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“Paid News”:

How corruption in the Indian media undermines democracy

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Conclusions

Though the phenomenon of widespread practice of “paid news” has been verbally confirmed and vindicated by politicians and campaign managers of political parties, there is no recorded documentation that would firmly establish that there has been exchange of money between media houses/advertisement agents/journalists and politicians/political parties. The problem in establishing the practice of “paid news” is simply one of obtaining hard proof or conclusive evidence. With one notable exception (Shri Parcha Kodanda Rama Rao of the Loksatta Party in Andhra Pradesh), no complainant has been able to provide the Press Council of India with documents as proof of money having been paid to carry positive news. Even the rate cards that had been formulated by media houses and had been passing around during elections were just typed sheets of paper which carried nothing on it to attribute it to a newspaper/television news channel that had put it together nor anything that could be attributed to a journalist/advertisement agent.

However, the huge amount of circumstantial evidence that has been painstakingly gathered by a few well-meaning journalists, unions of journalists, other individuals and organizations together with the testimonies of the politicians and journalists who have deposed before the Press Council of India, goes a very long way in establishing the fact that the pernicious practice of “paid news” has become widespread across media (both print and electronic, English and non-English languages) in different parts of the country. Interestingly, this phenomenon appears to be less pervasive in states (such as Kerala and Tamil Nadu) where the media is clearly divided along political lines.

The guidelines of the Press Council of India that news should be clearly demarcated from advertisements by printing disclaimers, should be strictly enforced by all publications. As far as news is concerned, it must always carry a credit line and should be set in a typeface that would distinguish it from advertisements.

It should be mandatory for all candidates/political parties to fully disclose their equity stakes and/or financial interests in newspapers/television channels on which news about their candidates/parties as well as interviews with candidates and/or representatives of the political parties are published or broadcast. If a candidate is being interviewed or given positive publicity on a particular newspaper/television channel, the association (financial or otherwise) of the candidate with the newspaper/television channel if any must be disclosed to the reader/viewer.

Section 123 of the Representation of the People Act, 1951, should be amended by Parliament to make the practice of paying for news coverage in newspapers and television channels an “electoral malpractice” or an act of corruption and made a punishable offence.

The Election Commission of India should set up a special cell to receive complaints about “paid news” in the run-up to elections and initiate a process through which expeditious action could be taken on the basis of such complaints. In order to place a check on frivolous complaints being made a time limit of, say, one month from the date of publication or broadcast of the report should be imposed. The Election Commission of India should nominate independent journalists and/or public figures as observers in consultation with the Press Council of India who would accompany the election observers deputed by the Election Commission of India to various states and districts. Just as the deputed election observers are expected to report and keep a check on any malpractices in election campaign and the conduct of elections, these nominated journalists could report on instances of activities of practice of paid news to the Press Council of India and the Election Commission of India.

The Press Council of India should constitute a body of media professionals with wide representation at the national/state/district levels to investigate (either *suo moto* or on receipt of complaints of) instances of “paid news” and the recommendations of such a body – after going through an appellate mechanism -- should be binding on the Election Commission of India and other government authorities.

The Press Council of India should be open to entertaining complaints about “paid news” from journalists while assuring them of secrecy if they act as whistle-blowers.

Media organizations should refrain from the practice of engaging stringers and correspondents who double up as agents collecting advertisements for their organizations and receiving a commission on the revenue that accrues from advertisements instead of receiving stipends or retainers, if not, regular salaries.

If working conditions and conditions of job security for journalists are improved and the autonomy of the editorial staff upheld in media companies, this would to an extent curb the phenomenon of “paid news”.

Despite its quasi-judicial status, the Press Council of India has limited powers. The Council has the power to admonish, reprimand and pass strictures but cannot penalize the errant or those found guilty of malpractices. Besides, the Council’s mandate does not

extend beyond the print medium. In the absence of an alternative body, the Press Council of India's mandate should be widened to receive complaints and grievances against and about the working of television channels, radio stations and internet websites. The Press Council should be given legal powers to not merely admonish or pass strictures but also impose penalties against errant individuals and organizations.

A proposal to amend Section 15(4) of the Press Council Act, 1978, to make the directions of the Council binding on government authorities, has been pending for a long time and should be amended to provide the Council more "teeth".

The Election Commission of India should actively identify instances of "paid news" and if a *prima facie* case is established, the Commission should initiate action on its own against the errant and, if necessary, seek the assistance of those government authorities responsible for enforcing the provisions of the Indian Penal Code and other laws.

The editor or editor-in-chief of a publication should print a declaration in his or her newspaper stating that the news that is published has not been paid for by any political party or individual. Such disclaimers should be issued when the model code of conduct for elections comes into force and may morally bind the staffers of a media company to adhere to professional ethical standards while discouraging the management from pushing a particular political agenda. However, self-regulation only offers partial solutions to the problem since there would always be offenders who would refuse to abide by voluntary codes of conduct and ethical norms that are not legally mandated. The owners of media companies need to realize that in the long term, such malpractices undermine not just democracy in the country but the credibility of the media as well. Civil society oversight can also deal with the problem, but only to an extent.

There should be a debate among all concerned stakeholders on whether a directive of the Supreme Court of India that enjoins television channels to stop broadcasting campaign-related information on candidates and political parties 48 hours before elections take place can and should be extended to the print medium since such a restriction does not apply to this section of the media at present.

It can be effectively argued that the existing laws of the land (including the provisions of the Indian Penal Code and the Representation of the People Act) have the potential to check the malpractice of "paid news" provided the concerned authorities, including the Election Commission of India, are not just proactive but also act in an expeditious manner to apprehend those indulging in practices that are tantamount to committing a fraud on the public.

Conferences, workshops, seminars and awareness-generating campaigns should be organized involving, among others, the Ministry of Information & Broadcasting, the Press Council of India, the Election Commission of India, representatives of editors, journalists associations and unions and political parties to deliberate on the issue and arrive at workable solutions to curb corruption in the media in general and the "paid news" phenomenon in particular.

All these initiatives, if sincerely implemented, may not entirely stop such malpractices in the Indian media but could reduce their incidence to a considerable extent.

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