

DIGITAL MEDIA AND INTERNET REGULATION IN INDIA

Responsible Faculty Instructor:
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Assistant Professor

Credits: 4

Credits Type:

Cross-registration: No

Pre-requisites: Intellectual Property Law, Constitution Law

COURSE DESCRIPTION (COURSE VISION):

Digital Media and Internet Regulation in India examines the rapidly evolving legal architecture governing India's digital public sphere. This course examines the legal and regulatory architecture governing digital media, online platforms, and internet-based communication in India. As traditional distinctions between print, broadcast, and digital media dissolve, regulatory silos have proven increasingly inadequate. The course therefore adopts a convergence-based approach, analysing how statutory law, delegated legislation, regulatory bodies, self-regulatory institutions, and courts collectively shape the Indian digital information ecosystem.

Anchored in India's evolving digital regulatory ecosystem, including the Information Technology Act, 2000, and Rules, 2021, the course introduces students to the foundational architecture governing online intermediaries, digital news platforms, streaming services, social media networks, and emerging platform economies. It situates Indian internet regulation within broader constitutional debates on free speech, reasonable restrictions, intermediary responsibility, and executive oversight, while also examining how courts, regulators, and industry bodies negotiate the balance between innovation, accountability, and state control in digital spaces.

The course further explores the institutional design of media and internet regulation in India, the interaction between primary legislation and delegated rules, and the growing reliance on compliance mandates, grievance redress systems, and content moderation frameworks. This is done by examining the enforcement architecture of Indian media governance, including statutory regulators, sectoral bodies, self-regulatory organizations such as Advertising Standards Council of India, and the growing role of executive oversight in digital news and OTT platforms. Particular attention is paid to Internet and platform IP disputes, moral rights in digital dissemination, intermediary safe harbor conflicts, and the uneasy intersection between data protection and intellectual property under the Digital Personal Data Protection Act, 2023.

Moving beyond black-letter law, the course interrogates structural tensions: regulatory centralization versus platform self-governance; innovation incentives versus speech suppression; copyright enforcement versus user-generated creativity; and data sovereignty versus cross-border digital commerce. Students engage with doctrinal analysis, compliance simulations, and policy critique to understand how India's digital regulatory regime operates in practice, who benefits from its design, and where its institutional blind spots lie.

The objective is not merely doctrinal fluency, but regulatory literacy. By the end of the semester, students will be equipped to navigate compliance frameworks, assess

constitutional vulnerabilities, advise digital media entities, and critically interrogate the political economy of internet regulation in India.

TEACHING METHODOLOGY:

Teaching methodology includes close readings of legal and policy texts, seminar-style in-class lectures and discussions, interactive debates, simulated multi-stakeholder negotiations, and case-based analysis.

Power-point lecture modules, anecdotal and literary excerpts, documentaries, workshop-format interactions with an expert will contribute to the holistic treatment of the subject.

Students will deploy AhaSlides and Kahoot! for collaborative activities and engage in structured peer debates.

INTENDED LEARNING OUTCOMES:

By the end of the course, students will be able to:

- Analyze the structure and scope of the IT Act and delegated digital media regulations.
- Critically evaluate India's intermediary liability and safe harbor framework.
- Assess enforcement mechanisms across statutory regulators and self-regulatory bodies.
- Examine conflicts between intellectual property rights, moral rights, and digital dissemination.
- Evaluate tensions between data protection norms and IP regimes.
- Develop policy critiques addressing regulatory overbreadth, accountability deficits, and governance fragmentation.

READING LIST (upto 10 select readings):

1. Divan, M. G. (2023). *Facets of media law* (3rd ed.). Eastern Book Company.
2. Arun, C. (2014). Gatekeeper liability and Article 19(1)(A) of the Constitution of India. *NUJS Law Review*, 7(2), 73–87.
3. Kohli-Khandekar, V. (2021). *The Indian media business* (4th ed.). SAGE Publications.
4. Rattan, J. (2026). *Cyber laws, information technology & artificial intelligence* (11th ed.). Bharat Law House.
5. Gupta, I., & Srinivasan, L. (2023). Evolving scope of intermediary liability in India. *International Review of Law, Computers & Technology*, 37(3), 294–324. <https://doi.org/10.1080/13600869.2022.2164838>
6. Kathuria, R., Kedia, M., & Bagchi, K. (2021, November). *India's platform economy and emerging regulatory challenges* (Working Paper No. 407). Indian Council for Research on International Economic Relations.
7. The ASCI Code for Self-Regulation in Advertising
8. Menezes, A. (2025, December 12). *India's data paradox: Safeguarding privacy while preserving competition*. King Stubb & Kasiva.

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
<p>MODULE 1: FOUNDATIONS OF DIGITAL MEDIA & INTERNET GOVERNANCE IN INDIA</p> <p>This introductory module lays the conceptual groundwork for understanding how digital spaces are governed in India. It introduces key theoretical frameworks of regulation, including state regulation, co-regulation, and self-regulation. Students will explore the evolution from traditional media regulation to internet governance, the rise of platforms as quasi-regulators, and the structural tensions between sovereignty, innovation, and user rights.</p>	Week 1
<p>MODULE 2: CONSTITUTIONAL FOUNDATIONS AND THE IT ACT FRAMEWORK</p> <p>This module examines the architecture of the Information Technology Act, 2000 as India's principal digital statute and its relationship with constitutional free speech jurisprudence. It introduces intermediary liability, safe harbor principles, blocking powers, and delegated rule-making authority. It evaluates how courts have shaped digital speech doctrine and assess the broader implications of executive control, proportionality standards, and constitutional accountability in online regulation.</p>	Weeks 2 - 3
<p>MODULE 3: INTERMEDIARIES, PLATFORMS, AND ENFORCEMENT ARCHITECTURE</p> <p>This module critically engages with the regulatory obligations imposed on digital intermediaries, such as due diligence requirements, grievance redress mechanisms, traceability mandates, and oversight structures. It examines India's layered enforcement ecosystem, including executive bodies, sectoral regulators, courts, and compliance-based governance, while critically evaluating transparency deficits and regulatory overreach concerns.</p>	Weeks 4 - 6
<p>MODULE 4: DIGITAL ADVERTISING, PLATFORM ECONOMIES, AND SELF-REGULATION</p> <p>This module explores advertising governance, influencer regulation, and industry self-regulation through the Advertising Standards Council of India Code and consumer protection frameworks. It situates digital advertising within platform economies, examining brand liability, sponsored content disclosure, and enforcement credibility. It assesses the limits of voluntary compliance regimes and the</p>	Week 7

risks of regulatory capture in rapidly evolving digital markets.	
<p style="text-align: center;">MODULE 5: INTERNET & PLATFORM INTELLECTUAL PROPERTY</p> <p>This module surveys intellectual property challenges in digital ecosystems, including copyright enforcement, intermediary responsibility for infringement, trademark conflicts in online marketplaces, domain name disputes, and moral rights in digital dissemination.</p> <p>It analyzes tensions between creative protection and user-generated culture, the operation of takedown systems, and platform governance tools that function as de facto IP regulators in online spaces.</p>	Week 8
<p style="text-align: center;">MODULE 6: MORAL RIGHTS, CENSORSHIP, AND DIGITAL SPEECH</p> <p>This module examines censorship frameworks, content moderation mandates, and moral rights in the context of OTT platforms and digital news regulation. It evaluates blocking powers, classification regimes, and judicial standards governing prior restraint.</p> <p>It critically assesses proportionality, chilling effects, and the expanding regulatory reach of the state over digital expression.</p>	Weeks 9 - 11
<p style="text-align: center;">MODULE 7: DATA PROTECTION AND IP CONFLICT IN THE DIGITAL ECONOMY</p> <p>This concluding module explores the intersection between data governance and intellectual property under the Digital Personal Data Protection Act, 2023. It analyzes consent architecture, data monetization models, trade secrets, scraping practices, and conflicts between informational privacy and proprietary control.</p> <p>It interrogates structural tensions between innovation incentives, user autonomy, and regulatory coherence in India's emerging digital economy.</p>	Weeks 12 - 13
<p style="text-align: center;">MODULE 8: GOVERNANCE GAPS AND THE FUTURE OF DIGITAL REGULATION</p> <p>This concluding module critically evaluates structural weaknesses in India's digital regulatory framework, including fragmented enforcement, executive centralization, limited transparency, compliance burdens, and regulatory overlap. It examines emerging questions around AI-driven content moderation, cross-border platform governance, digital competition, and constitutional accountability.</p> <p>It synthesizes course themes to assess whether India's current</p>	Week 14

model is sustainable, identify institutional blind spots, and proposes reform pathways that balance democratic legitimacy, innovation, and rights protection in the digital age.	
REVISION WEEK	Week 15