
THE SILENT MENACE: PAID NEWS AND ITS THREAT TO DEMOCRACY

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ABSTRACT

In the contemporary landscape of information dissemination, the pernicious influence of paid news quietly undermines the very essence of democratic principles. This paper endeavours to unravel the intricate web of consequences stemming from the proliferation of paid news, shedding light on its insidious threat to democracy. Paid news, characterized by its dissemination of biased or misleading information in exchange for financial gain, operates as a subtle yet potent tool for manipulating public opinion and subverting democratic processes. At its core, paid news distorts the integrity of democratic elections by skewing public perception and influencing electoral outcomes. Through strategic dissemination of tailored narratives and biased coverage, political actors and vested interests leverage paid news to manipulate voter sentiment and sway electoral results in their favor. Moreover, the complicit role of media conglomerates, driven by profit motives and corporate interests, exacerbates the spread of paid news, further eroding the credibility of democratic institutions.

Beyond its immediate electoral implications, paid news engenders broader societal repercussions that undermine the foundational principles of democracy. By perpetuating misinformation and sowing seeds of discord, paid news fuels societal polarization, deepening ideological divides and fracturing social cohesion. Moreover, the erosion of journalistic ethics and integrity perpetuated by paid news undermines the essential role of the media as a watchdog and guardian of democracy, thereby compromising the public's right to accurate and unbiased information. In confronting the silent menace of paid news, proactive measures are imperative to safeguard the integrity of democratic processes and uphold the principles of transparency, accountability, and civic engagement. This necessitates comprehensive regulatory frameworks to combat the spread of paid news, promote media literacy and critical thinking, and foster a culture of transparency and accountability in media practices. By addressing the root causes and

consequences of paid news, society can fortify its resilience against this existential threat and reaffirm its commitment to the ideals of democracy.

Keywords: Paid News, Democracy, Influence, Misinformation, Manipulation, Electoral Integrity, Regulatory Frameworks, Transparency, Accountability, Civic Engagement, Media Literacy, Critical Thinking.

INTRODUCTION:

The press holds a crucial role in nation-building and sustaining a robust democracy by serving as a conduit between the public and key democratic institutions such as the legislature, executive, and judiciary. It serves the vital function of holding authorities accountable for their actions and inactions. Ideally, news reporting should be unbiased, equitable, and impartial, allowing individuals to formulate their own opinions on various issues. Hence, the freedom of the press is fundamental in any democratic system. However, the emergence of political paid news poses a serious threat to press freedom and journalistic integrity. This phenomenon has become increasingly organized, with political parties providing substantial funds to newspapers and television channels in exchange for disseminating false information that supports their agenda. Consequently, this manipulation of information can influence public opinion negatively, fueling discord and violence. Preserving the integrity of the Fourth Estate is crucial for maintaining peace and harmony among people, while also upholding the freedom of the press and journalists.

WHAT IS PAID NEWS?

The publishing or broadcasting of a news story that is typically biased or inaccurate, for the party's advantage, in exchange for payment, is known as paid news. Though it is not a new phenomenon, the 2009 general elections brought it to light. The Press Council of India (PCI) on its report on paid news published in 2009, defines it as “any news or analysis appearing in print or electronic media for consideration in cash or kind.”¹ In its 47th report on "Issues Related to Paid News," the Parliamentary Standing Committee on Information Technology under the Ministry of Information and Broadcasting (MoIB) supported PCI's definition and coined the term "paid news syndrome" for this problem. It also had news articles that were really advertising. A thorough and extensive legal definition of paid news is nevertheless

¹ <https://presscouncil.nic.in:443/OldWebsite/CouncilReport.pdf>.

required, and it should be developed in cooperation with all relevant parties, including the PCI, media outlets, and corporations.

DIFFERENCE BETWEEN NEWS AND POLITICAL ADVERTISING

Any form of advertisement that supports a political party or one of its candidates is referred to as political advertising. Advertising pertaining to matters of public interest or governmental policies might also be included. Political advertising includes election advertising as well, which is the promotion of a specific party or candidate along with their platform through content about an impending election. Criticizing the policies of the present administration might also be included. The distinction between journalism and advertorials has become less clear, though, as the practice of paid news has grown in popularity. Paid news frequently misleads readers and viewers by endorsing a political party under the pretense of an educational article. It challenges the fundamental democratic principle established in the Indian Constitution. Therefore, the MoIB and the PCI recommended that news outlets and the media distinguish between political advertising and news content. Disclaimers should appear beneath political advertisements printed in newspapers, and news networks must to provide a credit line that separates journalism from political advertising.

CAUSES OF PAID NEWS

The Standing Committee determined a number of causes for the increase in sponsored news. A few of the main causes are the corporatization of media, low pay levels, a reduction in journalist autonomy, and the conflict between editors and managers of newspapers and television networks. The explanations are covered in further depth below:

1) Lack of Journalistic Autonomy

The media house managers typically work up a deal with a party to publish paid news, after which the party forces their editors to cover the news in a way that benefits the paying party. As a result, journalists are forced to work as copywriters for advertisements and marketing campaigns, etc. When it comes to the selection and presentation of news that could result in income, managers have greater sway than journalists. Interference of this kind damages the rapport between journalists and management and creates a poisonous work atmosphere.

2) Private Treaties

A private treaty is an arrangement whereby business entities or non-media companies transfer a portion of their company to media organizations in exchange for preferential coverage and advertising space. The inception of this phenomena dates back to 2003, when Bennett, Coleman Company Limited (BCCL), the publishers of Times of India (TOI), made the decision to develop Medianet, a paid content service that provided journalists with paid press coverage of company product launches. Although this action drew harsh criticism, it was eventually covered up, and other media networks adopted the same tactic. For shares in their businesses, a number of corporations, including Kinetic Motors, Pantaloons, and Videocon India, brought space to TOI. It affected the standard of news reporting in TOI, and as a result, as of right now, a full-page corporate or political advertisement appears on every other page of the publication.

EFFECTS ON ELECTION PROCESS

There is an abundance of paid news, both during and after elections. During an election, news content is provided by political parties, candidates, media outlets, public relations firms, advertising agencies, and journalists. In addition to praising the party or candidate who provided the payment, they must disparage their rival. Press coverage for candidates who refute involvement in this fraudulent practice is nonexistent. The PCI listed the following consequences of the election-time paid news phenomenon in its 2009 report:

- Because press reports about political candidates and parties are skewed and inaccurate, the public is not given a true image of either party or their work. It undermines democracy at its core.
- The candidates for election should submit their financial statements to the Election Commission of India (ECI), including all of their out-of-pocket costs and revenue. Nevertheless, the majority of the transactions made here are in kind or cash and are not documented, which is against the 1961 Conduct of Election Rules established by the Representation of People Act, 1951 (RPA).
- The press violates the Income Tax Act, 1961 (IT Act) by failing to disclose such transactions in their statements when they get payment in exchange for publishing

news. It is more difficult for the authorities to hold anyone accountable when the trade is not documented.

LEGAL FRAMEWORK ON PAID NEWS

1) Indian Constitution

Article 19 of the Indian Constitution guarantees the freedom of speech of the citizens, including that of the press.² The commercial speech is covered by this page as well. Thus, under free speech, paid news has some redress. However, the public's right to knowledge must be respected in addition to the press's freedom of speech. Information released in the name of press freedom must be accurate and objective. The media has a responsibility to disseminate accurate information so that the public can make informed decisions about issues of public interest. In the Supreme Court in the case of *Secretary, Ministry of Information and Broadcasting, Government of India & Ors. v. Cricket Association of Bengal & Anr*³, observed that, misinformation or one-side information of news, influenced by an authority or private individuals, threatens the core value of democracy.

2) Representation of the Peoples Act, 1951

According to Section 123 of the Act, corrupt practices are prohibited and can result in an individual's disqualification. According to Section 123(4), a candidate or his agent faces disqualification from the election under Section 8A of the RPA if they broadcast false claims on the moral character of other candidates. As mandated by Section 77, all candidates must provide the ECI with their financial statements detailing their expenditures during the election process; failing to do so will result in their disqualification for a maximum of three years. It is necessary to consider examples of sponsored news from the candidate's nomination through the election process. Paid news is classified as a "other document" under Section 127A(3)(b) of the RPA since it involves a commercial transaction. Disclosure of those documents and transactions to the ECI is mandatory under RPA.

² Article 19, Constitution Of India

³ Ministry of Information and Broadcasting, Government of India & Ors. v. Cricket Association of Bengal & Anr, 1995 SCC (2) 161

3) Election Commission Of India

Article 324 of the Indian Constitution established the Election Commission of India, an independent organization that oversees state and national elections in India. In addition, the commission has the authority to disqualify candidates and monitors the behavior of political parties. The Election Commission established the following rules in an effort to stop the spread of sponsored news:

- In the case of *Ministry of Information and Broadcasting v. M/s Gemini TV Pvt Ltd & Ors.*⁴ the apex court directed that all political advertisements by any registered party or candidate before publishing it on TV, Radio, or newspaper should get approval from the ECI.
- At the district and state levels, it established the Media Certification and Monitoring Committee (MCMC), whose job it is to oversee and approve all paid news and political advertisements issued by local candidates. It will examine voice and mass SMS messaging, radio, movie theaters, social media, and other platforms in the region where it is located. In 2019, the guidelines were revised to include a social expert/intermediary on the committee.
- According to the guidelines provided in the Compendium of Instruction on Election Expenditure Monitoring, candidates must disclose all costs associated with paid news and advertising that they have run in newspapers and on TV.
- Six months prior to the dissolution of the Lok Sabha or Rajya Sabha, each state's Chief Electoral Officer (CEO) is required to compile a list of all TV, radio, and newspaper outlets in their jurisdiction, together with their regular advertising rates. The Commission may impose fees based on the rates that state CEOs collected prior to the elections if it discovers that the party has not disclosed in their financial accounts the costs of sponsored news and advertisements.
- The News Broadcasters Association (NBA) and PCI, two significant press stakeholders, assist the MCMC in taking command of the sponsored news landscape. Any individual or association found guilty of the offense by MCMC is referred to the NBA, where

⁴ *Ministry of Information and Broadcasting v. M/s Gemini TV Pvt Ltd & Ors.*

appropriate legal action is taken against them in accordance with the guidelines. The NBA has established its own guidelines addressing this matter.

JUDICIAL PRONOUNCEMENTS

1) Smt. Umlesh Yadav v. Election Commission of India

On October 24, 2011, the Election Commission disqualified Smt. Umlesh Yadav, an incumbent Member of Legislative Assembly from Uttar Pradesh, for a term of three years in accordance with Section 10A of the Representation of People Act, 1951. This was due to her inability to submit an accurate statement of her expenditures in accordance with Section 77 of the Act. In response to her appeal, the Allahabad High Court maintained the ECI's ruling and barred her from running for office.

2) Ashok Shankarrao Chavan v. Election Commission of India

In a related instance, Ashok Chavan was barred by the Commission from running for office for three years due to his dishonesty and tardiness in submitting the financial statement that detailed his pre-election expenditures. Nevertheless, Ashok Chavan was permitted to run for office after the Delhi Court overturned the ECI's ruling.

3) Dr. Narottam Mishra v. Election commission of India & ors.

Currently serving as Madhya Pradesh's Minister of Home Affairs is Narottam Mishra. On June 23, 2017, the ECI disqualified him for submitting fraudulent reports of election expenses and utilizing bought news during the 2008 elections. 42 instances of paid news were established by the commission against Mishra. After receiving an appeal, the Delhi High Court halted the Commission's ruling of disqualification. Additionally, the HC barred ECI from litigating any cases involving paid news, stating that such disqualifications impair citizens' right to free speech. In October 2018, the Commission appealed to the Supreme Court, which overturned the Delhi High Court's judgment regarding the investigation of sponsored news cases.

MEASURES TO TACKLE THE MENACE OF “PAID NEWS”

Concerning the threat of "Paid News," some experts and stakeholders have called for government intervention, while others have suggested self-regulation. Still others have

proposed multi-tiered regulation, with an Ombudsman and self-regulation serving as the first tier and a body, authority, or organization with statutory or legal support or limited external regulation serving as the second tier. The following are the different corrective actions recommended to lessen the threat:

1) Efficacy of Self-regulation

One highly effective way to counteract the "paid news" situation is by self-regulation. Self-regulation, however, only provides partial answers to the issue since there will always be wrongdoers who refuse to follow moral standards and voluntary rules of conduct that are not required by law. The most important thing to do to stop "Paid News" is to establish a regulatory framework since media outlets are using their freedom of speech as a weapon. Furthermore, the majority of people, professionals, parties, and organizations—aside from the News Broadcasters Association (NBA)—have argued that some oversight or regulatory system is necessary to stop the illness.

2) Role of Press Council of India (PCI)

The Press Council of India's "Report on Paid News" contains the following key recommendations:

The Representation of the People Act, 1951 should be modified to criminalize the distribution of paid news during elections.

The Press Council of India needs to have complete authority to hear appeals of "paid news" and render a final decision in the case.

The Press Council of India should be recreated with representatives from electronic and other media, and the Press Council Act should be changed to make its recommendations enforceable and include electronic media.

3) Regulation of advertisements by DAVP

Under the Ministry of Information and Broadcasting, the Directorate of Advertising and Visual Publicity (DAVP) serves as the Central Government's central advertising agency. A number of

parties claimed that the government manipulates media outlets with ads to give them favorable treatment.

4) Complaint Redressal Mechanism/Ombudsman

All media outlets lack a comprehensive Ombudsman or Complaint Redressal Mechanism to investigate complaints pertaining to "Paid News." According to the PCI, every media company ought to have an Ombudsman who may act as a first line of defense and oversight. The complaints and redressal process ought to be straightforward, efficient, and time-limited.

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6) Transparency regarding Revenue/Assets of Media Houses and Right to Information Act, 2005

Even though they follow all the rules and regulations in place, some media outlets use the justification that disclosing information about their revenue from advertisements or the source of their newspapers' income violates their press freedom and they are therefore unable to provide it.

SUGGESTIONS

1) The Government of India received a letter from the Election Commission in February 2020 requesting that paid news and fraudulent affidavits be considered electoral offenses under the RPA. A fresh set of recommendations was issued in 2020, however the Chief Election Commissioner's 2011 suggestion was still waiting before the government. A candidate who files a fraudulent disclosure faces a six-month jail sentence; however, if it is deemed an electoral offense, they will not be allowed to run for office.

2) Penalizing the offense of paid news is crucial. A thorough definition of paid news should be included in the Indian Penal Code, which should be updated accordingly. It will hold political

parties, corporations, and media outlets accountable for the offense of publishing paid news.

3) In its findings, the PCI recommended that media outlets create an ombudsman or a complaint redressal system. Before it goes to court, it will investigate the paid news issues in the office.

4) It is recommended that mandatory disclosure rules be implemented for all media outlets. To this aim, Rule 7(9) of the Cable Television Network Rules, 1994 ought to be modified.

CONCLUSION

Paid news was a big issue during the 2014 general elections, but with the advent of fake news, it was pushed to the side. Both transgress the principles of free and fair elections as well as press freedom. The press has an obligation to provide accurate and fair information to the public so that it can form opinions on a range of matters of public importance. The identification and punishment of paid news cannot be done using a rigid method. These days, many news networks are owned by MPs or MLAs from a particular party, who have an indirect say over the content of the channel. For example, Mr. Rajiv Chandrashekar, who is currently an independent member of the Rajya Sabha but has ties to the Bharatiya Janata Party (BJP), co-founded and owns Republic News. The station has been charged with breaking the journalistic code of ethics and exhibiting prejudice towards the Bharatiya Janata Party. The ruling in the Narottam Mishra case by the Supreme Court will now determine the future of paid news and the authority of ECI to investigate these issues.

LITERATURE REVIEW

1) Paid News in India Disrupts Press Freedom and Ethical Conduct⁵

This article discusses the pervasive issue of paid news in India and its detrimental effects on press freedom and journalistic integrity. It highlights the factors contributing to the rise of paid news practices, such as commercial pressures, political influence, and the erosion of journalistic values. The article emphasizes how the presence of paid news compromises the credibility of the media industry, leading to a loss of public trust and a distortion of information dissemination. It also examines specific cases, like the allegations against Madhya Pradesh Minister Narottam Mishra, where the Election Commission penalized individuals involved in

⁵ Paid News in India Disrupts Press Freedom and Ethical Conduct, Abhijit Mazumdar, International Communication Research Journal, 2016, Vol. 51, No. (2), pp. 43-67

paid news activities. This article calls for solutions to combat this issue, including stricter regulations

2) Paid News in Indian Dimension⁶

This article discusses the issue of Paid News in Indian media, highlighting how media outlets receive monetary considerations for publishing or broadcasting content that is essentially advertisements disguised as news. The document emphasizes that Paid News is not solely an election-time phenomenon but has a significant impact during elections. It mentions instances where candidates do not disclose paid promotions in their election expense accounts, violating rules. The Press Council of India stresses the importance of maintaining independence between management and editorial staff in media companies to uphold journalistic integrity. The document also touches on the challenges faced by journalists, including low wages and the erosion of their independence due to contractual employment. Additionally, it addresses the practice of 'Private Treaties,' where media companies receive shares in exchange for favorable coverage, and the issue of cross-media ownership leading to potential monopolistic practices. Overall, this article sheds light on the complexities and implications of Paid News in Indian media, raising concerns about its impact on democracy and the public's right to accurate information.

⁶ Paid News in Indian Dimension, Dr.Nagendra and Dr.Jagadish JR, Indian Journal of Applied Research, Volume 5 Issue 7, July 2015, ISSN - 2249-555X.

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