The Indian Journal for Research in Law and Management
Open Access Law Journal – Copyright © 2026
Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

SHAPING GOVERNANCE THROUGH DIGITAL MEDIA: LEGAL AND POLICY DIMENSIONS

Tanisha Madhyani

ABSTRACT

Digital media is considered one of the most important tools in today's world. It has the power to transform society for the better. Digital media can be used to shape governance structures worldwide: it can introduce new frameworks for citizens, assist active policy-making and ensure transparency in administration. This paper explores how digital media impacts the decision-making process in governance structures and what risks are associated with it. The paper mainly focuses on the impact of digital media on governance in India and how it has evolved there. Digital media has both positive and negative sides, and this paper analyses and evaluates both. The paper explores the legal as well as the policy framework governing digital media, focusing on issues such as cyber security, data protection and freedom of expression. It also undertakes a comparative analysis of digital media and its impact on governance across different jurisdictions, and discusses case laws showing the significant impact of digital media on governance. Finally, the paper offers suggestions on how digital media can contribute to governance in a better way and how its negative impact can be reduced.

Keywords: Digital media, Governance, Transparency, Cyber security, Data protection.

INTRODUCTION

In the 21st century, digital media is one of the fastest-evolving structures, having grown from a tool of communication to a force shaping the governance of the country.[1] Social media platforms not only describe how citizens interact with each other but also how they interact with the government. On one hand, citizens are becoming more aware of government policies and their pros and cons, so citizen participation has increased. On the other hand, the government relies on these platforms for efficiency in administration and also gets to know citizens' opinions on any particular policy. Digital media acts both as an instrument and as an arena of governance.

[1]Mengyu Annie Luo & Nikhil Pahwa, Shaping Digital Media Governance (30th Sept, 2026, 8:00 P.M), www.weforum.org.

The Covid-19 pandemic played a key role in managing governance with the help of digital media. Since no one was allowed to go outside their homes at that time, digital media became their saviour. Everything from hospital beds, medicines and vaccination slots to education was shifted online. States used digital media for health communication and for providing every benefit to citizens at home, though some challenges came in between, namely data privacy and the spread of fake news. However, with the passage of time, from 2020 to 2025, the government has implemented many rules and regulations to make digital media a safer place. This research paper further examines how digital media will reshape governance frameworks despite these challenges, through its legal and policy dimensions.

EVOLUTION OF DIGITAL MEDIA

The evolution of digital media[2] began with the expansion of the internet in the early 2000s, and its foundation was laid by mobile technology, which was affordable at that time. At this stage it covered only emails and simple websites. Very few people used it, and only government officials used these services for administrative functions, so the process was simple to understand. From the mid-2000s to 2014, things changed: the rate at which people used the internet started to increase exponentially, between 2014 and 2019 the rate of internet users accelerated, and during the COVID-19 pandemic, i.e., from 2020 till now, the internet has seen a major revolution in its growth. After the emergence of social media platforms like YouTube and Facebook, these platforms created an interactive environment. Today, digital media has overtaken traditional media.

The expansion of digital media is due to the following key factors. Firstly, mobile data in India is very economical, so most people can easily avail its benefits. Secondly, many OTT platforms provide a wide range of content at a nominal cost, so people use them to overcome boredom. Thirdly, there are many options on these platforms through which people earn by creating content. Content creation gives rise to various other skills such as video editing, branding, and advertising. All in all, people can now use social media for their business and profit as well. These are the significant factors that have contributed to the rise of digital media platforms.

THE IMPACT OF DIGITAL MEDIA ON GOVERNANCE

With ongoing technological advancement, digital media has transformed from a traditional, institution-focused model to a more participatory and networked model. This transformation

[2]Alex Marland et al., Governance in the Age of Digital Media and Branding (30th Sept 2026, 8:00 P.M.), www.researchgate.net.

has opened new pathways for governance by focusing not only on policy-making but also on ensuring citizen participation in it. Nowadays, governments rely more on digital media for the dissemination of information. However, this transformation is not only about disseminating correct or reliable information; it has also raised concerns where fake information is disseminated. Governments have promoted initiatives such as digital consultation and e-governance, which promote public participation and enable citizens to access government information, thereby promoting trust and confidence among citizens. It has also changed the way in which governments gather and utilize information.

In India, digital media has shaped socio-political, cultural and trade-related aspects. It has improved economic opportunities by allowing companies working in India to connect with international consumers and thereby engage in e-commerce. Not only internationally, there has also been an increase in productivity in the domestic economy.

The Indian government has launched various initiatives for enhancing digital literacy. One of the most significant efforts was the launch of the Digital India Mission in 2015. The main aim of this mission is to make India a digitally empowered nation by enhancing its digital literacy rate and reducing the digital divide between urban and rural regions. It aims to create digital infrastructure that provides government services electronically. The government has shifted towards e-governance by launching platforms like Digi Locker, e-Sign, UMANG, the MyGov portal and UPI (Unified Payment Interface). These portals not only ensure transparency in the system but have also reduced administrative inefficiencies.

One of the most central features of this system is the Aadhaar card system, India’s unique biometric identity system. The 12-digit number holds the demographic and biometric data of a person. The card provides uniqueness to a person and promotes a hassle-free system, as identity can be verified electronically using the Aadhaar number. It also allows instant online authentication of a person’s identity anywhere in India, which makes Aadhaar a convenient proof of identity.

Apart from this, various social media platforms such as YouTube, X (Twitter), Instagram, Facebook and WhatsApp enable communication between individuals. These platforms make it easier for people to express their opinions, including dissenting views on government policies. They have given citizens the freedom to exercise their right to speech and expression and unlimited space to engage directly with their government. However, this freedom should not be misused. Reasonable restrictions should be imposed so that people know what information they are sharing and how much they are sharing.

Citizens also have a right to know about any policy of the government. For this, the government passed the Right to Information Act, 2005.[3] This Act ensures transparency and accountability in the governance structure. Any citizen who wants to know about any policy of the government can file an application under this Act, and the government has given the advantage of filing it online. The authorities have to reply within one month of filing an application. However, the government faces various challenges with regard to hate speech, misuse of information, fake rumors, and concerns regarding privacy and national security. To address these challenges, governments across the globe have brought in various laws and regulations. This paper mainly focuses on the legal framework of India in this regard.

LEGAL DIMENSIONS

Every policy, rule, regulation, law and governance structure comes with its own set of advantages and disadvantages. Digital media is considered a boon for individuals as well as for government, but along with its pros it comes with many cons. The emergence of digital media has increased challenges such as data privacy, hacking of important government sites, misinformation, fake information and hate speech. To tackle these challenges, governments across the globe have put forward laws relating to information technology and cyber security. This paper evaluates the laws brought by the Government of India in respect of these challenges.

In India, the Information Technology Act, 2000 (IT Act)[4] came into force in 2000. The primary aim of this Act was to provide a legal framework for e-commerce and e-governance; its main purpose was to give recognition to digital signatures and electronic records. Since digital media was not much developed at that time, the Act was not made for regulating it. The Act was first amended in 2008, and the amendment brought various significant changes, including provisions on penalizing cyber crimes and, in its initial phase, data protection. A further amendment took place in 2011, which expanded the provisions related to data protection.

The major shift took place after the COVID-19 pandemic, in 2021, when the Intermediary Guidelines and Digital Media Ethics Code Rules were introduced under the Information Technology Act. These rules led to significant changes in the regulation of digital media and were brought into force in response to major concerns about transparency and the rights of users. They are issued by the government to regulate digital media platforms and social media intermediaries, and also cover Over-the-Top (OTT) platforms. The rules provide that platforms

[3]Right to Information Act, 2005, No. 22, Acts of Parliament 2005 (India).

[4]Information Technology Act, 2000, No. 21, Acts of Parliament 2000 (India).

must publish their privacy policies and that it is their responsibility to inform users about them. They must install software that can detect and remove unlawful content. Social media intermediaries are accountable for the content they host, and strict legal consequences follow if they fail to comply with the guidelines. If a complaint is filed against any content on a social media platform, the platform must remove unlawful, obscene or defamatory content, or content that infringes copyright, within 24 hours. All OTT platforms must also follow these rules.

The rules also introduced a redressal mechanism for online news media and OTT platforms, which is three-tiered. Under Level 1, the publisher must appoint a grievance officer, who must acknowledge the grievance within 24 hours and dispose of the complaint within 15 days of its registration. Under Level 2, if the publisher fails to resolve the matter, it passes to the Self-Regulatory Body (SRB), which must be registered with the Ministry of Information and Broadcasting and must hear the complaint. Under Level 3, if the matter is still unresolved, a higher authority known as the Inter-Departmental Committee (IDC) looks into the matter and gives directions to the concerned platforms to remove the content or issues guidelines regarding the issue. New laws continue to come into force to guide digital media platforms.

Recently, Parliament passed the Digital Personal Data Protection Act, 2023 (DPDP Act),[5] which regulates the digital personal data of individuals and focuses mainly on balancing individual personal rights with lawful data processing. Under this Act, the government or any company must first obtain the consent of individuals before processing their data, and must obtain the consent of a parent if the individual using the platform is a minor below 18 years of age. Data can only be processed for a lawful purpose, though the Act contains an exception where the data is used by the State. It is the duty of the platforms to maintain security measures for protecting the personal data of users. Under the Act, the Data Protection Board of India is to be constituted to deal with complaints of data breach. These regulations aim towards more ethical and transparent working of social media platforms, and the Act has brought significant changes with regard to various social media platforms.

POLICY DIMENSIONS

It is the duty of the government to create policies that promote a secure, safe, open and transparent environment for digital media. Policy dimensions include transparency and accountability of platforms, regulation of content, data privacy and citizen participation. These dimensions cover widespread and affordable access to the internet for all citizens, and also

[5]Digital Personal Data Protection Act, 2023, No. 22 Acts of Parliament, 2023 (India).

ensure digital literacy for all citizens. They should invest in and establish a safe and secure environment for data, and should develop policies that hold digital platforms accountable for the content they present. They should ensure the participation of citizens on these platforms so that citizens can hold officials accountable for their actions. To resolve the problem of fake news and misinformation, the government should launch digital literacy initiatives, and to protect individuals from digital frauds, various literacy workshops and camps should be established. Digital media platforms should follow the guidelines mentioned in the IT Act, 2000, give clear guidelines for content, and follow the standards laid down in the rules.

CASE STUDIES

With the rapid technological advancement of digital media, whenever there is violence or a situation against the security of the State or public policy, it is first circulated over digital media. Nowadays, people have the power to post whatever they want, and sometimes situations worsen because of social media, so the government has to shut down internet connectivity in that place. For example, in 2019, Kashmir faced an internet shutdown for almost 150 days. This was done as protests were taking place with regard to the abrogation of Article 370. It was the longest internet shutdown in the world at that time. Local individuals faced various problems: they were not connected to the outside world and could not find out what was going on in their own state. Education, trade, businesses and even healthcare services were affected.

Another example is the state of Manipur,[6] where clashes between two tribes have been going on since May 2023 and the government shut down internet connectivity. This shutdown did not favour the government, as it focused more on the spread of misinformation, hate speech and fake rumors. Though the internet ban has now been lifted, it is still in force in some regions where the situation remains tense.

In *Anuradha Bhasin v. Union of India* (2020),[7] the Supreme Court ruled that internet shutdowns for an indefinite period are unconstitutional, as they affect freedom of speech and expression,[8] and that such bans must meet the tests of necessity and proportionality. The Court also gave guidelines on the situations in which the internet can be shut down in an area. A restriction must pursue a legitimate State interest such as national security or public order, must be suitable

[6]Riya Maurya, A Case Study of Manipur Internet Shutdown (1st Oct, 11:00 A.M), www.gmj.manipal.edu.

[7]Anuradha Bhasin v. Union of India, AIR 2020 SC 1308 (India).

[8]India Const. art. 19, cl. 1(a).

for achieving the intended objective, and must be necessary, and the restrictions must not unduly affect the fundamental rights of citizens.

Another landmark case is *Shreya Singhal v. Union of India* (2015),[9] in which Section 66A of the Information Technology Act, 2000 was in question. Section 66A was designed to punish people who sent offensive, false or fake information to another person through a computer device, and also aimed at penalizing anyone who caused inconvenience or annoyance to any person through social media. The Supreme Court found that the provision used words that were not clearly defined and that gave discretionary power to the police to arrest anyone. The power given under this section was so wide that the police started to misuse it, and when it came under the purview of the Supreme Court, the Court held the section unconstitutional. The section was also affecting the freedom of speech and expression of citizens, and its definitions did not fall under the category of reasonable restrictions permitted on that freedom. The section is no longer in effect and is considered invalid.[10]

In *Faheema Shirin R.K. v. State of Kerala*,[11] the Kerala High Court reiterated that access to the internet is a fundamental right, essential for freedom of speech and expression as well as for the right to education. In this case, the High Court, applying the rulings in *Shreya Singhal* and *Anuradha Bhasin*, emphasized the importance of digital media in today's world.

Digital media has the power to transform common people's voices into a protest if used with correct strategies and planning. Another example is the famous #MeToo movement, where victims came forward and told their stories of sexual assault. The movement exposed a different and devastating side of Bollywood and other industries, which had a traumatizing effect.

A most recent example is Nepal,[12] a neighbour of India, which in September 2025 saw a major protest taken over by the youth after the then-existing government put a ban on 25 social media platforms. The government justified the ban by contending that it was meant to prevent fake information and fake accounts. However, the youth were not convinced. The ban affected citizens on many levels, including education, business, trade, health and communication, and both the personal and professional lives of people living in Nepal. The youth came onto the streets, the situation escalated and the authorities had to intervene. The protest questioned the

[9]Shreya Singhal v. Union of India, AIR 2015 SC 1523 (India).

[10]Ritika Malik et al., The Smart Framework for a Digital Free Speech and Governance: Analysing the Impact of the Shreya Singhal Judgment on Social Media Regulation in India (1st Oct 2026, 5:00 P.M), www.researchgate.net.

[11]Faheema Shirin R.K. v. State of Kerala, AIR 2020 Ker 35 (India).

[12]Prekshya Pandey & Shristi Gautam, The Economic Cost of Political Unrest: A Case Study of Nepal's 2025 Gen Z Protests (2nd Oct 2026, 01:00 P.M), www.papers.ssrn.com.

activities of the government, such as corruption, unemployment and economic inequality. Many people were killed in police firing and, at last, a curfew was imposed. The Prime Minister had to resign, and the new government that took charge removed the ban on these social media platforms as its first act.

The incidents in Nepal give an insight into a major governance failure. They show how citizens react to such bans when the government takes these actions without their opinions. The case is an example of how important digital media is in shaping the governance of any country, and it is the duty of the State to balance these rights of citizens with government policies for good governance.

CHALLENGES

For over a decade, digital media has expanded greatly. With this expansion, it has transformed the relationship between the government and citizens and between citizens themselves. It has provided citizens with various opportunities for growth and development, though, since everything comes with its own set of advantages and disadvantages, social media has its disadvantages as well. This part discusses the complex challenges it faces.

- One of the most significant challenges is the dissemination of misinformation or fake information. Owing to the availability of various online platforms, it is very difficult to find the source from which information originated. People often rely on false information without checking its reliability, which leads to mistrust among citizens regarding government policies and a loss of confidence in the government.
- The whole world of digital media runs on algorithmic design. If a person watches content on a specific topic, all the suggestions he receives are on the same topic. Algorithms also promote content that tends to engage viewers more, regardless of its accuracy and reliability, and hence focus on a narrative set up by the content creator. Owing to a lack of literacy and sufficient education, people start believing these narratives rather than applying their own minds, which eventually affects their mentality.
- Digital media, through its various rules and regulations, ensures transparency and accountability, yet there are still cases of data piracy and hacking of various systems. Sometimes the government uses it for its own benefit, to suppress the dissenting views of the people, and in many countries governments have been noticed using their power for surveillance. As a result, the data of all people nowadays faces a huge threat.

- Another challenge is the lack of data protection laws and, even where laws on data protection and cyber security exist, the lack of their implementation. With the introduction of Artificial Intelligence in the digital world, the threat of data piracy is also increasing: the more quickly it answers people's questions, the more quickly it records their personal information. A recent example is a deep fake video of an actress in which her face was added to a video of another person, making it obscene. There are many other examples in which photos and videos of different people have been misused, showing how dangerous this is for common people. The use of AI should therefore be monitored, and laws and regulations should be implemented to avoid its misuse.
- People within a country face the challenge of the digital divide, which means there is a gap between those who have access to these technologies and those who lack it. For example, in India, the government is focusing on various initiatives to implement its Digital India Mission, yet there is a group of tribal people who do not even know about these missions. Many underprivileged people are still unaware of technologies and the digital world. This gap is still expanding, and to make the mission a full success, these challenges need to be addressed as well.

SUGGESTIONS

If a problem exists in the world, there is a parallel solution to it as well. Despite the various challenges in the world of digital media, there are some parallel suggestions.

- The government must strengthen its enforcement of the IT rules. Although the legislature has presented plenty of rules and regulations, it is the duty of the government to ensure their strict implementation, and anyone who does not comply with the guidelines should face major punishment in the form of fines, penalties and imprisonment.
- The government should try to bridge the gap between those who have plenty of access to the internet and those who have none, by providing digital media workshops and seminars in such areas so that they also learn about these facilities.
- The government should bring in stringent data protection laws and should not misuse the trust and confidence of the people. It should not use data given by citizens for other purposes without their consent, and should ensure that the process becomes more transparent and accountable.

- Digital media platforms must implement structured policies so that content is regulated, and these policies should be made more accessible to all users.
- Platforms must follow data protection laws and put forward strict data encryption guidelines so that users' data remains protected. They should develop self-regulatory bodies aligned with best practices from around the world.

CONCLUSION

Digital media has proved its ability to reshape the governance structure. This paper explains how digital media has been incorporated into the governance model and examines the behaviour of citizens towards modern technological development. Digital media not only influences the governance structure but also builds a relationship between the government and the citizens of a country. With changing times, the policies and laws regulating it have to evolve, and should be made more flexible, realistic and transparent. Although digital media faces various kinds of challenges today, they can be overcome with appropriate policies and efforts by the government.

The government has to ensure that digital media is used as a tool for empowerment. It has to balance the interests of its citizens as well as its own, address not only immediate issues but also long-term ones, and recognize that digital media is not limited to national boundaries and must also engage with international relations. With an appropriate legal and policy framework, digital media has the power to regulate all spheres of our day-to-day life.

REFERENCES

Cases

Anuradha Bhasin v. Union of India, AIR 2020 SC 1308 (India).

Faheema Shirin R.K. v. State of Kerala, AIR 2020 Ker 35 (India).

Shreya Singhal v. Union of India, AIR 2015 SC 1523 (India).

Constitutional Provisions and Statutes

Digital Personal Data Protection Act, 2023, No. 22 of 2023 (India).

Information Technology Act, 2000, No. 21 of 2000 (India)

India Const. art. 19, cl. 1(a).

Right to Information Act, 2005, No. 22 of 2005 (India).

Other Authorities

i. Alex Marland et al., Governance in the Age of Digital Media and Branding, www.researchgate.net.

ii. Kishan J., Impact of Social Media on the Indian Society, www.ijrpr.com.

iii. Marvin Hanisch et al., Digital Governance: A Conceptual Framework and Research Agenda, www.sciencedirect.com.

iv. Mengyu Annie Luo & Nikhil Pahwa, Shaping Digital Media Governance, www.weforum.org.

v. Prekshya Pandey & Shristi Gautam, The Economic Cost of Political Unrest: A Case Study of Nepal's 2025 Gen Z Protests, www.papers.ssrn.com.

vi. Prem Taba, The Role of Digital Media in Shaping Political Awareness Among Youth in Arunachal Pradesh, www.theacademic.in.

vii. Ritika Malik et al., The Smart Framework for a Digital Free Speech and Governance: Analysing the Impact of the Shreya Singhal Judgment on Social Media Regulation in India, www.researchgate.net.

viii. Riya Maurya, A Case Study of Manipur Internet Shutdown, www.gmj.manipal.edu.

ix. Sushant Anand & Mallika Nambiar, From Global Trends to Local Transformation: The Evolution of Digital Governance in Urban India, www.nudm.mohua.gov.in.