

PODAR SUMMIT 2026 |
MENS OMNIA VINCIT

LOK SABHA

STUDY GUIDE



AGENDA:

DISCUSSION ON THE REGULATION OF DIGITAL MEDIA AND MISINFORMATION IN INDIA WITH SPECIAL EMPHASIS ON SAFEGUARDING DEMOCRATIC VALUES AND FREEDOM OF EXPRESSION, AND DELIBERATION ON PRESS FREEDOM IN INDIA..

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LETTER FROM THE EXECUTIVE BOARD

It is our privilege to welcome you to the Lok Sabha, a committee that stands at the heart of India's democratic system and represents the voice of its people.

The Lok Sabha is the main legislative body of the country and plays a central role in debating national issues, making legislative changes, and holding the government accountable. In this committee, you are expected to represent your allotted portfolios with accuracy and seriousness, take part in debate with confidence, and contribute actively to both discussion and negotiation. Your responsibility is not limited to speeches alone, but also includes defending your stance, responding to criticism, and helping the committee move towards practical outcomes.

The agenda before the house focuses on the regulation of digital media and misinformation in India, with special emphasis on protecting democratic values and freedom of expression, along with a discussion on press freedom in India. Delegates must examine how the spread of misinformation affects public opinion, elections, social harmony, and trust in institutions. At the same time, you must consider how far regulation should go without harming free speech, independent journalism, and the rights guaranteed under the Constitution. A good understanding of recent laws, media regulation, government action, and major public debates around these issues will be important for meaningful participation.

The Executive Board strongly encourages every delegate to come well prepared with research, clarity of thought, and a clear understanding of their party position. Knowledge of parliamentary procedure, current affairs, and the wider political context will help you perform more effectively and contribute to a stronger level of debate in committee.

Please note that this Study Guide is merely a stepping stone for further research, and delegates are encouraged to prepare beyond this document.

We look forward to a thoughtful and engaging session, and we hope this committee gives each of you a valuable opportunity to debate, deliberate, and lead with purpose.

Yours sincerely,

The Executive Board

Shaarang Kshirsagar - Speaker
Jay Khanna - Speaker Pro Tempore
Nevaan Kothari - Moderator

WHAT IS LOK SABHA?

The Lok Sabha, also known as the House of the People, is the lower house of the Parliament of India and one of the most important institutions in the country's democratic system. The name "Lok Sabha" translates to "House of the People" highlighting its role as the body that directly represents the citizens of India. Members of the Lok Sabha are elected directly by the people through universal adult franchise, where every Indian citizen above the age of 18 has the right to vote, subject to legal qualifications. Through these elected representatives, citizens participate in the democratic process and contribute to national decision-making.

India follows a bicameral parliamentary system, meaning that the Parliament consists of two Houses: the Lok Sabha and the Rajya Sabha (Council of States). While the Rajya Sabha represents the interests of states and Union territories, the Lok Sabha represents the people directly. Since its members are chosen through direct elections, the Lok Sabha serves as the primary platform for reflecting public opinion and discussing issues that affect citizens across the country.

The Lok Sabha consists of 543 elected members, with representatives from different states and Union territories. Each member represents a specific geographical area, known as a parliamentary constituency. Members are elected through a democratic voting process, where the candidate receiving the highest number of votes in a constituency is elected. The Lok Sabha normally functions for a period of five years, after which new elections are conducted to choose the next set of representatives.

The main function of the Lok Sabha is to make laws, discuss national issues, and hold the government accountable. Members of Parliament debate proposed laws, examine government policies, and raise matters of public importance. Through discussions, questions, and parliamentary debates, the Lok Sabha allows elected representatives to express the concerns of citizens and ensure that the government remains answerable to the people.

A significant feature of the Lok Sabha is its relationship with the executive branch of government. The Prime Minister and the Council of Ministers are responsible to the Lok Sabha, meaning that the government must maintain the support of the House to continue in office. Members of the Lok Sabha can question ministers, seek explanations regarding government decisions, and discuss the effectiveness of public policies.

The Lok Sabha also plays an important role in managing the country's finances. It discusses and approves government spending and examines how public money is allocated for various sectors such as education, healthcare, infrastructure, and national development. This financial responsibility allows the House to ensure greater transparency and accountability in government functioning.

The proceedings of the Lok Sabha are supervised by the Speaker of the Lok Sabha, who is elected by members of the House. The Speaker maintains order during discussions, ensures

WHAT IS LOK SABHA?

that parliamentary rules are followed, and allows members to participate effectively in debates.

Parliamentary committees also assist the Lok Sabha by examining specific issues, laws, and government activities in greater detail.

In conclusion, the Lok Sabha is a central institution in India's parliamentary democracy. As the directly elected House of Parliament, it represents the voices and interests of citizens at the national level. Through law-making, public debate, and government oversight, the Lok Sabha plays a vital role in shaping policies and ensuring that the government remains accountable to the people of India.



OVERVIEW OF THE INDIAN PARLIAMENT

India is a Sovereign Socialist Secular Democratic Republic. Our Constitution has set up a democratic form of government in the country, a democratic form of government is run by the representatives chosen by the people. Every five years General Elections are held and the people elect their government. The General Elections are conducted by an independent Election Commission. The whole country is divided into constituencies, each constituency electing one representative. Each State sends a fixed number of representatives determined on the basis of its population.

The Constitution has given three separate lists of subjects. Parliament alone can pass laws on subjects given in the Union List. Laws pertaining to the defence of the country, railways, shipping, currency, posts and telegraphs, foreign affairs, etc; are enacted by the Union Government. The State Government can make laws on subjects given in the State List. The important ones are agriculture, health, forests, irrigation, electricity, law and order in the State, police, entertainment, etc. Both Parliament and the State legislatures have the power to make laws on subjects given in the Concurrent List. The important subjects under this list are civil and criminal procedure, labour welfare, factories, newspaper, education, books etc.

We have accepted the parliamentary form of government in which parliament is the supreme law-making body and the real executive powers are vested in the Prime Minister, the leader of the party in majority in the popularly elected Lok Sabha. He chooses his ministers and all of collectively and individually, are responsible to the Lok Sabha. Every proposed law when it is introduced in Parliament is called a Bill. Such a law is first presented in either House of Parliament in the form of a Bill. Having been discussed and passed by one house, it is sent to the other House for concurrence. After passage by both the Houses of Parliament the Bill is sent to the President for his approval and signature. After the President's signature the Bill becomes law. Thus, the President, the Lok Sabha and the Rajya Sabha form the Parliament in India. The Parliament makes laws for the whole country. It is the supreme law-making body in the country.

The Lok Sabha is a House of the People because its members are chosen directly by the people. The members are elected for five years. Every member has to take an oath of faith and loyalty to the Constitution. The Lok Sabha elections are contested by political parties and therefore except a few independent members most of the members are elected on party tickets. The political party which has the majority of members in the Lok Sabha, elects its Leader who is appointed as the Prime Minister of India by the President. On the advice of the Prime Minister, the President appoints other ministers. The Lok Sabha members elect one person from among themselves to preside over its sittings. This person is called the Speaker. The speaker conducts the proceedings of the Lok Sabha impartially.

OVERVIEW OF THE INDIAN PARLIAMENT

The Rajya Sabha is the second House of Parliament. It is called the Council of States because it consists of representatives of the States. Besides twelve members who are nominated by the President on the basis of their contributions in the fields of literature, science, art and social service, the rest of the members are elected by the members of legislative assemblies of the States. The Rajya Sabha is not subject to dissolution. One-third of its members retire on the expiration of every second year. The Vice-President of India presides over the sittings of the Rajya Sabha, therefore, he is also known as the Chairman, Rajya Sabha.

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The House of the People (Lok Sabha) consists of five hundred and forty-three members. The Representation of the People Act makes provision for allocation of seats to various States and Union territories. The actual strength of the Lok Sabha at present is five hundred and fifty. The first Lok Sabha under the Constitution was constituted after the General Elections held in 1952. The Lok Sabha, unless dissolved sooner, continues for five years from the date appointed for its first meeting.

At the commencement of Lok Sabha, Members of the House elect a Speaker and Deputy Speaker to preside over the proceedings. In the Speaker's absence, the Deputy Speaker presides over the House. When both Speaker or Deputy Speaker are not present, a member from the Panel of Chairpersons is requested by the Speaker or Deputy Speaker to preside over the House. This panel of 10 Members from Lok Sabha is nominated from time to time by the Speaker.

India witnessed a mammoth democratic exercise during its 18th Lok Sabha elections. Figure 1 highlights the Lok Sabha seats distribution.

A DAY IN LOK SABHA

Lok Sabha begins work at 11 am and is ordinarily scheduled to work till 6 pm. The first half of the day is reserved for MPs to raise issues and ask questions in their individual capacity. In the second half, typically, government business is taken up. This could be discussion on Bills, budgets, or longer debates. Every week, one half day (typically on a Friday) is reserved for Private Members' Business.

1. Seating Arrangement

The chamber of the Lok Sabha is a semi-circular hall with the Speaker sitting in a canopied chair, placed conspicuously at the centre of the diameter connecting the two ends of the semi-circle. There is a dividing space in front of the Speaker's rostrum. The seating arrangement for members is in the shape of a horseshoe. On the left of the rostrum are the seats for the Opposition and on the right are seats for the Treasury (Government).

2. Participation in the House

Members participate in the House in broadly two ways. In certain proceedings, such as Question Hour, raising matters of public importance, and private member business, MPs can raise issues independently. These matters are chosen for discussion either through a ballot, or at the Speaker's discretion. In other proceedings like debates on national issues, and discussions on government Bills and budgets, the time is allocated party-wise and the party leadership decides who will participate in such proceedings.

3. Question Hour

Lok Sabha usually begins the day's proceedings with Question Hour. Members use Question Hour to hold the government accountable for its policies and actions. They can also use this device to seek response from the government on important matters impacting their constituents. During this Hour, a Member can ask a Minister any question related to implementation of laws and policies under the purview of their ministry. There are three different types of questions: Starred, Unstarred, and Short Notice Questions.

4. Debates and Discussions

Debates and discussions form the core of parliamentary deliberation in the Lok Sabha. Through these proceedings, Members of Parliament scrutinise government policies, discuss matters of national importance, and propose solutions to pressing issues. Depending on the nature of the discussion, debates may either conclude with a vote of the House or end with a ministerial response without any formal decision.

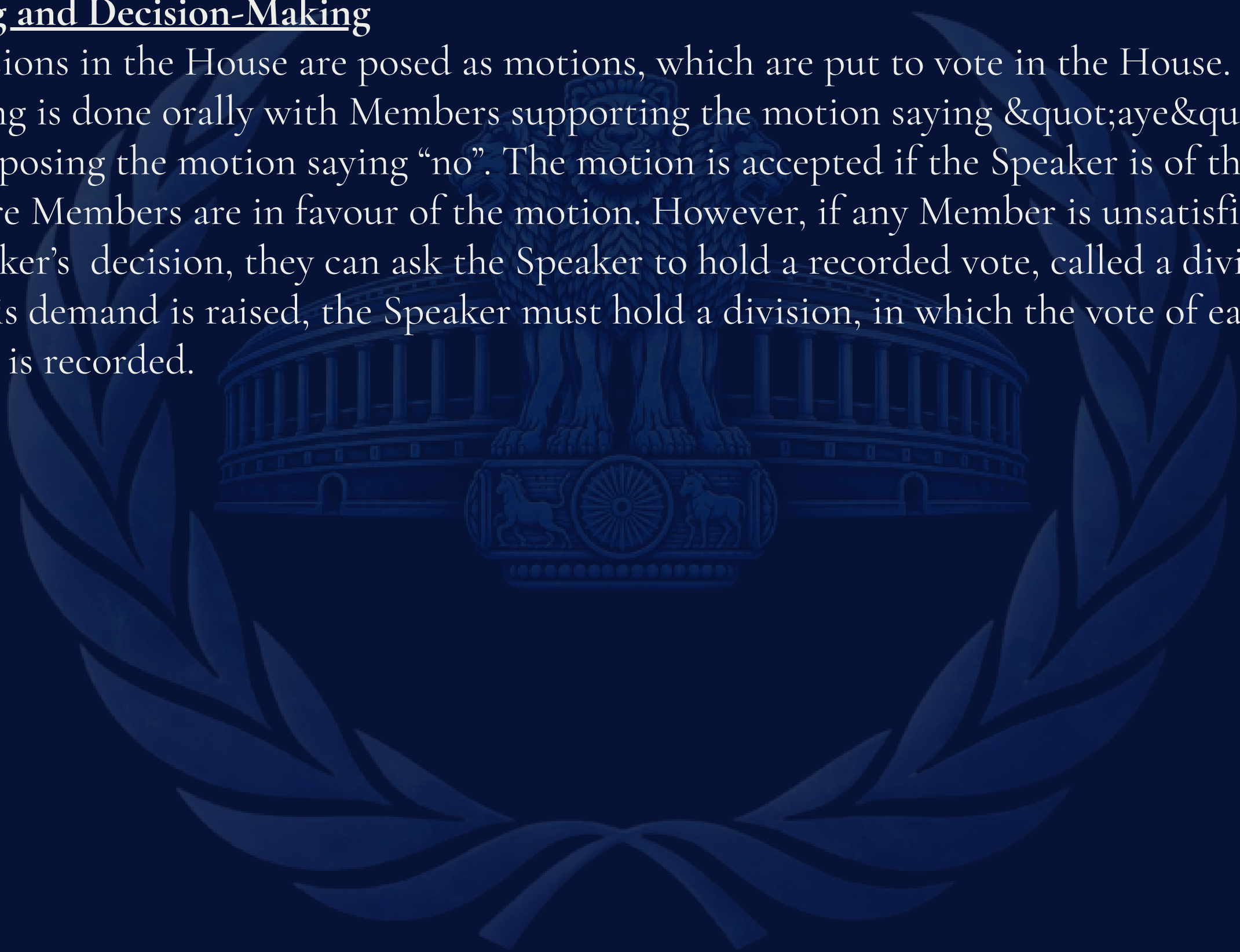
Several parliamentary devices enable such discussions. Under Rule 193, Members may initiate a *Short Duration Discussion* on matters of urgent public importance. These discussions allow Members to express their views and seek clarifications from the government, but do not involve voting. More consequential debates may be conducted through motions under Rule 184, which conclude with a vote of the House. Other important debates include discussions on Bills, Budget proposals, the Motion of Thanks to the President's Address, and No-Confidence Motions.

A DAY IN LOK SABHA

While some discussions may be initiated by individual Members, participation in major debates is generally determined by political parties in consultation with the Speaker and the Business Advisory Committee. Members are allotted speaking time based on party strength, ensuring representation from both the Treasury and Opposition benches. At the conclusion of the debate, the concerned Minister responds to the issues raised, after which the matter may either be put to vote or disposed of as per the relevant parliamentary procedure.

5. Voting and Decision-Making

All decisions in the House are posed as motions, which are put to vote in the House. Typically, the voting is done orally with Members supporting the motion saying “aye” and those opposing the motion saying “no”. The motion is accepted if the Speaker is of the opinion that more Members are in favour of the motion. However, if any Member is unsatisfied with the Speaker’s decision, they can ask the Speaker to hold a recorded vote, called a division. Once this demand is raised, the Speaker must hold a division, in which the vote of each Member is recorded.



CONSTITUTIONAL FRAMEWORK GOVERNING FREEDOM OF EXPRESSION

Introduction

“Freedom of expression” is one of the constitutional foundations of the democratic government in India. It protects the civilian’s ability to speak, publish, criticise, dissent, and participate in public life, while also enabling accountability of the State through debate and a free press. Yet the Indian Constitution does not treat this freedom as absolute. Under Article 19(1)(a), speech and expression are protected as a fundamental right, but Article 19(2) allows the State to impose reasonable restrictions on specific grounds such as public order, security of the State, defamation, decency, morality, and incitement to an offence. The constitutional question, therefore, is not whether speech may ever be regulated, but whether regulation remains narrow, lawful, and consistent with democratic liberty.

Constitutional Basis

The constitutional basis of free expression in India lies in a carefully structured balance between liberty and regulation. Article 19(1)(a) gives citizens the right to freedom of speech and expression, and the courts have interpreted this broadly to include political speech, criticism of the government, the right to publish and circulate ideas, artistic expression, and freedom of press. This broad reading is central to democracy because the Constitution protects not only agreeable speech, but also speech that challenges authority, questions state action, or unsettles public opinion. At the same time, Article 19(2) makes clear that this freedom is subject to only reasonable restrictions and only on constitutionally enumerated grounds. These grounds are exhaustive, and neither Parliament nor the executive may add to them. Article 19(2) permits the State to impose reasonable restrictions in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation, and incitement to an offence. A restriction that does not fall within one of these eight heads is constitutionally invalid, however desirable its objective may appear. This is the single most important principle for this committee to grasp, because it means that a law cannot restrict speech merely because the speech is false, offensive, embarrassing to the government, or inconvenient to public authorities. The falsity of a statement is not, by itself, a ground listed in Article 19(2).

Reasonable Restrictions under Article 19(2).

The word “reasonable” in Article 19(2) performs significant constitutional work. A restriction is not saved merely because it is traceable to one of the eight permitted grounds; it must also be reasonable in its substance and in the procedure it prescribes. The courts have developed a body of doctrine to test reasonableness, and delegates arguing for or against any regulatory proposal should be able to apply it.

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First, the restriction must be imposed by a law, meaning a validly enacted statute or a rule framed under statutory authority, and not by an executive instruction alone. Second, there must be a proximate and rational connection between the restriction and the ground relied upon; a remote, conjectural, or speculative link is insufficient. Third, the restriction must satisfy the test of proportionality, which the Supreme Court has articulated as requiring a legitimate aim, a rational connection to that aim, the absence of any less restrictive alternative capable of achieving the same aim, and a balance between the benefit secured and the right curtailed. Fourth, the restriction must not be vague or overbroad, because a citizen must be able to know in advance what conduct is prohibited, and a provision drawn so widely that it captures protected speech along with unprotected speech will fail.

It is also settled that the burden of justifying a restriction lies upon the State, and not upon the citizen who asserts the right. This allocation of burden is consequential in the digital context, where the State frequently argues that scale, speed, and anonymity necessitate broader powers than would be acceptable offline.

Judicial Interpretation

The contours of Article 19(1)(a) have been shaped almost entirely by judicial interpretation, and the following decisions form the essential vocabulary of any debate in this committee.

Romesh Thappar v. State of Madras (1950): One of the earliest decisions of the Supreme Court, holding that freedom of speech and expression includes the freedom of circulation, and that a restriction on the circulation of a journal is a restriction on the right itself. The Court also held that “public order” could not be equated with the vaguer notion of “public safety” establishing early that the grounds in Article 19(2) are to be read narrowly.

Bennett Coleman & Co. v. Union of India (1973): The Court struck down newsprint control policy that limited the number of pages a newspaper could publish, holding that a measure which is neutral on its face may still be unconstitutional if its direct and inevitable effect is to abridge the freedom of the press.

Maneka Gandhi v. Union of India (1978): Established that a procedure affecting fundamental rights must be fair, just and reasonable, and that Articles 14, 19 and 21 are to be read together rather than as watertight compartments.

S. Rangarajan v. P. Jagjivan Ram (1989): Held that the connection between the expression and the apprehended danger must be like that of a “spark in a powder keg”, meaning direct and immediate, and that the State cannot plead its inability to maintain law and order as a reason to suppress speech.

CONSTITUTIONAL FRAMEWORK GOVERNING FREEDOM OF EXPRESSION

Shreya Singhal v. Union of India (2015): The most important decision for the digital era. The Court struck down Section 66A of the Information Technology Act, 2000 as unconstitutionally vague and overbroad, drew a firm distinction between advocacy and incitement, and held that only incitement may be restricted. It read down Section 79 of the IT Act to provide that an intermediary is obliged to remove content only upon a court order or a lawful government notification, and it upheld Section 69A while emphasising the procedural safeguards attached to it.

Justice K.S. Puttaswamy v. Union of India (2017): Recognised the right to privacy as a fundamental right under Article 21 and adopted the proportionality standard, which now governs the assessment of restrictions on speech and privacy alike.

Anuradha Bhasin v. Union of India (2020): Held that the freedom of speech and expression and the freedom to practise any profession through the medium of the internet are constitutionally protected, that an indefinite suspension of internet services is impermissible, and that orders restricting access must be published and are subject to judicial review.

Kunal Kamra v. Union of India (Bombay High Court, 2024): The High Court struck down the amendment to the IT Rules that had empowered a government Fact Check Unit to identify content concerning the business of the Central Government as fake, false or misleading, holding the provision to be violative of Articles 14, 19(1)(a) and 19(1)(g). The judgment is directly relevant to this agenda because it confronts the precise question of whether the State may itself act as the arbiter of truth.

Freedom of the Press as an Implied Right

The Constitution contains no separate guarantee of press freedom. The framers considered and consciously declined to include one, on the reasoning that the press enjoys no rights higher than those of an ordinary citizen and that Article 19(1)(a) is sufficient to protect it. The Supreme Court has accordingly held that freedom of the press is comprehended within Article 19(1)(a), and that it includes the freedom to publish, the freedom to circulate, the freedom from prior restraint, and freedom from measures which, although not directed at content, have the effect of crippling the press economically or operationally. Article 361A separately protects the publication of substantially true reports of the proceedings of either House of Parliament or a State Legislature, subject to the conditions stated therein, which is a provision of direct interest to this House.

Application to Digital Speech

The constitutional framework was constructed in an era of newspapers, cinema, and public meetings, and its application to digital media raises questions that the text does not answer directly. The Supreme Court has settled that Article 19(1)(a) applies with full force to speech on

CONSTITUTIONAL FRAMEWORK GOVERNING FREEDOM OF EXPRESSION

the internet, and that the medium does not dilute the right. What remains genuinely contested is whether the distinctive features of digital communication, namely scale, velocity, algorithmic amplification, anonymity, and the capacity of synthetic media to fabricate a persuasive record of events that never occurred, justify regulatory techniques that would be plainly impermissible offline.

Three problems recur. The first is the problem of the intermediary, since regulation is typically imposed not upon the speaker but upon the platform that carries the speech, which creates an incentive for the platform to over-remove content in order to preserve its own immunity, producing a chilling effect that the State never directly authorised. The second is the problem of the arbiter, namely who is to determine that a statement is false, and whether that function may constitutionally be performed by the executive. The third is the problem of proportionality at scale, since a measure that is reasonable when applied to a single publication may become unreasonable when applied automatically to millions of items of content without human judgment. This committee will find that most of its disagreements ultimately reduce to one of these three problems.

Key Learnings

- Article 19(1)(a) protects speech and expression, and Article 19(2) permits restriction only on eight exhaustively enumerated grounds.
- Falsity is not an independent ground of restriction under Article 19(2), which is why laws targeting misinformation must be anchored to a listed ground such as public order or incitement to an offence.
- A valid restriction must be imposed by law, be proximately connected to a listed ground, satisfy proportionality, and be neither vague nor overbroad.
- The burden of justifying a restriction lies upon the State.
- Freedom of the press is not separately enumerated; it is read into Article 19(1)(a) and includes the freedom to circulate and freedom from prior restraint.
- Article 19(1)(a) applies to the internet in full measure, and any regulation of digital media must therefore satisfy the same constitutional tests as regulation of any other medium.

EVOLUTION OF MEDIA IN INDIA

The evolution of media in India mirrors the nation's political, social, and technological journey. From colonial newspapers to AI-powered digital platforms, media has remained one of the most influential institutions in shaping public opinion, preserving culture, informing citizens, and strengthening democracy. Every phase of India's history has witnessed the emergence of new forms of communication that have transformed the relationship between the government and the people.

The Indian press began during British rule with Hicky's Bengal Gazette, established in 1780 by James Augustus Hicky. Initially catering to the colonial elite, newspapers soon became instruments of social reform and political awakening. Raja Ram Mohan Roy used Sambad Kaumudi to advocate for progressive reforms, while leaders such as Bal Gangadhar Tilak transformed Kesari into a voice of nationalism. As newspapers gained influence, the British introduced restrictive laws such as the Vernacular Press Act of 1878 to suppress criticism and control public opinion.

During the freedom struggle, newspapers became the backbone of the nationalist movement. Mahatma Gandhi published Young India, Harijan, and Navjivan to communicate directly with the masses and mobilise support for non-violent resistance. These publications not only reported events but also inspired political participation and united people across regions and languages.

After independence in 1947, the Indian media landscape expanded rapidly. Newspapers continued to influence public discourse, while publications representing different political ideologies also emerged. The National Herald, founded by Jawaharlal Nehru in 1938, continued as a newspaper associated with the Congress movement and reflected liberal and secular viewpoints. Decades later, Saamana, launched under the leadership of Bal Thackeray in 1989, became one of Maharashtra's most influential regional newspapers, expressing the political views of the Shiv Sena. Such publications demonstrated how newspapers increasingly reflected ideological diversity within India's democratic framework.

Radio soon became one of independent India's most powerful communication tools. All India Radio reached millions of households, broadcasting news, educational programmes, agricultural updates, and cultural content in multiple Indian languages. For decades, radio served as the primary source of information, particularly in rural India.

Television marked the next major transformation. Doordarshan introduced television broadcasting to the masses, and after the 1982 Asian Games, colour television revolutionised entertainment and news consumption. Iconic serials such as Ramayan, Mahabharat, and Hum Log became national phenomena, creating shared cultural experiences across the country.

EVOLUTION OF MEDIA IN INDIA

The relationship between media and democracy was tested during the Indian Emergency, when press censorship restricted reporting and freedom of expression. The period reinforced the importance of an independent media in holding governments accountable and protecting democratic values.

The economic liberalisation of 1991 transformed Indian broadcasting. Private television channels such as Zee TV, Star TV, NDTV, Aaj Tak, CNN-IBN (now CNN-News18), and numerous regional news networks broke the government's monopoly over television. Twenty-four-hour news channels, live political debates, and investigative journalism increased public access to information while also introducing intense competition, commercialisation, and concerns about sensationalism.

Today, India's media ecosystem is more diverse than ever before. Citizens no longer rely on a single source of information. Traditional newspapers, television channels, radio, and magazines continue to play an important role, but digital platforms have fundamentally changed news consumption. Millions of Indians now receive updates through Instagram, YouTube, X, Facebook, WhatsApp, podcasts, digital news websites, and independent content creators. A breaking news story may first appear on social media, be analysed by digital creators, and later be covered by mainstream television and newspapers.

This diversification has democratised access to information. Citizen journalism enables ordinary individuals to report events instantly using smartphones, while digital media allows policymakers, journalists, and citizens to interact directly. However, the rapid spread of information has also created significant challenges, including fake news, misinformation, deepfakes, online hate speech, echo chambers, declining trust in institutions, and increasing concerns over privacy, data protection, and technology-facilitated violence.

The evolution of media in India demonstrates that communication is far more than the transmission of information. It shapes elections, influences public opinion, preserves cultural identity, promotes accountability, and strengthens democratic governance. As India moves further into the digital era, ensuring a balance between technological innovation, media freedom, ethical journalism, and responsible regulation will remain central to the future of the world's largest democracy.

The emergence of artificial intelligence is now shaping the next phase of Indian media. AI-assisted journalism, automated content generation, recommendation algorithms, and synthetic media are changing how information is produced and consumed. These innovations offer greater efficiency but also raise ethical concerns regarding transparency, authenticity, accountability, and regulation.

REGULATION OF DIGITAL MEDIA IN INDIA

Digital media has fundamentally changed how information is created, shared, and consumed in India. Social media platforms, online news portals, messaging services, and streaming platforms have expanded access to information while also creating new challenges, including misinformation, hate speech, cybercrime, privacy concerns, and threats to national security. Regulating this space requires balancing the constitutional right to freedom of speech and expression under Article 19(1a) with the reasonable restrictions permitted under Article 19(2). India's regulatory framework therefore combines legislation, executive oversight, and obligations imposed on digital platforms. As technology continues to evolve, Parliament faces the challenge of ensuring that regulation protects public interest without placing disproportionate restrictions on innovation or fundamental rights.

1. Information Technology Act, 2000

The Information Technology Act, 2000 (IT Act) is India's primary law governing cyberspace, electronic records, cyber offences, and the responsibilities of online intermediaries. Originally enacted to provide legal recognition to electronic records and digital signatures in line with the UNCITRAL Model Law on Electronic Commerce, it has since become the foundation of India's digital regulatory framework. The Information Technology (Amendment) Act, 2008 expanded its scope by introducing provisions relating to identity theft, cyber terrorism, privacy violations, and compensation for failures to protect sensitive personal data.

One of the Act's most significant provisions is Section 79, which grants intermediaries, such as social media platforms and internet service providers, conditional safe harbour. This means they are generally not liable for content posted by users, provided they comply with legal due diligence requirements and act on valid government or court orders. Another key provision, Section 69A, empowers the Central Government to block online content on grounds including national security, sovereignty, public order, and the prevention of criminal offences. In *Shreya Singhal v. Union of India* (2015), the Supreme Court upheld the validity of Section 69A but struck down Section 66A, holding that it imposed unconstitutional restrictions on free speech.

Although the IT Act remains the backbone of India's digital regulatory framework, rapid advances in artificial intelligence, algorithmic content delivery, and cross-border digital services have prompted continuing debates on whether the legislation adequately addresses emerging technologies.

REGULATION OF DIGITAL MEDIA IN INDIA

2. Intermediary Guidelines and Digital Media Ethics Code

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 were introduced under the IT Act to strengthen the accountability of digital platforms and establish a regulatory framework for digital news publishers and online streaming services. The Rules distinguish between ordinary intermediaries and Significant Social Media Intermediaries (SSMIs), which are identified based on user thresholds notified by the Central Government. SSMIs must appoint compliance officers based in India, establish grievance redressal mechanisms, publish periodic transparency reports, and comply with lawful requests from authorities.

The Rules also introduce a Code of Ethics for publishers of digital news and online curated content, supported by a three-tier grievance redressal system consisting of self-regulation, industry oversight, and government review. Supporters argue that these measures improve accountability, protect users from harmful content, and create clearer mechanisms for addressing complaints. Critics, however, have raised concerns that certain provisions, particularly those relating to executive oversight and traceability of messages, could affect encryption, journalistic independence, and the constitutional right to free expression. Several provisions have therefore been challenged before Indian courts, reflecting the broader debate over how far the government should regulate online platforms while respecting constitutional safeguards.

3. Government Oversight Mechanisms

Digital media regulation in India is implemented through several government institutions with distinct responsibilities. The Ministry of Electronics and Information Technology (MeitY) administers the Information Technology Act, oversees intermediary compliance, and exercises powers relating to cybersecurity and content blocking. The Ministry of Information and Broadcasting (MIB) supervises digital news publishers and online streaming platforms under the Digital Media Ethics Code. In addition, the Indian Computer Emergency Response Team (CERT-In) issues cybersecurity directions and coordinates responses to major cyber incidents.

Government oversight includes powers to issue advisories, direct platforms to remove or block content, conduct compliance reviews, and enforce cybersecurity standards. Blocking orders under Section 69A of the IT Act follow a committee-based procedure established under the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009.

REGULATION OF DIGITAL MEDIA IN INDIA

Beyond the executive, parliamentary committees, constitutional courts, and statutory authorities also influence digital governance by reviewing government actions, interpreting constitutional limits, and examining regulatory implementation. While this multi-layered framework allows different aspects of digital regulation to be addressed, it has also generated debates regarding transparency, procedural safeguards, and the availability of judicial review in cases involving restrictions on online content.

4. Platform Accountability

Platform accountability refers to the legal and institutional responsibility of digital platforms to manage unlawful content, comply with regulatory obligations, and reduce risks associated with their services. As social media platforms increasingly rely on algorithms and artificial intelligence to recommend and prioritise content, their influence on public opinion and information dissemination has become a significant policy concern. Consequently, regulatory discussions have expanded beyond content removal to include transparency in algorithmic decision-making, user safety, and corporate governance.

In India, platform accountability is primarily governed by Section 79 of the Information Technology Act and the Intermediary Guidelines, 2021. Platforms are expected to establish grievance redressal systems, preserve specified records, publish transparency reports, and comply with lawful government or judicial directions. International developments, particularly regulations adopted in jurisdictions such as the European Union, have also influenced discussions on algorithmic transparency, systemic risk assessments, and greater user control over digital services. At the same time, technology companies and civil society organisations have argued that regulatory obligations should remain proportionate so that they do not undermine innovation, encryption, or freedom of expression. The central challenge for policymakers is therefore to ensure that platforms act responsibly without imposing obligations that effectively require them to function as prior censors or compromise constitutional rights.

5. Information Technology Rules, 2021

What These Rules Are, and Why They Matter

If a delegate remembers only one instrument from this entire Study Guide, it should be these Rules. Almost every controversy on the agenda before this House, from the removal of a satirical post to the regulation of deepfakes to the treatment of digital news portals, is decided by reference to them. Their full name is the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and they replaced the earlier Information Technology (Intermediary Guidelines) Rules, 2011.

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The first thing to understand is what kind of law they are, because this determines much of the argument about them. They are not an Act of Parliament. They are subordinate legislation, also called delegated legislation, meaning rules framed by the Central Government under authority that Parliament granted it in the parent statute. That authority comes from Sections 69A(2), 79(2)(c) and 87 of the Information Technology Act, 2000. Two consequences follow, and delegates should be able to state both. First, because they are rules and not a statute, they were drafted by a Ministry and notified by the executive; they were never debated, amended or voted upon by this House. Second, and as a matter of settled law, subordinate legislation cannot travel beyond the scope of its parent Act. If a rule imposes an obligation that the IT Act does not authorise, that rule is **ultra vires**, meaning beyond power, and a court may strike it down irrespective of how sensible the rule may be. A very large part of the litigation over these Rules turns on precisely this question.

Illustration: Parliament passes an Act permitting the Government to make rules for "the safety of factory workers". The Government then makes a rule regulating what factory workers may say on social media in their own time. However desirable the Government believes that rule to be, it is *ultra vires*, because the parent Act never granted that power. This is the structure of the argument made against several provisions of the 2021 Rules.

The Architecture of the Rules

The Rules are divided into three Parts, and each Part does something different. Delegates who confuse them will make errors in debate.

- Part I contains definitions. It is short but decisive, because it determines who the Rules apply to. It defines an intermediary, a social media intermediary, and a Significant Social Media Intermediary.
- Part II, administered by the Ministry of Electronics and Information Technology (MeitY), imposes due diligence obligations on intermediaries, with additional obligations on Significant Social Media Intermediaries. This is the Part that governs platforms such as X, Instagram, YouTube and WhatsApp.
- Part III, administered by the Ministry of Information and Broadcasting (MIB), prescribes a Code of Ethics for publishers of news and current affairs content and for publishers of online curated content, together with a three-tier grievance redressal structure. This is the Part that governs digital news portals and streaming services.

This split between two Ministries is deliberate, and it explains why digital media regulation in India often appears incoherent. The same piece of content may be treated one way if it is a user's post, another way if it is published by a registered digital news portal, and a third way if it appears in a film on a streaming platform. The instrument is a single set of Rules, but the regulator and the standard differ according to the classification of the speaker.

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Safe Harbour: The Mechanism That Makes the Rules Work

Delegates must understand the concept of safe harbour, because it is the lever by which the entire regime operates. Section 79 of the IT Act provides that an intermediary shall not be liable for content that third parties, meaning its users, post on its platform. Without this protection no platform could function, because no company could review the lawfulness of every message before it appears. However, this protection is conditional. An intermediary keeps its immunity only if it observes the due diligence prescribed by these Rules and acts upon lawful orders. If it fails, it loses immunity and may be prosecuted for what its users have done.

The consequence is that the Government rarely needs to punish a platform directly. It needs only to threaten the withdrawal of safe harbour. Because the potential liability is enormous and the cost of removing one post is trivial, a rational platform will remove content whenever there is any doubt. This is the structural reason why obligations imposed on intermediaries tend to produce over-removal of lawful speech, and why critics describe the arrangement as censorship by proxy. The State never orders the citizen to be silent; it simply makes silence the commercially rational choice for the company that carries the citizen's voice.

The Three-Tier Structure under Part III

Publishers of digital news and curated content are subject to a three-tier grievance mechanism.

- Level I, self-regulation by the publisher: every publisher must appoint a Grievance Officer based in India who is required to dispose of complaints within a prescribed period.
- Level II, self-regulating bodies: one or more independent bodies constituted by publishers, headed by a retired judge of the Supreme Court or a High Court or an independent eminent person, and registered with the Ministry of Information and Broadcasting.
- Level III, oversight by the Central Government: an Inter-Departmental Committee constituted by the Ministry, which hears complaints referred to it and may recommend action including deletion, modification, or blocking of content.

The objection to this structure is straightforward and should be understood on its merits rather than dismissed. A mechanism is described as self-regulatory, yet the final tier is the Government itself. Where the content complained of is journalism critical of the Government, the Government sits in judgment over criticism of the Government. That is difficult to reconcile with the principle, basic to natural justice, that no one should be a judge in their own cause, and with the constitutional position that freedom of the press is protected by Article 19(1)(a). The Rules have been challenged on this basis before several High Courts. The Madras and Bombay High Courts stayed the operation of certain provisions of Part III at an interim stage, and the proceedings have been transferred to and remain pending before the Supreme Court. The position is therefore not finally settled, and delegates should not assert that Part III is either valid or invalid as though the question were closed.

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The 2023 Amendment and the Fact Check Unit

In April 2023 the Rules were amended to insert into Rule 3(1)(b)(v) a provision requiring intermediaries to make reasonable efforts to prevent users from hosting or sharing information which, in respect of any business of the Central Government, was identified as fake or false or misleading by a fact check unit notified by the Central Government. An intermediary that failed to act stood to lose safe harbour

The amendment was challenged by the comedian Kunal Kamra, the Editors Guild of India, the Association of Indian Magazines and the News Broadcasters and Digital Association. After a split verdict in January 2024 and a reference to a third judge, the Bombay High Court in September 2024 declared the provision unconstitutional and struck it down, holding that it violated Articles 14, 19(1)(a) and 19(1)(g). The Union Government has challenged the judgment before the Supreme Court, which issued notice but declined to stay the ruling.

The reasoning matters more than the outcome. The vice identified was not that fact-checking is wrong, nor that the Government may not correct the record. It was that the provision made an organ of the Central Government the authoritative arbiter of truth about the Central Government, with the consequence that a platform carrying a contrary claim risked losing its immunity. The terms fake, false and misleading were left undefined; the third of them in particular can capture accurate reporting presented in a way the Government dislikes. There was no requirement of a hearing, no reasoned order, and no appeal. Delegates arguing for any State-run verification mechanism must be prepared to answer this judgment directly.

The Amendment Rules, 2026 and Synthetically Generated Information

The most significant recent development, and the one which brings this agenda into the present, is the notification by MeitY of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 on 10 February 2026, which came into force on 20 February 2026.

These amendments introduce into Indian law, for the first time, a defined category of synthetically generated information. The definition covers audio, visual or audio-visual content that is created or altered by computational means in a manner that appears authentic or indistinguishable from a real person or a real-world event. Two features of the definition deserve attention. It is technology-neutral, meaning it looks at the character of the content rather than the particular software used, so it does not become obsolete when the technology changes. And it expressly carves out routine and good faith uses, including ordinary editing, formatting, colour correction, transcription, accessibility features, and the preparation of documents and educational material, which prevents the definition from capturing every photograph that has been cropped.

The principal obligations are as follows:

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- **Prevention.** Intermediaries offering computer resources capable of generating or altering such content must deploy reasonable and appropriate technical measures, including automated tools, to prevent the creation or dissemination of unlawful synthetic content. This includes child sexual exploitative material, non-consensual intimate imagery, false documents or electronic records, content relating to explosives, arms or ammunition, and content falsely depicting individuals or real-world events in a manner likely to deceive.
- **Labelling.** Synthetic content which is not unlawful must be clearly and prominently labelled, with visual labels for visual content and audio disclosures for audio content.
- **Provenance.** So far as technically feasible, such content must carry permanent metadata or a unique identifier enabling it to be traced to the computer resource that generated it, and intermediaries are forbidden from permitting the removal or alteration of those labels or that metadata.
- **Declaration and verification.** Significant Social Media Intermediaries must obtain a declaration from users as to whether content is synthetically generated, and must deploy technical measures to verify that declaration.

The amendments also compress compliance timelines very substantially, and the numbers are worth committing to memory because they are the sharpest point of contention on this agenda:

- **Action upon a court order or a reasoned government intimation:** reduced from thirty-six hours to three hours.
- **Action upon complaints concerning non-consensual nudity or morphed imagery:** reduced from twenty-four hours to two hours.
- **Disposal of ordinary user grievances:** reduced from fifteen days to seven days.

Rule 7 has been updated to refer to the Bharatiya Nyaya Sanhita, 2023 in place of the Indian Penal Code. It has also been clarified that an intermediary which removes or disables access to synthetic content in compliance with these Rules, including by using automated tools, does not thereby forfeit the protection of Section 79(2). That clarification is significant: it removes the platform's excuse for inaction and further tilts the incentive toward removal.

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The Debate the House Must Have

The case for the 2026 Rules. A fabricated video can reach ten million people before a newsroom has finished its first telephone call. Where the content is a synthetic depiction of a real person, the harm to reputation, to communal harmony, or to the integrity of a poll is effectively irreversible, because the correction never reaches the same audience. A thirty-six hour window in that environment is not a safeguard; it is a guarantee that the remedy arrives after the damage. Labelling and provenance are, moreover, among the least restrictive measures available: they do not prohibit synthetic content at all, they require only that the audience be told what it is looking at. That is a disclosure obligation, not a speech prohibition, and disclosure obligations are ordinarily easier to justify under Article 19(2) than bans.

The case against. A three-hour window makes considered human evaluation impossible at Indian scale. It therefore compels reliance on automated filtering, and automated systems cannot reliably distinguish satire, parody, criticism, art and journalism from deception, because that distinction depends on context and intent rather than on the pixels. The predictable result is systematic over-removal of lawful speech by platforms protecting their own immunity rather than their users' rights. There is a further and subtler objection: the obligation to trace content to the resource that generated it creates an architecture of attribution that sits uneasily with anonymous speech, and anonymity has historically protected whistleblowers, dissidents and reporters' sources.

Delegates should further note that in March 2026 the Ministry released for consultation the Draft Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026, which propose, among other measures, to extend the Code of Ethics to individual social media users who post content in the nature of news and current affairs. That proposal remains a draft and has not been notified, but its implication is considerable: it would treat an ordinary citizen commenting on public affairs as a publisher subject to a regulatory code. It has accordingly attracted substantial comment from digital publishers and creators.

Key Learnings

- The 2021 Rules are subordinate legislation made by the executive, not a statute passed by Parliament, and they are void to the extent they exceed the IT Act.
- Part II governs intermediaries and is administered by MeitY; Part III governs digital news and curated content and is administered by MIB.
- Safe harbour under Section 79 is conditional, and its withdrawal is the enforcement mechanism that drives platform behaviour and produces over-removal.
- The Fact Check Unit provision was struck down in 2024 because it made the Government the arbiter of truth about itself, without definition, hearing, reasons or appeal.
- The 2026 Amendment Rules introduced synthetically generated information, mandatory labelling and provenance, and cut the takedown window from thirty-six hours to three.
- The central question is not whether synthetic media is harmful, which it plainly can be, but whether a three-hour automated regime is the least restrictive means of addressing it

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Digital Personal Data Protection Act, 2023

Why a Data Protection Law Belongs on This Agenda

Delegates frequently treat data protection as a technical subject belonging to a different debate, and then find themselves unable to answer why it appears in a discussion about misinformation and press freedom. The connection is direct and delegates should be able to state it in one sentence: misinformation at scale is not a speech problem alone, it is a targeting problem, and targeting runs on personal data. A false claim broadcast to everyone is inefficient and easily rebutted. A false claim delivered precisely to the ten thousand voters most predisposed to believe it is efficient, and it is invisible to everyone else, including to fact-checkers, journalists and the Election Commission. The instrument that makes such delivery possible is the profile built from personal data. A House that regulates the content of speech while ignoring the machinery of its distribution has addressed only half the problem.

Origins of the Act

The Digital Personal Data Protection Act, 2023 received the assent of the President in August 2023 and is India's first comprehensive statute governing the processing of digital personal data. Its enactment was the culmination of a long process. In *Justice K.S. Puttaswamy v. Union of India* (2017) a nine-judge Bench of the Supreme Court unanimously held that the right to privacy is a fundamental right protected by Article 21, and observed that the Union should bring forward a data protection framework. There followed the Justice B.N. Srikrishna Committee report of 2018, the Personal Data Protection Bill of 2019, the withdrawal of that Bill in 2022, and eventually the present Act, which is markedly shorter and more principle-based than its predecessors, leaving much to be filled in by rules.

The Vocabulary of the Act

Delegates should use these terms accurately, because misuse is immediately obvious to an Executive Board.

- **Data Principal:** the individual to whom the personal data relates. In most other jurisdictions this person is called the data subject. If the individual is a child, the parent or lawful guardian is included.
- **Data Fiduciary:** the person who determines the purpose and means of processing. The choice of the word fiduciary rather than controller is deliberate and carries meaning: a fiduciary owes duties of trust and must act in the interests of the person whose data it holds, which is a higher standard than mere compliance.
- **Data Processor:** a person who processes data on behalf of a Data Fiduciary.
- **Significant Data Fiduciary (SDF):** a class notified by the Central Government based on factors including the volume and sensitivity of data processed and, expressly, **the risk to electoral democracy, the sovereignty and integrity of India, and public order**. An SDF must appoint a Data Protection Officer resident in India, commission independent audits, and conduct data protection impact assessments.

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The Scheme of the Act

The Act applies to the processing of digital personal data within India, and to processing outside India where it is in connection with the offering of goods or services to persons within India. It proceeds upon consent as the primary basis for processing. Consent must be free, specific, informed, unconditional and unambiguous, signified by a clear affirmative action, and accompanied by an itemised notice. The Act also recognises certain legitimate uses for which consent is not required, including processing for the performance of a function of the State, for compliance with law, and in circumstances of medical emergency or disaster. It confers on Data Principals the rights to obtain information about processing, to correction and erasure, to grievance redressal, and to nominate another person to exercise their rights in the event of death or incapacity. It establishes the Data Protection Board of India as an adjudicatory body, with appeals lying to the Telecom Disputes Settlement and Appellate Tribunal, and provides for financial penalties extending up to two hundred and fifty crore rupees for failure to observe reasonable security safeguards.

The Rules of 2025 and Phased Implementation

The Act was drafted to depend heavily upon delegated legislation and remained substantially inoperative until rules were framed. Draft Rules were published for consultation in January 2025 and attracted several thousand submissions. The Digital Personal Data Protection Rules, 2025 were notified in November 2025, bringing the Act into force in a staggered manner alongside the establishment of the Data Protection Board. The Rules require privacy notices in plain language, available in English and in the twenty-two languages of the Eighth Schedule; prescribe intimation of personal data breaches to affected individuals and to the Board, with a detailed report within seventy-two hours; mandate verifiable parental consent for the processing of children's data; impose purpose-limited retention with erasure once the purpose is exhausted; introduce a minimum retention period of one year for specified logs and traffic data; and require certain large platforms to erase personal data after three years of user inactivity following a forty-eight hour notice.

Implementation is phased across roughly eighteen months. The provisions establishing the Data Protection Board, together with definitional and transitional provisions, took effect on notification in November 2025. Obligations concerning Consent Managers, cross-border transfer mechanisms and Significant Data Fiduciaries take effect in November 2026. Full compliance with the remaining substantive obligations, including notice, consent, security safeguards, breach reporting and Data Principal rights, is required by May 2027. Cross-border transfer is governed by a negative list approach, under which transfer is permitted unless the Central Government restricts a particular country or territory by notification. This is a notably more permissive model than the adequacy regime used in the European Union, and it is one of the Act's more business-friendly features.

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The Three Points of Contention for This House

First, algorithmic accountability by the back door. The express inclusion of risk to electoral democracy among the criteria for designating a Significant Data Fiduciary is a legislative acknowledgement that data processing can threaten elections. The obligation on such fiduciaries to verify that their algorithmic software does not pose a risk to the rights of Data Principals is the closest thing in Indian law to a duty of algorithmic accountability. Delegates who wish to regulate micro-targeting will find their strongest existing statutory hook here rather than anywhere in the IT Act.

Second, the amendment to the Right to Information Act. This is the provision most likely to be raised by delegates representing press interests, and it deserves to be stated precisely. Section 44(3) of the DPDP Act amends Section 8(1)(j) of the Right to Information Act, 2005. Previously that section exempted personal information from disclosure, but with a crucial qualification: disclosure could still be ordered where the information related to public activity or interest, or where the public interest in disclosure outweighed the harm. The amendment removes that qualification, so that personal information is exempt without the public interest override. Illustration: A journalist seeks records of the educational qualifications declared by a public official, or the assets of a public servant, or the names of beneficiaries of a welfare scheme in order to detect fraud. Under the old provision, an Information Commission could order disclosure on the ground that the public interest outweighed the privacy harm. Under the amended provision, the request may be refused on the ground that it is personal information, and the public interest argument is no longer expressly available. Editors' bodies, transparency activists and many journalists have objected that this removes the foundation of a considerable volume of investigative reporting. The Government's position is that the amendment merely harmonises the two statutes, and that the Right to Information Act was never intended as a vehicle for disclosing personal data. Both positions are arguable, and the House may wish to consider whether an express public interest exception should be restored.

Third, the absence of a journalistic exemption. Several jurisdictions expressly exempt processing undertaken for journalistic purposes from the ordinary operation of data protection law. The reason is obvious once stated: a reporter investigating a corrupt official cannot realistically obtain that official's free and informed consent to process their personal data, and a law that requires it would make investigative journalism unlawful. The Srikrishna Committee recommended such an exemption and the 2019 Bill contained one. The 2023 Act does not. On a literal reading, a journalist may therefore be a Data Fiduciary in relation to the subjects of an investigation. The Central Government retains power to exempt classes of fiduciaries by notification, and whether it should exercise that power in favour of journalism is a legitimate and live question for deliberation in this House

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Key Learnings

- The Act flows directly from Puttaswamy (2017), which made privacy a fundamental right under Article 21.
- Consent is the primary ground for processing, subject to defined legitimate uses; the Data Protection Board adjudicates and may impose penalties up to two hundred and fifty crore rupees.
- The DPDP Rules, 2025 were notified in November 2025, with full substantive compliance due by May 2027.
- Risk to electoral democracy is an express criterion for designating a Significant Data Fiduciary, which links this Act directly to the misinformation agenda.
- Section 44(3) removed the public interest override from Section 8(1)(j) of the RTI Act, which is the Act's most contested consequence for press freedom.
- The Act contains no journalistic exemption, unlike the 2019 Bill and the Srikrishna Committee recommendation.

7. Other Relevant Legislative Measures

Digital media regulation in India does not rest upon a single statute. It is distributed across instruments of differing vintage and purpose, several of which predate the internet entirely and have been applied to it by extension. This fragmentation is itself a legitimate subject of debate, because a citizen cannot easily know which law governs their post, and a regulator can often choose the instrument that offers the fewest safeguards. The measures below are those most likely to be invoked in committee.

Criminal Law

- **Bharatiya Nyaya Sanhita, 2023 (BNS):** replaced the Indian Penal Code, 1860 with effect from July 2024, and contains the provisions most frequently applied to online speech. **Section 196** penalises promoting enmity between groups on grounds of religion, race, place of birth, residence or language, and expressly contemplates commission through electronic communication. **Section 197** penalises imputations prejudicial to national integration. **Section 353** addresses statements conducing to public mischief, including circulating false information likely to cause fear or alarm among the public, and it too expressly extends to electronic means. This is the provision closest to a general offence of spreading false news, and delegates should note its limits: it requires a likelihood of public fear, alarm or incitement, not mere falsity. **Sections 356 and 357** deal with defamation. **Section 152** replaced the offence of sedition with an offence concerning acts endangering the sovereignty, unity and integrity of India; its scope is contested, and delegates should note that sedition under the former Section 124A was kept in abeyance by the Supreme Court in 2022 pending reconsideration.
- **Bharatiya Nagarik Suraksha Sanhita, 2023:** replaced the Code of Criminal Procedure, 1973. **Section 163**, corresponding to the former Section 144, is the provision under which prohibitory orders affecting assembly and, in practice, the dissemination of information are issued at the district level. Its use to restrict online communication has been criticised as an application of a colonial-era public order tool to a medium it was never designed for.

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A structural point deserves emphasis. Section 66A of the IT Act was struck down in *Shreya Singhal* in 2015, yet studies and court records have repeatedly shown cases continuing to be registered under it for years afterwards. This phenomenon, sometimes called the zombie provision problem, illustrates that striking down a law does not by itself change enforcement behaviour at the police-station level, and that any remedy this House proposes must reach the point of enforcement rather than only the statute book.

Blocking, Takedown and Interception

- **Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009:** framed under Section 69A, these prescribe the committee-based procedure for blocking orders. Rule 16 requires confidentiality of requests and actions taken. This is heavily criticised, because a person whose content is blocked may never learn that it was blocked, still less why, which makes judicial review largely theoretical. The Supreme Court upheld Section 69A in *Shreya Singhal* partly by reference to the safeguards in these Rules, which is an argument that assumes the safeguards operate in practice.
- **Section 79(3)(b) and the Sahyog Portal:** this has become the most important live controversy in the field. The Sahyog Portal was launched by the Ministry of Home Affairs in 2024 to allow central and state agencies and police forces to issue takedown notices to intermediaries through a single automated channel. In *X Corp v. Union of India* (Karnataka High Court, 24 September 2025), X challenged the portal, arguing that content may lawfully be blocked only under Section 69A with its committee procedure and safeguards, and that using Section 79(3)(b) read with Rule 3(1)(d) created a parallel takedown regime that bypassed them. The Court rejected the petition, upheld the validity of Rule 3(1)(d) and the Portal, described Sahyog as an instrument of public good and a facilitative rather than censorial mechanism, and held that X Corp, as a foreign company, cannot invoke Article 19, which confers rights on citizens alone. An appeal has been filed.
- Delegates should grasp why this matters, and should also grasp that the judgment is contested. On one view, the ruling correctly recognises that safe harbour is a conditional privilege rather than a right, and that a State may require platforms to cooperate in removing unlawful content. On another view, it validates a second, lower-safeguard route to takedown that circumvents the very procedures the Supreme Court relied upon when upholding Section 69A, and the finding that Article 19 is unavailable to a foreign intermediary is troubling in effect if not in doctrine, because the speech being removed belongs to Indian citizens even though the platform carrying it does not. Note also the tension with the Bombay High Court's approach in *Kunal Kamra*: two High Courts have taken markedly different views of executive power over online content within a year of each other, and that divergence will ultimately require resolution by the Supreme Court.
- **Telecommunications Act, 2023:** replaced the Indian Telegraph Act, 1885 and the Indian Wireless Telegraphy Act, 1933. It consolidates Union powers over telecommunication services, including interception and temporary possession of services in specified circumstances, and is the statutory basis on which internet suspension now rests. The Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, read in light of *Anuradha Bhasin*, govern the procedure. India has recorded among the highest numbers of internet shutdowns of any country, which delegates arguing about proportionality should be prepared to address

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Press and Broadcasting

- **Press and Registration of Periodicals Act, 2023:** replaced the Press and Registration of Books Act, 1867. It simplifies registration of periodicals through an online system, removes the requirement of a declaration before a District Magistrate, and provides for a Press Registrar General. It expressly excludes scientific and academic journals, and it does not extend to digital news publishers, who remain governed by Part III of the IT Rules, 2021. The result is that a newspaper and its own website are regulated under different regimes.
- **Press Council of India Act, 1978:** constitutes the Press Council to preserve press freedom and maintain standards. Its jurisdiction extends only to print. It may warn, admonish or censure, but cannot impose a penalty, a limitation often summarised by saying that it has teeth but cannot bite. There is no comparable statutory body for television or digital media, which is a recognised gap and a natural target for reform proposals in this House.
- **Cable Television Networks (Regulation) Act, 1995:** governs cable and television broadcasting and contains the Programme Code and Advertising Code, administered by MIB. It is the basis on which advisories are issued to television channels. Broadcast news is also subject to self-regulatory bodies such as the News Broadcasting and Digital Standards Authority, whose orders are binding only on members.
- **Draft Broadcasting Services (Regulation) Bill:** published in November 2023 to consolidate broadcasting regulation. A revised draft circulated privately among selected stakeholders in 2024 was understood to extend obligations to online content creators. Following substantial objection from digital publishers, creators and civil society organisations, directed both at the substance of the draft and at the opacity of the consultation, the Ministry withdrew the revised draft and work on it has been shelved. In 2026 the Ministry released for consultation the Draft Telecommunications (Television, Radio and Associated Services) Rules, 2026, proposing to bring television channels, direct-to-home operators, radio and internet protocol television within a single framework under the Telecommunications Act, 2023. Both episodes are instructive illustrations of the difficulty of legislating for convergence, and neither is settled law.
- **Elections**
- **Representation of the People Act, 1951:** **Section 123** defines corrupt practices, including publication of statements of fact which are false, and which the publisher believes to be false or does not believe to be true, in relation to the personal character or conduct of a candidate. **Section 126** prohibits displaying election matter by means of cinematograph, television or other similar apparatus during the forty-eight hours ending with the conclusion of the poll. Whether this silence period captures a message forwarded on a closed messaging application is genuinely unclear, because the provision does not name the internet and penal provisions are construed strictly.
- **Model Code of Conduct (MCC):** not a statute and not enforceable of its own force, but enforced by the Election Commission under its plenary powers under **Article 324**. The Commission has extended the Code to social media by instruction, required pre-certification of political advertisements on electronic media, agreed a Voluntary Code of Ethics with platforms, and, before the 2024 general election, issued advisories on deepfakes and manipulated media. The entire digital limb of election regulation therefore rests on instructions and voluntary arrangements rather than on statute, which is a vulnerability worth debating.

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Other Measures

- Cinematograph Act, 1952, as amended in 2023: provides for certification of films for public exhibition and introduced age-based certification and anti-piracy provisions. Online curated content is not certified under this Act but governed by the Code of Ethics under Part III of the IT Rules, which is why the same film may be treated differently in a cinema and on a streaming service.
- CERT-In Directions, 2022: issued under Section 70B(6) of the IT Act, requiring reporting of specified cyber incidents within six hours, retention of logs for one hundred and eighty days, and retention of specified subscriber information by certain service providers for five years. Virtual private network providers have objected on privacy grounds, and several withdrew their servers from India.
- Consumer Protection Act, 2019 and the Guidelines for Prevention of Misleading Advertisements, 2022: relevant to influencer marketing and disclosure of material connections between creators and brands, and increasingly invoked against paid political and commercial content not disclosed as such. This is an underused route to transparency that delegates may wish to develop.
- Key Learnings
- Regulation is fragmented across criminal law, the IT Act and its rules, telecom law, press and broadcasting law, and election law, with no single coherent framework.
- The same content may be regulated differently depending on the medium and the classification of the speaker, which produces arbitrariness.
- X Corp v. Union of India (2025) upheld the Sahyog Portal and the Section 79(3)(b) takedown route, and sits in visible tension with Kunal Kamra (2024); an appeal is pending.
- Striking down a provision does not stop its use, as the continued registration of cases under the invalidated Section 66A demonstrates.
- The digital limb of election regulation rests on Article 324 instructions and voluntary codes rather than statute.

UNDERSTANDING MISINFORMATION AND DISINFORMATION

Definitions and Distinctions

Although they are often used together, misinformation and disinformation have different meanings. Misinformation is false or inaccurate information that is shared without the intention to mislead. For example, a person may forward an old news article believing it to be current. Disinformation, on the other hand, is false information that is created or shared deliberately to deceive people, influence public opinion, or cause harm. A third term, malinformation, refers to genuine information that is shared with the intention of causing harm, such as publishing private information without consent.

These distinctions are important because they require different responses. Misinformation is often addressed through fact-checking, public awareness campaigns, and digital literacy programmes. Disinformation may require stronger measures, especially when it involves organised campaigns, foreign interference, or threats to national security. However, identifying intent is often difficult, particularly on platforms where millions of users post content every day. Policymakers must therefore ensure that regulations target genuinely harmful conduct without restricting legitimate debate or criticism. A clear understanding of these concepts helps governments design laws that are both effective and consistent with constitutional protections for freedom of expression.

Sources of Misinformation

Misinformation can come from many different sources. Individual users often share false information without checking whether it is accurate, especially during emergencies or major public events. Errors in news reporting, misleading headlines, edited images, and content taken out of context can also spread misinformation. Social media algorithms may increase its reach by promoting content that attracts high engagement, regardless of whether it is true. Recent advances in artificial intelligence have made it easier to create convincing fake images, videos, and audio recordings, commonly known as deep fakes.

Some misinformation is spread intentionally. Political groups, commercial organisations, coordinated online networks, or foreign actors may create false narratives to influence public opinion or create social tensions. Closed messaging platforms present an additional challenge because information can be forwarded quickly to large groups while remaining difficult to trace.

Personal beliefs also play a role. People are more likely to trust and share information that supports their existing opinions, even if it is inaccurate. Since misinformation has many different sources, no single solution is sufficient. Effective responses require cooperation between governments, educational institutions, technology companies, researchers, independent fact-checkers, and citizens.

UNDERSTANDING MISINFORMATION AND DISINFORMATION

Impact on Society and Governance

False information can have serious effects on both society and government. During public health emergencies, misleading claims about diseases or vaccines can reduce public trust in medical advice and affect health outcomes. False rumours related to religion, caste, or ethnicity may increase social tensions and, in some cases, contribute to violence. Financial misinformation can influence investment decisions, encourage fraud, or create unnecessary panic. During natural disasters, inaccurate information may delay rescue efforts or prevent people from accessing reliable guidance.

Misinformation also affects governance. When people lose trust in government institutions, the judiciary, the media, or scientific experts, it becomes more difficult to implement public policies. Government agencies may have to spend significant time and resources correcting false claims instead of focusing on policy implementation. At the same time, measures taken to control misinformation must remain proportionate. Excessive regulation could discourage free discussion, investigative journalism, or criticism of public authorities. Legislators must therefore balance the need to protect public order and democratic institutions with the constitutional right to freedom of speech. Building public trust, improving digital literacy, and promoting reliable sources of information are widely seen as essential parts of this effort.

Electoral and Political Implications

Digital platforms have become an important part of election campaigns in India and around the world. Political parties, candidates, and voters use social media to communicate, debate policies, and reach large audiences. However, these platforms can also spread false information about candidates, political parties, election procedures, or public policies. Such content may influence voter opinions, increase political polarisation, or reduce confidence in the electoral process, particularly when it spreads faster than corrections.

In India, the Election Commission of India (ECI) works with government agencies and digital platforms to address election-related misinformation. Measures include enforcing the Model Code of Conduct, monitoring online campaigns, encouraging voter awareness, and facilitating the reporting of misleading content. However, regulating political speech remains difficult because election-related expression is protected under Article 19(1a) of the Constitution, subject to the reasonable restrictions listed under Article 19(2). The growing use of artificial intelligence, especially deepfakes and synthetic media, has created new challenges for election integrity. As a result, policymakers continue to debate how to improve transparency in political advertising, strengthen platform accountability, and promote digital literacy while ensuring that democratic participation and legitimate political debate are not unnecessarily restricted.

DIGITAL MEDIA AND DEMOCRATIC VALUES

How to Read This Section

The preceding sections described what digital media is, how it is regulated, and how false information travels through it. This section asks the question on which the agenda ultimately turns, namely what digital media is doing to democracy itself. It is the section from which the strongest speeches in this committee will be built, because it supplies the reasons why any of the regulation discussed earlier matters at all.

The question does not have a settled answer, and delegates should resist the temptation to pretend that it does. Digital media has enlarged the franchise of speech more than any development since the invention of printing, and it has simultaneously supplied the most efficient instrument for the manufacture of consent that has ever existed. Both propositions are true at once. Any resolution of this House that acknowledges only one of them will be incomplete, and any delegate who argues only one of them will be answered easily by an opponent who has read the other half.

It is also necessary to be precise about what is meant by democratic values, because the phrase is often used as decoration. This House is not concerned merely with the mechanics of elections. For the purposes of this discussion, democratic values comprise at least four things: that citizens can form political judgments on the basis of information that is substantially accurate; that they can express those judgments and hear the judgments of others, including judgments they find disagreeable; that the institutions of the State remain answerable to a public capable of scrutinising them; and that participation in public life is genuinely open rather than nominally open. Each of these is affected by digital media. Each is examined below, and the four subsections correspond to them in order.

Electoral Integrity

What Electoral Integrity Means

Electoral integrity is the condition in which the outcome of an election reflects the freely formed preferences of the electorate, and in which the electorate accepts that it does. The second limb is as important as the first and is frequently forgotten. An election whose result is accurate but widely disbelieved does not confer legitimacy, because legitimacy is a state of mind in the governed rather than a property of the count. Digital media places both limbs under pressure, and the measures proposed to protect one may damage the other.

DIGITAL MEDIA AND DEMOCRATIC VALUES

The Direct Threat: Fabrication at Speed

Fabricated content concerning candidates, parties or the conduct of the poll may reach voters in numbers and at a velocity that correction cannot match. The asymmetry is structural rather than accidental. A falsehood requires only assertion; a correction requires evidence, explanation and trust in the corrector. The falsehood is also, ordinarily, the more interesting of the two, and platforms rank content by engagement rather than by accuracy. It follows that a correction which is more truthful will nonetheless travel less far, and that the reach of a lie is not a failure of the system but a product of how the system is designed to work.

Synthetic media has sharpened the problem considerably. A fabricated video of a candidate is not merely a false claim about what a candidate said. It is a persuasive counterfeit of the evidence itself. The ordinary defence against a false claim is to ask what proof there is; that defence collapses when the proof can be manufactured. Ahead of the 2024 general election the Election Commission found it necessary to issue advisories to political parties concerning the use of deepfakes and manipulated media, and the Information Technology Amendment Rules, 2026 now impose labelling and provenance obligations on synthetic content together with a three-hour takedown window. That compression of timelines is explicable principally by reference to electoral harm.

The Indirect Threat: The Liar's Dividend

There is a second and less discussed harm which delegates who wish to distinguish themselves should understand. It is sometimes called the liar's dividend. Once the electorate understands that convincing forgeries are possible, authentic evidence of misconduct can be dismissed as fabricated. A politician recorded accepting a bribe need only say that the recording is a deepfake, and a public that knows deepfakes exist has no reliable way to be sure that it is not. The damage in that case is done not by any particular falsehood but by the general erosion of the evidentiary value of recorded material. This is a harm that no takedown regime can remedy, because there is nothing to take down. It is an argument for provenance and authentication infrastructure, which establishes that genuine material is genuine, rather than for removal powers, which can only address material that is false. Delegates should notice that the two policies point in different directions: removal treats the symptom, authentication treats the cause.

DIGITAL MEDIA AND DEMOCRATIC VALUES

The Legal Framework Was Not Built for This

Section 126 of the Representation of the People Act, 1951 imposes a silence period in the forty-eight hours before the close of poll, but it speaks of cinematograph, television and other similar apparatus. Whether it captures a message forwarded on a closed messaging application is unclear, and because it is a penal provision it must be construed strictly. Even if it did apply, the concept is difficult to sustain in a medium where content posted before the period continues to circulate throughout it, and where a citizen resharing an old post is not obviously displaying election matter in the sense the drafters had in mind.

The Model Code of Conduct is enforced by the Election Commission under Article 324 rather than by statute, and its extension to social media rests on instructions and on a Voluntary Code of Ethics agreed with platforms. This is an arrangement with no binding force, which depends on the continued cooperation of companies that may withdraw it. The House may wish to consider whether the Commission's powers require statutory articulation in respect of digital campaigning.

The Countervailing Consideration

This must be stated with equal force, and a delegate who omits it is not making an argument but a speech. Every mechanism proposed to protect electoral integrity is a mechanism that operates on political speech during an election. That is the category of speech Article 19(1)(a) protects most jealously, precisely because it is the speech by which a government may be removed. And it operates at the moment when the incumbent government has the greatest possible interest in its operation. A power to remove false electoral content within three hours is also, and necessarily, a power to remove inconvenient electoral content within three hours; the machinery cannot distinguish between the two, only the person operating it can.

The design question before this House is therefore not whether to act. It is how to construct a mechanism whose custodian is not an interested party. Delegates should test every proposal by asking a single question: would I be willing to grant this power to the party I least trust, on the assumption that it will one day be in office? If the answer is no, the proposal is not a safeguard, it is a weapon awaiting a different hand.

DIGITAL MEDIA AND DEMOCRATIC VALUES

Political Communication

The Removal of the Intermediary

Digital media has restructured the relationship between the politician and the citizen by removing the intermediary. For the whole of the twentieth century, political communication in India passed through institutions that performed a filtering function: newspapers, All India Radio, Doordarshan, and later the private news channels. Those institutions exercised editorial judgment. That judgment was frequently self-interested, proprietorially influenced, deferential to power, or simply wrong. But it existed, and it interposed a stage at which somebody who was not the politician decided whether and how a statement would be reported, and could ask a question before it was.

That stage has been removed. A leader may now address the electorate directly, at any hour, at no cost, without a question being asked and without a correction being offered.

What Has Been Gained

The benefits are real and delegates should not minimise them. Direct communication has made governance more legible to citizens. It has permitted leaders to reach constituencies that traditional media neglected, and to communicate in languages and registers that national media never served. It has allowed citizens to address representatives directly and sometimes to receive a response, which no letter to a newspaper ever achieved. It has reduced the power of a small number of proprietors to determine what the nation discussed. The Executive Board considers that delegates who treat direct political communication as inherently pathological have misread the phenomenon, and will find themselves unable to explain why hundreds of millions of citizens have embraced it.

What Has Been Lost

The costs are structural rather than incidental. Where communication is unmediated, it is also unexamined. The incentives of the medium reward what is emotionally arresting rather than what is accurate or important, because attention is the currency and outrage is the cheapest way to buy it. Political communication accordingly tends toward the affective and away from the deliberative: a policy argument does not travel and an insult does. This is not a claim about any particular party. It is a claim about what the medium selects for, and it selects the same way regardless of who is speaking.

A second consequence is the professionalisation of political messaging. Parties maintain dedicated digital operations, and the boundary between organic support and organised amplification becomes indistinct. A citizen encountering a political message has no reliable means of knowing whether it reflects the spontaneous view of a fellow citizen or the output of a coordinated operation. Coordinated inauthentic behaviour of this kind is not addressed with any precision by Indian law: it is not a defined offence, it is not a defined ground for takedown, and platforms address it under their own policies, on their own evidence, according to their own standards, with no obligation to disclose what they found.

DIGITAL MEDIA AND DEMOCRATIC VALUES

Micro-Targeting and the Loss of the Common Record

Micro-targeting compounds the difficulty, and it produces a harm distinct from misinformation, which delegates often miss. Where each voter receives a message calibrated to that voter's inferred anxieties, there ceases to be a common political conversation. The party's message need not be consistent across audiences, because no audience sees the others' messages. A party may promise one thing to one community and its opposite to another, and neither will learn of the contradiction.

Illustration: A party's advertisement to farmers promises higher procurement prices. Its advertisement to urban consumers in the same week promises lower food prices. Under a broadcast model both claims appear in the same newspaper and the contradiction is obvious. Under micro-targeting neither audience sees the other's advertisement, and the contradiction is never adjudicated by anyone.

Notice that in this illustration each message may be entirely true, and no fact-checker would find anything to correct. What is lost is not accuracy but the shared record against which a party's promises may be assessed, and with it the electorate's ability to hold a party to what it said. This is why transparency of political advertising, including the sponsor, the expenditure and the targeting criteria, is a distinct policy from misinformation control, and why a resolution that addresses only falsity will not reach this problem at all. The Digital Personal Data Protection Act, 2023 is the relevant instrument here, since micro-targeting depends on profiling and profiling depends on personal data.

Public Trust in Institutions

Why Trust Is the Precondition, Not the Product

Institutions govern by consent, and consent rests on a presumption of good faith that is not itself the product of evidence but prior to it. No citizen personally verifies that a court is impartial, that a vote was counted, or that a vaccine is safe; each relies on a presumption that the institution is doing what it says. When that presumption fails, institutional capacity fails with it, irrespective of the institution's actual performance. A perfectly conducted election that is not believed produces the same instability as a rigged one.

Mechanism One: Sustained Attrition

The most direct mechanism is the sustained circulation of material impugning the integrity of institutions. India has experienced this in relation to public health, where false claims about treatments and vaccines circulated widely during the COVID-19 pandemic and complicated the work of health authorities, and in relation to the judiciary, the Election Commission and the security forces. The harm is cumulative rather than episodic. No single item persuades anyone. But the aggregate establishes an impression, and the impression survives the refutation of every particular claim within it, because by then the impression is no longer held as a set of claims. It is held as a disposition.

DIGITAL MEDIA AND DEMOCRATIC VALUES

Mechanism Two: Abundance Itself

The second mechanism is more difficult to address and is rarely raised in committee, which makes it valuable. It is that the abundance of information is itself corrosive of trust. Where every proposition is met by a plausible-sounding counter-proposition, and where a citizen has neither the time nor the expertise to adjudicate between them, the rational response is not to believe the falsehood. It is to disbelieve everything.

Cynicism of that kind is more damaging to democratic governance than any specific false belief, because a citizen who believes a falsehood may be corrected, whereas a citizen who believes that truth is simply unavailable cannot be. This yields an important and counter-intuitive conclusion: the objective of censorship in a modern information environment need not be to make people believe a particular lie. It is sufficient to make them believe that nothing can be known, because a public that believes nothing can be known will not act.

Mechanism Three: When the Referee Joins the Game

The third mechanism deserves this House's particular attention. Trust in institutions is also damaged when institutions are perceived to be participants in the contest over information rather than referees of it. When an organ of the Government assumes the power to determine what is true concerning the Government's own business, the determination carries no persuasive force with anyone not already persuaded, and it supplies those who are unpersuaded with a fresh reason to distrust the institution making it. The finding is not received as a fact; it is received as a move by an interested party.

This was among the concerns that animated the Bombay High Court in striking down the Fact Check Unit provision. The practical implication is uncomfortable for those who favour strong State action: measures that appear to protect institutional credibility may reduce it. Credibility is more reliably built through independent verification, through transparency about the reasons for governmental action, and through the demonstrated willingness of institutions to be criticised without retaliating. An institution that cannot be criticised is not trusted; it is merely feared, and fear is a poorer foundation for governance because it produces compliance without cooperation.

The Position of the Press

Delegates should also consider where the press sits in this analysis, because it connects the two halves of this committee's agenda. The press has historically been the mechanism by which institutional trust was both tested and, when warranted, established. A finding that an institution had acted properly meant something when it came from someone with the standing and the incentive to say otherwise. A press that is economically weakened, ownership-concentrated, or professionally deterred cannot perform that function. Its inability to do so is not remedied by the proliferation of digital alternatives, most of which lack the resources for sustained investigation and many of which are, in practice, commentary on reporting done by others. The relationship between press freedom and public trust is therefore not incidental to this agenda. It is the reason both halves of the agenda are before the same committee.

DIGITAL MEDIA AND DEMOCRATIC VALUES

Democratic Participation

What Participation Comprises

Democratic participation means more than voting once in five years. It comprehends the ability of a citizen to inform themselves, to associate with others, to petition authority, to organise, to protest, and to be heard. Digital media has expanded each of these capabilities to a degree that has no precedent in Indian history.

The Expansion Is Real

This House should record the expansion honestly. A citizen with a smartphone can access government information, apply for entitlements, document a grievance with photographic evidence, and place that evidence before an audience without the permission of any editor, proprietor or official. Movements have been organised, injustices exposed, and public authorities compelled to respond through means unavailable a generation ago. Citizens whose participation was previously constrained by distance, by cost, by literacy in a dominant language, or simply by the indifference of established media, now possess a channel. A resolution that regulates digital media without recognising what it has enabled will not command assent, and should not.

But the Expansion Is Uneven

The unevenness has a pattern, and the pattern matters. Access to the internet in India remains unequally distributed by geography, by income, by literacy, and notably by gender, with a persistent gap between the proportions of men and women who use the internet. A participatory sphere constituted online therefore reproduces, and may entrench, existing exclusions, while presenting itself as universally open. That combination is worse than open exclusion, because it is invisible: the excluded do not appear in the discourse to say that they are missing from it.

Any measure premised on digital participation as the norm should be assessed against this reality. A grievance system that exists only online is not available to everyone. A consultation conducted only on a portal has not consulted the country. Delegates proposing digital solutions should be able to say who cannot use them.

Participation Chilled by Conduct

Participation is also chilled by conduct rather than by law. Sustained online harassment, disproportionately directed at women, at journalists, at members of minority communities and at those who criticise the powerful, operates as an effective restriction on speech notwithstanding that no law authorises it and no State actor commits it. The relevant constitutional insight is that Article 19(1)(a) is concerned with the conditions in which speech is possible, and not merely with the absence of a prohibiting statute. A person who withdraws from public discourse because participation has become intolerable has lost the substance of the right while retaining its form. She may speak; it is simply that she will not, and the reason she will not is that others have made the cost unbearable. This House may wish to consider whether the State's obligation extends to creating the conditions in which participation is possible, and not merely to refraining from prohibiting it. Delegates should note the honest difficulty: measures against harassment are measures against speech, and the same over-removal risks that apply to misinformation controls apply here with equal force.

DIGITAL MEDIA AND DEMOCRATIC VALUES

Participation Chilled by Uncertainty

Finally, participation is chilled by uncertainty about what is permitted. Where the boundaries of lawful speech are vague, where takedown timelines are compressed to the point that platforms must remove first and consider afterwards, and where the reasons for blocking are confidential under Rule 16, a rational citizen will speak more cautiously than the law actually requires. She will not test the boundary, because the cost of being wrong is a criminal case and the benefit of being right is nothing.

The chilling effect is therefore not an unfortunate side effect of regulation. It is a predictable product of regulatory design, and because it is a product of design it can be reduced by design: precise definitions, reasoned and published orders, effective appeal, human review, and timelines that permit judgment. That is the standard against which this House should assess every proposal before it, including the proposals its own members bring.

Key Learnings

- Digital media has simultaneously expanded democratic participation and supplied efficient means of manipulating it; both propositions must be held together.
- Electoral integrity requires both an accurate result and a believed result, and the liar's dividend attacks the second without any content to remove.
- Micro-targeting destroys the common record even when every message is true, which is a harm distinct from misinformation and is not addressed by takedown.
- Coordinated inauthentic behaviour is not defined or specifically regulated by Indian law.
- Cynicism is more corrosive than false belief, because it cannot be corrected.
- When the State acts as arbiter of truth about itself, it reduces rather than protects its own credibility.
- The chilling effect is a design outcome and can be mitigated by precise definitions, reasons, appeal and workable timelines.

Areas for the House to Consider

- Whether the powers of the Election Commission in respect of digital campaigning, including the silence period and synthetic media, require statutory articulation rather than reliance on Article 324 instructions and voluntary codes.
- Whether coordinated inauthentic behaviour and undisclosed political amplification should be defined and addressed, given that they are not captured by existing law.
- Whether transparency obligations for political advertising, covering sponsor, expenditure and targeting criteria, should be mandated and publicly auditable.
- Whether any determination that content is false ought to be made by a body independent of the Government, and what its composition, tenure and accountability should be.
- Whether the DPDP Act requires an express journalistic exemption, and whether the amendment to Section 8(1)(j) of the RTI Act should be revisited.
- Whether platform obligations should be calibrated by reach and risk rather than applied uniformly, so that compliance costs do not entrench the largest incumbents.
- Whether authentication and provenance infrastructure deserves greater priority than removal powers, given that the liar's dividend cannot be addressed by takedown.
- Whether the State's obligation under Article 19(1)(a) extends to securing the conditions of participation, including protection against harassment that excludes citizens from public discourse.

PRESS FREEDOM IN INDIA

Constitutional Protection of the Press

The Constitution of India does not explicitly mention "freedom of the press." However, the Supreme Court of India has consistently interpreted Article 19(1)(a), the Right to Freedom of Speech and Expression, as including the freedom of the press. This enables newspapers, television channels, radio broadcasters, and digital media to report on public affairs, criticize governments, and inform citizens without prior censorship. However, under Article 19(2), the State may impose reasonable restrictions in the interests of sovereignty and integrity, national security, public order, decency, morality, defamation, contempt of court, and incitement to an offence.

Examples

- *Bennett Coleman & Co. v. Union of India* (1973): The Supreme Court struck down government restrictions on newspaper page limits, affirming that press freedom includes the right to circulate news.
- *Indian Express Newspapers v. Union of India* (1985): The Supreme Court reaffirmed that freedom of the press is an essential component of Article 19(1)(a) and cannot be indirectly curtailed through excessive taxation or regulation.

Role of Independent Journalism

Independent journalism is regarded as the Fourth Pillar of Democracy, ensuring transparency, exposing corruption, informing citizens, and holding governments accountable. It encourages informed public debate, protects democratic institutions, and amplifies the voices of marginalized communities. In the digital era, independent journalists and online news platforms have further diversified the Indian media landscape.

Examples

- *The Bofors Scandal* (1980s): Investigative reporting by *The Hindu* exposed allegations of corruption in defence procurement, leading to nationwide political debate.
- *The Vyapam Scam*: Investigative journalism uncovered irregularities in recruitment and entrance examinations in Madhya Pradesh, eventually leading to a Central Bureau of Investigation investigation.

Challenges Faced by Journalists

Despite constitutional protections, journalists in India face several challenges including threats to physical safety, legal action, online harassment, financial pressures, misinformation, political polarization, and increasing pressure to publish news quickly. The rise of artificial intelligence and deepfakes has further complicated fact-checking and maintaining public trust in journalism.

Examples

- During the Indian Emergency, strict government censorship prevented newspapers from freely publishing news and criticism.
- The assassination of Gauri Lankesh in 2017 highlighted concerns over the safety and security of journalists reporting on sensitive issues.

PRESS FREEDOM IN INDIA

Media Ownership and Concentration

India has one of the world's largest and most diverse media ecosystems, comprising thousands of newspapers, television channels, radio stations, digital news platforms, and independent content creators. However, ownership of a significant portion of mainstream media is concentrated among a relatively small number of business conglomerates and politically influential individuals or families. This has raised concerns regarding editorial independence, conflict of interest, media plurality, and the ability of news organizations to report objectively on issues involving their owners' political or commercial interests.

Cross-media ownership, where a single entity owns newspapers, television channels, radio stations, and digital platforms, can further increase influence over public discourse. While ownership does not necessarily dictate editorial content, perceived affiliations can affect public trust and lead to allegations of bias, particularly during elections, major policy debates, and politically sensitive events.

At the same time, the growth of digital media, independent news portals, podcasts, YouTube channels, and citizen journalism has diversified India's information landscape, providing citizens with multiple sources of news beyond traditional media houses.

Examples

- **Sakal Media Group:** Widely associated with the Pawar family, particularly Sharad Pawar. The family's political influence in Maharashtra has led to debates over perceived editorial leanings in coverage of state politics.
- **Network18 Group:** Controlled by Mukesh Ambani through Reliance Industries. This has generated discussions on whether ownership by a major corporate group could influence reporting on business and public policy.
- **Sun TV Network:** Founded by Kalanithi Maran, whose family has longstanding political links with Dravida Munnetra Kazhagam. The network is frequently cited in discussions on the relationship between regional media ownership and political influence.

Key Learnings

- Article 19(1)(a) protects freedom of the press, while Article 19(2) allows reasonable restrictions.
- Independent journalism is essential for transparency, accountability, and informed democratic participation.
- Journalists continue to face challenges including censorship, violence, legal pressures, misinformation, and online harassment.
- Concentrated media ownership among corporate houses and politically connected individuals has intensified debates on editorial independence, media plurality, and transparency.
- The rise of digital and social media has diversified news consumption, making it essential to balance press freedom, responsible journalism, technological innovation, and effective regulation in India's evolving media landscape.

CONTEMPORARY CHALLENGES

Fake News

Fake news refers to false or misleading information that is presented as genuine news. It may be created intentionally to influence public opinion, create social tensions, gain financial benefits, or damage the reputation of individuals or institutions. The widespread use of social media platforms and messaging applications such as WhatsApp has increased the speed at which false information can reach large numbers of people.

In India, fake news has affected several areas, including elections, public health, and communal harmony. During the COVID-19 pandemic, false claims about treatments, vaccines, and government measures spread widely online, creating confusion among citizens. Similarly, misleading posts involving religious or social issues have, in some cases, contributed to tensions between communities. The Government of India has introduced measures such as the Press Information Bureau (PIB) Fact Check Unit to identify and counter false claims related to government information. Digital platforms have also developed fact-checking partnerships and reporting systems.

However, regulating fake news presents a significant challenge. Authorities must differentiate between intentionally false information and genuine mistakes, opinions, or criticism. Excessive restrictions may affect freedom of speech and legitimate public debate. Therefore, solutions often focus on improving digital literacy, strengthening fact-checking mechanisms, increasing platform transparency, and encouraging responsible online behaviour.

Illustration: A fake message claims that a particular banknote will no longer be accepted by banks. Thousands of people share it, causing unnecessary panic until official authorities clarify that the information is false.

Deepfakes and Artificial Intelligence

Artificial Intelligence (AI) has introduced new possibilities in areas such as healthcare, education, governance, and business. However, it has also created challenges through technologies such as deepfakes. Deepfakes are AI-generated or altered videos, images, or audio recordings that can make a person appear to say or do something they never actually did.

In India, the increasing availability of AI tools has raised concerns about their misuse during elections, online fraud, and personal harassment. Deepfakes of public figures, including politicians and celebrities, have highlighted the difficulty of identifying authentic content from manipulated media. During election periods, fake videos or cloned voices can influence public opinion and create confusion among voters.

The Government of India and technology companies have begun exploring measures to address this issue, including improving detection tools, increasing transparency regarding AI-generated content, and strengthening platform responsibility. The Ministry of Electronics and Information Technology (MeitY) has issued advisories encouraging platforms to prevent the spread of harmful AI-generated content. However, regulation must also ensure that AI innovation is not unnecessarily restricted, as the technology has significant economic and social benefits.

Illustration: An AI-generated video falsely shows a political leader announcing a fake policy decision. Although the video is later identified as fake, it may have already influenced public opinion.

CONTEMPORARY CHALLENGES

Online Harassment and Hate Speech

Online harassment and hate speech have become major concerns with the increasing use of social media platforms in India. Online harassment includes cyberbullying, threats, stalking, and the sharing of private information without consent. Hate speech refers to communication that promotes hostility, discrimination, or violence against individuals or groups based on factors such as religion, caste, ethnicity, gender, or nationality.

The anonymity and speed of digital platforms can make such content difficult to control. Online abuse has affected journalists, activists, women, public officials, and ordinary citizens. In some cases, inflammatory content shared online has contributed to social tensions and public disorder. Indian laws, including provisions under the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000, provide legal mechanisms to address certain forms of unlawful online activity.

Social media platforms are also required to establish grievance redressal systems and take action against unlawful content under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. However, determining the difference between harmful speech and legitimate expression remains complex. Policymakers must ensure that efforts to prevent online abuse do not unfairly restrict criticism, political discussion, or freedom of expression.

Illustration: A person posts threatening messages against a journalist because of an article they published. The platform and authorities may need to intervene to protect the journalist while respecting legal procedures.

Algorithmic Bias and Echo Chambers

Digital platforms use algorithms to recommend content based on users' previous searches, interactions, and interests. These systems help users discover relevant information but can also create challenges. An echo chamber occurs when users are repeatedly shown information that supports their existing views, limiting exposure to different perspectives. This can increase political polarisation and make misinformation spread more easily.

Algorithmic bias occurs when automated systems produce unfair outcomes because of biased or incomplete data. In India, concerns have been raised about the impact of algorithms on areas such as content moderation, online advertising, and automated decision-making systems. Since India's population is diverse in terms of languages, cultures, and social backgrounds, poorly designed algorithms may not accurately represent all communities.

Addressing algorithmic bias requires greater transparency from technology companies regarding how their systems operate. Measures such as regular audits, better-quality datasets, and human oversight can help reduce unfair outcomes. However, complete transparency can be difficult because many algorithms are protected as commercial technology. The challenge for policymakers is to ensure that digital platforms operate fairly while continuing to encourage technological innovation.

Illustration: A student who frequently watches videos supporting one political viewpoint may receive more similar content from an algorithm, reducing their exposure to alternative opinions.

CONTEMPORARY CHALLENGES

Data Privacy and Surveillance

Digital services collect large amounts of personal information, including names, locations, financial details, and online activity. This data allows companies and government agencies to provide services more efficiently but also creates concerns regarding misuse, unauthorised access, and individual privacy.

In India, the right to privacy was recognised as a fundamental right by the Supreme Court in Justice K.S. Puttaswamy v. Union of India (2017). The Digital Personal Data Protection Act, 2023 establishes a legal framework for processing personal data and creates obligations for organisations handling such information. The Act aims to protect individuals while allowing responsible use of data for economic and public purposes.

Government surveillance may support national security, cybercrime investigations, and law enforcement. However, concerns remain regarding safeguards, transparency, and preventing unnecessary collection of personal information. A balance must therefore be maintained between security requirements and individual privacy rights. As India continues its digital transformation through initiatives such as Digital India and online public services, effective data protection has become an important requirement for maintaining public trust.

Illustration: A mobile application collects a user's location data to provide services. If this information is leaked or misused, it could reveal sensitive details about the person's daily movements.

SOCIAL MEDIA AND ELECTIONS

Social media has fundamentally transformed electoral politics in India. Platforms such as Instagram, X, YouTube, Facebook, WhatsApp, and Telegram have become indispensable tools for political communication, voter outreach, fundraising, and public engagement. Political parties now rely heavily on digital campaigns to reach younger voters, while influencers, content creators, and algorithm-driven content increasingly shape political narratives. Unlike traditional media, social media enables two-way communication, allowing leaders to interact directly with citizens in real time. Although these platforms have democratized political participation and made campaigning more accessible, they have also raised concerns regarding misinformation, deepfakes, targeted advertising, data privacy, hate speech, and electoral integrity.

Digital Campaigning

Digital campaigning enables political parties and candidates to engage directly with voters through social media, livestreams, WhatsApp, AI-powered messaging, and constituency-focused content. It allows leaders to communicate instantly with millions of voters while reducing dependence on traditional rallies and print advertisements.

Examples

- Narendra Modi pioneered large-scale digital campaigning through the NaMo App, live interactions, WhatsApp outreach, and extensive use of X, Instagram, and YouTube, setting the benchmark for digital election campaigns in India.
- Rahul Gandhi extensively used YouTube, Instagram, and digital storytelling during the Bharat Jodo Yatra, enabling direct engagement with millions of citizens and significantly expanding his digital outreach.
- Sushma Swaraj became widely known for using X (formerly Twitter) to respond personally to Indians stranded abroad, coordinate emergency assistance, and resolve consular issues in real time. Although this was not an election campaign, her highly visible digital engagement significantly enhanced the public image of both the Ministry of External Affairs and the BJP, demonstrating how effective social media communication can positively shape political perception and public trust.

SOCIAL MEDIA AND ELECTIONS

Political Advertising

Political advertising on digital platforms enables parties to target voters based on age, location, language, and interests. Through data analytics and platform algorithms, campaigns can deliver customized messages to specific voter groups. While this increases campaign efficiency, it also raises concerns regarding transparency, funding, voter profiling, and the spread of misleading political content.

Examples

- The "Main Bhi Chowkidar" campaign (2019) was promoted through coordinated advertisements across Facebook, Instagram, X, YouTube, and Google.
- The Congress "Nyay" campaign used targeted digital advertisements to explain its proposed minimum income guarantee scheme during the 2019 Lok Sabha elections.
- During the 2024 Lok Sabha Elections, the BJP, Congress, and several regional parties collectively spent hundreds of crores on Meta (Facebook and Instagram) and Google advertisements, making digital advertising a central pillar of election strategy.

Role of Influencers and Content Creators

Influencers, podcasters, YouTubers, journalists, and independent creators have become influential participants in political discourse. Their ability to simplify complex policies, interview political leaders, fact-check claims, and present issues in engaging formats enables them to reach audiences, particularly young voters, who may not consume traditional news media.

Examples

- Ranveer Allahbadia has interviewed Cabinet ministers and political leaders, bringing governance discussions to millions of young viewers.
- Raj Shamani regularly hosts long-form conversations with politicians, policymakers, and bureaucrats on governance and public policy.
- Dhruv Rathee produces explanatory videos on politics and public policy that receive millions of views and significantly influence online political discussions.

SOCIAL MEDIA AND ELECTIONS

Election Commission's Concerns

The Election Commission of India has expressed concerns regarding the growing influence of social media on elections. Key issues include misinformation, fake news, AI-generated deepfakes, paid political advertising, foreign interference, violations of the Model Code of Conduct, and the rapid spread of unverified content capable of influencing voter behaviour.

Examples

- Political advertisements on electronic and digital media require pre-certification by the Election Commission during elections.
- During elections, the ECI collaborates with Meta, Google, and X to identify and remove misinformation, fake news, and content violating election laws.
- Ahead of the 2024 Lok Sabha Elections, the ECI issued advisories warning political parties against the use of AI-generated deepfakes and manipulated videos that could mislead voters.

Role of Social Media in Shaping Public Perception

Social media no longer merely reports political developments. It actively shapes how citizens perceive political leaders, parties, and public issues. Viral reels, memes, podcasts, hashtags, livestreams, and user-generated content often influence public opinion much faster than traditional news media. Algorithms amplify content with higher engagement, making social media one of the most powerful tools in modern political communication. Public perception today is increasingly influenced not only by political speeches and manifestos but also by trends, memes, and viral digital narratives.

Examples

- The Cockroach Janata Party (CJP) demonstrated how satirical content, memes, and viral social media campaigns can rapidly gain public attention and influence political conversations despite not being a conventional political party.
- The "Main Bhi Chowkidar" hashtag campaign transformed a political slogan into a nationwide digital movement, significantly shaping public perception during the 2019 elections.
- The Bharat Jodo Yatra gained enormous traction through Instagram Reels, YouTube videos, livestreams, and citizen-generated content, allowing millions to follow the campaign directly and shaping public perception beyond traditional television coverage.

AREAS OF DEBATE AND DELIBERATION

This section sets out the genuine fault lines of the agenda. They are not procedural prompts, and they are not questions to which the Executive Board has a preferred answer waiting to be guessed. Each is a live dispute on which serious people disagree in good faith, and on each the Board expects delegates to take a position, defend it against the strongest version of the opposing argument, and translate it into a concrete provision. A delegate who can state only their own side of these disputes has not prepared; a delegate who can state both and still choose has.

For each area below, the strongest argument on each side is stated, followed by the question the House must actually answer. Delegates should note that these areas interlock: a position taken on one will constrain the positions available on others, and the Board will notice when a delegate's proposals contradict one another.

Should Falsity Itself Be a Ground for Restriction?

This is the foundational question, and every other dispute descends from it. Article 19(2) permits restriction on eight enumerated grounds. Falsity is not among them. A law against misinformation must therefore be anchored to a listed ground, most commonly public order or incitement to an offence, which means it cannot reach a falsehood that is merely false.

The case for: The framers could not have contemplated an information environment in which a fabrication reaches a hundred million people before breakfast. Falsity at scale is not an abstract wrong; it produces the very harms Article 19(2) names, namely disorder, violence and the erosion of the security of the State. To insist that the State may act only after disorder has begun is to insist that the remedy arrive after the injury.

The case against: The exhaustiveness of Article 19(2) is the entire point of the provision. A ground of falsity would be unbounded, because contested claims about public affairs are rarely simply true or false, and the power to declare a claim false is the power to settle political controversy by administrative fiat. Every authoritarian information regime in history has described itself as combating falsehood. The existing grounds already permit action where falsity actually produces the harms named; what they do not permit is action where it does not, and that limitation is a feature.

The question for the House: Should this House proceed on the basis that misinformation is actionable only where it is proximately connected to a ground in Article 19(2), or should it propose that Parliament seek to expand the grounds, which would require a constitutional amendment?

AREAS OF DEBATE AND DELIBERATION

Who Decides What Is True?

If falsity is to have any legal consequence, someone must determine it. There are only four candidates: the executive, the judiciary, an independent statutory body, or the platforms themselves. Each has a decisive weakness, and delegates should be candid about the weakness of their own preference.

- The **executive** is fast, resourced and accountable to this House, but is an interested party whenever the claim concerns the Government. This is what the Bombay High Court found fatal in Kunal Kamra.
- The **judiciary** is independent and gives reasons, but cannot operate at the speed or volume required; a claim adjudicated in three years has been adjudicated too late to matter.
- An **independent statutory body** combines speed with distance from the Government, but its independence is only as real as its appointment process, its tenure protection and its funding, and a body captured by the executive is worse than none because it launders decisions in the language of independence.
- The **platforms** are fastest of all and bear the cost, but they are unaccountable, foreign-owned in most cases, commercially motivated, and their incentive under conditional safe harbour is to over-remove.

The question for the House: Which institution should hold this power, and what specific safeguards, in appointment, tenure, reasons, publication and appeal, would make your choice defensible to a delegate who assumes it will be exercised by their opponents?

Safe Harbour: How Conditional Should It Be?

Section 79 immunity is the hinge of the entire regime, and there is now visible judicial disagreement about it. In Shreya Singhal the Supreme Court read Section 79 to require removal only on a court order or a lawful government notification. In X Corp v. Union of India (2025), the Karnataka High Court upheld takedown notices issued under Section 79(3)(b) through the Sahyog Portal by a wide range of central and state agencies, and held that a foreign intermediary cannot invoke Article 19. An appeal is pending, and the position sits uneasily beside Kunal Kamra.

AREAS OF DEBATE AND DELIBERATION

The case for: Safe harbour is a statutory privilege, not a fundamental right, and it was always conditional. A platform that profits from carrying content in India may reasonably be required to cooperate in removing what is unlawful. A cooperative portal is more transparent and auditable than informal telephone calls to compliance officers, which is the realistic alternative.

The case against: A parallel route with fewer safeguards than Section 69A hollows out the safeguards that made Section 69A constitutional. What cannot be done directly should not be achievable indirectly. Further, the holding that Article 19 is unavailable to a foreign platform is troubling in effect: the speech being removed belongs to Indian citizens, and if the only party with standing to resist an unlawful order is the party without rights, the citizen's right is unenforceable in practice.

The question for the House: Should takedown authority be consolidated into a single statutory route with uniform safeguards, and should the citizen whose content is removed have a right to notice and to be heard, independent of the platform's willingness to litigate?

Speed Versus Judgment: The Three-Hour Rule

The 2026 Amendment Rules cut the compliance window from thirty-six hours to three. This single number encapsulates the agenda.

The case for: Harm from synthetic media is effectively irreversible within hours. A window measured in days is not a safeguard but a concession that the remedy will always arrive too late. Where the content is a fabricated depiction of a real person, delay is itself a decision to permit the harm.

The case against: Three hours makes human evaluation impossible at Indian scale and therefore mandates automated filtering. Automated systems classify pixels, not context, and cannot distinguish satire, parody, criticism, art or journalism from deception, because that distinction lives in intent and context. The Rules further clarify that removal by automated tools does not forfeit safe harbour, which removes the platform's last incentive to think before acting.

The question for the House: Should compliance timelines be calibrated to the category of harm, with the shortest windows reserved for content where wrongfulness is objectively ascertainable, such as non-consensual intimate imagery, and longer windows for content whose unlawfulness depends on context?

AREAS OF DEBATE AND DELIBERATION

Synthetic Media: Label, or Prohibit?

The 2026 Rules chose labelling and provenance over prohibition for lawful synthetic content. This was a significant choice and delegates should understand why it is defensible.

The case for: Labelling is a disclosure obligation, not a speech prohibition. It permits the expression and informs the audience, which is the least restrictive means of addressing the harm and therefore the most likely to survive proportionality review. Synthetic media has legitimate uses in satire, art, education, accessibility and translation, and a prohibition would destroy them all to reach a subset of abuses.

The case against: Labels do not travel. A label applied at the point of generation is stripped by a screenshot, a re-recording or a re-upload, and metadata is removed by most platforms on ingestion. A regime that depends on labels surviving the actual conditions of circulation may be a regime that does nothing at all while appearing to act.

The question for the House: Is provenance infrastructure, meaning authentication of genuine material at the point of capture, a better investment than labelling of synthetic material at the point of generation, given that the liar's dividend cannot be addressed by any takedown power?

Traceability Versus Encryption

Rule 4(2) of the IT Rules, 2021 requires significant social media intermediaries providing messaging services to enable identification of the first originator of information. This has been challenged as incompatible with end-to-end encryption.

The case for: Anonymity is the precondition of coordinated disinformation, of organised harassment, and of the circulation of child sexual abuse material. A system in which no message can ever be attributed to anyone is not a neutral system; it is one that has decided, in advance, that these harms will go unaddressed.

The case against: Traceability cannot be implemented without either weakening encryption for everyone or attaching identity to every message, which is mass surveillance by architecture rather than by order. The same anonymity that protects the harasser protects the whistleblower, the source, the domestic-violence survivor and the dissident. A backdoor available to a lawful authority is available to anyone who obtains it, and its existence cannot be limited to good actors by legislative intention.

The question for the House: Is the first-originator requirement proportionate under Puttaswamy, and does a less restrictive alternative exist, such as metadata-based investigation, that achieves a substantial part of the objective without breaking encryption for all users?

AREAS OF DEBATE AND DELIBERATION

Rules or Statute? The Question of Parliamentary Authority

This question belongs to this House more than to any court, and delegates should not let it pass. Nearly the entire framework governing digital speech in India, the 2021 Rules, the 2023 amendment, the 2026 amendments, the blocking procedure, the Sahyog Portal, exists as subordinate legislation made by Ministries. None was debated or voted on by Parliament.

The case for: Technology changes faster than the legislative calendar. Delegated legislation permits the executive to respond to deepfakes within months rather than years, and Parliament retains ultimate control because it conferred the power and can withdraw it, and because rules must be laid before the House.

The case against: A framework that determines the boundaries of a fundamental right for 800 million users should be enacted by the legislature that represents them. Laying rules before the House is a formality that has almost never resulted in modification. Where subordinate legislation exceeds the parent Act, it is void, and the proliferation of ultra vires challenges to these Rules is a symptom of legislating by notification rather than by statute.

The question for the House: Should this House recommend that the substantive framework governing online speech be enacted as primary legislation, with rule-making confined to genuinely technical implementation?

Regulating the Press, or Regulating Speech?

Part III of the IT Rules subjects digital news publishers to a Code of Ethics with the Government at the apex tier. The Draft Second Amendment Rules, 2026 propose extending the Code of Ethics to individual users posting news and current affairs content.

The case for: Print is registered, broadcast is regulated, and a digital news portal with a larger audience than either is not. That is an accident of history rather than a principle, and it produces a regulatory arbitrage in which the least accountable medium has the greatest reach. Parity is a legitimate objective.

The case against: The parity argument levels down rather than up. Print regulation under the Press Council is toothless precisely so that it does not threaten press freedom; replicating regulation with the Government at the apex is not parity but a new power. Extending a publisher's code to individual citizens who comment on public affairs would collapse the distinction between the press and the public, and would subject ordinary political speech to an ethics code administered by the executive.

The question for the House: If digital news requires oversight, should it be by a statutory body independent of the Government on the model of a strengthened Press Council, and should individual citizens ever be treated as publishers by reason of the subject matter of their speech

AREAS OF DEBATE AND DELIBERATION

Political Advertising and the Common Record

Micro-targeted political advertising produces harm even where every advertisement is true, because it destroys the shared record against which parties can be held to their promises.

The case for: Mandatory disclosure of sponsor, expenditure and targeting criteria, held in a public and searchable repository, is a transparency measure rather than a restriction. It does not prevent any party from saying anything; it prevents parties from saying different things to different people in secret.

The case against: A public repository of targeting criteria discloses commercially and politically sensitive strategy, may chill legitimate outreach to minority communities who are reached only by targeting, and imposes compliance costs that favour the largest and best-resourced parties over smaller and newer ones.

The question for the House: Should political advertising transparency obligations be placed on a statutory footing rather than resting on voluntary platform policies, and should the Election Commission maintain the repository?

Internet Shutdowns

India has recorded among the highest numbers of internet shutdowns of any country. Anuradha Bhasin held that indefinite suspension is impermissible, that orders must be published and are subject to review, and that access to the internet is protected under Article 19(1)(a) and 19(1)(g).

The case for: Where rumour is producing imminent communal violence, a temporary suspension may be the only measure capable of operating faster than the rumour. The alternative is not free speech; it is a riot.

The case against: A shutdown is the most blunt instrument available. It suppresses all speech, including the corrections, the journalism, the emergency coordination and the ambulance call, in order to suppress some. It inflicts severe economic harm on the innocent, it disables the very reporting that would establish what is happening, and its use has extended well beyond genuine emergencies. It fails proportionality because a less restrictive alternative almost always exists.

The question for the House: Should the grounds, maximum duration, publication and mandatory review of suspension orders be codified in statute rather than left to rules, and should economic and human costs be placed on the record before an order is made?

AREAS OF DEBATE AND DELIBERATION

Criminalisation Versus Regulation

India's response to online speech has been substantially criminal, through the BNS and the IT Act, rather than regulatory or civil.

The case for: Criminal sanction expresses society's condemnation and deters conduct that civil remedies cannot, particularly where the wrongdoer is judgment-proof or anonymous and the harm is to the public at large rather than to an identifiable plaintiff.

The case against: Criminal law is the most speech-restrictive tool available. The process is the punishment: an ordinary citizen facing an FIR in a distant state suffers arrest, bail, travel and legal cost regardless of eventual acquittal, and the deterrent operates on lawful speech long before any conviction. The persistence of cases under the invalidated Section 66A demonstrates that criminal provisions, once in the hands of the police, are not easily recalled by courts.

The question for the House: Should this House prefer civil, regulatory and structural remedies, such as transparency, provenance, correction rights and platform duties, reserving criminal sanction for conduct causing identifiable and serious harm, such as incitement or non-consensual intimate imagery?

Regulation Versus Capability

A recurring alternative to regulation is to strengthen the citizen's ability to evaluate information, through digital literacy, media education and support for independent fact-checking.

The case for: Regulation treats the citizen as a passive object to be protected. Literacy treats them as a participant to be equipped, and it is the only approach that is not itself a restriction on speech and therefore cannot be abused by a future government. It addresses demand rather than supply, and demand is the durable variable.

The case against: Literacy is slow, generational and unmeasurable, and it is frequently invoked precisely in order to avoid doing anything. It also places the burden on the victim: a citizen cannot be educated into detecting a deepfake that is by design indistinguishable, and to tell her to be more discerning is to make her responsible for a problem manufactured by others.

The question for the House: What proportion of the response should be capability-building rather than restriction, and how would this House fund, deliver and measure it so that it is a genuine policy rather than a rhetorical alternative to one?

SUPPORTING LEGAL AND INSTITUTIONAL FRAMEWORKS

Primary Legislation

- Information Technology Act, 2000: Sections 69A (blocking), 79 (conditional safe harbour), 79(3)(b) (takedown on notification), 87 (rule-making), 70B (CERT-In).
- Digital Personal Data Protection Act, 2023: consent, fiduciary duties, Significant Data Fiduciaries, Data Protection Board, and the Section 44(3) amendment to the RTI Act.
- Bharatiya Nyaya Sanhita, 2023: Sections 152, 196, 197, 353, 356 and 357.
- Telecommunications Act, 2023: interception and suspension of services.
- Representation of the People Act, 1951: Sections 123 and 126.
- Press and Registration of Periodicals Act, 2023; Press Council of India Act, 1978; Cable Television Networks (Regulation) Act, 1995; Cinematograph Act, 1952; Right to Information Act, 2005; Consumer Protection Act, 2019.

Assessment: The defect here is not any single statute but the absence of coherence between them. India regulates the same act of communication under at least six statutes drafted across seven decades for different media, with different regulators, different standards and different safeguards. The consequence is arbitrariness of the kind Article 14 exists to prevent: a citizen cannot know which regime governs her post, and a regulator may select the instrument offering the fewest safeguards. The Board's assessment is that the single most defensible structural reform available to this House is consolidation, meaning one statute, one regulator, one standard of review, rather than the addition of further powers to an already fragmented framework.

Subordinate Legislation

- IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as amended in 2023 and by the Amendment Rules, 2026 on synthetically generated information.
- Draft IT (Intermediary Guidelines and Digital Media Ethics Code) Second Amendment Rules, 2026: proposing extension of the Code of Ethics to individual users posting news and current affairs; not notified.
- IT (Procedure and Safeguards for Blocking) Rules, 2009, including the Rule 16 confidentiality requirement.
- Digital Personal Data Protection Rules, 2025, phased to May 2027.
- Temporary Suspension of Telecom Services Rules, 2017.
- CERT-In Directions, 2022.

SUPPORTING LEGAL AND INSTITUTIONAL FRAMEWORKS

Draft Telecommunications (Television, Radio and Associated Services) Rules, 2026.

Assessment: This is the weakest link in the chain, and the weakness is constitutional rather than merely political. The boundaries of a fundamental right for hundreds of millions of citizens are being fixed by instruments that this House has never debated. Two consequences follow. Legally, every such rule is vulnerable to challenge as ultra vires, and the volume of litigation is the predictable result of legislating by notification. Democratically, the laying procedure is a formality that has effectively never produced modification. The Board's assessment is that delegates arguing for stronger measures would strengthen their own position, not weaken it, by demanding those measures be enacted as statute: a power conferred by Parliament after debate is both more legitimate and more durable than one conferred by a Ministry and struck down two years later.

Judicial Precedent

- *Romesh Thappar v. State of Madras* (1950): circulation is part of the right; Article 19(2) grounds are read narrowly.
- *Bennett Coleman v. Union of India* (1973): facially neutral measures are unconstitutional if their direct effect abridges press freedom.
- *S. Rangarajan v. P. Jagjivan Ram* (1989): the danger must be proximate, like a spark in a powder keg; the State cannot plead inability to maintain order.
- *Shreya Singhal v. Union of India* (2015): Section 66A struck down for vagueness and overbreadth; advocacy distinguished from incitement; Section 79 read down to require a court order or lawful government notification; Section 69A upheld by reference to its safeguards.
- *K.S. Puttaswamy v. Union of India* (2017): privacy is a fundamental right; proportionality is the governing standard.
- *Anuradha Bhasin v. Union of India* (2020): internet speech and trade are protected; indefinite suspension impermissible; orders must be published and reviewable.
- *Kunal Kamra v. Union of India* (Bombay HC, 2024): the Fact Check Unit provision struck down under Articles 14, 19(1)(a) and 19(1)(g); appeal pending before the Supreme Court, no stay granted.
- *X Corp v. Union of India* (Karnataka HC, 2025): Sahyog Portal and Section 79(3)(b) takedown upheld; Rule 3(1)(d) valid; Article 19 unavailable to a foreign intermediary; appeal filed.
- Supreme Court proceedings, 2025 onward: the Court has directed the Union to frame guidelines on social media conduct, balancing Article 19(1)(a) against the dignity of individuals and communities under Article 21, in proceedings arising from cases against digital creators. The Union has indicated that rules are at an advanced stage. Challenges to Part III of the IT Rules, 2021 remain pending before the Court.

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Assessment: The jurisprudence is more coherent than the legislation, and it supplies the standard by which every proposal in this committee should be tested: a restriction must be by law, proximately connected to a listed ground, proportionate, and neither vague nor overbroad, with the burden on the State. The important qualification for delegates is that the law is presently unsettled at High Court level. Kunal Kamra and X Corp point in visibly different directions on executive power over online content, and both are under appeal. The Board's assessment is that a delegate who asserts either that the Rules are settled law or that they are plainly unconstitutional is overstating; the honest position is that the Supreme Court has not yet spoken, and that a resolution which anticipates its decision is unwise while one which builds in the safeguards the Court has consistently demanded, namely reasons, notice, publication and appeal, is likely to survive whatever it decides.

Institutional Framework

- Ministry of Electronics and Information Technology (MeitY): administers the IT Act, Part II of the 2021 Rules, blocking under Section 69A, and the 2026 synthetic media amendments.
- Ministry of Information and Broadcasting (MIB): administers Part III, digital news and curated content, and the Cable Television Networks Act.
- Ministry of Home Affairs: operates the Sahyog Portal and coordinates state police agencies on takedown.
- Election Commission of India: Article 324 superintendence, the Model Code, pre-certification of political advertisements, the Voluntary Code of Ethics with platforms, and deepfake advisories.
- Data Protection Board of India: adjudication under the DPDP Act, established on notification of the 2025 Rules, with appeal to the TDSAT.
- Press Council of India: statutory, print-only, with power to warn, admonish or censure but not to penalise.
- News Broadcasting and Digital Standards Authority (NBDSA): self-regulatory, binding only on members.
- CERT-In: cybersecurity incident response under Section 70B.
- Parliament and its Committees: the Standing Committee on Communications and Information Technology, the Committee on Subordinate Legislation, and the laying procedure.
- The constitutional courts: the Supreme Court and the High Courts, exercising review under Articles 32 and 226.

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Assessment: The institutional map reveals the core problem more clearly than the statutory one. Every body with the power to act quickly is part of the executive, and every body independent of the executive is either slow, such as the courts, or powerless, such as the Press Council, or non-statutory, such as the NBDISA. There is no institution in India that is simultaneously fast, independent and empowered. The Board's assessment is that this gap, rather than any deficiency of substantive law, is the real subject of this committee. A delegate who proposes an institution that is genuinely independent in appointment, tenure and funding, that is obliged to give reasons and to publish them, that operates on statutory timelines fast enough to matter, and that is subject to appeal, will have addressed the actual problem rather than redistributing an existing power. Conversely, delegates should be sceptical of proposals that create a new body while leaving appointment in the hands of the Government, since such a body inherits the legitimacy deficit of the executive while acquiring the appearance of independence, which is a worse combination than either alone.

International and Comparative Frameworks

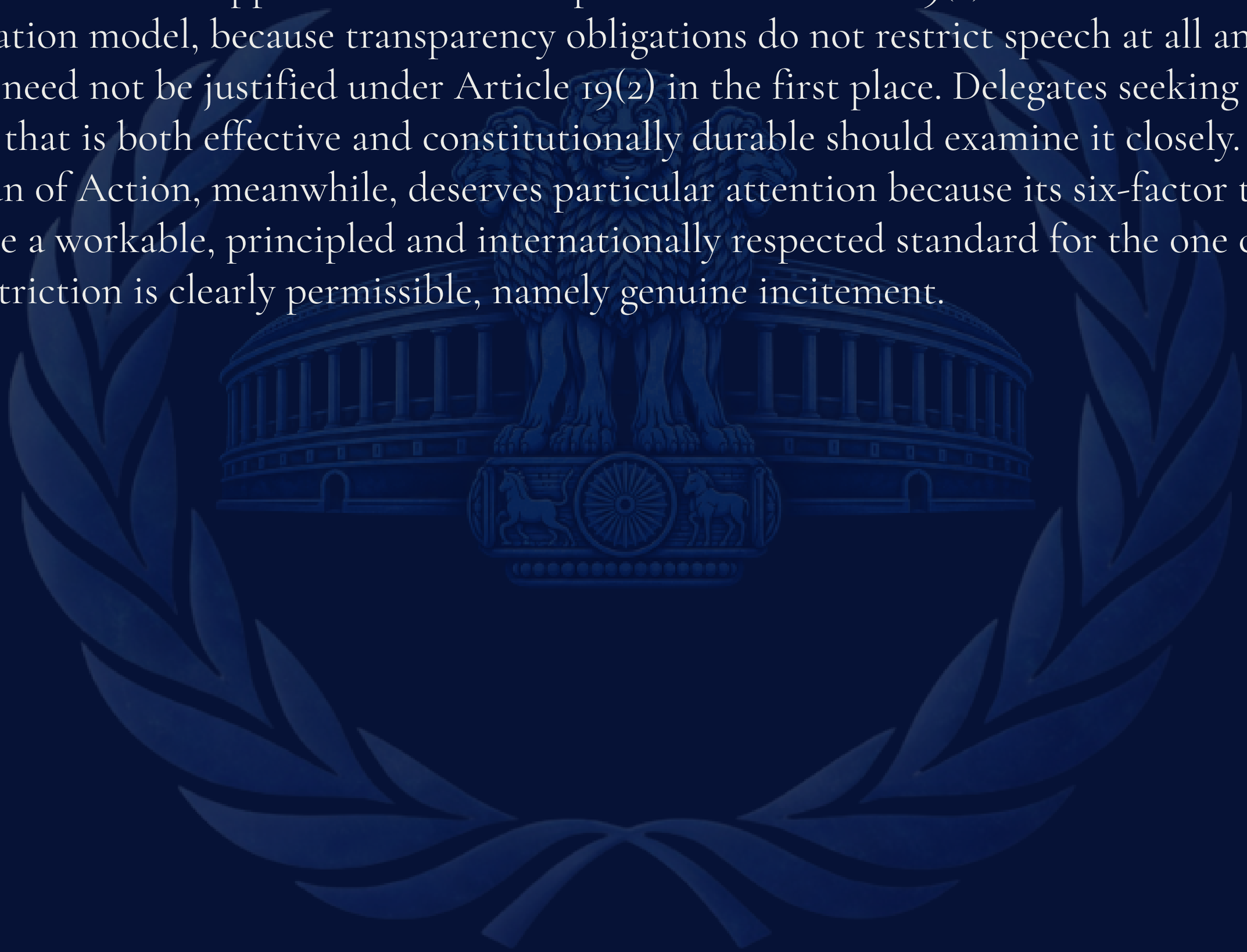
These are persuasive rather than binding, and delegates should use them as comparators rather than as authority. India is a party to the ICCPR but the Covenant is not self-executing in Indian law, and Indian courts draw on it as an aid to interpretation where domestic law is not inconsistent.

- International Covenant on Civil and Political Rights, Article 19: protects freedom of expression, and permits restriction only where provided by law and necessary for respect of the rights of others or for the protection of national security, public order, public health or morals. India ratified the Covenant in 1979.
- Universal Declaration of Human Rights, Article 19: freedom to seek, receive and impart information regardless of frontiers.
- Rabat Plan of Action (2012): a six-part threshold test for when speech may be restricted as incitement, namely context, speaker, intent, content and form, extent of reach, and likelihood of harm. It is the most useful analytical tool available for distinguishing offensive speech from incitement, and maps closely onto the Indian requirement of proximity.
- Johannesburg Principles on National Security, Freedom of Expression and Access to Information (1995): restrictions on national security grounds require a genuine and demonstrable threat.
- UN Special Rapporteur on Freedom of Opinion and Expression: reports on platform regulation, encryption and internet shutdowns, consistently cautioning against delegating adjudication of legality to private companies.
- EU Digital Services Act (2022): risk-tiered obligations, mandatory risk assessments for very large platforms, transparency of recommender systems, researcher access to data, and an obligation to give reasons for content decisions.
- UNESCO Guidelines for the Governance of Digital Platforms (2023): recommends independent regulators, due process and transparency rather than direct State

SUPPORTING LEGAL AND INSTITUTIONAL FRAMEWORKS

adjudication of content.

Assessment: The comparative material is most useful to this House not for its rhetoric but for one structural insight: the more sophisticated regimes have moved away from asking the State to decide what is true, and toward requiring platforms to disclose how they operate. The Digital Services Act does not create a European ministry of truth; it mandates risk assessment, transparency of algorithms, reasons for decisions, and independent audit. The Board's assessment is that this approach is more compatible with Article 19(2) than a truth-determination model, because transparency obligations do not restrict speech at all and therefore need not be justified under Article 19(2) in the first place. Delegates seeking an approach that is both effective and constitutionally durable should examine it closely. The Rabat Plan of Action, meanwhile, deserves particular attention because its six-factor test gives this House a workable, principled and internationally respected standard for the one case where restriction is clearly permissible, namely genuine incitement.



REFERENCES AND FURTHER READING

The following websites are authoritative and freely accessible. Delegates are expected to consult primary sources, meaning the bare text of statutes, rules and judgments, before relying on commentary. Where a source has an evident perspective, that is noted so that delegates read it critically rather than uncritically.

Primary Legal Sources

- India Code (all central legislation, bare text): <https://www.indiacode.nic.in>
- Ministry of Electronics and Information Technology (IT Act, IT Rules, amendments, press releases): <https://www.meity.gov.in>
- Ministry of Information and Broadcasting (Part III, digital media, broadcasting): <https://mib.gov.in>
- Supreme Court of India (judgments and case status): <https://www.sci.gov.in>
- eCourts judgment search (all courts): <https://judgments.ecourts.gov.in>
- The Gazette of India (notifications, including the 2026 Amendment Rules): <https://egazette.gov.in>
- Election Commission of India (Model Code, advisories, instructions): <https://www.eci.gov.in>
- Press Council of India: <https://presscouncil.nic.in>
- CERT-In (cybersecurity directions): <https://www.cert-in.org.in>
- Department of Justice, Government of India: <https://doj.gov.in>
- Parliamentary and Policy Research
- PRS Legislative Research (Bill tracking, legislative briefs, parliamentary primers): <https://prsindia.org>
- Lok Sabha official website (procedure, debates, members): <https://sansad.in/lb>
- Lok Sabha Digital Library (debates and questions): <https://eparlib.nic.in>
- Standing Committee on Communications and Information Technology reports: <https://sansad.in/lb/committee>
- NITI Aayog: <https://www.niti.gov.in>
- Digital Rights and Legal Analysis
- Internet Freedom Foundation (litigation tracking, policy analysis; digital rights perspective): <https://internetfreedom.in>
- Software Freedom Law Centre India (case analysis, shutdown tracker; digital rights perspective): <https://sflc.in>
- Internet Shutdowns Tracker (India): <https://internetshutdowns.in>
- Centre for Internet and Society: <https://cis-india.org>
- Vidhi Centre for Legal Policy: <https://vidhilegalpolicy.in>
- Columbia Global Freedom of Expression (case database, including X Corp and Shreya Singhal): <https://globalfreedomofexpression.columbia.edu>
- Article 14 (long-form legal journalism): <https://article-14.com>
- LiveLaw (court reporting): <https://www.livelaw.in>
- Bar and Bench (court reporting): <https://www.barandbench.com>
- SCC Online Blog: <https://www.sconline.com/blog>

REFERENCES AND FURTHER READING

- The Leaflet (constitutional analysis; critical perspective): <https://theleaflet.in>
- MediaNama (technology policy reporting): <https://www.medianama.com>

Press Freedom and Media Studies

- Editors Guild of India: <https://editorsguild.in>
- Reporters Without Borders, World Press Freedom Index (India country page): <https://rsf.org/en/country/india>
- Committee to Protect Journalists: <https://cpj.org>
- Reuters Institute Digital News Report (annual, includes India chapter): <https://reutersinstitute.politics.ox.ac.uk/digital-news-report>
- News Broadcasting and Digital Standards Authority: <https://www.nbdsa.in>
- The Hoot (media criticism archive): <https://www.thehoot.org>

Fact-Checking and Misinformation Research

- PIB Fact Check: <https://pib.gov.in/factcheck.aspx>
- Alt News: <https://www.altnews.in>
- BOOM Live: <https://www.boomlive.in>
- Factly: <https://factly.in>
- Vishvas News: <https://www.vishvasnews.com>
- The Quint WebQoof: <https://www.thequint.com/news/webqoof>
- First Draft / Information Futures Lab research archive: <https://informationfutures.org>
- Poynter Institute, International Fact-Checking Network: <https://www.poynter.org/ifcn>

International and Comparative

- OHCHR, freedom of expression and the ICCPR: <https://www.ohchr.org>
- UN Special Rapporteur on Freedom of Opinion and Expression: <https://www.ohchr.org/en/special-procedures/sr-freedom-of-opinion-and-expression>
- Rabat Plan of Action: <https://www.ohchr.org/en/freedom-of-expression>
- UNESCO, Guidelines for the Governance of Digital Platforms: <https://www.unesco.org/en/internet-conference>
- European Commission, Digital Services Act: <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>
- Access Now (shutdowns, encryption): <https://www.accessnow.org>
- Electronic Frontier Foundation: <https://www.eff.org>
- Oxford Internet Institute, computational propaganda research: <https://www.oii.ox.ac.uk>

REFERENCES AND FURTHER READING

Platform Transparency Reports

- Meta Transparency Centre (including political ads library):
<https://transparency.meta.com>
- Google Transparency Report and Political Ads Library:
<https://transparencyreport.google.com>
- X Transparency: <https://transparency.x.com>
- Meta Ad Library (India political advertising spend):
<https://www.facebook.com/ads/library>