

CHRIST (DEEMED TO BE UNIVERSITY)

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RESEARCH PAPER

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Regulating Digital Journalism: Striking a Balance Between Press Freedom and Privacy Rights in India

Abstract

Digital journalism's expansion both quickens news distribution and causes privacy invasions as well as moral issues. Indian society faces persistent tensions between Article 19(1)(a) press freedom rights and Article 21 right to privacy which become most evident through sensationalistic journalism reporting methods and the practices of media trials and social media misinformation. The legal frameworks which include the Press Council of India and the Information Technology Act 2000 do not regulate digital journalism properly thus making individuals exposed to insufficient media oversight and unauthorized data disclosures. The research looks at the constitutional and legal barriers to finding equilibrium between press liberties and privacy rights while putting attention on worldwide legal standards including GDPR in the EU and UK media control methods. The proposal emphasizes how India requires stronger media accountability systems along with ethical journalistic standards and a Right to Be Forgotten procedure for the nation. Legislative improvements will defend personal dignity without sacrificing digital freedom for the press in current media conditions.

Key words

Digital journalism, data, privacy rights, press freedom

Statement of problem

Digital journalism became widely popular for news distribution and now threatens privacy rights and generates sensational content while allowing uncontrolled media operations. Press liberty under Article 19(1)(a) faces sharp opposition to privacy guarantees under Article 21 throughout India at present mainly because of media court proceedings alongside data infiltration incidents and false information distribution via social media assets. Digital media portals alongside blogs and influencers exist mostly without oversight so they freely publish private and deceptive content without any responsibility to be accountable. The current legal systems in India including both the Press Council of India and the Information Technology Act of 2000 fail to tackle the difficulties which digital media raises. People become susceptible to damage their reputation along with data misuse because there exist insufficient laws to protect privacy together with weak ethical standards and scarce media responsibility systems. The digital era demands fast legal changes that will construct a fair treatment system which safeguards press freedom together with personal privacy rights.

Research objective

The analysis investigates the legal and ethical problems facing digital journalism in India which arises from the struggle between news freedom from Article 19(1)(a) and individual privacy protections based on Article 21. The research aims to detect regulatory deficiencies in existing laws while investigating insufficient oversight of the media. This research considers GDPR from the EU and UK media regulations to establish legal transformations and guidance that enhances ethical media standards and defends digital privacy and responsible journalism in India.

Methodology

This study uses doctrinal legal research by examining Indian laws that protect press freedom together with privacy rights through constitutional provisions and judicial decisions and statutory laws. This analysis examines GDPR alongside other global frameworks to recommend legal changes that bridge regulatory gaps while establishing media accountability systems and privacy safeguards for digital journalism.

Introduction

The fast-developing digital journalism has revolutionized all aspects of news creation and its distribution and consumption methods. Through online news portals combined with blogs and social media platforms the public receives time-sensitive information that reshapes their discourse. The digital news revolution created serious ethical and legal problems because it allows privacy breaches and leads to sensationalized news alongside uncontrolled spread of false information. India faces difficulties balancing individual privacy rights from Article 21 and press freedom from Article 19(1)(a) since these protections routinely conflict in the nation. Traditional media operates under the regulations of PCI and the Information Technology Act 2000 as well as other ethical requirements established by Press Council of India. The free regulatory environment in digital journalism results in multiple abuses such as breaches of privacy and unacceptable media trespasses and damaging reputations.¹ Social media influencers together with bloggers and independent news portals have full liberty to share unverified or private content on digital media without facing consequences.²

¹ Dawes, Simon. "Press Freedom, Privacy and The Public Sphere." *Journalism Studies*, vol. 15, no. 1, Jan. 2014, pp. 17–32. *DOI.org (Crossref)*, <https://doi.org/10.1080/1461670X.2013.765637>.

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² Stone, G.R., 2007. Government secrecy vs. freedom of the press. *Harv. L. & Pol'y Rev.*, 1, p.185.

Journalists often engage in sensational reporting while conducting unofficial media trials which illustrates major problems because these activities create harm to court processes and violate privacy rights and tend to disrupt legal proceedings. The landmark Justice K.S. Puttaswamy v. Union of India (2017) judgment the Indian judiciary declared privacy as a fundamental right which protects citizens from undesired media intrusions that break their personal integrity. The lack of concrete legislation to control privacy violations in digital journalism creates lasting disagreements between the first amendment right of free press and individual privacy protections. Courts sought a proper equilibrium according to the R. Rajagopal v. The State of Tamil Nadu (1994) that journalists need consent to share private information but they may bypass this requirement to serve public interest purposes.³

Media ethics violations remain prevalent despite court-issued directives because journalists make their moves under public interest reporting pretenses. Nations across the world have established legal boundaries for digital journalism with the intention to maintain press freedom. Under the GDPR framework of the European Union citizens get the power to order the deletion of their personal data hosted by internet platforms through the "Right to Be Forgotten." The Independent Press Standards Organisation (IPSO) in the United Kingdom acts as the regulatory body for media responsibility to promote ethical journalism. First Amendment rights receive robust protection in the United States but the country has established defamation along with privacy laws to control

³ Thomas I. Emerson, *The Right of Privacy and Freedom of the Press*, 14 Harv. C.R.-C.L. L. Rev. 329 (1979), <https://heinonline.org/HOL/P?h=hein.journals/hcrcl14&i=337> (last visited Apr 5, 2025).

media overreach. India requires a complete legal structure to manage privacy violations in digital journalism thus legal improvements are essential to develop.⁴

The present research examines how India's constitutional framework interacts with legal and ethical issues when upholding freedom of the press against privacy rights during this digital era. The research evaluates current legal frameworks and judicial rulings alongside international standards to demonstrate unregulated media exposure. The proposed policy framework suggests that India needs better media regulations and ethical journalism standards while developing an official "Right to Be Forgotten" protocol for the country. Restricting unprofessional digital reporting maintains editorial standards along with human liberties and democratic principles. A moderator legal philosophy enables the protection of press freedom together with privacy rights to maintain public-interested digital media that respects fundamental rights.⁵

Challenges posed by digital journalism

Digital journalism transformed media at large by delivering immediate news updates along with expanded reach to audiences. Fast-paced growth in digital journalism introduced ethical and legal problems mainly through sensational style of reporting and unverified news division as well as privacy violations. Traditional editorial guidance no longer functions in digital media because this space lacks proper regulatory structures that enable errors of misinformation and biased storytelling and breaches of personal data confidentiality.

1. Sensationalism and Media Trials

⁴ William Wilson, *Privacy, Confidence and Press Freedom: A Study in Judicial Activism*, 53 *The Modern Law Review* 43 (1990), <https://www.jstor.org/stable/1096039> (last visited Apr 5, 2025).

⁵ Jed Rubenfeld, *The Right of Privacy*, 102 *Harvard Law Review* 737 (1989), <https://www.jstor.org/stable/1341305> (last visited Apr 5, 2025).

To achieve greater viewer, count digital journalism has started using sensationalized reporting methods that enlarge facts to build passionate news stories. News platforms now conduct pre-judged trials which begins before court resolutions thus manipulating public understanding and judicial process. This tendency can be seen in multiple famous legal cases. The Sushant Singh Rajput death case (2020) underwent intense media coverage that produced wild theories and unfounded accusations thus creating overwhelming pressure on law enforcement to finalize their investigation. Digital media outlets manipulated public opinion regarding the killers in the Aarushi Talwar murder case (2008) before the legal investigation had formed any definitive findings. These types of reports can destroy an individual's right to innocence before trial as well as violate Article 21 in the Indian Constitution which protects a person's right to fair proceedings.⁶

The combination of biased media campaigns with incorrect information leads to destructive harm for victimized reputation and destroys personal and career opportunities. Contempt of court laws together with judicial advisories fail to control digital journalism because this unregulated content continues to incite unmonitored sensationalism which distorts both public perception and legal proceedings.

2. Social Media and Unregulated News Dissemination

Social media platforms including Twitter and Facebook along with YouTube presently have substantial influence on the development of public dialogue. Social media lets users exchange information at high speeds but these systems enable quick distribution of unproven news stories along with both false information and political propaganda. Digital content creators together with bloggers and influencers function without the accountability structure that prevents traditional

⁶ Andrei Marmor, *What Is the Right to Privacy?*, 43 *Philosophy & Public Affairs* 3 (2015),

news organizations from committing violations. Smaller news organizations lack complete editorial supervision which enables fake stories along with misleading content and synthetic information to spread widely.

Weak enforcement hinders the implementation of legal framework regulations on online content found in the Information Technology Act of 2000. The Press Council of India (PCI) lacks authority over digital media thus creating a major gap in responsibility. Fundamental legal guidelines for online journalism need to be established because they serve as the only solution to stop ongoing challenges with unverified news spread.⁷

3. Data Privacy and Surveillance Journalism

When investigative reporters gather investigative materials through data collection and leaked documents and confidential sources there remains substantial doubt about ethical use of personal data because data privacy standards are too weak. Journalists as well as activists and politicians became targets of the Pegasus spyware scandal in 2021 when their private information was monitored without their consent. The lack of complete legal data protection regulations in India leads to such privacy lapses between journalists and their control over personal information.

The Personal Data Protection Bill in India is undergoing discussion since it lacks the GDPR-like strict data privacy regulations enforced by the European Union. Because of this legal ambiguity journalists and their establishments work in an undefined space where privacy breaches happen but face little to no legal penalties. Digital journalism must have robust data protection laws

⁷ Freedom of the Press, (Eric Barendt ed., 0 ed. 2017), <https://www.taylorfrancis.com/books/9781351935722> (last visited Apr 5, 2025).

together with ethical guidelines because they secure both rights of individuals and prevent surveillance misuse.⁸

Legal challenges and gaps

Due to insufficient regulatory standards the digital journalism revolution created both improved news openness and accessibility and multiple serious legal difficulties. Journalistic accountability remains in an unclear situation because freedom of the press competes with privacy rights and regulations fall short of expectations and ethical guidelines have no effective enforcement system.

1. Constitutional Conflicts

Digital journalism faces its main legal obstacle because press freedom stands opposed to privacy rights. The Indian Constitution grants press organizations rights to free speech and expression under Article 19(1)(a) thus enabling media professionals to investigate public matters. Through Article 21 India protects individuals from media-based privacy violations that cause unwarranted publicity and damage reputation. The judicial decisions in *R. Rajagopal v. The State of Tamil Nadu* (1994) decision journalists need permission to expose personal information unless the disclosure supports public welfare objectives. Similarly, the Justice K.S. Puttaswamy v. The Union of India (2017) verdict declared privacy as a constitutional right to prevent personal dignity violations from media intrusions. Digital journalism faces continuous legal conflicts and ethical problems because the lack of an organized legal structure between press freedom and privacy rights continues to produce regulatory issues.⁹

2. Inadequacy of Existing Regulations

⁸ Slough, M.C., 1967. Privacy, Freedom, and Responsibility. U. Kan. L. Rev., 16, p.323.

The current media regulatory structure in India stands behind current times and fails to provide appropriate solutions for digital journalism issues. Digital platforms escape regulation by the Press Council of India because that organization lacks the authority to supervise online news websites as well as independent journalistic operations and social media-based news outlets. The Indian Information Technology Act from 2000 serves as the major authority for cyber legislation yet it does not include explicit laws regarding digital journalism content or misinformation on digital platforms. The absence of legal oversight has resulted in an increase of false news reporting along with sensationalist content which impacts privacy but faces no punishment.

The legislative draft for a Personal Data Protection Bill (PDPB) incorporates data protection standards yet its effects on journalism practice stay uncertain. Reliable data protection measures must be attained but strong regulatory measures may narrow down investigative news reporting capacity. The difficulty exists in creating legislation which defends both media liberties of journalists and individual privacy rights at the same time.¹⁰

3. Lack of Digital Media Ethics Enforcement

A universal ethical enforcement system like traditional media practices does not exist in digital journalism. Numerous independent journalists and bloggers and content creators who operate online breach privacy rules while distributing false details and making unethical reports. Global models such as IPSO from the UK together with GDPR framework from the EU provide firm media accountability standards which maintain ethical reporting standards and protect personal data. India presently does not have an equivalent regulatory system to handle cases of digital reporting violations and invasion of privacy. A legal framework needs to be established with

¹⁰ Sopinka, J., 1997. Freedom of speech and privacy in the information age. *The Information Society*, 13(2), pp.171-184.

ethical standards to protect freedom of the press together with privacy rights. The digital era demands strong media accountability through self-regulation and ethical journalism standards and stricter privacy laws to keep individual dignity safe and journalistic integrity strong.¹¹

Comparative Legal Analysis

Each jurisdiction maintains its own rules about digital journalism regulation and privacy legislation that determines how much freedom media hold versus individual privacy rights. India needs to develop a unified legal framework for digital journalism since the European Union (EU) together with the United States (US) and the United Kingdom (UK) established unique regulatory approaches toward media accountability and data privacy practices and ethics regulation. Indicative studies of these systems will help India create a better structured and balanced legal framework.¹²

➤ India vs. European Union (GDPR)

General Data Protection Regulation (GDPR) from the European Union serves as a leading privacy protection standard which ensures personal data protection through responsible journalism practice. The Right to Be Forgotten (RTBF) stands as one of GDPR's core elements because it enables users to seek deletion of outdated irrelevant or damaging personal information stored on online platforms. India lacks equivalent legislation to Right to Be Forgotten which implies that online posted personal data remains permanently accessible despite harming individuals or damaging their reputation. Due to the lack of proper legal protection for content removal from online media platforms individuals have engaged in legal battles with courts that show limited

¹¹ Haenggi, S., 1998. The Right to Privacy is Coming to the United Kingdom: Balancing the Individual's Right to Privacy from the Press and the Media's Right to Freedom of Expression. *Hous. J. Int'l L.*, 21, p.531.

¹² O'Neil, R.M., 1999. Privacy and press freedom: Paparazzi and other intruders. *U. Ill. L. Rev.*, p.703.

capability in handling these matters effectively. The implementation of RTBF in India would give people access to legal tools to protect their privacy and maintain both freedom of press and public interest news reporting.

GDPR establishes concrete journalistic ethics through which news organizations must properly manage personal data. To honor privacy protections press organizations should publish content that respects individual privacy rights with mechanisms for people to fight wrong or overbearing reporting. India doesn't have detailed laws that protect personal data in journalism and therefore digital media functions without clear responsibility standards. The Right to Be Forgotten provision in India should be established to halt endless digital exposure of individuals along with legal frameworks that protect privacy rights without impeding media freedom.¹³

➤ India vs. United States

The United States implements under its First Amendment framework absolute freedom of press that requires nearly zero government regulation. The balance of privacy and defamation laws gives people in society proper legal tools to combat harmful news reporting yet maintains unrestricted freedom of the press. Freedom of speech finds strong protections in the U.S. yet the country maintains rigorous defamation regulations specifically for private people. Journalists operating in the United States face civil consequences instead of incarceration after proving their reports false and damaging to the wronged individual. To prevail in a defamation action against a journalist U.S. public figures must demonstrate the journalist had malicious intent therefore weakening potential legal threats to journalists. India's criminal defamation legislation enables jail penalties which results in unethical behavior through which journalists experience judicial trouble for their

¹³ Litwin, E.E., 1997. The investigative reporter's freedom and responsibility: Reconciling freedom of the press with privacy rights. *Geo. LJ*, 86, p.1093.

critical news coverage. When India removes defamation from its criminal laws it will enhance press freedom alongside having civil remedies available to address victims of false reporting.

The Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) maintain independent status as watchdogs who control digital material while promoting transparency and stopping monopolies and protecting consumers in the United States. Digital journalism within India operates without specific regulatory oversight because the country lacks an independent body responsible for this domain. A regulatory framework constructed after the model of the Federal Communications Commission would enable stronger media accountability system without affecting press independence levels. India should establish the following framework to strengthen digital journalism regulations by treating defamation as a civil dispute instead of punishable by law while developing privacy standards to protect people's rights and building a regulator for monitoring digital journalism ethics and misinformation control.¹⁴

➤ India vs. United Kingdom

United Kingdom maintains self-regulation through the Independent Press Standards Organisation (IPSO) to establish accountability among media outlets while they conduct ethical reporting operations. IPSO possesses stronger enforcement capabilities than India's Press Council (PCI) because it holds the authority to force media outlets to correct their mistakes while imposing fines and issuing disciplinary punishments for ethical violations. IPSO holds authority to verify facts along with fairness and responsibility in reporting while enforcing ethical publishing standards before media outlets distribute their content. The Independent Press Standards Organization can issue legal orders and financial punishments against journalists who break privacy rules or spread

¹⁴ Kaplan, J., 1976. Rights in Conflict: Freedom of the Press and the Rights of the Individual. Okla. L. Rev., 29, p.361.

untrue information or defame people. Through this mechanism the proper equilibrium between media liberties and personal rights gets maintained which guarantees news organizations follow ethical standards.

The Press Council of India possesses no enforcement power which limits its ability to issue advisories instead of levying penalties. Unethical journalism practices alongside sensationalist reporting and privacy violations have found growth opportunities because of the modern digital media structures. A more robust regulatory body should be enabled with expanded authority to address the problems affecting media standards. India should adopt UK-style IPSO regulatory standards by creating necessary ethical reporting regulations and penalties and establishing clear digital journalism guidelines through an independent media regulatory body for responsible journalism practice. New journalistic reforms will achieve accountable journalism practices alongside solid partnership between freedom of the press and boundary protection for privacy rights.¹⁵

The establishment of an independent media watchdog patterned after the United Kingdom's Independent Press Standards Organisation (IPSO) helps India maintain ethical reporting standards. This body both enforces ethical practices in journalism and requires mandatory corrections together with suitable penalties for unethical transgressions. India should develop an organized legal structure which integrates these international standards to control digital journalism effectively and maintain accountable media alongside both press freedom and privacy protection within modern digital media.¹⁶

¹⁵ Barendt, E., 2009. Balancing freedom of expression and privacy: the jurisprudence of the Strasbourg Court. *Journal of Media Law*, 1(1), pp.49-72.

¹⁶ Segado-Boj, F. and Díaz-Campo, J., 2020. Social media and its intersections with free speech, freedom of information and privacy. An analysis. *Revista ICONO14. Revista científica de Comunicación y Tecnologías emergentes*, 18(1), pp.231-255.

Recommendations for Strengthening Digital Journalism Regulations

1. The government must establish new privacy regulations which protect the privacy rights of digital journalists.

Consumer protection demands that India enact specific legal standards within its proposed Personal Data Protection Bill to maintain media responsibility. Strong boundaries must be established in personal information reporting regulations since they enable both privacy protection and media liberties.

2. Strengthening Media Regulatory Bodies

The Press Council of India (PCI) needs to obtain additional oversight capabilities so it could ensure ethical standards from online news platforms. India must set up an autonomous administrative body which will serve as the regulator for monitoring digital media operations.

3. A new "Right to Be Forgotten" provision needs to be created

Every citizen should possess the legal power to seek the deletion of their obsolete or damaging personal data stored in digital databases between privacy safeguards and historic reporting responsibilities.

4. Mandatory Ethical Guidelines for Digital Media

The Indian establishment must create industry-level ethical standards that news organizations must follow to practice responsible digital journalism. Legally sanctioning unethical journalism practices enables the media to reduce misinformation spread and unauthorized privacy breaches.¹⁷

¹⁷ Cate, F.H., Fields, D.A. and McBain, J.K., 1994. The right to privacy and the public's right to know: The central purpose of the Freedom of Information Act. *Admin. L. Rev.*, 46, p.41.

5. Public Awareness and Media Literacy Initiatives

The public together with journalists need training about privacy rights along with ethical reporting disciplines and misinformation avoidance to develop media standards and informed news reading habits.

Conclusion

Digital journalism in India has changed news distribution methods while creating major privacy problems and professional ethics conflicts together with regulatory obstacles. Lack of comprehensive legal protection has led to media hysteria and unverified news spread throughout the public domain which violates both personal privacy and trial rights through harmful actions. The principles behind democratic autonomy depend on press freedom but unrestricted digital news practices generate detrimental effects toward preserving dignity and protecting reputations and maintaining justice standards.¹⁸

A responsible and balanced media environment requires India to establish stronger frameworks of legal regulations. India can develop an equitable media system which safeguards personal privacy through implementation of policies like the Right to Be Forgotten from the EU and defamation service decriminalization from the U.S. along with robust self-regulation standards from the UK. A strengthened regulatory body that combines a policy of ethical journalism standards and education about media literacy will work together to protect privacy rights while reducing unethical reporting practices. A properly regulated digital media operation preserves democratic principles together with privacy rights to make journalism a conduit for accountability and truthfulness without infringing personal freedoms. The maintenance of a proper equilibrium will

¹⁸ Bollinger, L.C., 1976. Freedom of the press and public access: Toward a theory of partial regulation of the mass media. *Michigan Law Review*, 75(1), pp.1-42.

allow India to create a transparent ethical digital journalism structure that protects public interests and defends fundamental human liberties.

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