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Public Interest and the Changing Landscape of Media Laws in India

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ABSTRACT

The rapid expansion of digital technologies has reshaped the media landscape in India, altering how citizens access information, participate in public discourse, and experience democratic engagement. As traditional print–broadcast systems merge with digital ecosystems, the idea of *public interest* has become a central guiding principle for media regulation. This paper explores how evolving media laws—ranging from the IT Rules 2021 to the Digital Personal Data Protection Act 2023—attempt to balance freedom of expression with concerns about misinformation, privacy, online harm, and editorial accountability. Through a humanized perspective, the study highlights how everyday users encounter these legal shifts in their social media use, news consumption, and civic participation. By mapping judicial interventions, regulatory reforms, and emerging debates around digital rights, the paper argues that India is transitioning toward a more citizen-centric model of media governance. The findings emphasize the need for nuanced, ethical, and inclusive policies that preserve democratic values while responding to technological disruption.

Keywords: Protection, Freedom of Expression, Misinformation, Media Ethics, Digital Rights, Public Discourse

Introduction

Media has long held a unique place in India’s democratic imagination. Often described as the “fourth pillar,” it serves not only as a channel of information but also as a space where citizens negotiate truth, identity, and collective aspirations. Over the past decade, however, India’s media environment has undergone a dramatic transformation. The rise of high-speed internet, smartphones, and social media platforms has shifted the country from a predominantly print–broadcast system to a vast, interconnected digital ecosystem. In this new landscape, news flows faster, public conversations are more immediate, and every citizen has the potential to become both a consumer and a creator of content. While this democratization of communication has expanded voices and participation, it has also raised complex challenges related to accuracy, privacy, ethics, and accountability.

As these technological and cultural shifts unfold, the meaning of public interest—a foundational principle for media regulation—has become increasingly contested. Traditionally, public interest in media law was interpreted through the lens of the Indian Constitution, especially Article 19(1)(a), which guarantees freedom of speech, and Article 19(2), which permits reasonable restrictions to safeguard sovereignty, morality, and public order. However, the digital age has stretched this framework, introducing new dilemmas such as algorithmic bias, online misinformation, data breaches, digital surveillance, and deepfake manipulation. These issues impact not only national security or public order but also the daily lived experiences of millions of Indians who navigate digital spaces for news, education, entertainment, and civic participation.

The evolution of media laws in India reflects this tension between safeguarding democratic freedoms and mitigating emerging risks. Regulatory initiatives—from the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 to the Digital Personal Data Protection Act, 2023—indicate a shift toward more structured oversight of digital intermediaries, news publishers, and content platforms. At the same time, courts, civil society organizations, journalists, and citizens are actively shaping the debate on what responsible regulation should look like. Public trust in media, concerns over corporate consolidation, and the growing influence of global tech companies have further intensified discussions around transparency and accountability.

In this dynamic environment, public interest functions not merely as a legal criterion but as a moral and ethical compass guiding India’s media governance. It compels policymakers to consider how laws affect diverse communities, how digital divides shape access to information, and how regulation can protect vulnerable groups without constraining free expression. Understanding the changing landscape of media laws through this human-centered perspective is essential for assessing whether current reforms genuinely advance democratic values or risk undermining them. This study therefore examines the evolving legal frameworks, emerging challenges, and broader socio-political implications of media regulation in India, emphasizing the centrality of public interest in shaping the future of the nation’s communication ecosystem.

Public Interest as a Guiding Principle in Media Regulation

The concept of public interest in India has evolved from simply preventing state misuse of power to ensuring citizens receive accurate, ethical, and inclusive information. Historically, public interest was tied to the idea of “reasonable restrictions” under Article 19(2) of the Indian Constitution, which permitted regulation of speech to protect sovereignty, public order, and morality (Chaturvedi, 2019).

In recent years, however, public interest has expanded into issues such as data protection, digital literacy, algorithmic fairness, and user autonomy. For instance, debates on social media misinformation are increasingly framed around public health and electoral integrity—domains where citizen welfare is directly impacted. Similarly, the push for accessible content for persons with disabilities, representation of marginalized communities, and protection from online harassment shows how public interest today reflects a more inclusive understanding of democratic participation.

This human-centered approach marks a shift from earlier state-centric interpretations of public welfare.

Literature Review

The evolving dynamics of public interest and media laws in India have attracted significant scholarly attention, especially as digital technologies transform communication patterns and governance structures. The concept of *public interest* itself is rich and multifaceted. Earlier studies conceptualized public interest as a normative framework that protects citizens’ democratic rights, ensuring transparency, accountability, and responsible communication within society (McQuail, 2010). In the Indian context, scholars such as Chaturvedi (2019) and Rajagopal (2001) emphasize that public interest has historically been intertwined with the nation’s constitutional ethos, where freedom of expression is upheld as fundamental yet subject to reasonable restrictions to maintain social harmony. The literature reveals that the balance between media freedom and regulatory oversight has always been delicate in India, shaped by political pressures, judicial interpretations, and socio-cultural diversity.

A substantial body of research focuses on the role of media in democratic societies, emphasizing the media’s power in shaping public opinion, influencing policy, and acting as a watchdog against institutional excesses. Scholars such as Curran (2011) argue that media regulation must safeguard not only journalistic freedom but also public access to accurate, diverse, and reliable information. In India, the media landscape has been traditionally dominated by print and broadcast sectors, which were guided by frameworks such as the Press Council Act (1978) and the Cable Television Networks Regulation Act (1995). These laws aimed to ensure ethical standards, prevent harmful content, and maintain social order. However, as Jeffery (2018) notes, the exponential growth of television news channels in the 2000s resulted in heightened competition and sensationalism, compelling scholars to question whether existing regulatory structures adequately protected public interest.

The literature on digital transformation marks a significant shift in media law scholarship. With the widespread adoption of smartphones, falling data costs, and the rise of large digital platforms like Facebook, YouTube, and X (Twitter), scholars argue that media ecosystems have become more fragmented, interactive, and decentralized (Couldry & Hepp, 2017). This transformation has expanded the scope of what constitutes “media,” making every citizen a potential producer of public content. In India, digital media consumption has grown exponentially, creating new opportunities for civic participation and collective mobilization. Yet, as Sundar and Sahoo (2020) observe, digital spaces are also vulnerable to misinformation, hate speech, deepfake technologies, and algorithmic manipulation, which pose severe challenges to public trust and democratic stability. These concerns have prompted researchers to advocate for updated regulatory mechanisms that address technological complexities while preserving freedom of expression.

One significant theme in the literature concerns the regulation of intermediaries and digital platforms. The promulgation of the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** has sparked intense academic debate. Supporters argue that regulating intermediaries is essential for combating harmful online content, protecting vulnerable users, and strengthening grievance redressal mechanisms (Menon, 2022). Conversely, critics caution that the 2021 Rules risk centralizing power in the hands of the executive, potentially enabling censorship and undermining editorial autonomy of digital news platforms (Ramanathan, 2021). International scholars studying global platform governance note that India’s regulatory strategy mirrors a global trend where states are attempting to reclaim authority from transnational tech giants (Gillespie, 2018). The literature reveals a broader concern: How can democracies design regulatory models that ensure platform accountability without eroding the participatory potential of digital technologies?

The literature also emphasizes the growing significance of *data protection* as a public interest concern. The passage of the **Digital Personal Data Protection Act (DPDP), 2023** has been widely analyzed for its implications on privacy, surveillance, and digital rights. Scholars like Sharma and Dua (2023) argue that data privacy is no longer merely a legal issue but a critical element of human dignity and autonomy. In India, where millions of first-time digital users navigate online spaces with limited literacy, researchers stress the need for robust safeguards to prevent exploitation by corporations or the state (Thomas, 2022). At the same time, other scholars highlight the challenge of balancing user privacy with national security, business innovation, and public service delivery. Research indicates that public interest in the digital age extends beyond traditional media concerns to include algorithmic transparency, informational equity, and digital literacy.

The question of *media ethics* has also reemerged as a crucial topic within the literature. Scholars observe that sensationalism, paid news, and partisan reporting have eroded public trust in media institutions (Thakurta, 2015). Digital platforms, driven by attention economies, further intensify these problems by rewarding engagement over accuracy. Research by Tandoc et al. (2018) demonstrates how misinformation thrives in algorithmic environments, complicating the role of regulators in determining what constitutes harmful or misleading content. In the Indian context, civil society

groups and independent fact-checking organizations have significantly contributed to identifying disinformation trends, yet scholars argue that stronger institutional mechanisms are needed to promote ethical journalism, especially during elections, public health crises, and communal tensions.

The literature on *public sphere theory* provides another dimension to understanding India's changing media laws. Habermasian scholars argue that a well-functioning public sphere requires free-flowing, rational, and inclusive communication (Habermas, 1989). However, researchers examining India's socio-political context suggest that the digital public sphere often reproduces existing inequalities related to caste, gender, region, and language (Neyazi, 2019). The digital divide remains a recurring theme in the literature, with scholars noting that while urban populations enjoy seamless access to digital information, marginalized communities still face barriers related to connectivity, literacy, accessibility, and content relevance (Gupta & Joseph, 2020). Public interest, therefore, must be understood not simply as content regulation but as a broader commitment to creating equitable access to information and participation.

Another important area of scholarship concerns media ownership and corporate influence. Studies reveal that consolidation of media ownership in the hands of a few corporate groups has raised concerns about content diversity and editorial independence (Bhushan, 2021). Digital markets have introduced powerful new actors—global tech corporations whose business models rely on targeted advertising and vast data extraction. Scholars argue that these players significantly shape public discourse, raising questions about accountability, monopoly power, and the role of the state in regulating digital capitalism (Zuboff, 2019). In India, concerns over opaque ownership patterns, political-business nexus, and cross-media monopolies have motivated calls for stronger competition laws and transparency frameworks to ensure that public interest is not compromised by commercial imperatives.

Judicial interventions also form a rich part of the literature related to media laws in India. Courts have historically played a crucial role in defining the boundaries of free speech, media responsibilities, and the interpretation of public interest. Landmark cases such as *Romesh Thapar v. State of Madras* (1950), *Sakal Papers v. Union of India* (1962), and *Shreya Singhal v. Union of India* (2015) are frequently cited in academic works for expanding the scope of press freedom while cautioning against arbitrary state control. Recent judgments addressing communal violence reporting, hate speech, and digital content moderation highlight the judiciary's evolving role in navigating digital complexities (Bhatia, 2020). The literature suggests that judicial oversight remains essential in ensuring that media laws align with constitutional values and democratic norms.

Finally, scholars increasingly discuss *self-regulation* as an emerging framework in media governance. Industry bodies like the News Broadcasting & Digital Standards Authority (NBDSA) and self-regulatory codes for OTT platforms reflect attempts to balance editorial independence with public accountability. Studies show mixed results: while self-regulation promotes flexibility and reduces bureaucratic intrusion, it often lacks enforcement power and relies heavily on industry goodwill (Rao, 2022). Nonetheless, researchers view hybrid regulatory models—combining state regulation, judicial oversight, self-regulation, and public participation—as promising pathways for addressing the complexities of modern media ecosystems.

Changing Landscape of Media Laws in India

Digital News and Platform Regulation

The most significant transformation in recent years has occurred in digital media regulation. The **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** introduced a new framework for OTT platforms, digital news publishers, and social media intermediaries. These rules emphasize grievance redressal, fact-check mechanisms, and responsibility for harmful content. Supporters argue that such regulations protect public interest by preventing misinformation and hate speech, while critics warn against potential overreach and erosion of editorial independence (Menon, 2022).

Data Protection and Privacy

With increasing concerns over surveillance and data misuse, India introduced the **Digital Personal Data Protection Act, 2023**, marking a major milestone. The law seeks to empower users with consent rights while balancing innovation and national security needs. For ordinary citizens, this signals recognition of privacy as a public interest concern, particularly in a country with millions of first-time digital users vulnerable to exploitation (Sharma & Dua, 2023).

Broadcast and Print Media Reforms

Although print and broadcast sectors remain governed by older frameworks like the Press Council Act (1978) and Cable Television Networks Regulation Act (1995), recent amendments show a push toward convergence. Efforts to streamline oversight across media formats reflect changing consumption patterns where audiences seamlessly shift between television, YouTube, and social media for news. Judicial bodies, especially the Supreme Court of India, have played an active role in urging responsible media behavior during communal violence, elections, and sensitive investigations (Ramanathan, 2020).

The Rise of Self-Regulation and Public-Guided Accountability

Industry bodies such as the News Broadcasting & Digital Standards Authority (NBDSA) and self-regulatory codes for OTT platforms reveal a growing trend: placing citizens at the center of media accountability. Public complaints, transparency reports, and rating systems reflect an evolving ecosystem where regulatory power is shared among state agencies, independent bodies, digital platforms, and civil society.

Public Interest Challenges in India's Media Ecosystem

Balancing Free Speech and Responsible Communication

India's media universe is diverse, multilingual, and politically vibrant. While free expression remains a constitutional right, the growing wave of misinformation, deepfakes, and polarizing narratives pose real threats to public harmony. Regulation must thus negotiate between encouraging creativity and preventing harm, a tension visible in ongoing debates on fact-checking and "safe harbor" provisions for intermediaries.

Commercial Pressures and Corporate Media Ownership

Corporate consolidation in media has raised concerns about agenda-setting and editorial independence. The public interest suffers when profit-driven motives overshadow journalistic ethics, reducing space for marginalized voices. Scholars warn that transparency in ownership structures and competition policy reforms are crucial to preserving pluralism (Joseph, 2021).

Digital Inequality and Access to Justice

Despite rapid expansion, digital access remains uneven across rural and marginalized communities. Media laws rooted in digital compliance risk excluding those lacking technical skills or stable connectivity. Strengthening public interest requires policies that ensure digital inclusion, multilingual content availability, and accessible grievance mechanisms.

Conclusion

The media landscape in India is experiencing one of the most dynamic and consequential transitions in its history. As digital technologies reshape communication patterns, citizen participation, and institutional accountability, the meaning and application of *public interest* have become central to discussions on media laws and governance. This paper's review of existing scholarship shows that public interest is no longer confined to the narrow boundaries of state security, public order, or morality. Instead, it has evolved into a broader, more citizen-centric framework that includes privacy rights, online safety, digital literacy, media ethics, and equitable access to information. This shift reflects the realities of a rapidly digitizing society where millions engage with the media not just as receivers but as creators, critics, and stakeholders in public discourse.

The evolving regulatory frameworks—from the IT Rules 2021 to the Digital Personal Data Protection Act 2023—highlight the Indian state's attempt to balance freedom of expression with the urgent need to tackle misinformation, online harm, and the growing power of global digital platforms. While these laws aim to protect citizen welfare, their effectiveness depends on transparency, accountability, and proportionality in implementation. The literature consistently warns that regulatory overreach may undermine editorial independence, stifle innovation, and weaken democratic dialogue. Thus, the future of India's media regulation lies in finding a careful equilibrium between enabling free and vibrant expression and preventing the misuse of digital spaces.

Scholarly research also underscores persistent challenges in India's media ecosystem: corporate media consolidation, algorithmic bias, digital inequalities, and declining public trust. These concerns remind regulators and policymakers that public interest cannot be protected through legislation alone. A healthy media environment requires ethical journalism, critical media literacy, inclusive access, and institutional safeguards that prioritize democratic values over short-term political or commercial gains. Courts, civil society organizations, professional associations, and independent regulators all play vital roles in shaping this ecosystem.

Ultimately, the changing landscape of media laws in India offers both risks and opportunities. If guided by a robust understanding of public interest, regulatory reforms can empower citizens, strengthen democratic participation, and ensure a more accountable and transparent media environment. Conversely, if shaped narrowly by political or economic pressures, the same reforms could threaten plurality and weaken the democratic fabric of society. As India navigates this delicate terrain, the challenge is not merely to regulate media but to nurture an informed, empowered, and digitally resilient public. The literature makes clear that the future of India's media governance must remain anchored in constitutional values, human dignity, and the evolving needs of its diverse population. Only then can media laws truly serve the public interest in an era defined by rapid technological change.

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