



INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW

An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 4 | Issue 3 | 2025

Art. 69

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Recommended Citation

Mayank Jagawanshi and Prof. Dr. Roma Mukherjee, *An Analysis of News Media Broadcasting Regulations in India*, 4 IJHRLR 965-973 (2025).

Available at www.humanrightlawreview.in/archives/.

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An Analysis of News Media Broadcasting Regulations in India

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Manuscript Received
03 June 2025

Manuscript Accepted
05 June 2025

Manuscript Published
08 June 2025

ABSTRACT

This paper examines the regulatory framework governing news media in India, focusing on both print and digital platforms. It explores the historical development of media laws, the role of key regulatory bodies, and the challenges of managing media in the digital age. The study analyzes how India's regulatory environment balances the need for press freedom with the state's role in controlling content, particularly in the context of emerging issues like fake news, privacy concerns, and digital media ethics. The paper concludes by discussing the future of media regulation in India and provides recommendations for policy improvements.

KEYWORDS

News Media, Regulatory Body, Freedom of Press

INTRODUCTION

The Indian news channels environment has gone through many changes, after that, there comes the proliferation of 24/7 news channels with the intense competition for TRPs and watch hours.¹ Then onwards this competition has reached now as a tension between sensationalism and credibility in news reporting by our news channels and thereby raising critical questions about consumer preferences and the ethical responsibilities of news media organizations. Sensationalism, characterized by

¹ Rodrigues UM and Ranganathan M, '24-Hour News and Terror: Did the Media Cross the Line?' (SAGE ACADEMICS BOOKS)
<<https://sk.sagepub.com/book/mono/indian-news-media/chpt/24hour-news-terror-did-media-cross-line>> accessed 7 November 2024.

exaggerated, emotionally charged, and often trivial News content, which has now become a dominant strategy for many Indian news channels to capture audiences. Though, this trend has come at the cost of integrity of journalists, the factual accuracy, and the public's right to get true information.² In the context of Indian scenario, here news media plays an important role in shaping public opinion and thereby the democratic discourses, this preference for sensationalism over credibility has far-reaching implications for the rule of law, governance, and societal trust.

The Indian legal provisions, particularly under the Constitution of India, it upholds the freedom of speech and expression under Article 19(1) (a), but this right is not absolute and thus it is subjected to some reasonable restrictions as provided under Article 19(2).³ The judiciary has also consistently forced for the importance of responsible journalism in maintaining the democratic decorum of India. In *R. Rajagopal v. State of Tamil Nadu* (1994),⁴ the Apex Court of India has recognized the right to privacy and also the need for News media houses to exercise certain cautious steps while disseminating reports about individuals. Likewise, in *Sahara India Real Estate case* (2012),⁵ the Apex Court undermined the significance of balancing the News media's freedom with the right to get a fair trial, demonstrated the dangers of news media trials and sensational reportings. These cases illustrate the judges' concern over the lacking of credibility in news media and its potential to undermine justice.

Despite these legal provisions, the Indian news channels industry continues to prioritizing the sensationalism, often getting blurred the lines between news and entertainment.⁶ This is evident in the coverage of high-profile cases, such as the Aarushi Talwar⁷ murder trial and the Sushant Singh Rajput death case⁸, where media channels engaged in speculative and inflammatory reporting, often preempting judicial processes. Such practices not only violate ethical journalism standards but also contravene the

² Ghosh J, 'Ethics of Indian News Media: Aberrations And Future' (Global Media Journal-Indian Edition)
<[https://www.thkjaincollege.ac.in/onlineStudy/journalism/joraCC4Sem2/sect2/ARTICLE-3-ETHICS OF INDIAN NEWS MEDIA.pdf](https://www.thkjaincollege.ac.in/onlineStudy/journalism/joraCC4Sem2/sect2/ARTICLE-3-ETHICS%20OF%20INDIAN%20NEWS%20MEDIA.pdf)> accessed 6 March 2025.

³ Constitution of India, Article 19.

⁴ *R. Rajagopal v. State of Tamil Nadu* [1994] Supp. (4) S.C.R. 353.

⁵ *Sahara India Real Estate Corporation Ltd. v. SEBI* [2012] 12 S.C.R. 256.

⁶ Waghre P, 'A Lack of Sense, and Censor-Ability in India' (Tech Policy Press, 6 March 2025) <<https://www.techpolicy.press/a-lack-of-sense-and-censorability-in-india/>> accessed 8 October 2024.

⁷ *Dr. Rajesh Talwar and another v. Central Bureau of Investigation*, 2013 (82) ACC 303.

⁸ *Rhea Chakraborty v. The State of Bihar*, AIR 2020 SC 3826.

guidelines issued by the Press Council of India and the News Broadcasters Association (NBA).⁹ The NBA's Code of Ethics mandates accuracy, fairness, and impartiality in news reporting, yet its enforcement mechanisms remain weak, allowing sensationalism to thrive.

Consumer preferences in India appear to be divided, with a significant portion of the audience gravitating toward sensational content, driven by the desire for instant gratification and entertainment.¹⁰ However, there is also a growing segment of viewers who value credible and in-depth reporting, as evidenced by the success of niche news platforms that prioritize factual accuracy and investigative journalism. This dichotomy reflects a broader societal challenge: while sensationalism may yield higher ratings in the short term, it erodes the media's long-term credibility and its role as the fourth pillar of democracy.¹¹

To address this issue, a multi-pronged approach is necessary. Strengthening regulatory frameworks, enhancing media literacy among consumers, and promoting ethical journalism through self-regulation are critical steps. The judicial bodies by their decisions and rulings, must tackle and continue to hold news media organizations' accountability for irresponsible reporting. Along with it, civil societies, academicians and institutions must play some crucial proactive role in fostering a culture of critical media consumption.¹² Ultimately, the choice between sensational contents and its credibility is not just a matter of consumer preference but a question of upholding the principles of democracy, justice, and the rule of law in India.

THE RISE OF SENSATIONALISM IN INDIAN TV NEWS

The Indian news media environment has seen rapid growth after the liberalization of the Indian economy in the 1990s. With the incoming of private players, the number of news platforms on TV has massively increased, leading to a high octane and cut

⁹ Maniyar Z, 'CJP's NBDSA Complaints 2023: A Look at the Repeated Violation of Ethics and Guidelines by Indian Television Channels' (CJP, 22 December 2023) <<https://cjp.org.in/cjps-nbdsa-complaints-2023-a-look-at-the-repeated-violation-of-ethics-and-guidelines-by-indian-television-channels/>> accessed 7 March 2025.

¹⁰ Mattheweldridge, 'Streaming Culture & Consumer Behavior in India' (Wordbank, 4 December 2024) <<https://www.wordbank.com/blog/market-insights/streaming-culture-consumer-behavior-in-india/>> accessed 2 March 2025.

¹¹ Thajaswini CB, 'Media – the Fourth Pillar of Democracy' (IJRAR2020) <<https://www.ijrar.org/papers/IJRAR2001432.pdf>> accessed 4 March 2025.

¹² (Judiciary and media) <https://aphc.gov.in/docs/judiciary_media.pdf> accessed 5 March 2025.

throat competitive environment. In this fight for higher Television Rating Points (TRPs),¹³ many news channels have resorted to sensationalism as a planning to capture public attention. Sensationalism often manifests in the form of hyperbole, selective reporting, and the prioritization of entertainment over factual accuracy. For instance, the coverage of high-profile criminal cases, such as the Aarushi Talwar murder case, was marked by speculative reporting and trial by media, which not only compromised the credibility of the news but also interfered with the judicial process.¹⁴

The Indian legal system has recognized the dangers of sensationalism in media reporting. In *R. Rajagopal v. State of Tamil Nadu* (1994), the Supreme Court emphasized the importance of responsible journalism and the need to balance the right to freedom of speech with the right to privacy. The court held that the media cannot publish defamatory or sensational content without verifying the facts, as it undermines the credibility of the press and violates the rights of individuals. This case undermines the legal obligation of news channels to follow the ethical standards in news reporting's.¹⁵

CONSUMER PREFERENCES AND THE DEMAND FOR SENSATIONALISM

The common parlance of sensationalism in Indian news channels can be attributed, in part, to consumer preferences. Studies have provided that a particular significant ratio of the Indian viewers are drawn to sensational content, which is often received as more engaging and it is more of an entertainment than news. This favor is influenced by reasons such as less media literacy and awareness, the want of instant gratification, and the diverse cultural affinity for dramatic show making. For example, the extensive coverage of celebrity gossip news, several political scandals, and sensational crime stories shows. They reciprocates the demand for contents that appeals to emotions rather than

¹³ Chadha K, 'The Indian News Media Industry: Structural Trends and Journalistic Implications | Request PDF' (RESEARCH GATE) <https://www.researchgate.net/publication/316838469_The_Indian_news_media_industry_Structural_trends_and_journalistic_implications> accessed 18 February 2025.

¹⁴ Kushwaha BK, 'Unveiling the Phenomenon of Media Trial in Indian ...' (International Journal Of Novel Research And Development) <<https://ijnrd.org/papers/IJNRD2409135.pdf>> accessed 7 March 2025.

¹⁵ Sucheta and Ridhi, "Media Persons Particularly Individuals in Key Positions Must Exercise Utmost Caution before Publishing Any Statements, News"; SC Reiterates' (SCC Times, 24 February 2025) <<https://www.sconline.com/blog/post/2025/02/21/media-persons-exercise-caution-publishing-news-statements-sc-legal-news/>> accessed 6 December 2024.

intellect of common viewers.

However, this practice raises important questions about the role of news media channels in a democratic society. This news media is often referred to as the "fourth pillar of democracy," with the responsibility of informing the public and holding those in power accountable. When news channels prioritize sensationalism over credibility, they risk undermining their role as a watchdog and eroding public trust. The case of Sahara India Real Estate Corporation Ltd. v. Securities and Exchange Board of India (2012) highlights the consequences of misleading reporting. The Supreme Court criticized the media for publishing unverified information that caused panic among investors, emphasizing the need for accurate and responsible journalism.

LEGAL AND REGULATORY FRAMEWORK GOVERNING TV NEWS IN INDIA

The Indian legal system provides a framework for regulating TV news content, with the aim of ensuring credibility and accountability. The Cable Television Networks (Regulation) Act, 1995,¹⁶ and the Program Code under the Act set out guidelines for content broadcast on television. These guidelines prohibit the transmission of programs that are obscene, defamatory, or incite violence. Additionally, the News Broadcasters Association (NBA) has established a self-regulatory mechanism, including a Code of Ethics and Broadcasting Standards, to promote responsible journalism.

Apart from these regulations, enforcement of these laws remains a challenge. The lack of an independent regulatory mechanism with effective powers to punish and penal actions for violations has allowed sensationalism to grow rapidly in news media.¹⁷ In *Union of India v. Naveen Jindal* (2004)¹⁸, it illustrates the lacunae of the existing framework. The Supreme Court holds that the right to freedom of speech and expression under Article 19(1) (a) of the Constitution includes the right to get and have access to information. However, the apex court also mentioned that this right is not absolute and it is subject to reasonable restrictions in the interest of public order, decency, and morality as provided under the Constitution of India. This case showcased

¹⁶ LawBhoomi, 'Cable Television Networks (Regulation) Act, 1995: A Detailed Analysis' (LawBhoomi, 17 December 2024) <<https://lawbhoomi.com/cable-television-networks-regulation-act-1995>> accessed 7 January 2025.

¹⁷ (Recommendations on issues relating to media ownership) <https://www.trai.gov.in/sites/default/files/Recommendations_on_Media_Ownership.pdf> accessed 7 Feb 2025.

¹⁸ *Union of India v. Naveen Jindal*, 2004 INSC 53.

the need for a more robust regulatory mechanism to address the challenges posed by sensationalism spread through news media channels.

THE ROLE OF THE JUDICIARY IN CURBING SENSATIONALISM

The Judicial bodies has done a proactive roles in addressing these issues of sensationalism in news channels. In *Prabha Dutt v. Union of India* (1982),¹⁹ the Apex Court has gave emphasizes on the importance of responsible media reporting and journalism and then there is a need to balance the right to freedom of the press with the rights of common public. Here the court held that the news media cannot publish sensational or defamatory contents without verifying the truthfulness of such facts, as it undermines the credibility of the news media and thereby violates the rights of common people.

Similarly, in *Sahara India Real Estate Corporation Ltd. v. SEBI* (2012),²⁰ the Supreme Court has criticized the news media for publishing incorrect information without proper verifications that has caused panic among large numbers investors. The court acknowledged the need for accurate and responsible news media journalism and stated that the news media has a duty to ensure that the informations which it disseminates is truthful and reliable. These cases demonstrate the judiciary's commitment to upholding the credibility of the media and protecting the rights of individuals.

THE IMPACT OF SENSATIONALISM ON PUBLIC PERCEPTION AND TRUST

The growth of sensationalism in Indian news channels has had a negative impact on common public perception and their trust. In a study, conducted by the Reuters Institute for the Study of Journalism, it is found that trust in the news media in India is relatively low, with many participants of the study had expressed their concerns about biased and sensational reporting.²¹ This kind of trust issues has serious implications for the efficient functioning of democracy, as an informed and engaged citizenry is essential for upholding those in power accountable.

¹⁹ *Prabha Dutt v. Union of India*, 6 1982 SCR.

²⁰ *Sahara India Real Estate Corporation Ltd. v. Securities and Exchange Board of India*, [2012] 12 S.C.R. 256.

²¹ ANEEZ Z and others, 'India Digital News Report' (Reuters Institute for the Study of Journalism) <<https://reutersinstitute.politics.ox.ac.uk/our-research/india-digital-news-report>> accessed 2 March 2025.

In the case of *Arnab Goswami v. Union of India* (2020)²², it highlights the outcomes of sensationalism on public trust as done by news channels. The Apex court criticized the news media for its role in spreading communal tensions through sensational news reporting, emphasizing the need for responsible journalism. The court held that the News houses has a duty to ensure that their reporting does not incite violence or hatred among public, and that it must stay balanced to ethical standards in its coverage of sensitive topics.

THE WAY FORWARD: BALANCING SENSATIONALISM AND CREDIBILITY

In order to address the challenges of sensationalism in Indian news platforms, it requires a multi-angle approach. At First, there is a need for greater news media literacy among public who actually are consumers. Educating and making the public aware about the importance of credible news sources and the various dangers of sensationalism can help create a more discerning public. Secondly, the legal regulatory framework governing these news channels must be strengthened to ensure accountability and responsibility.²³ And here it is important to include the establishment of an independent regulating body with the powers to penalize violations and enforce ethical standards.

Third, the news platforms must prioritize journalistic integrity over TRP games. This can be done through internal assessment mechanisms such as ombudsmen and keeping various editorial boards which will helps in ensure adherence to ethical standards.²⁴ Finally, the judiciary bodies must go on the path and continue their actions as a proactive role in banning sensationalism and also upholding the credibility of the news media. By upholding a balance between freedom of speech and expressions and the need for responsible news journalism, these courts can help in creating a news media environment which serves the public interest.

CONCLUSION

The fight between sensationalism and credibility in Indian news

²² *Arnab Goswami v. Union of India*, [2020] 11 S.C.R. 896.

²³ Parashar A, 'Fact Check: Alt News Report Presents False, Misleading Claims and Distorted Facts' (Vishvas News, 23 February 2023) <<https://www.vishvasnews.com/english/viral/fact-check-alt-news-report-presents-false-misleading-claims-and-distorted-facts/>> accessed 17 December 2024.

²⁴ Drishti IAS, 'Ethics in Journalism' (Drishti IAS, 9 November 2020) <<https://www.drishtiiias.com/to-the-points/paper4/ethics-in-journalism>> accessed 17 February 2025.

channels for a public consumption is a toxic issue with having far-reaching implications and impacts on our democracy. This sensationalism may attract viewership for the short term but it undermines the credibility of the news media houses and thereby erodes public trust. At present, the Indian legal system has recognizing the various dangers of sensationalism and has several taken steps to address and tackle the issue through judicial interventions and by making regulatory mechanisms for it. However, there is more things are needed to be done so as to ensure that the news media is following and complementing its role as a watchdog of the society and thereby serving the public interest as their first priority. By fighting and promoting news media literacy, by strengthening the regulatory framework, and encouraging responsible news journalism, it is possible to keep a balance between sensationalism and credibility and thus thereby creation of a news media environment that upholding the values of democracy and the rule of law.