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Research Article

Digital Disruption and Advertising Law in India: Legal Frameworks, Ethical Dilemmas, and Emerging Challenges in India

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GROUND MATRIX

Consumer is the central point in every business. Now a day, attracting and satisfying customers is more difficult than producing the goods. For any product, many brands are available in the market. Every company wants to increase its market/share. So seller has to make lot of efforts to attract and to persuade the customers to purchase his products and services. Advertising is an important means to influence the potential customers and has ability to make mass selling possible. It is an important tool of mass communication and promotion.

The advertising landscape in India is characterized by a rich tapestry of traditional and modern mediums, with airwaves serving as a pivotal platform for disseminating commercial communications. From the beginning television remains an important platform for marketing products and services. With the advent of private broadcasting in India and the increasing tolerance of commercials on public channels, advertising has become a prominent feature of the broadcasting landscape. Now a day, advertising is considered to be the cornerstone of our economic system. Low prices for consumers are dependent on mass production, mass production is dependent upon volume sales, and volume sales are dependent upon advertising. It also provide for a significant portion of the revenue of the television industry.

The rapid digitization of the Indian economy has catalyzed a paradigm shift in the advertising sector, transitioning from traditional media to a sophisticated, data-driven digital ecosystem. While this transformation aligns with the broader objectives of the "Digital India" initiative to empower society digitally, it has inadvertently fostered market concentration where a select few technology conglomerates dominate the digital advertising landscape.

REGULATION OF INDIAN ADVERTISING

The legal provisions governing advertising on airwaves are designed to address not only commercial interests but also societal values and ethical standards. As advertising can significantly influence consumer behavior, particularly among vulnerable demographic segments such as children, ensuring that content is both truthful and non-deceptive is paramount. More important than the right of expression of the advertiser, is the right of the consumer to the information which he receives from the advertisements. Understanding the legal framework governing advertising through airwaves in India requires an examination of several key legislative instruments and regulatory bodies.

REGULATION OF ADVERTISEMENT UNDER CONSTITUTION OF INDIA

In countries with Constitution as supreme law there is a vigorous debate about the constitutional position of broadcast advertising. Advertising, it is said, is a form of commercial speech and therefore, is entitled to a degree of protection under free speech clause. In India, it is now well settled that advertisement (often described as commercial speech), covered under the free speech clause of the Constitution and enjoys its protection under Article 19(1) (a) of the Constitution.

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In ***Tata Press Limited v. Mahanagar Telephone Nigam Ltd.***[1] the question had arisen before the Supreme Court whether advertisement was 'commercial speech' and, thus, had the protection of Fundamental Right under Article 19(1) (a). The Supreme Court had maintained in its judgment that "commercial speech" cannot be denied the protection of Article 19(1)(a) of the Constitution merely because the same are issued by businessmen. The Supreme Court observed the invaluable role of advertising in the economy and held that the government was not entitled to a monopoly in respect of such information which was in the nature of "commercial speech" and therefore, protected under Article 19(1)(a).

A vital aspect of advertising that makes it part of Article 19(1)(a) is that it facilitates the dissemination of information about who is selling what product at what price. Advertising enables the citizen to make well informed and intelligent economic choices. Advertising which is no more than a commercial transaction is nonetheless dissemination of information regarding the product advertised. Public at large is benefited by the information made available through the advertisement. In a democratic economy free flow of commercial information is indispensable. There cannot be honest and economical marketing by the public at large without being educated by the information disseminated through advertisements. Advertisement being protected under Article 19 (1)(a) is also subjected to restrictions provided under Clause (2) of the Article 19.

STATUTORY REGULATION OF TELEVISION AND CABLE ADVERTISING

Commercial advertising on television was introduced in a small way on 1st January, 1976. Commercial service has since been extended besides the National Channel to Metro Channel. Before 1976 Ministry of Information & Broadcasting had been struggling on issue of commercialization on television. This issue was closely related to the struggle between education and entertainment. One strong argument opposing the commercialization was, Doordarshan is not for business television but for education, information and entertainment medium for the people of India, it should not be commercialized. But the government argued in favours of the commercialization on television, because of financial consideration. The logic behind this argument was that, it would help television to earn adequate money to nourish itself and finance its own programs. Considering all facts, the government finally on January 1, 1976 introduced advertisement on television.

Now Doordarshan telecasts advertisements for goods and services, but the acceptance of advertisements is governed by a comprehensive Code for Commercial Advertising. Doordarshan's Commercial Service is responsible for direction and supervision of planning and scheduling of advertisements, acceptance of contracts and approval of materials and scripts. Doordarshan Commercial Service at Delhi accepts booking for National Network, DD2, DD International and all regional kendras.

CODE FOR COMMERCIAL ADVERTISING ON DOORDARSHAN[2]

This code was passed by parliament in 1987. It suggests 33 'do's and don'ts for advertisers. Its main purpose is to ensure that advertisement conforms to law and does not offend against morality and decency. Advertisements on Doordarshan should follow the following code of conduct:

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[1] 1995 AIR 2438.

[2] Originally the All India Radio Code for Commercial Advertising covered advertising on television also. It lays down standards of conduct for advertisers. In 1976 the Doordarshan separated from AIR, and a separate Code, the Code of Commercial Advertising on Doordarshan, published in 1986.

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(i). Ads shall be so designed as to conform to the laws of the country and should not offend the morality, decency and the religious susceptibilities of the people.

(ii). Ads should not be against any caste, community, nationality, should not violate the Constitution, should not excite people to crime, should not affect friendly relations with foreign states, should not show national emblem, national flag, any national leader or state dignitary, should not promote cigarettes and tobacco products, liquor, wines and other intoxicants, and should not portray women as passive/sub-massive persons.

(iii). No advertisement should be presented as news.

(iv). Advertisements must not be directed towards any religious or political ends or have any relation to any industrial dispute.

(v). Ads should not promote money lenders, chit funds, saving schemes lotteries (other than government), unlicensed employment, betting tips or horse racing guide.

(vi). Ads should not claim miraculous or supernatural property or quality which is difficult of being proved.

(vii). If ads on television highlights the guarantee of advertised product, than document of guarantee for guaranteed goods will have to be made available to Director General of Doordarshan for inspection.,

(viii). Ads should not give derogatory remarks for competitive products.

(ix). Ads should not show excessive violence such as gunfire, bombardments, etc.

(x). Ads should follow moral decency i.e. should not obscene, vulgar and offensive in their theme or treatment.

(xi). Ads should be truthful, avoid distorting facts and misleading the public by means of implications and omissions

(xii). Ads should not be accepted if it shows that if children do not buy it they shall be lacking in their duty or loyalty to any person. Also if it is suggested in the advertisement that the children shall be condemned, ridiculed if they do not buy the product.

(xiii). Any pretence in advertising copy must be avoided.

REGULATION OF ADVERTISEMENT ON PRIVATE CHANNELS

With the economic liberalization and advent of private broadcasting channels in India, advertising took a prominent place on the broadcasting landscape. The liberalization of the Indian economy in the early 1990s has led to the accelerated entry of foreign business and foreign advertising agencies to sell the foreign products to the vast potential Indian market of over a billion people.

The cable broadcasting started in India in the year 1991. Cable television promised multiple channels and multiple choices for the viewer. Its introduction had profound effects on the broadcasting situation-programming, advertising and innovating formats to attract the attention of viewers. Foreign networks set new standards and it appeared Indians are keen to copy the lifestyle of the West, all at the expense of Doordarshan's viewership. Private channels changed the whole viewing and advertising scene. Now the main concern of television industry is to earn as much revenue as possible through commercial advertising which is directly related to the size of its audience.

The content of advertisement broadcasted on these satellite channels was predominantly western and totally alien to Indian culture and way of life, thereby was bringing cultural invasion into the lives of millions of Indian viewers. In the wake of proliferation of cable channel network, it has been observed

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that television, which was generally regarded as a serious business of ideas and creativity, has largely become a business of pure economics. Television was shaping up as a vehicle for entertainment, which is aimed at garnering maximum advertising.

As for the foreign channels the Indian government had no direct control over those that did not uplink from Indian soil and therefore could not force them to comply with the laws of the land. So initially the government not took any action to restrict the advertising content on these foreign channels.

But after facing a pressure, the government in September 1994, promulgated an ordinance which later passed the law, the Cable Television Networks (Regulation) Act, 1995. The Act legitimized the cable business and making the operators more accountable. The Act sought to register all cable operators and to prescribe an "Advertising Code" for advertisement transmitted or retransmitted by cable operators.[3] All programmes of satellite private Television channels, transmitted/retransmitted through cable services are required to adhere to the Advertisement Code. The government ordered the cable-operators to monitor content switching off any program that violated the Programming Code or Advertising Code. The Advertising Code provides almost similar regulations as applicable to Doordarshan under Code for commercial advertising on Doordarshan." Unfortunately, the Act and the Advertisement Code confines itself to the regulation of cable operators only and does not extend to broadcasters, with the result that broadcasters remain unaccountable under this Act.

REGULATION OF ADVERTISING ON ETHICAL GROUND

Ethics in advertising put some moral and social responsibility on advertisers. The advertiser should not use excessive fear and sexual appeal, indecent language, excessive persuasion, false claims, baseless and misleading comparisons. Besides legal regulations, steps have been taken for controlling unethical and untruthful advertising. To enforce ethical code on advertising, the Advertising Standards Council of India (ASCI), established in 1985[4]. It is committed to the cause of Self-Regulation in Advertising, ensuring the protection of the interests of consumers. It is a self regulatory voluntary organization of the advertising industry and a non-profit organization. Advertisers, media representatives, ad-agencies, advertising experts, academicians can be member of this council. This is not a statutory body and it is more or less the body of advertisers whose objective is to develop and enforce a code of conduct applicable on advertising. It aims at improving the image, trust worthiness of advertising and it snubs unethical practice adopted by advertisers. Its main objective is to promote responsible advertising thus enhancing the public's confidence in Advertising.[5]

The Role and Functioning of the ASCI & its Consumer Complaints Council (CCC) in dealing with Complaints received from Consumers and Industry, against Ads which are considered as False, Misleading, Indecent, Illegal, leading to Unsafe Practices, or Unfair to competition, and consequently in contravention of the ASCI Code for Self-Regulation in Advertising.[6] The main objects to be pursued by the Company on its incorporation are to monitor, administer and promote standards of advertising practices in India.[7]

[3] The Cable Television Networks (Regulation) Act, 1995, Section 6.

[4] Registered in Oct. 1985, u/s 25, as a Not-For-Profit Co., under the Companies Act 1956. The main objects to be pursued by the Company on its incorporation are to monitor, administer and promote standards of advertising practices in India with a view to Ensuring the truthfulness and honesty of representations and claims made through advertising and safeguarding against misleading advertising.

[5] http://www.ascionline.org/

[6] http://www.ascionline.org/index.php/asci-about/50-cat-about-asci-goals/asci-role-function

[7] The main objectives of ASCI are: (1). to ensuring the truthfulness and honesty of representations of advertising, and safeguard against misleading advertising; (2). to ensuring that advertising is not offensive and to develop generally accepted standard of public decency; (3). to avoid such practices which are generally regarded as hazardous to society or which are unacceptable to society at large; (4). to ensuring that

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CODE FOR SELF-REGULATION ON ADVERTISING ADOPTED BY ASCI

The advertising code has adopted by ASCI under Article 2(ii)(f) of its Articles of Association at the first meeting of the Board of Governors held on November 20, 1985 and amended in February 1995 and in June 1999. The code mandated that: The ads must be true in all aspects of its claims, comparison and descriptions. Ads should not have exaggerated claims. Comparison with competitive products should be clear, factual and it should not mislead the consumers.[8]

(i) The content of the ad should not be vulgar or indecent. The ad should be as per prevailing standards of decency.[9]

(ii) Ads should not provoke people to commit crime or involve in violence.

(iii) Ads should not criticize any caste, creed, race or nationality.

(iv) Ads should not negatively affect friendly relations with foreign nations

(v) Ads should not endanger safety of minors by showing stunts.

(vi) Products banned by law must not be advertised. [10]

(vii) If an ad makės a reference to a person or institution, it should be done only with prior permission of said person or institution.

(viii) Comparative advertisements are permissible in the interests of vigorous competition and public enlightenment provided that the comparison is factual, accurate and capable of substantiation and there is no likelihood of the consumer being misled as a result of the comparison.[11]

Under the ASCI Code, complaints against the advertisements can be made by any person who considers them to be false, misleading, offensive, or unfair. The complaints are evaluated by an independent Consumer Complaints Council (“CCC"). The responsibility for the observance of this Code for Self-Regulation in Advertising lies with all who commission, create, place or publish any advertisement or assist in the creation or publishing of any advertisement. All advertisers, advertising agencies and media are expected not to commission, create, place or publish any advertisement which is in contravention of this Code. This is a self-imposed discipline required under this Code for Self-Regulation in Advertising from all involved in the commissioning, creation, placement or publishing of advertisements.

REGULATION OF ADVERTISEMENT THROUGH OTHER STATUTES

The Indian advertising industry largely regulated by different other legislative statutes. The following laws have been enacted by the Indian legislature, which contain provision that regulate the advertising in India.[12] These enactments are equally applicable to television and cable networks.

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advertisements observe fairness in competition and the canons of generally accepted competitive behavior; (5). to codify adopt and from time to time modify the code of advertising practices in India and implement, administer and promote and publicize such a code. For more detail, see http://www.ascionline.org/index.php/asci-about/48-cat-about-asci-goals/asci-objectsofasci

[8] Advertising Standard Council of India Code of Self Regulation, Chapter I
[9] Ibid, Chapter II
[10] Ibid, Chapter III
[11] Ibid, Chapter IV

[12] For more detail discussion about these regulations, see Media Law and Ethics, M. Neelamalar, Phi Learning Private Limited, New Delhi, pp. 118-161,

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1. The Bharatiya Nyaya Sanhita, 2023.[13]

2. The Indecent Representation of Women (Prohibition) Act, 1986.[14]

3. The Young Persons (Harmful Publications) Act, 1956.[15]

4. The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.[16]

5. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.[17]

6. The Representation of People Act, 1951 prohibits political advertisements forty eight hours prior to polling time.[18]

7. The Transplantation of Human Organs Act, 1994.[19]

8. The Prize Competition Act, 1995.[20]

9. The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.[21]

10. The Motor vehicles Act, 1998.[22]

11. The Emblems and Names (Prevention of Improper Use) Act, 1950.[23]

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[13] The Bharatiya Nyaya Sanhita, 2023, Section 294(2)(d), makes it a punishable offence to advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person.

[14] The Indecent Representation of Women (Prohibition) Act, 1986, forbids the depiction of women in an indecent or derogatory manner in the mass media. No person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form. See Section 3 of the Act.

[15] The Young Persons (Harmful Publications) Act, 1956, Section3, makes it a punishable offence to advertise a "harmful publication". See also Sections 4, 6, and 7. A "harmful publication" is a publication portraying the commission of offence, acts of violence or cruelty or incidents of a repulsive or horrible nature, in such manner as would tend to corrupt a young person. [See, Section 2(a), ibid]

[16] The Cigarettes and Other tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, Section 5, prohibits the advertisement of cigarettes and other tobacco products.

[17] The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, prohibits advertisements of drugs for certain purposes and of treatment of certain diseases and disorders. The Act also prohibits misleading advertisements relating to drugs and advertisements of magical remedies for treatment of certain diseases and disorders. As per the law, no advertisement should promise magical cure for any ailments or disease and the rules specify the diseases and ailments that cannot be advertised promising cure or remedies. See, Sections 3, 4 and 5 of the Act.

[18] The Representation of People Act, 1951, Section 126.

[19] The Transplantation of Human Organs Act, 1994, Section 19(f), makes it a punishable offence to issue advertisements inviting persons to supply, for payment, a human organ.

[20] The Prize Competition Act, 1995, prohibits the publication or distribution of advertisements of price competitions where the prize or prizes offered exceeds rupees 1000 in any month. See Section 4 and also see, Section 11.

[21] The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Section 22, prohibits advertising relating to prenatal determination of Sex.

[22] The Motor vehicles act, 1998, Section 116(4), entitles the State Government to empower the police to direct the removal of any sign or advertisement which could obscure a traffic sign from view or any misleading advertisement that appears to be a traffic sign or which could distract the attention or concentration of the driver.

[23] The Emblems and Names (Prevention of Improper Use) Act, 1950, affects outdoor advertisements, like bill boards, posters, neon signs, etc. Section 3, prohibits the use, for professional or commercial purpose, of select

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12. Under the Consumer Protection Act, 1986, the appropriate consumer forum has the power to discontinue an "unfair trade practice" or a "restrictive trade practice".[24]

13. The Drugs and Cosmetics Act, 1940.[25]

CONCLUSION AND RECOMMENDATIONS

Despite several laws meant to protect consumers against such unfair trade practices, false and misleading advertisements continue to exploit the consumers. The advertisers not only violates the law relating to advertising but has failed to meet their social responsibility. Some examples of such violations are:

(i). All advertising of tobacco products, liquor, paan-masala in all media has been prohibited by the law. But advisements for cigarettes, liquor, paan-masala, products that are harmful to the public continue to find a place despite the ban imposed not only in private channels, cable, but also in National Channel. Surrogate advertising through brand stretching is a common practice by some tobacco companies or liquor companies. Examples include Mc Dowell's Soda, Bagpiper Club Soda, Seagram's Music Cassettes and discs, Wills lifestyle stores and Aristocrat Apple Juice which are seen as surrogate advertising for Mc Dowell's Whiskey, Bagpiper's Whiskey, Seagram's Whiskey, Wills cigarettes, and Aristocrat Whiskey respectively. Advertising of paan-masala/ mouth fresheners bearing the same brand name as tobacco products is a common practice.

(ii). Sex appeal is used in advertising explicitly to sell all kinds of things. It is used to gain consumer attention. It is used where it is not even appropriate to the product or service being advertised. Women are shown as decorative objects or as sexually provocative figures for advertisements for products and services where even women are not required. For example women provocating sex in advertisement of Shaving Foams or Creams, Addiction Deodorant, Condom (however, decently portraying women in an ad for condom is acceptable), Under-Garments, etc. does not make any sense at all.[26]

(iii). Today children are an important consumer and thus a key focus area for many advertisers. Advertisements encourage the children to persuade their parents to purchase the products shown in the commercials, whether useful or not. There are considerable amount of evidence on the negative effects of advertising on children. They are affected by the harmful and persuasive tactics used in advertising, because they do not have the same understanding of advertising intent as adults do. They do not understand the notion of intent to sell and frequently accept advertising claims at face value.[27] For example food advertising has an effect on children's food choices and behavior. Junk foods, such as pizzas, burgers and soft drinks, are heavily promoted during children's TV viewing time. This

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emblems and names of national or international significance. An advertiser who makes commercial use of such emblems and names would be liable under the Act.

[24] The Consumer Protection Act, 1986, Section 14(1)(f). The "unfair trade practice" is defined in Section 2 (r) of the Act as "unfair trade practice" means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice.

[25] . The Drugs and Cosmetics Act, 1940, regulates the production, manufacture and sale of all drugs and cosmetics in the country. The Act prescribes a fine of up to Rs. 500 for any person using any report or extract of report of a test or analysis made by the Central Drugs Laboratory or a government analyst for advertising of a drug or cosmetic. See, Section 29 of the Act.

[26] For more detail, see, A Vision Unveiled: Women on Television, Nandini Prasad, Har-Anand Publications, New Delhi, 1994, pp. 88-112.

[27] Advertising to Children: Concepts and Controversies, M.C. Macklin, L. Carlson, Thousand Oaks, CA, Sage; 1999

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develops a craving for fatty, sugary and fast foods in kids, thereby affecting their health adversely. Many advertisements in our television include dangerous stunts. Even though the commercials broadcast the statutory warnings with the ad, the kids often try to imitate the stunts at home, with fatal results.

(iv). The advertisers besides the norms prescribed by the different laws mislead the consumers through advertisements. Uses of untrue paid testimonials to convince consumers, quoting misleading prices, disparaging a rival product in a misleading manner are some examples of misleading advertisement. Advertisers of anti-aging creams, complexion improving creams, weight loss programs, anti-dandruff shampoos, and manufacturers of vitamins or dietary supplements are usually guilty of making exaggerated product claims.

(v). Sometimes the advertisements also violate consumer's right to safety. For example almost all advertisements for cooking oil says that using the said oil protects the user from heart problems, helps loose unwanted fat, control blood pressure etc. Such advertisements are misrepresenting the facts.

(vi). Another major complaint against advertisements is it creates artificial needs among people and make them buy the things that are not needed even and this practice tends to change things of comfort and luxuries into thing of necessities.

The Cable Television Networks (Regulation) Act, 1995 has long served as a cornerstone of India's legal framework governing television advertising by establishing minimum standards for the content and dissemination of commercial advertisements. Its provisions have played a vital role in preventing deceptive, offensive, and socially irresponsible advertisements from reaching the public. The Act introduced uniform standards for advertising content by prohibiting advertisements that are deceptive, offensive, or detrimental to public morality and consumer welfare. While it continues to play an important role in overseeing television advertising, the proliferation of over-the-top (OTT) platforms, digital streaming services, and social media has significantly altered the media environment. These developments have highlighted the limitations of legislation framed primarily for traditional broadcasting, underscoring the necessity for legal reforms that effectively regulate advertising across converged digital and broadcast platforms while maintaining a balance between commercial freedom, innovation, and consumer protection.

Nevertheless, the rapid expansion of digital media, over-the-top (OTT) platforms, social networking services, and data-driven advertising has fundamentally altered the advertising ecosystem. These developments call for a re-examination of existing regulatory mechanisms to ensure that they remain effective, technologically adaptable, and responsive to contemporary market realities. India's advertising regulatory regime extends beyond a single statute and encompasses a combination of legislative provisions, delegated regulations, judicial interpretation, and industry self-regulation. The regulatory environment requires advertisers, broadcasters, digital platforms, and other market participants to comply with legal standards relating to consumer protection, advertising ethics, broadcasting norms, and fair trade practices. At the same time, the convergence of broadcast and digital media has introduced significant regulatory complexities, including questions of jurisdiction, platform accountability, cross-border advertising, and enforcement in the online environment. Addressing these issues is essential for developing a coherent and future-ready regulatory framework that balances commercial innovation with public interest and consumer welfare.

In recent years, rapid digitalization has fundamentally transformed the advertising ecosystem, compelling a reassessment of the legal and regulatory frameworks governing commercial communications in India. The emergence of online streaming services, social media platforms, influencer marketing, and AI-driven advertising has significantly blurred the distinction between traditional broadcasting and digital media. As a result, regulatory mechanisms originally designed for conventional forms of advertising are increasingly challenged in addressing the complexities of the digital environment.

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These technological developments have exposed gaps in the existing legal framework, prompting policymakers and regulatory authorities to reconsider the scope and effectiveness of current laws. Issues such as targeted advertising, consumer data privacy, algorithmic transparency, misleading online promotions, and the rapid dissemination of misinformation have become central concerns in advertising regulation. Consequently, there is a growing need for a modern, technology-responsive regulatory framework that safeguards consumer interests, promotes ethical advertising practices, and ensures accountability across both traditional and digital media platforms in an increasingly interconnected communication landscape.

Today, due to the lacking of a strict and effective legal mechanism there has been a criticism in India that broadcast advertising has failed to meet its social responsibility vested in it.[28] Advertising, while playing a positive role as an economic force in the life of a nation has certain social responsibilities as well to discharge. These responsibilities make advertising not only acceptable but also an appealing source on members of the society, if, it comes to meet these responsibilities. I believe that there is a strong public interest in regulating the Indian advertising industry and regulation is required in both fields: 1quality of advertisement and quantity of advertisement.

Outdated laws and poor enforcement of them are some of the lacunas in order to control advertising. Additionally, absence of a single comprehensive legislation created a lot of confusion in terms of a proper code to follow by the advertising industry and the authority to regulate or guide the pattern of advertising. The Indian television industry, more importantly the private broadcasting industry needs a strict regulatory mechanism, which protects the consumer's right and evolves a new chapter of consumer jurisprudence. The changing context of globalization required better regulation and better enforcement mechanism. Not only in advertising sector, the whole nation, its polity, its economy, its social structure struggling with the moral crises. So in this environment again a deep research about the relation of law and morality is very urgent.

The development of advertising regulation in India demonstrates the continuous adaptation of legal institutions to changing communication technologies and market practices. As the advertising industry has expanded across television, digital platforms, and social media, regulatory priorities have shifted toward ensuring transparency, protecting consumer interests, and promoting responsible commercial communication. The increasing integration of traditional broadcasting with digital technologies has created new legal and ethical challenges that existing regulatory frameworks were not originally designed to address. Consequently, there is a growing need for a comprehensive and technology-neutral regulatory approach capable of responding to the evolving dynamics of the advertising ecosystem.

[28] For more detail discussion, see Lectures on Mass Communication, S. Ganesh, Indian Publishers Distributors, Delhi, 1995, pp. 352-387.