

Global Laws on Electronic Media and it's Impact on Mode of Expression of Indian Media – A Critique

Khanderao Savalkar and Dr. Shrinaag Panchbhai

PhD Researcher, Government Law College, Mumbai

Professor and Head of Department (Law) at Institute of Forensic Science, Mumbai

Abstract: *The rules around online media changed worldwide has affected the Indian outlets share stories today. Because of UN ideas on free speech found in ICCPR and also UDHR's Article 19, ways we handle harmful posts or false details started shifting. Then came Europe's AVMSD, nudging countries to rethink who controls what shows up online. Groups like the ITU laid down basics that quietly guided national choices too. With these influences, nations began asking platforms to answer for their role in spreading content. India brought changes like its IT Rules after seeing those patterns abroad. Oversight systems now track digital material more closely than before. Still, copying foreign blueprints brings risks, too much power may land in government hands. Some worry news workers might hold back from speaking freely because of it. Where Europe sticks to tight rules for personal data, India's system allows wider room for officials to act, this can shrink opportunities to speak out. So even though worldwide internet regulations try to mix liberty and duty, fitting them into India means moving carefully to protect the right to say what you think.*

Keywords: Digital, Expression, Liberty, Restrictions and Free Speech.

I. INTRODUCTION

Fast changes in electronic media have shifted how people share and get information worldwide. Instead of staying within country lines, data moves quickly through satellite TV, online news sites, streaming apps, and social networks. Because signals cross borders so easily, old rules lose their grip. National governments find it harder to manage what spreads online. With technology, moving faster than laws can follow, problems like hate speeches, false stories, harmful speech, stolen personal details, hacking risks, and unclear company duties stay tough to handle. Nowadays, groups such as the United Nations, the European Union, and the International Telecommunication Union are shaping rules on how to handle online risks, keep data secure, manage damaging material on the internet, while guiding ethical tech use. Because of this shift, countries feel the ripple, India included, adjusting its own laws for platforms and broadcasting firms bit by bit.

Free speech in India gets its power from Article 19(1)(a) of the Constitution of India, and is also a key part of how media stay independent. Yet new rules made by law and government keep growing, aiming to bring order to digital talk. When worldwide control patterns meet India's rights promises, arguments follow, sharp, constant, never quite settled. Clear rules matter online, still putting them into India's system could weaken press freedom. One way holds back public debate too much; the other lets platform abuse slip through. So far laws here shift between worldwide standards and local rights to speak freely on screens and therefore the researchers undertakes to do research on this subject.



II. HISTORICAL BACKGROUND

Electronic media is comparatively new than print media and its regulations emerged globally as rapid communication advances transformed the 1900s. While nations first managed radio and television policies alone, cooperation did appear, examples include the International Telecommunication Union monitoring frequencies while outlining minimal technical standards. After WWII came a quiet pivot: expression grew seen as essential, influenced by U.N. accords like Article 19 of the Universal Declaration, nudging future systems toward broader international oversight.

Signals from space started crossing frontiers during the eighties, followed by the web arriving ten years after that, forcing governments to reconsider control. Because Europe acted early, introducing measures such as the Audiovisual Media Services Directive, harmony in content standards turned essential. Watching from afar, India saw its state, controlled broadcast system gradually replaced by independent networks and more open platforms. Eventually, these shifts sparked conversations once unheard of who will take the responsibility when material shows up online. With each innovation, unfamiliar dilemmas emerged, none with clear answers yet.

III. INTERNATIONAL PERSPECTIVES AND LAWS ON ELECTRONIC MEDIA

Free speech gets protection worldwide mainly because global agreements treat it as key to fair societies, yet they let nations set clear limits when needed. Found deep within United Nations policy, Article 19 of the ICCPR1 stands out by confirming everyone's claim to form views freely, plus grab or share news using whatever medium fits, across borders without blockage. Still, rules can apply if laws demand them for reasons like keeping peace, state safety, health concerns, decency, or shielding someone else's legal standing. Over in Europe, organized norms shape TV and online content delivery using tools like the Audiovisual Media Services Directive, which manages how programs move between countries, controls ads, and blocks dangerous or deceptive messages.

A single court decision quietly reshaped how rights are understood. Handyside V/s United Kingdom² case emerged a clear signal that speech does not lose protection just because it rattles people. The judges saw discomfort as part of healthy debate. Pluralism grew stronger when they said tolerance must cover what feels unsettling. Democracy, their words suggested, leans on space for uneasy thoughts.

Not long after, the ruling in Sunday Times V/s United Kingdom³ made one thing plain that limits on expression need firm grounding in law and must fit within what democracy allows. In a like vein, the Inter, American Court's decision in Herrera Ulloa v. Costa Rica⁴ stood behind reporters when covering topics vital to citizens. To sum up, such judgments anchor press rules across nations in three pillars, lawfulness, real need, balance, with room only for tightly drawn boundaries. Though free exchange stays central, space exists for careful restraint.

IV. CONSTITUTIONAL PERSPECTIVE

Freedom of speech in India covers electronic media, rooted in Article 19(1)(a) of the Constitution of India. Broadcast and digital platforms fall within this protection, even if not expressly named there. Courts have long treated media rights as essential to free expression. That space includes both print and online outlets, seen through consistent rulings over time. Yet such liberty comes with limits, defined by what counts as reasonable. Restrictions appear in Article 19(2), applying when broader interests are at stake. National unity might limit coverage, just as state safety can shape boundaries. Public calm matters too; so do standards around dignity and respect. Legal processes guard against undermining courts or spreading false claims about people. Inciting violence also falls outside protected communication. These conditions frame how widely media may operate under Indian law.

¹. International Covenant on Civil and Political Rights, 1966, Article 19.

². (1976) 1 EHRR 737 (European Court of Human Rights).

³. (1979) 2 EHRR 245 (European Court of Human Rights).

⁴. [2004] IACHR 3



Nowadays, how laws control online speech often comes under legal review. Not every rule fits neatly into limits set by fairness, clarity, or real need. Judges stress that limits on expression should rest on clear law, target only what is necessary, leave room for dissent, plus include checks against misuse. A key aim stands out, keeping public debate alive without blocking needed oversight of dangerous digital material. Over time, court rulings point one way: any system managing media must lift up free press rights, never weaken them.

V. JUDICIAL PRONOUNCEMENT

In digital world, arguments about free expression have never felt more intense than in India. Suddenly, a ruling began reshaping things, like in Kunal Kamra V/s Union of India⁵ in which over changes made to the 2023 IT rules. Hidden inside those updates: so, called Fact Check Units, picked by the government itself. When these groups flagged posts about public matters as incorrect, platforms had to remove them fast. Yet the Bombay High Court stepped back, refusing to accept how wide, ranging that power was. Unclear definitions, too much reach, almost no checks on misuse, that trio sank the rule. Instead of backing unchecked control, judges paused, demanding clearer lines and stronger protections. Not long ago, a court saw how vague rules might scare off humour, tough questions, even protest, risks the Constitution won't allow, especially under Articles 14 and 19(1)(a). When those challenged clauses were scrapped, it sent a clear signal: online voices deserve protection from unchecked power.

Nowhere has concern grown louder than in high court rooms, where doubts about tech firms policing themselves have become hard to ignore. Judges lately point out how freely made promises rarely deliver real responsibility or balanced outcomes. Independence matters most, one bench noted, along with clear processes and boundaries rooted in constitutional guardrails. Any rule put forward needs more than good intentions; it must pass tests of being both essential and measured in impact.

After State of Telangana v. Nalla Balu⁶, the Supreme Court kept key limits set earlier by the High Court, ones meant to block random arrests tied to political messages on social media. Because those steps now stand firm, starting legal actions over internet speech needs more scrutiny first. Since then, courts have acted less like distant institutions, instead showing they can back open discussion online when it matters most. Though rules still apply, their shape must match constitutional grounding, not convenience, each time someone speaks out digitally.

VI. RECENT TRENDS

Lately, rules around online media have started leaning more heavily on government control, how tech companies answer for their actions, and managing digital tools. Instead of hands, off policies, places like the European Union now push hard with laws such as the Digital Services Act, forcing internet platforms to explain how their systems work, take down unlawful posts quickly, while also fighting false information. Because of these moves overseas, India has taken note, its approach shifting too, applying tighter standards through official orders and legal structures aimed at digital news outlets, streaming providers, even social networks.

Lately courts pay closer attention to fair treatment when removing online content. Orders that shut down internet access often face scrutiny for being too broad. Instead of quick penalties, judges look harder at whether actions match the offense. At the same time problems like fake videos made by machines are getting more notice. Speech labelled risky might still be protected if punished without care. Digital tracking by governments raises new legal questions across borders. While rules once focused only on blocking material they now consider how platforms treat different voices. Hidden patterns in software decisions come under review just like open censorship. What seemed like technical choices before now appear as matters of rights.

Nowadays people rethink how rules work when groups police themselves. Some argue that watchdogs not tied to leaders might do better than those under government control. Security needs often clash with online freedoms, pushing

⁵. 2024 BHC 1575

⁶. 2026 LiveLaw (SC) 113



changes in laws. Lately things shift toward mixed systems where courts, governments, and tech companies share duties. Still everyone tries to protect speech rights even as digital spaces grow tangled.

VII. CONCLUSION AND SUGGESTIONS

Looking back, shifts in worldwide rules about online platforms have quietly reshaped how India manages its media space. Driven by groups like the UN or systems shaped in Europe, ideas around openness and answerability now echo across digital spaces. Though meant to tackle false content, abusive speech, and online risks, fitting these models into India's legal roots stirs unease, too much control, too little balance. Power leaning toward officials might dull press freedom, some suggest, even if safety is the stated goal. India's founding charter, especially free expression under Article 19(1)(a), limited only by fair boundaries in 19(2), insists safeguards stay measured, justifiable, and clear in law. One step at a time, setting up a media watchdog free from government grip matters more than handing power to officials. Laws need to clearly back it, with open processes and fair appeal options built in so rules aren't twisted. Instead of leaning on heavy state reach, teaching people online smarts helps newsrooms act responsibly on their own. Matching worldwide standards while respecting local rights shapes a path that fits, neither too loose nor too tight. Ultimately, safeguarding freedom of expression while ensuring responsible electronic communication is essential for preserving democratic discourse, media plurality, and public trust in the digital age.

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