The DPDP Act Case: Data Protection at the Cost of Press Freedom?

November 11, 2026



On 27 October, a three-judge bench of the Supreme Court led by Chief Justice Surya Kant heard a petition filed by the Digital News Publishers Association (DNPA) challenging the Digital Personal Data Protection (DPDP) Act, 2023, and the rules notified in 2025. The DNPA represents 21 major Indian news organizations across the media spectrum, including Network18 and NDTV, owned by the Ambani and Adani groups, respectively. Although multiple petitions have been filed in the SC challenging the constitutional validity of the DPDP Act, the DNPA's petition is the most high-profile legal challenge to India's first comprehensive data protection legislation. The core of the DNPA's argument concerns the Act's lack of a specific exemption for journalistic work.

According to the Act, "Data Fiduciaries" – entities that collect and process personal data- must do so only after obtaining users' consent and only for "certain legitimate

uses." Data Fiduciaries can be businesses (Indian and foreign), digital platforms, hospitals, government bodies, etc. Section 7 of the Act outlines a closed list of nine scenarios of "legitimate uses" under which they can process an individual's personal data without explicit notice or consent. These include medical emergencies, state welfare and public services, and national security matters. Section 17 lists instances where Data Fiduciaries are exempt from seeking consent, either completely or partially: matters related to national security, public benefit, crime investigation, judicial proceedings, research/statistics, and public data. Journalism makes neither list. This departs from earlier versions of the law in 2018, 2019, and 2021, which included exceptions for journalism.

Journalists fear the law will force them to obtain consent from individuals they wish to investigate, allowing those individuals to destroy evidence and intimidate witnesses. It will also allow the government to identify journalists' sources, crippling investigative reporting. The petition states that several sections of the law "strike at the core of our democratic framework and run contrary to the basic tenets of the Constitution of India". According to Reuters, in August, media companies received assurances from the government that the law would protect press freedom, but they were "alarmed" at the absence of a written carve-out for journalists, unlike the EU, Singapore, and Britain, which also have data protection laws. Senior Advocate Madhavi Divan, representing the "legacy media" association, stated that the law will create a "complete regime of pre-censorship".

The CJI said a balance must be struck between the rights of individuals and those of media houses. The SC bench observed that the petitioner media organizations were themselves "domain experts" and could help the Union Government identify potential misuse of the law. It has issued a notice to the Center seeking a response, and scheduled the next hearing for

November 17. A day after the court proceedings, Union Minister of IT Ashwini Vaishnaw said the DPDP Act did not infringe on press freedom and invited editors and media professionals to discuss their concerns with the government.

Media landscape

The current relationship between India's political establishment and its media ecosystem has been under considerable scrutiny. Despite India's large and linguistically diverse media landscape, ownership of major media houses is concentrated among a handful of conglomerates and traditional family businesses. There has also long been public concern over political influence on editorial independence. India's press freedom ranking in the RSF (Reporters Without Borders) index has declined over the past decade and a half, reaching its lowest point in 2023, when it ranked 161st out of 180.

The Adani Group's acquisition of NDTV in 2022 and Reliance's expansion across media platforms have further lent evidentiary weight to arguments about a compromised media landscape. However, notably, both NDTV and Network18 are members of the petitioning DNPA alongside prominent publications such as The Hindu and The Indian Express. The participation of the oft-labeled 'Godi Media', or 'lapdogs' of the ruling establishment, in efforts to counter the DPDP Act does not necessarily signal a shift in their editorial positions. Such a move could partly be an optics-driven effort to claim their belonging in an unbiased media ecosystem. But regardless of optics, their participation adds weight and a broader base of ownership to the significance of the challenge to the DPDP Act – one previously taken up by smaller, independent media houses.

The RTI aspect

There has been a long-running debate over institutional

accountability and the shrinking space for independent scrutiny in India. The Right to Information Act (2005) emerged from sustained grassroots campaigning for transparency and has been an important tool for journalists to demand accountability from public institutions. The original mandate of the RTI Act was that personal information could be withheld only if it bore no relation to public interest (Section 8(1)(j)). The contested DPDP Act amends this Section, simply exempting the disclosure of all personal information, regardless of public interest. For journalists in particular, this is a worrying development, especially when seeking information involving persons in power, such as public officials or contractors. The opposition INDIA bloc has also flagged the DPDP Act's contradiction of the RTI.

On the other hand, Rule 23 of the DPDP Act allows the Center to require any Data Fiduciary to furnish any information, and also bar them from disclosing that such a request was made. The result is a potential increase in the government's ability to access information from private entities, while simultaneously reducing journalists' ability to scrutinize public institutions.

A thematic continuation

The timing of the legal challenge to the DPDP Act is noteworthy. It comes amid a wider public campaign against the Special Intensive Revision (SIR) of Electoral Rolls, sparked by an investigative report published by the Indian Express. Concurrently, other publications, such as the Economic Times and the Reporters' Collective, had highlighted additional dimensions of the SIR row. This marked an important moment in Indian investigative journalism – one that was long presumed toothless.

While the SIR row and the DPDP case are not intrinsically related, there is a degree of thematic convergence. That electoral integrity, press freedom, and questions of rights

have entered public discourse and judicial forums simultaneously shows that the core tenets of democracy are once again taking center stage in the public mood. A single thematic thread of accountability ties together prominent domestic political events this year, starting with the July protests led by the CJP; the media's role has been crucial in amplifying public grievances and platforming voices critical of the government.

Possible implications

While the Act came into force on 13 November 2025, its full compliance deadline is 13 May 2027, following which financial penalties become enforceable. The DPDP Act could have consequential implications in the upcoming state elections (Uttar Pradesh, Punjab, Uttarakhand, Goa and Manipur in February-March 2027, followed by Gujarat and Himachal Pradesh towards the end of the year). The opposition has increasingly sought to frame its challenge to the NDA centered on electoral integrity, institutional accountability, and the constitutional validity of legislation. The SIR controversy has become a major rallying point. The DPDP Act could feed into the larger political narrative, especially given that the INDIA bloc has previously condemned the government's amendment of the RTI Act. More immediately, the information environment in which the elections and their preceding campaigns will be conducted is likely to be tested. Restrictions on investigative reporting into election candidates and political financing could make independent scrutiny more difficult, as such reporting relies heavily on personal data.

As the SC has so far refused to grant an interim stay on the law, uncertainty mounts about the possible implications of the DPDP Act's full implementation. It is unlikely that the final SC verdict will strike down the law. How it reads down the Act, or strikes a balance between competing claims, remains to be seen. In the present and final phases of the Act's implementation, the most pertinent question will be: to what

extent will the government gain a stronghold over information under the guise of data protection? And how will the media navigate a changing data protection regime while upholding its integrity? Amidst such uncertainties, a sliver of optimism emerges about the revival of a responsible and proactive Press.