exercise of freedom of expression and communication encompasses various electronic media and published documents, serving as an embodiment of the fundamental human right to freedom of speech. Hence, the independence of the press or media is crucial since it allows the people to be informed about the government's performance, the status of the financial system, social systems, and other things of public interest.

### **Media Responsibility**

Enhancing social awareness is something that the media has the power to do. Free speech is one of the six rights that are recognized in India. Additionally, the right to freedom of speech and expression include the freedom of the press. However, this is not made abundantly evident. In order to full-fill its fundamental job, which is to gather and distribute information, the media must take on the duty and accountability that comes with dealing with the general public. Considering these facts, it is clear that journalistic and media ethics are very important. Because the media is responsible for gathering and spreading information to the general public, it is imperative that they remain vigilant in order to forestall the dissemination of information that is both erroneous and misleading. The integrity of news anchors should be shown, and they



should be held accountable for any misconduct. Because of this, it is very necessary for the media to implement accountability measures. Strategic approaches that are not directly connected to audience concerns are included in the scope of media responsibility. The ethical rules that regulate journalistic activity are closely adhered to by news institutions in the province of Quebec in Canada. Concurrently, the media industry has gotten more skilled, and the procedures that are used to evaluate the impacts of the media industry have become more complex and successful. In several nations, non-governmental groups are permitted to declare judgments, which are then examined or monitored by regulating agencies for the publishing industry. While some nations have implemented structures that are comparable to co-regulation, others are in the process of shifting away from command-and-control governance and toward more innovative forms of government. The broadcast regulators of the United Kingdom, New Zealand, and Canada should be taken into consideration. The body that regulates the industry is responsible for enforcing standards concerning aggressive behavior, vulgarity, advertising, and false representations. There will be repercussions for the media in the event that any of the aforementioned acts lead to discontent among the general people. When developing the codes, both the opinions of professionals and those of the general public were taken into consideration [7]. The idea was that the existence of press freedom may possibly lead to disobedient activity on the part of individual journalists. It was necessary to take remedial action. The establishment of rules was resulted from this line of thinking. Within the realm of regulation, there are four distinct types.

### **Global Perspective**

A strategy that may be taken is heavy regulation, in which the government scrutinizes the content of the media and may require alterations. The United Arab Emirates (UAE), China, and Turkey are the countries that hold this. Another method is called co-regulation, and it is used in the country of Australia. Statutes serve as the foundation for the standards that are governed and upheld by the state. India asserts that it is in compliance with the Press Council Act. India is regarded to be self-regulating because to the little role that the Press Council of India plays in the country itself. Self-regulation is the process by which governing bodies put rules into effect and ensure that they are followed by enforcing them via internal policies. In the first two scenarios, the reporting requirements are modified so that they can fit the regulating bodies. In order for self-regulatory organizations to be able to adequately carry out their responsibilities, it is necessary for them to be free from bureaucracy, industrial interests, and special interests. In addition to this, they are required to carry out regular internal audits and have the right to demand ethical acts, such as apologies or corrections [8]. Because of these conditions, it is very necessary to investigate the self-regulation of the media. Increasing the likelihood that the media may undercut regulatory aims in order to emphasize its own economic interests is one of the consequences of delegating regulatory authority to the media. In light of this, the assumption is made. The government need to make a concerted effort to encourage the training of journalists by the owners of press outlets. For the purpose of fostering media independence, Western nations host seminars that are geared at educating journalists. There have been a



number of suggestions about press freedom that have been given by both official and non-governmental organizations. An objective appraisal is required in order to assess the contributions that they have made to the reform of the media. Citizens in nations where the government represses the media have a lower degree of political awareness and participation than citizens in other nations. Apathetic and politically indifferent persons are unable to effectively supervise politicians who are focused on themselves since they do not participate in politics to the extent that is necessary. By creating journalistic ethics and ensuring that they are enforced, members of management and reporters have the ability to accomplish media responsibility via the process of self-regulation. In order to solve this issue, it is important to build a structure that enables those who believe they have been harmed to have access to a tribunal that is determined to be fair [9]. In order to prevent causing inconvenience to the general public, it is vital for professionals working in the media, journalists, and management of broadcasting firms to develop stringent standards for journalism.

### **Self-Regulation vs State-Regulation: A Legal and Philosophical Tension**

The debate between **self-regulation** and **state-regulation** lies at the heart of the discourse on media governance in democratic societies. In theory, both aim to uphold media accountability and ensure ethical journalism; however, their approaches, assumptions, and consequences vary significantly. In India, this dichotomy becomes especially complex due to its pluralistic media landscape, political sensitivities, and a legacy of constitutional protections for freedom of expression.

### **The Philosophical Foundation**

- Self-regulation is based on the principle of editorial independence and peer accountability, rooted in the belief that journalists and media houses are best positioned to regulate themselves. It emphasizes professional ethics, voluntary codes of conduct, and internal grievance redressal mechanisms [10].
- State-regulation, in contrast, involves direct intervention by the government or statutory bodies to oversee, monitor, and penalize media content that violates legal or moral standards. It is grounded in the idea that certain limits are necessary to safeguard public interest, prevent harm, and maintain order.

In essence, while self-regulation seeks to protect freedom from government interference, state-regulation seeks to protect freedom from media abuse.

### **Institutional Examples in India**

- **Self-Regulatory Bodies:**
  - Press Council of India (PCI): A quasi-judicial body for the print media, established under the Press Council Act, 1978. It has moral authority but no power to penalize.



- News Broadcasting & Digital Standards Authority (NBDSA): A body formed by the News Broadcasters & Digital Association (NBDA) for television and digital news media. Its rulings are non-binding and depend on voluntary compliance.
- Indian Broadcasting & Digital Foundation (IBDF): Deals with content standards for entertainment and OTT platforms.
- **State-Regulatory Tools:**
  - Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021: Extends government control over digital media.
  - Cinematograph Act (1952) and Cable Television Networks (Regulation) Act (1995): Used to regulate visual media content.
  - Broadcasting Bill (drafted): Proposes greater state oversight over broadcast media.

**Table 1: Strengths and Limitations**

Aspect	Self-Regulation	State-Regulation
<b>Strengths</b>	Protects freedom of press, encourages internal responsibility, adaptable to industry changes	Provides legal enforceability, uniform standards, stronger public accountability
<b>Weaknesses</b>	Lacks coercive power, often ineffective against powerful entities, may serve corporate interests	Prone to political misuse, risk of censorship, may suppress dissent and critical journalism
<b>Example of Failure</b>	NBDSA's inability to enforce penalties against high-profile TV anchors for hate speech	Government bans on documentaries (e.g., BBC documentary on PM Modi) without judicial review

### Judicial Commentary

The Indian judiciary has often a middle path. In *Sakal Papers Ltd. v. Union of India* (1962), the Supreme Court upheld press freedom as integral to democracy. Yet, in *Pravasi Bhalai Sangathan v. Union of India* (2014), the Court recommended a regulatory mechanism for hate speech in media, acknowledging the

### Shortcomings of self-regulation.

Courts have also recognized the dangers of state overreach. In *Shreya Singhal v. Union of India* (2015), Section 66A of the IT Act was struck down to protect free speech, signaling distrust of blanket state control.

### The Emerging Middle Ground



Given the weaknesses of both extremes, scholars and policy analysts advocate for a hybrid model:

- Statutory recognition of independent regulatory bodies that are not under direct state control.
- Mandatory adherence to ethical codes with the power to levy penalties.
- Public participation and transparency in regulation.

This could resemble systems like the UK's Ofcom, which is independent but statutorily empowered, or South Africa's Press Ombudsman, which blends community and industry oversight.

### Conclusion

Judicial interventions, though necessary at times, cannot be a sustainable substitute for a coherent regulatory architecture. Moreover, the increasing use of executive powers and state-imposed bans raises concerns about overreach and the potential erosion of press freedom. A careful balance must be struck between ensuring media accountability and preserving the constitutional guarantees of free expression.

This paper argues that meaningful reform lies not in replacing self-regulation with outright state control, but in creating a hybrid regulatory model: one that offers statutory recognition to independent regulatory bodies, enforces ethical standards with due process, and maintains a firewall between government interference and editorial autonomy. A robust, legally empowered, and transparent system—supported by public trust and institutional independence—is essential to restore credibility in India's media landscape and uphold democratic values.

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