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Broadcasting Regulation in India: A Critical Analysis of the Bill and Its Implications For Press Freedom and Digital Media

ABSTRACT

India's Broadcasting Services (Regulation) Bill, introduced in 2023 and revised in 2024, represents the most ambitious legislative overhaul of broadcast regulation since the Cable Television Networks (Regulation) Act of 1995. Ostensibly designed to consolidate a fragmented regulatory architecture and adapt the law to the realities of digital media, the Bill has provoked significant controversy among legal scholars, civil society organizations, and media practitioners. This article undertakes a comprehensive critical analysis of the Bill's principal provisions, its three-tier regulatory structure, its expanded definitions of "broadcasting" and "news and current affairs programmes," the proposed Content Evaluation Committees, and the powers vested in the Broadcast Advisory Council, against the benchmark of constitutional guarantees enshrined in Article 19(1)(a) of the Indian Constitution. The article argues that the Bill, in its current form, structurally privileges government oversight over independent editorial judgment, forecloses meaningful judicial and quasi-judicial recourse against executive orders, and deploys definitional overbreadth to bring within its ambit a wide spectrum of individual digital expression that was never historically treated as broadcasting. The analysis draws on comparative constitutional jurisprudence, international human rights standards, and the legislative history of press regulation in India to assess whether the Bill achieves a constitutionally defensible calibration between the state's regulatory interest and the fundamental freedom of speech and expression. The article concludes with a set of normative recommendations for legislative reform.

KEYWORDS

Broadcasting Services (Regulation) Bill 2023, Press Freedom, OTT Regulation, Cable Television Networks Act 1995, Broadcast Advisory Council, Self-Regulation, Freedom of Speech

I. INTRODUCTION: MEDIA FREEDOM AS CONSTITUTIONAL MANDATE

Freedom of the press is not a privilege politely conferred by the state, it is rather a structural precondition for the functioning of constitutional democracy. India's founding generation understood this with unusual

clarity. The framers of the Constitution, drawing on the experiences of colonial censorship and the suppression of nationalist journalism under the British Raj, enshrined freedom of speech and expression as the first among the fundamental rights enumerated in Part III.^[1] Though the text of Article 19(1)(a) does not explicitly mention the press, the Supreme Court of India has consistently read press freedom into its ambit, recognizing that the constitutional guarantee would be rendered hollow without protecting the institutional media that gives effect to the right of citizens to receive information and form opinion.^[2]

Media and journalism have never been merely commercial enterprises. They perform a civic function, building shared understanding, holding power accountable, and surfacing the deep-rooted realities that those in authority would frequently prefer to leave buried. The longevity of journalism as a profession owes much to the freedoms it has historically enjoyed and the responsibility with which those freedoms have been exercised. In a country as vast and socially heterogeneous as India, the role of the media in channeling first-hand information across linguistic, regional, and socioeconomic divides assumes heightened constitutional significance. Any legislation that touches upon the manner in which media may operate must, accordingly, be evaluated against the most exacting constitutional standard. It is against this backdrop that the Broadcasting Services (Regulation) Bill, 2023, and its materially revised successor, the Broadcasting Services (Regulation) Bill, 2024, demand sustained legal scrutiny. The Ministry of Information and Broadcasting (MIB) presented the Bill as a modernizing measure, a long-overdue replacement for the Cable Television Networks (Regulation) Act, 1995, which was drafted in an era that predated OTT platforms, algorithmic content curation, and the participatory web. The case for legislative reform of some kind is difficult to dispute. The 1995 Act governs a technological and social landscape that no longer exists. What is firmly in dispute, however, is whether the particular form of regulation the Bill proposes serves the cause of democratizing media governance or, rather, of centralizing it.

This article proceeds as follows. Part II situates the Bill within its legislative and historical context, examining the regulatory deficiencies the Bill seeks to address. Part III analyzes the Bill's salient features, with particular attention to its three-tier regulatory structure. Part IV interrogates the provisions concerning digital media, including the expanded definition of "news and current affairs programmes." Part V identifies and critiques the critical issues embedded in the Bill's text and its legislative process. Part VI examines the Bill's impact on independent journalism, freedom of speech, and democratic pluralism. Part VII

assesses the current status of the Bill within a normative framework and concludes with reform proposals.

II. LEGISLATIVE CONTEXT AND HISTORICAL ANTECEDENTS

The Cable Television Networks (Regulation) Act, 1995 was enacted in response to the explosive proliferation of cable television channels in India following the liberalization of the economy in 1991.^[3] The entry of satellite television, represented paradigmatically by the arrival of CNN during the Gulf War, had shattered the Doordarshan monopoly and created a complex, largely unregulated private broadcasting sector. The 1995 Act provided a bare-bones framework: it required cable operators to register, mandated compliance with a Programme Code and an Advertisement Code, and empowered the government to regulate content in the interest of public order, national sovereignty, and decency.^[4] For nearly three decades, this framework served as the principal legislative instrument for broadcast regulation, despite being structurally ill-equipped to address satellite broadcasting, digital cable, IPTV, or the streaming services that would ultimately transform the media landscape beyond recognition. The Telecom Regulatory Authority of India (TRAI) periodically issued recommendations on broadcast regulation, and the Ministry of Information and Broadcasting exercised powers under the 1995 Act through executive orders and guidelines. The regulatory approach was, in essence, reactive and piecemeal: layering administrative instructions over an inadequate statutory base rather than building a coherent, technology-neutral framework.^[5]

The inadequacy of this approach became increasingly manifest as Over-the-Top (OTT) platforms, Netflix, Amazon Prime Video, Disney+ Hotstar, and a host of domestic competitors, gained mass audiences in India. These platforms delivered audio-visual content over broadband internet, entirely outside the regulatory perimeter of the 1995 Act. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 attempted to address this gap in part, bringing OTT platforms and digital news publishers under a three-tier self-regulatory architecture administered by the Ministry of Information and Broadcasting.^[6] However, the 2021 Rules were challenged before multiple High Courts on constitutional grounds, and their application to digital news media remained contested. The Broadcasting Services (Regulation) Bill, 2023 entered this contested landscape with the stated intention of providing a unified, comprehensive, and technology-neutral regulatory framework. The Bill was introduced by the MIB on 10 November 2023, with a public consultation period initially set to close on 9 December 2023, a timeline subsequently extended to 15 January 2024.^[7] The brevity of the original consultation window was itself a signal of the tensions between administrative urgency and deliberative democracy

that would characterize the Bill's legislative journey.

III. SALIENT FEATURES AND THE THREE TIER REGULATORY ARCHITECTURE

The Bill's architects organized its regulatory machinery around six principal features: consolidation of the regulatory framework; adaptability to emerging technologies; registration of broadcasting services; regulation of news and current affairs programmes; the establishment of Content Evaluation Committees (CECs) alongside self-regulatory mechanisms; and a revised schedule of offences and penalties.^[8] Each of these features carries distinct constitutional implications, but it is the three-tier regulatory structure that most powerfully shapes the Bill's overall posture toward press freedom.

3.1 *The Three-Tier Structure*

The Bill proposes a regulatory architecture with three ascending tiers of oversight. The first tier consists of self-regulation by individual broadcasters and broadcasting network operators. The second tier envisions the formation of self-regulatory organizations (SROs) comprising broadcasters and broadcasting network operators. The third and final tier is the Broadcast Advisory Council (BAC), a government-constituted body whose recommendations serve as the basis for the imposition of penalties by the central government for non-compliance with the Programme Code and Advertisement Code.^[9]

At first glance, this structure resembles the model of co-regulation, a hybrid approach widely used in democratic jurisdictions, in which industry self-regulation operates within a statutory framework overseen by a public body. Co-regulatory frameworks are theoretically preferable to direct state regulation of content because they preserve a degree of editorial autonomy and buffer the regulatory process against the risks of political capture. The Press Complaints Commission in the United Kingdom and the Australian Press Council have operated on broadly similar principles, though both have attracted criticism for being insufficiently independent from the industries they regulate.^[10]

The critical flaw in the Bill's three-tier model, however, is that the apex body, the BAC, is not an independent regulator in any meaningful constitutional sense. It is a government-constituted advisory body whose recommendations transmit directly into executive penalties imposed by the central government. The BAC does not function as a quasi-judicial tribunal capable of reaching independent findings of fact and law; it serves as a conduit between industry complaint and government

sanction. This design creates a structural conflict of interest that is fundamentally incompatible with the freedom of press. Where the government is itself a broadcaster, through Doordarshan and All India Radio, and simultaneously exercises punitive power over private broadcasters, the regulatory architecture cannot be described as neutral.^[11]

3.2 Content Evaluation Committees

The Bill requires broadcasters to establish Content Evaluation Committees (CECs) for the evaluation of content against the Programme Code. The CEC mechanism is intended to operate at the first tier of the self-regulatory framework, functioning as an internal compliance body before matters escalate to the SRO or the BAC. The rationale for CECs is facially reasonable: content creators should bear primary responsibility for ensuring compliance with applicable standards, and an internal review process may prevent the escalation of minor disputes. The difficulty lies in the absence of any statutory specification of the principles that should govern the Programme Code to which CECs are required to ensure compliance. The Bill provides no substantive criteria for determining what constitutes a Programme Code violation; those criteria are delegated to subordinate executive rule-making. The consequence is that broadcasters must establish institutional compliance machinery for a Code whose substantive content is effectively unknown at the time of the Bill's enactment.^[12] This legislative incompleteness is not a technical oversight. It grants the government broad residual power to define compliance obligations through delegated legislation, without parliamentary accountability for the substance of those obligations.

IV. DIGITAL MEDIA AND THE POLITICS OF DEFINITIONAL EXPANSION

Perhaps no aspect of the Bill has generated more sustained criticism than its approach to digital media regulation. The 2024 revised version of the Bill makes a series of definitional amendments that dramatically expand the regulatory perimeter of broadcasting to encompass forms of individual digital expression that have historically been understood as quintessentially private speech.

4.1 Textual Broadcasting and the Redefinition of News

The revised Bill amends the definition of "news and current affairs programmes" to include "texts" alongside the existing definitional components, "audio, visual or audio-visual content, sign, signals, writing, images", which are "transmitted directly or using a broadcasting network."^[13] Correspondingly, the definitions of "programme" and "broadcasting" are revised to include "texts" and "textual programmes"

respectively. The effect of these amendments is far-reaching. Content that was previously understood as falling outside the regulatory ambit of broadcasting, a text-based news article, a thread on a social media platform, a newsletter, may now be captured by the expanded definition. The Bill further establishes distinct categories: “Digital News Broadcaster” and “OTT Broadcaster.” Any individual creating content that falls within the expanded definition of “news and current affairs programmes” and transmitting that content over a broadcasting network, broadly defined to include the internet, may, under the revised Bill, be classified as a Digital News Broadcaster.^[14] The regulatory consequences of such classification are significant: registration requirements, compliance with Programme and Advertisement Codes, CEC obligations, and potential exposure to penalties. The implications for free expression are immediate and serious. Consider these three examples generated by the Bill’s critics: a civil society organization sharing current affairs commentary, a content creator posting news updates on YouTube, or an individual routinely contributing to a Reddit thread about local politics, all of these could suitably be characterized as Digital News Broadcasters under the revised definition.^[15] The chilling effect of such overbreadth on civic participation in public discourse would be profound. Citizens exercising the ordinary right to engage with and comment upon public affairs would face the prospect of regulatory obligations designed for institutional broadcast entities.

4.2 OTT Regulation and the Intermediary Framework

The revised Bill also introduces a new definition of “OTT broadcasting service,” a revised definition of “intermediary,” due diligence guidelines for social media platforms, and provisions governing online advertisement intermediaries.^[16] The effort to harmonize the OTT regulatory framework with the broader broadcasting architecture is legislatively coherent as a design goal. However, the specific manner in which the Bill drafts these provisions raises distinct concerns about the layering of regulatory obligations. India’s information technology governance already features the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The Broadcasting Bill, as drafted, risks creating parallel and potentially conflicting regulatory regimes for OTT platforms, one under the Ministry of Information and Broadcasting through the broadcasting framework, and another under the Ministry of Electronics and Information Technology through the IT Act framework. Regulatory overlap of this kind is not merely a matter of administrative inconvenience; it generates structural uncertainty for platform operators that may itself function as a barrier to entry, consolidating market power among those large enough to absorb the compliance burden.^[17]

V. CRITICAL DEFICIENCIES: PROCESS, TRANSPARENCY, AND RULE OF LAW

Beyond its substantive provisions, the Bill is afflicted by a series of procedural and transparency deficiencies that independently undermine its legitimacy as a regulatory measure in a constitutional democracy.

5.1 The Closed - Door Consultation Problem

The MIB's consultation process for the revised 2024 draft was notable for what it excluded as much as for what it included. The Ministry convened four meetings, on 29 May, 14 June, 18 June, and 9 July, with stakeholders drawn from the broadcast industry: broadcasting companies, streaming platforms, and industry associations.^[18] Independent civil society organizations, digital rights groups, academic institutions, and associations of journalists were largely absent from these consultations, despite having submitted extensive written comments during the earlier public consultation on the 2023 draft.

The distinction between industry stakeholders and non-industry stakeholders is not merely sociological. Industry stakeholders have a direct commercial interest in the terms of regulation; their participation in regulatory design carries the structural risk of regulatory capture, the phenomenon by which regulatory agencies come to serve the interests of the industries they regulate rather than the broader public interest.^[19] Non-industry stakeholders, civil society, academia, digital rights advocates, bring to regulatory consultations perspectives grounded in the public interest, constitutional rights, and the lived experience of communities affected by media regulation. Excluding these voices from the consultation process does not merely compromise the quality of the regulatory output; it raises constitutional questions about the adequacy of procedural due process in legislative affairs.

5.2 The Watermarked Draft and Transparency Failures

The revised 2024 draft of the Bill was not officially published by the Ministry of Information and Broadcasting. Instead, a watermarked copy of the document was shared with a select group of stakeholders under conditions that prevented its public dissemination.^[20] The deliberate restriction of access to a legislative draft of such significant public consequence is constitutionally troubling. In a constitutional democracy, the legislative process draws its legitimacy from public participation and transparency. A watermarked draft, shared under confidentiality arrangements with a privileged subset of stakeholders, is structurally incompatible with the principles of open governance. The absence of official publication also has practical consequences. Stakeholders who were not included in the selective briefing, the overwhelming majority

of those who would be affected by the Bill's provisions, were denied the opportunity to engage meaningfully with the revised text. Their exclusion from the process was compounded by their exclusion from access to the document itself.

5.3 Absence of Appeal Mechanisms

The Bill provides no mechanism for appeal against orders of the central government issued in exercise of its powers under the legislation.^[21] This omission has no defensible basis in constitutional principle. The rule of law, as a foundational constitutional value, requires that exercises of governmental power affecting the rights and interests of individuals and organizations be subject to review by an independent judicial or quasi-judicial body. The absence of a statutory appeal mechanism does not, of course, preclude affected parties from seeking judicial review before the High Courts or the Supreme Court under Articles 226 and 32 of the Constitution respectively. However, constitutional courts exercising writ jurisdiction review executive action on grounds of illegality, irrationality, and procedural impropriety, not on the full merits of the regulatory decision. The absence of a statutory appellate forum with subject-matter expertise constitutes a significant gap in the Bill's rule-of-law architecture.

5.4 Differential Treatment by Medium

The Bill's treatment of news based on the medium of dissemination, treating text-based digital news under the same broadcasting regulatory framework as audio-visual television news, reflects a fundamental conceptual confusion at the heart of the legislation.^[22] Broadcast regulation has historically been justified on spectrum scarcity grounds: because broadcast frequencies are a finite public resource, their allocation by the state has been held to justify a degree of content regulation that would not be constitutionally permissible in respect of the print press. The internet does not operate on spectrum scarcity. It is a fundamentally open, multi-directional medium whose communicative architecture is structurally different from broadcast. Applying broadcast-derived regulatory instruments to internet-native forms of expression, without any engagement with this foundational constitutional distinction, represents a category error with serious consequences for freedom of speech.

VI. THE PRESS COUNCIL, JOURNALISTIC ETHICS, AND THE EXISTING REGULATORY LANDSCAPE

No analysis of the Broadcasting Bill is complete without examining the

institutions that already exist for the regulation of journalistic conduct, and the implications of their perceived ineffectiveness for the legislative choice to create new regulatory architecture.

6.1 The Press Council of India: An Institutional Assessment

The Press Council of India (PCI), established under the Press Council Act, 1978, is the primary statutory body charged with maintaining and improving the standards of newspapers and news agencies.^[23] The PCI has the power to warn, admonish, or censure newspapers and journalists found to have violated journalistic norms, and its decisions are matters of public record. However, its powers are fundamentally recommendatory: it has no authority to suspend or revoke licences, impose financial penalties, or compel compliance with its decisions. The PCI's critics, and they are numerous, have long characterized it as a body without adequate sanctioning authority to deter serious violations of journalistic standards. The Broadcasting Bill does not engage with the PCI's structural limitations, nor does it propose any reform of the Press Council Act. The siloed regulatory approach, creating new machinery for broadcast media while leaving the existing institutional framework for print and online news unaddressed, perpetuates the differential treatment of journalistic expression based on the medium of publication. A journalist writing the same story for a newspaper, a television channel, and a digital news platform would be subject to three distinct regulatory regimes, with materially different compliance obligations and penalty exposures.

6.2 Norms of Journalistic Conduct

The normative framework for journalistic conduct in India is not entirely statutory. The PCI's Norms of Journalistic Conduct, periodically revised, provide a detailed code covering accuracy, fairness, the protection of sources, the representation of vulnerable communities, and the relationship between editorial and commercial functions.^[24] These norms, though lacking the force of law, command adherence in professional journalistic culture and are referenced by courts in cases involving press freedom. The Broadcasting Bill's Programme Code is designed to operate alongside, but without explicit reference to, this existing normative framework, creating the potential for regulatory divergence.

VII. IMPACT ON INDEPENDENT JOURNALISM AND DEMOCRATIC DISCOURSE

The Broadcasting Bill's most consequential implications run not to industry structure or regulatory compliance but to the conditions of possibility for independent journalism in India. The health of democratic

governance depends, in a profound and irreducible sense, on the existence of journalism that can speak truth to power without institutional fear.

7.1 Chilling Effects on Editorial Independence

The combination of broadly defined offences, substantial penalties, and a government-controlled apex regulatory body creates a regulatory environment in which the rational editorial response may be systematic self-censorship. The threat of enforcement action, even if never actualized, functions as a constraint on editorial decision-making whenever that decision-making might displease the regulatory authority.^[25] This chilling effect is particularly acute for smaller, independent media organizations, precisely those least able to absorb the compliance costs and legal risks generated by the Bill's regulatory machinery. The chilling effect is compounded by the absence of clearly specified principles for the Programme Code. When editorial staff cannot identify, with reasonable precision, the conduct that would constitute a Code violation, the rational institutional response is to avoid any content that might potentially attract regulatory scrutiny, a category that, in practice, tends to encompass criticism of government policy and reporting on official misconduct.

7.2 Corporatization, Media Ownership, and Pluralism

The Bill's compliance architecture imposes significant costs that smaller media organizations, community broadcasters, independent digital news publications, local cable operators, will struggle to meet.^[26] The cumulative effect of registration requirements, CEC establishment obligations, SRO membership fees, and the threat of penalties will likely accelerate consolidation in the media market, channeling audiences toward large, well-capitalized broadcast entities capable of absorbing regulatory overhead. This outcome is inconsistent with the constitutional value of diversity in public discourse, the principle that democracy is best served by a wide diversity of editorial voices and perspectives, rather than by concentration of communicative power in the hands of a small number of corporate actors.

Media ownership concentration is not a hypothetical risk in the Indian context. Successive surveys of the Indian media landscape have documented significant concentration of ownership across both print and broadcast sectors, with large corporations controlling multiple channels across different distribution platforms.^[27] Regulatory frameworks that impose disproportionate compliance burdens on smaller entities accelerate this concentration, with consequences for

editorial diversity that are difficult to reverse once they have occurred.

7.3 The Individual Content Creator: A New Regulatory Frontier

The expansion of the definition of “Digital News Broadcaster” to potentially encompass individual content creators represents, perhaps, the most radical aspect of the Bill’s regulatory ambition. The internet has, for the first time in human history, made it possible for individuals without institutional affiliation or financial resources to address a public audience on questions of civic and political significance. This democratization of the means of public communication is a genuine social good, one with important implications for accountability journalism, grassroots political mobilization, and the representation of voices and perspectives that are systematically excluded from institutional media.^[28]

The Broadcasting Bill, in its current form, treats this democratization not as a constitutional value to be facilitated but as a regulatory problem to be managed. Individual creators who discuss current affairs, whether through YouTube channels, podcast platforms, or social media threads, may find themselves subject to a regulatory framework designed for institutional broadcasters. The compliance implications, registration, CEC compliance, SRO membership, are wholly disproportionate to the scale of individual expression and would, in practice, function as a prohibitive barrier to participation in digital public discourse for all but the most well-resourced individual creators.

7.4 Misuse of Exemption Provisions

The Bill includes exemption provisions, but their scope and the conditions under which they apply are insufficiently specific to provide reliable protection for good-faith journalism.^[29] Exemptions that are drafted in general terms are inherently susceptible to discretionary interpretation by the regulatory authority, interpretation that, in the absence of judicial review mechanisms, may be difficult to contest. The risk of selective enforcement, in which exemptions are generously construed for broadcasters aligned with official positions and narrowly construed for critical or oppositional journalism, is a structural feature of regulatory frameworks that vest discretion in executive bodies without adequate checks.

VIII. COMPARATIVE CONSTITUTIONAL PERSPECTIVES

India’s constitutional jurisprudence on press freedom does not stand in isolation. The Broadcasting Bill’s provisions may be evaluated against international human rights standards and comparative constitutional practice that illuminate the principles by which regulatory frameworks

for media have been held to be compatible with freedom of expression.

8.1 International Human Rights Standards

Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a party, protects the right to hold opinions and to receive and impart information and ideas through any media.^[30] Restrictions on this right must satisfy three cumulative conditions: they must be provided for by law, pursue a legitimate aim enumerated in the Covenant, and be necessary and proportionate to that aim. The UN Human Rights Committee, in its General Comment No. 34, has specifically addressed media regulation, noting that state-controlled broadcasting bodies should be independent and adequately protected against interference.^[31] The Broadcasting Bill's investment of content regulation powers in the central government, without independent oversight, without clear specification of the substantive standards that trigger regulatory action, and without meaningful appeal mechanisms, sits uncomfortably with the proportionality and necessity requirements of Article 19(3) of the ICCPR.

8.2 Comparative Broadcast Regulation

Jurisdictions with well-developed traditions of independent broadcast regulation, the United Kingdom, Australia, Canada, the European Union, share a common structural feature: the delegating of regulatory functions to independent statutory bodies whose members are insulated from government direction in the exercise of their adjudicative functions.^[32] Ofcom in the United Kingdom, the Australian Communications and Media Authority, the Canadian Radio-television and Telecommunications Commission, and the European Regulators Group for Audiovisual Media Services all operate with varying degrees of statutory independence from the executive. None of these regulatory models vests the government of the day with direct power to impose penalties on broadcasters based on the recommendation of a government-constituted advisory body, the precise design chosen by the Broadcasting Bill. The rationale for regulatory independence in the broadcast sector is not merely technical. It reflects an ethical constitutional judgment that the state's interest in regulating content, particularly news and current affairs content, creates an irreducible conflict of interest when the government is also a major broadcaster, a political actor with interests in the coverage it receives, and the body empowered to sanction those whose coverage it regards as non-compliant.

IX. CURRENT STATUS, LEGISLATIVE TRAJECTORY, AND

REFORM IMPERATIVES

As of the time of writing, the Broadcasting Services (Regulation) Bill has not been tabled in Parliament.^[33] The outcry generated by the selective circulation of the watermarked 2024 draft, combined with sustained criticism from civil society and digital rights organizations, appears to have induced a period of legislative reassessment. The Ministry of Information and Broadcasting has neither officially published the revised draft nor announced a fresh public consultation. This legislative pause presents an opportunity for substantive reform that should not be squandered. The case for replacing the 1995 Act with a technology-neutral regulatory framework that adequately addresses the digital media landscape is compelling on policy grounds. The question is whether the regulatory framework that replaces the 1995 Act serves the constitutional values of press freedom, democratic accountability, and rule of law, or whether it advances a model of centralized content governance that is constitutionally indefensible.

9.1 Toward a Constitutionally Secure Framework

Several reform principles emerge from the foregoing analysis. First, the apex regulatory body must be established as a genuinely independent statutory authority, insulated from government direction in the exercise of its adjudicative and rule-making functions. The BAC, as currently designed, does not meet this standard. Second, the Bill must incorporate a statutory appeal mechanism before an independent judicial or quasi-judicial tribunal, with jurisdiction to review regulatory decisions on the merits. Third, the Programme Code must specify its substantive principles on the face of the legislation, rather than delegating that specification to subordinate executive rule-making. Fourth, the definitions of “broadcasting,” “news and current affairs programmes,” and “Digital News Broadcaster” must be narrowed to exclude individual digital expression that falls below a threshold of institutional character or public reach. Fifth, the public consultation process for any further revision of the Bill must be genuinely inclusive, providing civil society organizations, academic institutions, and independent journalists with meaningful opportunities to engage with draft provisions. Finally, the Bill’s proponents must engage directly with the constitutional distinction between broadcast regulation, historically justified by spectrum scarcity, and the regulation of internet-native expression, which requires independent constitutional justification. Importing broadcast regulatory instruments wholesale into the digital domain, without addressing this foundational distinction, is not merely a policy error; it is a constitutional one.

X. CONCLUSION

Broadcasting regulation, at its best, is an instrument of democracy, a mechanism for ensuring that the communicative infrastructure of society serves the needs of all citizens, promotes pluralism and diversity of expression, and operates according to standards that the public can understand and trust. The Broadcasting Services (Regulation) Bill, as currently drafted, does not yet meet that standard. Its three-tier regulatory structure concentrates ultimate authority in the central government without adequate independent oversight. Its expanded definitional scope threatens to bring individual digital expression within a regulatory framework designed for institutional broadcasters. Its lack of transparent consultation undermines the procedural legitimacy of the legislative process. And its absence of a statutory appeal mechanism represents a significant departure from the rule-of-law principles that must govern any regulatory scheme touching upon fundamental rights. None of this means that India should not have updated broadcast regulation. The 1995 Act is genuinely inadequate for the contemporary media environment. The question this article has sought to illuminate is the constitutional terms on which that update should proceed, terms that place freedom of the press, editorial independence, regulatory diversity, and democratic accountability at the center of legislative design, rather than treating them as secondary considerations to be accommodated at the margins of a framework whose primary orientation is governmental control.

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