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THE NEED FOR A UNIFIED LEGAL FRAMEWORK FOR MEDIA IN INDIA

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I. ABSTRACT

India regulates its media through a patchwork of statutes, rules and executive circulars, most of them written for a specific technology and a specific era. Print, cinema, cable and satellite broadcasting, and the internet each answer to a different ministry and a different set of standards. This paper argues that such fragmentation cannot hold up in a converged media landscape, where the same story can run in a newspaper, on television and across social media within minutes, yet face separate legal tests depending on where it appears. Working from a doctrinal method, the paper traces how Indian media law developed historically, maps the present regulatory landscape, and examines how Article 19(1)(a) grounds press freedom constitutionally. It then turns to the practical fallout of fragmentation regulatory arbitrage, inconsistent standards, weak enforcement, jurisdictional overlap, and public confusion before assessing recent moves toward consolidation, including the Telecommunications Act 2023, the draft Broadcasting Services (Regulation) Bill, and the Press and Registration of Periodicals Act 2023. The paper also draws briefly on the United Kingdom's Ofcom model to show how converged audio-visual regulation can operate through a more coherent institutional structure. It argues that India should move toward a single, technology-neutral media law enacted by Parliament, administered by an independent regulator with specialised divisions for print, film, broadcast, and digital media. Such a framework should preserve existing expertise, create a unified grievance mechanism, apply standards by type of harm rather than by platform, and permit phased implementation to avoid regulatory disruption. The paper concludes that a unified media law is both achievable and necessary, provided it contains

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express safeguards for editorial independence, proportionality, and free expression under Article 19(1)(a).

II. KEYWORDS

Media law, India, unified regulation, press freedom, convergence.

III. INTRODUCTION

India has never had one comprehensive law governing its media. What exists instead is a collection of statutes, each passed at a different time, for a different medium, under different circumstances, and each sitting under a different ministry's supervision. A press act from 1867 still shapes print regulation; a 1952 law covers cinema halls; a 1995 law governs cable television; and a set of 2021 rules addresses websites and apps. Nothing ties these together into one framework.

Article 19(1)(a) of the Constitution guarantees the right "to freedom of speech and expression," allowing citizens to voice their views, subject to the reasonable restrictions Article 19(2) permits in the interest of national security and public order. Those restrictions can be justified on grounds that include India's sovereignty and integrity, state security, friendly relations with other countries, public order, decency or morality, contempt of court, defamation, and incitement to an offence.

A uniform enforcement structure would strengthen this constitutional guarantee. The Constitution never explicitly names "freedom of the press" under Article 19(1)(a), yet courts have repeatedly protected it through judicial interpretation. Still, judicial willingness is no substitute for legislation that actually does the job.

This paper makes the case for one common law applied consistently across every form of media print, television, digital, and social media alike. Such a law should protect the speech guarantee in Article 19(1)(a) while also pushing media organisations toward greater responsibility and accountability. The goal here is not to police or censor the media, but to replace the current outdated, disjointed rules with something clear, current, and coherent.

A. Research Objectives

1. To trace the historical development and present structure of Indian media regulation.
2. To identify the legal and practical difficulties arising from the regulation of different media forms under separate legislative frameworks.
3. To examine whether a unified media law for India would be workable, and the constitutional and institutional safeguards under which such a framework should operate.

B. Research Questions

1. How has Indian media regulation developed historically across print, cinema, broadcasting, and digital media?
2. Does the fragmentation of Indian media law across separate statutory and regulatory tracks undermine consistent enforcement of Article 19(1)(a) and Article 19(2) standards?
3. What legal and practical difficulties arise when identical or similar media content is regulated differently across print, broadcast, and digital platforms?
4. What institutional design would allow a unified media regulator to balance effective enforcement with editorial independence and constitutional free-speech safeguards?

C. Research Methodology

This paper adopts a doctrinal legal research method. It relies primarily on constitutional provisions, especially Article 19(1)(a) and Article 19(2), statutory materials such as the Press Council Act 1978, the Cinematograph Act 1952, the Cable Television Networks (Regulation) Act 1995, the Information Technology Act 2000, the Information Technology Rules 2021, the Digital Personal Data Protection Act 2023, and the Press and Registration of Periodicals Act 2023, along with reported judicial decisions.

These primary sources are read with secondary materials, including Press Commission reports, government consultation papers, and academic commentary. Citations follow OSCOLA, 4th edition, with footnotes for pinpoint references and a consolidated bibliography.

IV. HISTORICAL BACKGROUND

Print regulation is the oldest strand of Indian media law. The British enacted the Press and Registration of Books Act 1867 to keep watch over printing presses and mandate registration[2], and the statute stood essentially unamended for over 150 years. After the first Press Commission reported in 1953, the Registrar of Newspapers for India was set up in 1956 to handle registration.[3]

Accountability for the press first found statutory footing in the Press Council Act 1978, passed on the recommendation of both the first and second press commissions, which favoured a statutory body that could safeguard press freedom while holding it to conduct standards[4] though its powers extended only to censuring or admonishing newspapers, with no real sanctioning authority behind them.

Cinema came under the Cinematograph Act 1952, which empowers the Central Board of Film Certification to pre-censor films, a holdover from a colonial-era assumption that cinema demanded tighter control than print.[5]

Broadcasting stayed a government monopoly through All India Radio and Doordarshan, with no private statutory framework until satellite television arrived in the early 1990s. The Cable Television Networks (Regulation) Act 1995 followed, bringing cable networks

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[2] Press and Registration of Books Act 1867 (repealed). See also Press Registrar General of India, 'Press & Registration of Periodicals Act 2023' (prgi.gov.in) https://prgi.gov.in/about-us/prp-act-2023 accessed 5 August 2026.
[3] First Press Commission, Report of the Press Commission (Government of India 1954).
[4] Press Council Act 1978. See First Press Commission (n 2); Second Press Commission, Report of the Second Press Commission (Government of India 1982).
[5] Cinematograph Act 1952.

under a licensing regime[6], but it was never rebuilt to account for the industry's later shift to digital delivery.

Digital media is the newest strand, governed mainly by the Information Technology Act 2000 a law drafted to enable e-commerce and penalise cybercrime, not to regulate media as such.[7]

The Intermediary Guidelines and Digital Media Ethics Code Rules 2021 then brought online publishers and streaming platforms under a government-supervised ethics code and grievance mechanism for the first time.[8] Each layer of Indian media law, then, emerged as a reaction to a particular technology at a particular moment, with little effort made to reconcile it with what came before.

V. EXISTING MAP OF FRAGMENTATION

The current framework runs along four largely disconnected tracks, each reflecting a different historical moment and a different regulatory assumption. The difficulty is not merely that several laws exist. A plural legal structure may be workable where each law serves a clearly separated function. The difficulty in Indian media regulation is that the same communicative act may now travel through several media forms, while the law continues to classify it according to platform rather than function, audience impact, or constitutional risk.

1. **Print Media:** Print is now governed by the Press and Registration of Periodicals Act 2023, which replaced the Press and Registration of Books Act 1867 and modernised registration by creating a more contemporary framework for periodicals. However, the 2023 Act is principally concerned with registration, title verification, and procedural compliance. It does not create a complete content-regulation code for newspapers or periodicals. Editorial standards and

[6] Cable Television Networks (Regulation) Act 1995.
[7] Information Technology Act 2000.
[8] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.

professional ethics continue to fall within the Press Council Act 1978, under which the Press Council of India may warn, admonish or censure newspapers, news agencies, editors or journalists. Its authority is therefore normative rather than strongly coercive. This means that print enjoys a comparatively lighter regulatory structure, consistent with constitutional protection of press freedom, but also leaves unresolved questions about effective remedies where misinformation, paid news, communalised reporting, or privacy violations occur through print publication.

2. **Film:** Cinema remains governed by the Cinematograph Act 1952, as amended, under which films require certification before public exhibition. This makes film one of the most heavily regulated media forms because certification operates before release. Yet the same audio-visual content may now be released theatrically, transmitted on television, or made available through streaming platforms. The legal consequences differ depending on that route of distribution. A film intended for theatrical exhibition faces statutory certification, while online curated content is primarily addressed through the Information Technology Rules 2021 and a grievance-redress structure. This distinction is increasingly difficult to justify where the viewer experiences both forms as substantially similar audio-visual content.

3. **Broadcast:** Television and radio distribution operate through a layered framework consisting of the Cable Television Networks (Regulation) Act 1995, the Programme Code, the Advertising Code, and licensing or permission-based conditions administered by the Ministry of Information and Broadcasting. Technical and economic questions relating to carriage, interconnection, tariffs and quality of service may also involve the Telecom Regulatory Authority of India. News channels additionally rely on self-regulatory bodies, including industry associations, whose authority depends largely on membership and voluntary compliance. A significant recent development is the draft **Telecommunications**

(Television, Radio and Associated Services) Rules, 2026, issued under the Telecommunications Act 2023. These draft rules propose to consolidate six separate broadcasting-related guidelines satellite television uplinking and downlinking, Direct-to-Home services, Headend-in-the-Sky services, private FM radio, community radio, and IPTV into a single authorisation-based rulebook. This marks an important movement toward regulatory consolidation within the broadcast sector itself. However, because the draft rules operate through delegated rule-making and remain focused on television, radio, and associated services, they do not amount to a comprehensive unified media law for print, film, broadcast, digital publishers, OTT platforms, and intermediaries together. The result is that broadcast regulation is beginning to move toward internal consolidation, while the wider media ecosystem remains fragmented across medium-specific statutes, executive rules, licensing conditions, and self-regulatory mechanisms.

4. **Digital And Online Media:** Digital publishers, OTT platforms and intermediaries answer primarily to the Information Technology Act 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, as subsequently amended. These rules brought digital news publishers and online curated content providers within a structured ethics-code and grievance framework. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026 have further complicated this track by specifically addressing synthetically generated information, including deepfakes and AI-generated or AI-modified audio-visual content. The 2026 amendments require clearer labelling and metadata-linked identification of permissible synthetic content, impose stronger due-diligence duties on intermediaries, and shorten the timeline for removal or disabling of unlawful content upon court or government intimation to as little as three hours in specified cases. At the same time, intermediaries remain subject to safe-harbour conditions, takedown procedures, user-warning duties, and reporting obligations. Data-

related dimensions of digital media now also intersect with the Digital Personal Data Protection Act 2023. Therefore, online media is not under-regulated in a simple sense; rather, it is regulated through a combination of intermediary law, executive rules, platform obligations, privacy law, synthetic-content controls, and sectoral content norms. This produces uncertainty about whether digital media should be treated as speech, technology infrastructure, publishing activity, AI-mediated communication, or all four at once. Layered on top of all four tracks are generally applicable laws, including the Contempt of Courts Act 1971, criminal defamation and public-order provisions under the Bharatiya Nyaya Sanhita 2023, election-related restrictions, intellectual-property law, and privacy principles developed through constitutional jurisprudence. These general laws apply across media forms, but they do not solve the institutional fragmentation problem because enforcement still depends on different authorities, complaint routes, and procedural standards. Recent policy discussion around revised television and radio rules also shows that unresolved questions remain around OTT, FAST channels and open-internet services, further confirming that platform boundaries are unstable in practice. The current map is therefore best understood as a fragmented matrix: print is registration-led and council-supervised; film is certification-led; broadcast is licence-led; and digital media is rule-led and platform-sensitive. None of these tracks supplies a unified, independent, technology-neutral framework for the media ecosystem as a whole.

VI. PROBLEM ARISING FROM FRAGMENTATION

1. **Regulatory Arbitrage:** Standards shift depending on the medium. Content denied a film certificate or censored on television can often run online without restriction, and the reverse holds true in narrower ways too which pushes publishers toward whichever platform regulates most lightly rather than whichever suits the content best.

2. **Inconsistent Standards for Identical Content:** The same news story, published in print, aired on a bulletin, and posted on a website, gets judged under three different regimes Press Council norms, the Cable Television Programme Code, and the IT Rules grievance process despite the content itself being unchanged across all three.

3. **Weak and Uneven Enforcement:** None of the four tracks answers to a genuinely independent body. The Press Council can only censure; broadcast self-regulation is voluntary; and enforcement of the IT Rules runs largely through the executive a combination that produces uneven enforcement and leaves room for selective targeting.[9]

4. **Jurisdictional Confusion:** Two ministries share overlapping authority over digital content, while the Telecom Regulatory Authority separately governs carriage forcing media groups that operate print, television and digital arms to satisfy three overlapping regimes for what is, in substance, one editorial operation.

5. **Compliance Costs:** Larger organisations can absorb multiple compliance teams to manage this; independent and regional-language publishers generally cannot.

6. **Erosion of Public Trust:** When citizens cannot work out which body is actually responsible for a grievance, confidence in media accountability suffers.

VII. THE JUDICIAL APPROACH TO MEDIA

Indian courts have read press freedom into the general free-speech guarantee, and they confine restrictions strictly to what Article 19(2).

1. **Sakal Papers (P) Ltd v Union of India**: The Supreme Court struck down an order regulating the number of pages and prices of newspapers, saying that indirect control of circulation could not be justified as reasonable.[10]

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[9] Tech Policy Press (n 15).
[10] *Sakal Papers (P) Ltd v Union of India* AIR 1962 SC 305.

2. **Bennett Coleman & Co v Union of India**: The court struck down restrictions on imports of newsprint, ruling that freedom of the press includes freedom of circulation and freedom to determine how much to publish.[11]

3. **Indian Express Newspapers (Bombay) Pvt Ltd v Union of India:** The court found that a tax which imposes a disproportionate burden on the press must be justified by special reasons, having regard to the democratic role of the press.[12]

4. **Shreya Singhal v Union of India**: The Court declared Section 66A of the IT Act 2000 unconstitutional on the ground that it was vague and overbroad, thereby reaffirming that digital-speech regulation must remain within the limits of Article 19(2).

5. **Abid Ali @ Aabi v State (Govt of NCT of Delhi)**: More recently, the Delhi High Court addressed the regulatory problem created by unregulated digital and citizen journalism. While granting bail in a case involving an alleged assault on persons claiming to be reporters, the Court observed that the growth of self-styled reporters using digital platforms raises serious concerns for responsible journalism, public order, citizens' rights and professional accountability. The decision is significant because it does not reject press freedom; rather, it calls for a legal framework that protects freedom of the press while ensuring ethical standards and accountability. This directly supports the argument that India's existing platform-specific and uneven regulatory structure is inadequate for contemporary media conditions.

The pattern running through these decisions is that courts have protected media freedom as part of Article 19(1)(a), but have also recognised that regulatory standards must be constitutionally disciplined, clear, proportionate and responsive to technological change. Earlier cases such as Sakal Papers, Bennett Coleman and Indian Express Newspapers

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[11] *Bennett Coleman & Co v Union of India* (1973) 2 SCR 757.
[12] *Indian Express Newspapers (Bombay) Pvt Ltd v Union of India* (1985) 1 SCC 641.

protected the institutional press from indirect economic and circulation-based restrictions, while Shreya Singhal restrained vague digital-speech control. Abid Ali @ Aabi adds a contemporary dimension by showing that unregulated digital reporting and citizen journalism also require a principled accountability framework. A unified law would allow these constitutional principles to apply consistently across platforms, rather than being reconstructed separately for print, broadcast, film and digital media.

VIII. COMPARATIVE PERSPECTIVE

India is not alone in watching converged media outgrow platform-specific law. The United Kingdom offers a useful, though not mechanically transferable, comparison. Ofcom was established under the Office of Communications Act 2002 and operates under the Communications Act 2003 as a converged communications regulator. Its institutional design brings broadcasting, radio, telecommunications and certain online audio-visual functions within a single regulatory authority, while the print press remains outside its full statutory content-control model and continues largely through voluntary or self-regulatory arrangements.

The significance of the UK model lies in functional regulation. Ofcom does not treat all media identically merely because they communicate information. Instead, it regulates comparable services through common principles while allowing difference where the medium requires it. For instance, television and radio broadcasters are subject to the Broadcasting Code, which covers matters such as harm and offence, due impartiality, elections, fairness, privacy, and commercial references. With the growth of online audio-visual services, the UK has increasingly adapted broadcast-style protections to newer forms of delivery. Ofcom's video-sharing platform regime applied to UK-established video-sharing platforms before being absorbed into the wider online safety framework, and Ofcom itself records that it began regulating such platforms in 2020 under Part 4B of the Communications Act 2003.

More recently, implementation of the UK Media Act has involved adapting Broadcasting Code rules for major video-on-demand services, demonstrating that the UK continues to move toward platform-sensitive convergence rather than rigid platform separation.

This comparison supports two lessons for India. First, convergence does not necessarily require a single flat rule for every form of media. Print, cinema, live broadcasting, video-on-demand, social media and intermediaries may legitimately require different procedural treatment. A newspaper article, a live television debate and an algorithmically amplified video do not create identical regulatory risks. Secondly, however, different procedures should be housed within a coherent institutional architecture. Where audio-visual content performs the same public function and creates similar risks, the regulatory response should not depend entirely on whether the content reaches the audience through cable, satellite, mobile application or website.

For India, the comparative lesson is therefore institutional rather than imitative. India need not copy Ofcom or import UK standards into a different constitutional environment. Article 19(1)(a), Article 19(2), India's linguistic diversity, federal conditions, and the scale of digital consumption all require an Indian model. However, the UK experience shows that convergence can be addressed through a regulator with specialised divisions, transparent statutory powers, and appellate safeguards.

It also shows that a unified regulator can coexist with differentiated regulatory intensity: print may remain lightly regulated, cinema may retain certification safeguards, broadcasting may carry stricter duties because of immediacy and public influence, and digital platforms may be governed through due-diligence and grievance obligations. The broader principle is that fragmentation should be replaced not by censorship, but by coherent, accountable and constitutionally bounded oversight.

IX. THE ECONOMIC CHALLENGES

Fragmentation carries an economic cost as well as a constitutional one. India's media and entertainment sector is no longer a small, medium-specific industry. It is a large converged economy in which print, television, films, music, gaming, digital advertising, streaming, creator-led content and live experiences increasingly compete for the same audience attention and advertising revenue.

According to the FICCI-EY report released in 2026, India's media and entertainment sector grew by 9% in 2025 to reach approximately INR 2.78 trillion, with digital and live experiences identified as major growth drivers. EY's industry analysis also notes that paid video subscriptions reached 216 million and that digital media has become central to the sector's growth, while linear television advertising and subscription revenues declined. These figures matter legally because they show that media convergence is not merely technological; it is also commercial.

A fragmented legal framework increases transaction costs for media businesses operating across platforms. A legacy newspaper group that also runs a website, video channel, podcast and social-media news feed must comply with print registration rules, digital-media grievance requirements, intermediary-linked takedown norms, data-protection obligations, advertising standards, copyright rules and, where applicable, broadcast or video regulations. Large media houses can absorb this complexity by employing legal, compliance and public-policy teams. Smaller publishers, independent digital journalists, regional-language platforms and start-up media ventures are less able to do so. The result is a structural imbalance: fragmentation burdens precisely those actors who most need low-cost entry into the public sphere.

Fragmentation also creates uncertainty for investment and innovation. Investors and media entrepreneurs need predictable rules on ownership, licensing, content liability, grievance redressal, advertising, data use and platform responsibility. Where different ministries or authorities issue overlapping directions, businesses may delay new services, over-comply out of caution, or avoid controversial public-interest journalism. This produces a chilling effect not only on speech but also on lawful economic activity. Conversely, gaps in regulation may allow larger platforms to exploit legal uncertainty more effectively than smaller competitors, producing regulatory arbitrage in commercial form.

The economic problem is particularly visible in digital transition. Digital media has expanded rapidly, while traditional television revenue patterns have weakened. The regulatory system, however, still often treats television, print and digital as separate sectors rather than parts of a shared information market. The 2025 FICCI-EY data indicate that India’s media economy is becoming more digital, subscription-driven and platform-mediated. In such a market, rules framed only around older distribution technologies risk becoming both under-inclusive and over-inclusive: under-inclusive because new forms of monetised influence may escape meaningful oversight, and over-inclusive because legacy players may remain bound by requirements that no longer reflect how audiences consume content.

A unified legal structure would not remove all compliance obligations, nor should it. Media regulation necessarily involves constitutional, commercial, consumer-protection and public-order concerns. The advantage of unification is that Parliament could legislate a coherent policy architecture: common definitions, clear institutional responsibility, harmonised grievance procedures, proportionate obligations for different classes of media actors, and special protection for small and independent publishers.

Such a model would reduce duplication, improve predictability, and allow economic regulation to serve democratic communication rather than distort it. For this reason, the case for a unified media law is not only a free-speech argument; it is also an argument for regulatory efficiency, market fairness and sustainable media pluralism.

X. CASES FOR A UNIFIED MEDIA LAW

1. **Single Independent Regulator:** Consolidation would create one regulator with real, proportionate powers, replacing the current tangle of separate ministries.

2. **Uniformity For Media Businesses:** A single regulatory regime would cut the legal and administrative cost of operating across platforms, helping smaller and regional publishers compete on more even terms with larger ones.

3. **Clear Remedy for Citizens:** One law and one grievance body would give the public a single point of complaint about media conduct, regardless of platform improving both accountability and public confidence.

4. **Consistency with Constitutional Jurisprudence:** The Supreme Court already applies a single Article 19(2) reasonableness test across print, broadcast, and digital cases; aligning the statutory framework with that same standard would cut down on platform-specific litigation.

5. **Better Response to Cross-Platform Harms:** Coordinated misinformation, deepfakes paired with print or social commentary, and trial-by-media coverage that moves freely between television and online clips are, by their nature, cross-platform problems.[13] A regulator confined to a single medium cannot follow a story through its full life cycle, since the content simply moves beyond that regulator's jurisdiction before action can be taken. A unified regulator, with visibility across the whole ecosystem, is far better positioned to respond.

XI. RECOMMENDATIONS

First, a unified law should go through the ordinary parliamentary process, with broad public consultation, rather than being built through delegated rule-making alone — this would make it both more legitimate and more effective.

Second, unification should sit under a single ministry rather than several, with decisions appealable to an independent tribunal or specialised courts set up to handle this category of harm.

[13] Law Commission of India, Trial by Media: Free Speech and Fair Trial under Criminal Procedure Code, 1973 (Report No 200, 2006).

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Third, substantive standards should be organised by type of harm rather than by platform, while still allowing proportionate differentiation — a shorter correction window for live broadcasts, for instance.

Fourth, the law should preserve existing institutional expertise by folding the Press Council, the Central Board of Film Certification, and the broadcast content code apparatus into specialised divisions of the new regulator, rather than simply abolishing them.

Fifth, transitional provisions should allow for a phased rollout, so the reform can be tested sector by sector before full consolidation takes effect.

Finally, the law should state expressly that its restrictions on media conduct remain subject to Article 19(1)(a) and must be read narrowly, to guard against the risk of overreach.

XII. CONCLUSION

Indian media law has grown the way a patchwork grows through the steady addition of separate pieces rather than any single unified design, with print, film, broadcast and digital content each governed by a statute written for a different technological moment and administered by a different authority. In a converged media environment, this fragmentation no longer tracks any meaningful difference in how citizens actually receive information, and it comes with real costs: inconsistent standards, weak enforcement, rising compliance burdens on small publishers, and a public with no clear idea of where to seek a remedy.

Recent reforms including the Telecommunications Act 2023, the Press and Registration of Periodicals Act 2023, the draft Broadcasting Services (Regulation) Bill, and the draft Telecommunications (Television, Radio and Associated Services) Rules 2026 show that the government recognises the need for modernisation and sectoral consolidation. However, these measures remain confined to particular regulatory tracks and proceed largely through sector-specific statutes or delegated rule-making, rather than through a comprehensive parliamentary framework governing print, film, broadcast, digital publishers, OTT platforms, and intermediaries together.

A genuinely unified media law, built around one independent regulator, technology-neutral standards, and explicit constitutional safeguards, would close that gap. The real challenge here is institutional rather than technical: designing a regulator with enough authority to enforce consistent standards, yet enough independence that it doesn't simply become a more efficient tool of executive control than the fragmented system it replaces. Getting that balance right not consolidation for its own sake should be the standard against which any future unified media law in India is judged.

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