

Trends and Forms of Paid News: An Analysis of Experts' Opinion

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Abstract

The phenomenon of paid news has always been a matter of concern either in the form of 'advertisements disguised as news' or 'publicity material disguised as news'. But the recent emergence of a large number of paid news cases during the General Elections of 2009 in India highlighted the alarming level that this practice has reached. The present study attempts to look at the phenomenon in a comprehensive manner by discussing its various aspects and possible solutions with the experts belonging to different fields. In-depth interview method has been used to collect data by administering an open-ended questionnaire to eight experts from the field of media, law and politics. The study concluded that this malpractice can be checked by making of a stricter and comprehensive law by the policy makers along with a self-regulation in the form of practicing ethics by professionals involved in the field of media and politics as well.

Keywords: Paid news, advertisements, media, self-regulation, General Elections 2009

Introduction

Media, due to its inherent nature of reach and influence on masses, plays a vital role in the country's political, economic, social and cultural set up and is considered as an important vehicle of communication to carry information to the people. It not only acts as a repository of public trust but also plays a significant role in shaping the human mind. All forms of programmes/articles have their significance in doing so, particularly "News" which aims at providing correct and timely information to the people. "News", according to Press Council of India (PCI), is meant to be factual, neutral, fair and objective, whereas information and opinion from "Advertisements" are paid for, by corporate entities, Governments, organizations or individuals.

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However, off late a dangerous trend of presenting the paid information as news content has spread at remarkable pace in some section of the Media. The Ministry of Information and Broadcasting, in this regard, has stated that there have been a number of media reports that sections of the electronic and print media have received monetary considerations for publishing or broadcasting in favor of particular individuals or organizations or corporate entities, what is essentially “advertisement” disguised as “news” and this has been commonly referred to as the “Paid News Syndrome”.

Paid News: A Legal and Ethical Fraud

The trend of presenting the advertising content, that is paid for, as “News” is a serious and damaging fraud on the innocent audiences/readers/viewers/public. It not only undermines/threatens the democratic process but also affects financial/stock/real estate market, health, industry and is also a tax fraud. As per the report by Sub-Committee of Parliament (May 2013) states, the SEBI started looking as to whether TV Anchors are influencing the Stock Market with their coverage. So there is a move by SEBI which is addressing the financial side of the problem which we are also endorsing. All significant companies are part of the Stock Market. However, according to the News Broadcasters Association it is just a question of ethics. According to Shri Paranjoy GuhaThakurta, former PCI Member, when the advertisements are camouflaged as news or when news is shown/published by selling editorial space it becomes very difficult for the viewer/reader to distinguish between news and advertorials/advertisements. It becomes hard to distinguish whether a particular programme or review is a legitimate one or is it paid for. Even if paid content has been labelled as advertisements it is done in a very small font and that too with the abbreviation “Advt.” in some corner.

This malpractice has become widespread and now cuts across newspapers and television channels, small and large, in different languages and located in various parts of the country. What is worse, these illegal operations have become “organized” and involve advertising agencies and public relations firms, besides journalists, managers and owners of media companies. The phenomenon has developed over the years and it reached its peak in the last elections. The main reason for the paid news is that media is now being controlled by the owners. About 20 or 30 years back, the institutions of Editor and Publisher, that means the owner, were different. Owners were not the editors and editors were not the owners. This emerged out of the freedom movement. The forward-looking businessmen established newspapers and newspapers were either pro-Government or anti- Government and continued the same way for a couple of decades and then started deteriorating. It started deteriorating when media became powerful. Everybody realized

that media is the only source of reaching to the people and the credibility of media was very high. This is the background in which the candidates who were contesting the elections realized that influencing media by one way or the other would pay much more than paying to other sources like advertisements, publicity, etc. .That is how the paid news phenomenon developed.”

‘Election’ and ‘Non-Election’ Paid News

There have been reported nexus between media professionals, corporate lobbyists, politicians etc., and the cases “Paid News” in the media, most cited instances in various reports of PCI and Election Commission of India are 2009 General elections; Assembly elections of Maharashtra, Haryana, Andhra Pradesh, Punjab, Bihar, Gujrat etc. The most recent being Lok Sabha Elections 2014; where, as per *The Hindu*, around 700 cases of paid news have been reported. Cases have been reported wherein identical articles with photographs and headlines have appeared in competing publications carrying bylines of different authors or sometimes even without bylines, around the same time. On the same page of specific newspapers, articles have been printed during elections, projecting rival candidates, both as winning candidates! Marketing executives use the services of journalists – willingly or otherwise – to gain access to political personalities. So-called “rate cards” or “packages” are distributed that often include “rates” for publication of “news” items that not merely praise particular candidates but also criticize their political opponents. Candidates who do not go along with such “extortionist” practices on the part of media organizations are denied coverage. Sections of the media in India have willy-nilly become participants and players in such practices that contribute to the growing use of money power in politics which undermines democratic processes and norms – while hypocritically pretending to occupy a high moral ground.”

But “Paid News” is not just an election time phenomenon. As regards business, everybody wants to get his product popularized. But if he gives that in an advertisement, people do not believe it. If it is presented as news/as an editorial/ as a talk, people start believing it. Non-election transactions are more everyday and prolific. The launching and marketing of new products happens around the year. Paid News in the media often works these into “packages”. Company X is set to launch a new car. From days in advance “mood pieces” or “color pieces” on the vehicle begin to appear under the bylines of regular, bonafide journalists and photographers. Around the time of the launch, the car pops up, seemingly by coincidence, during the news bulletins of a channel or on the news pages of a major daily. However, there can be seen many forms, facets and manifestations of Paid News. According to Press Council of India (PCI), “Paid News” has acquired different

forms over last six decades from accepting gift on various occasions, foreign and domestic sponsored travels, besides benefits and payment of money. In addition, few stakeholders have cited examples of award ceremonies being sponsored by some media houses wherein industrialists/professionals/personalities, who are the sponsors/regular advertisers for their media houses, are awarded and this is a regular news phenomenon.

Rural Affairs Editor, The Hindu Mr. P. Sainath writes in one of his articles on Paid News that the journalists and photographers merely do what they're told, sometimes willingly, often not. The "Paid News" scandal of 2009 burst out into the open in part because several journalists working within such media, disgusted at the debasement of their role, acted as whistle-blowers. There are however, also willing participants amongst some sections of journalists. Often these are very high-profile, high ranking ones who may not even have paused to consider the nature of the activity they're undertaking.

Thus, "Paid News" is not a recently discovered phenomenon. In fact it is old, complex and deep rooted in the system and is spreading its cancerous roots rapidly. It is not about corruption of individual rogue journalists but it is a complex, highly-structured trade involving the media, corporations and sometimes dominant sections of the media of the political class and there is not a single major state in the country without such instances. This menace surfaced prominently after 2009 General elections and increasing day by day. Out of the many forms of paid news that keep emerging time to time, the practice is at its most visible and crude form during the elections. Even after various actions taken by Election Commission, the practice continues even at more pace. Thus, it has become important to examine how the media is making fool of its readers/viewers/listeners by playing a commercial game on the stake of democratic process being held every five years in the country. Such an analysis may also reveal some ground realities of how the guidelines of Press Commission and Election Commission have been put on stake by big media houses and about how the power of corporate media owners- journalists-politicians is controlling the whole process of news -from reporting to presentation and discussion etc. in its favor.

Rationale of the Study

Media has been considered as the fourth pillar of democracy. Keeping in mind its power and reach to affect public opinion, the factors like objectivity, fairness, accuracy, balance and public interest take an important place in its content as well as presentation. But various cases of paid news in the recent 8-10 years have put a big question mark on the media's age old credibility. Apart from its legal and ethical aspects, the phenomenon also involves its effect on the audience/readers/viewers.

Thus, it becomes important to study this phenomenon so that the real picture behind the shining big successful leading media houses comes out. Also, it is important for the common man as well to understand the “advertisements” disguised as “news” in its various forms that he watches/reads every day. Since it involves various institutions like Press Council of India, Election Commission of India, judiciary and politicians as well, the study can provide a relevant context of understanding their functions, role, power and any changes, if required.

Objectives of the Study

The following are the objectives of the proposed study-

1. To study the various legal and ethical aspects of “paid news”
2. To explore various forms of paid news existing in contemporary media practices
3. To analyze the fairness of news and analysis in Indian media content at the time of general elections
4. To find out various ways to check such practices

Methodology

Since the aim of the present study is to explore various aspects associated with the phenomenon of paid news, exploratory research design has been adopted. The practice of paid news involves various stakeholders from media, law, stock market and politics and every case that is registered, involves people from at least two of these fields. So, the study seeks to get the opinions and views of experts from diverse fields- Media, Politics and Law. This can be done by interviewing them face-to-face in detail about the phenomenon. The method of In-depth interviewing was adopted which is a qualitative research technique that involves conducting intensive individual interviews with a small number of respondents to explore their perspectives on a particular idea, program, or situation.

An open-ended questionnaire containing 15 questions regarding paid news was constructed and administered on eight respondents chosen through purposive sampling. These include senior journalist Mr. Bishan Kumar, politician Dr. S.C. Vats, Academician (Law) Prof. V. B Coutinho, Academician (Media) Prof. ShashidharNanjundaiah, Lawyer JyotikaKalra, Academician (Law) Prof. M. Pinheiro , Academician (Media) Dr. Anand Pradhan , senior journalist Mr. Amish Devgun

Data Analysis

During analysis of the views given by the respondents, different points regarding legal, political, ethical and organizational aspects of paid news emerged. These are presented along with subtitles indicating the questions asked-

Definition of Paid News

Paid news can be defined in various ways. This study takes us to the following broad based definitions.

- News basically is perceived as something which could be of interest and relevance to readers or viewers. When any vested interest comes into play, it becomes paid news.
- Paid news is news which is not real, though it looks like real news. It carries an element of exaggeration of facts.
- Paid news is the content for which payment has been made by an individual or company/organization and which is being presented as news. It includes any news or analysis appearing in any media, print or electronic, for a price in cash or kind.
- Paid news is publishing or broadcasting of content by the journalist or the media organization, in exchange of rewards or gains. It is a transaction for a news trade which accrues monetary or material gains.
- Paid news is a favor given to a regular advertiser by the news organization in the form of news coverage. It may also include non-publication or broadcast of news reports on the request of the regular advertiser who is in crisis and feels that the news coverage may be harmful to him. It does not matter whether the publisher or broadcaster is doing it willingly or under pressure.
- Paid news is a process between a news organization and a third party which fulfils their mutual benefits. This party can be political, business or even a company. If a third party uses media to fulfill its own purpose, say for expanding its business or increasing its influence, this party and the concerned media are considered to have indulged in paid news.
- A news published by a news agency including newspaper or magazine or broadcast by a radio or presented on the television, which is manipulated to favor any political party, individual or corporation or any other entity; and which is done as a result of consideration being paid to a correspondent or the

concerned agency either in cash or in kind; such correspondent or the agency shall be made punishable for committing an offence under the Indian Penal Code and the maximum punishment shall be six or seven years of imprisonment and fine of Rs 5 lakhs.

- By nature the paid news is the material which is supposed to be published as advertising but gets space in the news columns. Most of the time it is circumstantial because paid news is not invoiced.
- In paid news, opinions are guided by money or favours and not by sound editorial policy. A journalist is free to form his/her opinion against a party or in favour of a party which is guided by the larger social group, by the editorial policy of the organization or by the journalist's own social contract for the goodwill of the society. But this does not happen in paid news.
- Paid news is a business venture by PR agencies. It is a platform where you can pay to get your news published. Here, the payment is being made for the publication of news and not for an advertisement.
- Paid news is all about managing news. The politicians and the government functionaries are involved in the job of managing news only.
- The practice of paid news aims at disguising the paid content as independent and verified content, which generally praises the payer or defames his/her foes, in the form of news.
- Paid news is content for whose publishing or broadcasting payments have been made by the client (an individual or an organization), as is done in case of advertisements. However, that content is portrayed as news and readers or consumers of such content are not told that its dissemination has been paid for. In other words, monetary exchange takes place to present an advertisement as news.
- Paid news is packaged journalism which portrays both, the prowess and flaws of media. The prowess of media is depicted by its ability to shape up or alter the public opinion and delineate the agenda for thought process of the public, whereas the fact that media cares for nothing except for money establishes its flaw.
- Paid news is an unethical activity, where news is published not on the basis of its merit but on other considerations by subverting the basic tenets of journalism.
- Paid news is a criminal activity. It involves cheating i.e. not telling the truth, and needs to be covered under Section 420 IPC. Also, if paid news payment is made for not telling the truth to the people, it turns out to be a double offence.

Paid news: whether ethically and legally wrong

The practice of paid news is considered ethically and legally wrong. News is public interest and a deliberate distortion for any vested interest is against the journalistic ethics. Since it involves unfair practices and cheating on the people, and also obstructs the conduct of fair elections, it is against the established law of the country.

Ethical Aspect of Paid News

News is not a commodity with a price tag attached. It is not given in exchange of something or in lieu of monetary or other gains. Journalists are supposed to give news without being influenced by any person; anything that is thrown at them so as to impact or influence their decision making capacity in putting or displaying news is morally not acceptable.

The mixing of news and opinion, and also the expression of biased opinion is also covered under the broad spectrum of paid news. Even if the news is not paid, a journalist cannot have an opinionated news piece in favor of or against any political party on his own bias. This is completely unethical. No doubt, a journalist reserves the right to have an opinion, but even for that he/she has to investigate and come out with a piece based on ground reality.

Reasons behind paid news

There has been a constant decline in media ethics. It all started post 1990s when people started looking for information of their daily needs in newspapers in the wake of growing consumerism. Opportunist media groups like *The times of India* grabbed this opportunity and started taking monetary benefits openly from renowned companies and individuals in lieu of publishing their product information.

In this commercial era, the main reason behind the practice of paid news is the 'sustenance' factor. For a better understanding of the issue, journalists and media organizations should be treated as two entities. Journalists work in employment of some organization, and their indulgence in paid news for their own self is treated as unethical. On the other hand, media organizations have to take care of their commerce since they are in the 'business of content and advertising'. But, too much insistence on commerce traps news organizations into paid news.

Journalism is no longer a social service; it is a business. The private media organizations have to make sure that they have sufficient funds to run the business. Small

media houses because of financial crunch are more prone of getting involved into paid news, though some big houses are no exception.

Legal Aspect of paid news

The practice of paid news is legally wrong in two ways.

Misleading the people

Practicing paid news is ‘cheating’ as news is public interest. Media cheats the citizens through such malpractices to provide benefit to its stakeholders. Giving wrong information to people is dangerous and also illegal as it could do substantial harm to the society.

Media plays an important role in the formation of public opinion. This opinion is wrongly formed when the media does not give complete information about the policies of the political parties, or track records of the candidates fighting the elections. This can result in the formation of an inefficient government.

There is also another bias. Sometime, media denies coverage, or blacks out on air coverage of those candidates who cannot afford to pay for such wide scale propagation. This is violation of the citizens’ right to get information. Then, the information provided has to be true, but even this is not certain. It is a breach of trust of the people.

Unaccounted transactions

Most of the time, transactions involved in paid news are not shown in black and white. If money is accepted under the table and no record of payment is maintained, it is illegal. The practice of paid news generates black money as it also avoids tax. This is certainly criminal. Both the parties – one who is making the payment and the other who is receiving it, are violating laws particularly provisions of the Income Tax Act and Representation of Peoples Act.

Major factors responsible for paid news

There is variety of reasons for the practice of paid news. The major factors follow.

- ***Decline in standards of journalism:*** The erosion in ethical standards and ‘loss of character’ on the part of journalists has encouraged paid news. The decline in moral values of the society is a significant factor. School and family,

important units of the society, have failed in imparting values.

- The prevalence of corruption in all walks of life has made an adverse impact. This corruption has engulfed the media sector as well, thereby promoting paid news.
- The moral code of conduct and the guidelines given to journalists play an important role in this profession. So, the Press Council of India needs to relook at its guidelines.
- ***Pressure exerted by the government:*** The government is the biggest advertiser and influences the media content with this power in hand. If a newspaper or a media house is favoring the government or suppressing facts in return of government advertisements, it is clearly the paid news.
- The government functionaries indulge in ‘managing’ news in media even without paying for it. The party in power always exerts pressure which is difficult to resist by the media. Thus, paid news is not just about monetary aspect. It also involves pressure tactics.
- ***Greed of individual journalists:*** The temptation of journalists and media persons is a major factor responsible for the practice of paid news. The ‘greed’ factor can be explained at three levels- personal greed, greed of media owners and greed of journalists. The journalists covering government ministries develop closeness with ministers at personal level and get favors. Though the percentage of journalists involved in paid news is very low.
- ***Corporate influence on media:*** The journalist and other people in media organizations have close relationship with the corporate sector. This factor of proximity between media and influential people affects professional standards. There is an evident nexus between the “higher authorities” of media and their “client”.
- The corporate sector pressurizes media for the publication of many such news items which are actually carrying advertising content, since they understand that news has more credibility than advertisement.
- ***Changing ownership patterns in media:*** The ownership pattern of media houses is changing fast. Big corporate houses with vested interests, people who have coal mines and oil fields have become owners of newspapers and TV channels. People who have chit fund companies are owners of few news channels. All

kinds of people are opening media houses and are influencing the editorial content.

- The institution of editor has weakened over the years, and proprietors are gradually taking over as editor-in chief. This changed ownership pattern in media has resulted in compromising with ethics.
- ***Pressure of maximizing profits:*** With the increasing entrants in the competition, the profits of media are getting divided. In such a situation, the only way of surviving for a news organization is getting ‘eyeballs’ (TRP Rating) and money on the basis of it. This is the point where news channels face a demand from the advertisers and the only thing a news channel can give them is “news”!
- Corporatization of media has resulted in increased hunger for money. The media organization puts utmost emphasis on increasing revenue generation and maximizing profits.
- ***Absence of regulation in media:*** Lack of proper definition of paid news has further complicated the issue. The corporate sector has monopolized due to absence of media regulations, and so the practice of paid news is on rise. This emphasizes on the need of a comprehensive law on paid news.

Distinction between political news and page 3 news

Whether there is a distinction between political news and Page 3 news, and whether such a distinction matters while looking at the practice of paid news. The issue is contentious, and opinions differ.

Distinction immaterial, payment unacceptable

The nature of news does not matter if it is paid. Getting paid for news means breach of principles and trust on that medium. Thus, paying for news is wrong irrespective of the page on which it is published.

Whether it is political news or non-political one, say entertainment, the newspaper through its columns is basically influencing the public opinion. If it is happening for exchange of money, that public opinion is not fair.

Nothing wrong in distinction, payment right for page 3

There is nothing wrong in differentiating between Page 3 news and political news. Page 3 relates to publishing of one's photographs or promotion of film, which is paid for. This content does not make any difference in society, as the political news does.

Giving right news and paying for it may not be wrong but giving wrong news and paying for it is wrong. Thus, the newspaper is paying to print wrong news, to mislead and cheat the audience.

Distinction non-issue, most news paid irrespective of page

The distinction between political news and Page 3 news becomes non issue when most of the news is paid for. These days, news, is a medium of self-glorification, of coming into focus and getting popularity.

Nowadays, the whole supplement has become Page 3. So, the 'not telling' aspect of paid news becomes more important than telling that it is 'paid'.

Despite contrary viewpoints on the issue of linking pages to paid news, the fact remains that paid news is generally practiced in entertainment. But, the entry of paid news in political arena is dangerous.

Paid news is a reality whether newspapers accept it or not. A suggestion assumes significance in this light that newspaper should be published in a way that a section of it can be made 'paid for news' and the rest of the newspaper remains unbiased, independent and rational. This can help newspapers to cover up their financial needs and simultaneously provide a general, independent and rational idea for benefit of readers.

Whether business plan that monetizes reach of media houses justified or not

A 'business plan' is a plan that tells how the organization is going to make its business- how much content is paid and how much unpaid. The media house can also decide to publish the PR content (content which are not editorially acceptable) under "advertorials". An advertorial is something that has been passed through the editor but it is company news (news promoted by the company). PR companies may put pressure on the editors for not using this term, but that is the only way out to accommodate PR content in news content. Any PR content has to be editorially acceptable.

Now, the question arises whether media houses can have a business plan that monetizes their reach? Is there something wrong if such a business plan is made? Opinions

are divided on this issue.

Having a business plan that monetizes media reach is JUSTIFIED

Such a business plan is acceptable since media houses have to take care of their sustenance. But, making and execution of a business plan that monetizes the reach of a media house is considered justified with the following conditions attached.

NO violation of law: Monetizing media reach is acceptable until it violates law. So, existing laws of the country should not be violated.

YES to advertising content: There is nothing wrong in a business plan if increased reach can bring the media house more advertisements and sponsored pages.

NO to news content: News should not be part of a business plan. News columns cannot be included in this plan as they have certain sanctity and trust in the minds of people. If news in any case is being covered, the readers need to be told that the news reports that they have received are paid.

There should be no cheating. The readers have to be informed in any case.

NO ethical violation: Making business plan is not wrong but what matters is how ethically it is followed. A business plan has to be made and executed in a transparent manner. The contents which are part of the business plan should be presented with a disclaimer, or by using different font or format.

It is the ‘trust’ of the people that has given reach to media which, in turn, gives money (mainly in the form of advertising revenue). Any manipulation of this will break the trust.

Having a business plan that monetizes media reach is NOT JUSTIFIED

Mahatma Gandhi has said – “ends must justify the means”. And the end here must be educating the people and not money. So, a business plan that monetizes the media reach is not acceptable.

It is media’s greed for making money that they give argument in support of monetizing their reach. It is for this greed only, that the media houses ignore people’s right to get accurate news. The argument given in support of monetizing media reach does not have sound legal base. The laws of the land do not encourage or suggest news tradeoffs because it is a corrupt practice that invites punishment.

There can be no justification for monetizing the media reach as this argument is given by that corporate media which mocks the democratic role of journalism. Media cannot be allowed to monetize on the national security and terror threats. Even if it has to monetize, serious and hard issues cannot be compromised.

Impact of services like *Medianet* on the practice of paid news

Medianet is a service run by *The Times of India* for booking and publishing news on payment. It is as an example of structural compulsion of media which work for profit. Similar services have also been launched by *The Hindustan Times* and other newspapers for booking and publishing paid news. There is an assumption that the problem of paid news would not have reached such an alarming stage if services like Medianet had not been allowed. The opinions are divided on the justifiability of this kind of services and the impact of such services on the problem of paid news. While some support Medianet kind of services, others oppose them.

The whole issue has three stakeholders; media, readers and the government. So, while making an assessment on the impact, the involvement, benefits and the role of these stakeholders need to be analyzed.

Services like Medianet are JUSTIFIED

Services like Medianet are very much part of the business of a media organization, and there should be no legal or ethical restriction on this. In fact, many experts do not consider Medianet kind of services as paid news services. They consider these services are “innovative practices” for running the business.

Paid news published through Medianet is held justified on the following ground.

- a. Paid film promotions etc. contribute to revenue generation, and they appear on feature pages, not the main ones meant for news.
- b. A company has a right to advertise and media organizations enjoy freedom to publish.
- c. All such transactions are transparent.

Such services are necessary for survival of and support to business. It is, in fact, these services which have saved the newspapers in India from dying. There has been a demand to put restrictions on such services, but the government has not moved for two reasons; *one*, to maintain competition in the market, and *two*, to use media as platforms for dissemination.

Services like Medianet are NOT JUSTIFIED

Medianet is a service that has not been allowed by journalistic laws and ethics; it has grown because of inefficiency of the government in doing the needful for putting a check on it. Either the media could have controlled it by exercising restraint through self-regulation, or the government should have set up a regulatory body to restrict this practice. But, none of them have done anything.

While media is busy in justifying *Medianet* kind of service, the government is held responsible for not taking any initiative to bring legislation in Parliament for putting a control on such services. There is nobody to look into the interests of other stakeholders, i.e. the readers and the viewers; though they need to be consulted during the process of any possible legislation.

Analyzing reasons for paid news via Medianet

The greed of *The Times of India* is said to be responsible for collecting paid news through *Medianet*. Many other newspapers have followed suit. Improper regulations and laws are considered major factors for the increasing magnitude of this malpractice. It is also the result of proximity between media and politically influential people.

Services like *Medianet* have grown since newspapers never disclose this fact to the readers that they are publishing paid news. The readers hardly have any inkling about publication of paid news through *Medianet* kind of services. The failure to check such services has encouraged and motivated their practitioners.

Many experts look at *Medianet* kind of services and their propagation of paid news a black spot on the profession of journalism, a profession which has always been considered above all influences. The practice has reached to such a pass where questions are being raised about the integrity of some big media professionals.

Solution to check paid news through Medianet

The whole issue of paid news through *Medianet* may be looked at from two angles - institutional and individual. At the institutional level, media organizations should be allowed to innovate on the business front (onus on the government). And at the individual level, journalists should be provided professional atmosphere with good wages (onus on the media organization).

Media organizations offering *Medianet* kind of services should remain transparent by keeping the readers informed on this issue, and by disclosing the revenue earned through such services.

Effectiveness of self-regulation by media houses with regard to paid news

In view of the problem of paid news, there is a need felt for media regulation. These regulations can be enforced either through an executive order or by a legislation passed by Parliament. In case of self-regulation, either a professional body can come out with its code of ethics or a media house can frame its own ethical rules. A media house can even make a provision for ombudsman.

Self-regulation by a media house is an effective mechanism

It is a common perception that media delivers quality content and the editors always act with a sense of social responsibility. The media organizations are involved in fierce competition, and credibility is the only weapon with which they can beat their rivals. And the credibility can be maintained and strengthened with the help of self-regulation.

Most of the experts stand with the concept of self-regulation. Since the country sans laws against paid news, self-regulation is the best available alternative. The readers and viewers cannot identify paid news in the crowd of news published and broadcast every day, and so the responsibility lies on media organizations to remain transparent by adhering to self-regulation.

Self-regulation can be enforced by a media organization either by prescribing ethical code or through ombudsman. Many media organizations have made their ethical codes for their journalist employees. The newspaper *MINT* has also implemented its ethical code; and the most important aspect of this code is provision for disciplinary action in case there is a violation.

External checks prove better for regulation of a media organization

Not everybody is convinced with the mechanism of self-regulation. Many scholars feel that internal code could be part of the business plan devised by the media organization, and so it cannot be relied upon. *MINT* is also referred to belonging to a media group which has been accused of practicing paid news, and so any code of conduct propagated by *MINT* is difficult to be relied upon.

Experts push the need of external checks on media organizations. Since paid news has not yet been properly defined, only external regulation (not the self-regulation) can work. So, an external code of conduct should be prepared and enforced in the larger interest of the society.

In the case of internal code, there is little possibility of punishment if violation happens. In any case, external code is better for independent decision and action.

The problem in internal code is as to who will take the action against the offender. The prosecutor can't be the judge. Further, the Ombudsman lacks autonomy as well as legal authority. So, an external mechanism is required.

Need for a media regulatory body

Internal mechanism has failed and external mechanism directly or indirectly involving government involves risk of jeopardizing the freedom of expression. The way out is something that has legal bindings. So, there is a need for a media regulatory body which can be created by law.

Such a regulatory body should have provision for the participation of professionals from varied spheres. There can be representatives from the media, the government, from the legal fraternity, and also from the Advertising Council of India. The code of ethics can be effectively enforced by this regulatory body.

Effectiveness of self-regulation by NBSA in keeping a check on paid news

The role of News Broadcasting Standard Authority (NBSA) and its effectiveness in enforcing ethical code in general and putting a check on paid news in particular is again an issue of self-regulation. Self-regulation is considered of great significance not only in print but also in broadcast media. Its importance can be understood in the light of the assertion "*Either you commit an offence, or you self-regulate yourself so as to avert committing an offence*".

The whole idea of self-regulation relies on self-discipline. Self-regulation cannot work in a society that lacks self-discipline. Then, there is not so much discussed aspect of self-regulation which is "there is nobody to audit what you are saying unless there is a complaint". Regulation does not mean that everybody has to sit and decide what content goes on air; that is editor's job; that is operational self-regulation. But at regulation, there should be a body watching news and making sure that you are working within the accepted norm of news media, while also addressing complaints.

Self-regulation by NBSA has proved ineffective

NBSA does not have any power what to say of punitive powers. Nobody listens to it and its directions and rulings are not followed. NBSA does not have enforcement authority since it sans legal sanction. Though the body has prescribed codes and guidelines for broadcast, it does not have clarity on the measures for putting a check on paid news.

NBSA is a ‘loosely held body’ which only holds meetings without transacting any serious business. Given their profile the NBSA members do not seem trustworthy. NBSA has failed in the current commercial scenario, since TRP driven channels hardly pay heed to its guidelines and directives.

Self- regulation is good to some extent but when all the people involved are the interested parties in doing the wrong, their working cannot be believed. The same has happened with NBSA.

Self-regulation by NBSA having failed what is the solution?

NBSA has failed to deliver much; though some believe that it has left some impact. It is suggested that this body can be made effective by developing consensus on important issues. But, the majority of experts find some fundamental problems with NBSA.

There is a principle of natural justice- “You should not be the judge in your own cause”. The stakeholders themselves cannot be the judge. Media must be judged by independent persons coming from judiciary, technology as well as eminent persons from the society. They should be given the powers to make the judgment instead of media doing self-judgment.

There is need to set up an external regulatory body for transparency. This body can be created by law at the initiative of the government, while taking the media along in this move. Such a regulatory body should have representative composition comprising all media sectors including print, broadcast and advertising, in addition to representation from judiciary and legislature.

Effectiveness of EMMC in putting a check on paid news

Electronic Media Monitoring Centre (EMMC) is a body under the Ministry of Information and Broadcasting for tracking the ethical violation, and recommending action against the violator. The action is then to be taken by the Ministry. Paid news is not part of the ethical norms set by EMMC, though it might be interpreted as included in these norms.

EMMC has failed in checking paid news

EMMC is repository of media content, but it has a limited role to play. It functions as a regulator but the powers vest with the government. The involvement of the government, in fact, makes the regulatory system weak. There is a common view that the government cannot be trusted upon. And if the government accumulates excessive powers in the regulatory process, it can adversely affect the entire system.

The experts feel that EMMC is not a regulator, it is a monitor. It is monitoring to manage the damage. It lacks proper guidelines and framework to function in an effective manner. There is also no system of prosecution in this mechanism. So, it has evidently failed in checking the practice of paid news.

EMMC is little known to people since it has not taken any substantial decision by now. Reference may be made to Uma Khurana case where a sting operation was conducted on a school teacher. It was covered on *Janmat* (now Live India) news channel; the fall out of the sting was even covered live. The Ministry of I&B banned the channel only for few days but no strict action was taken against it.

The role of EMMC is limited to making recommendations to the Ministry of I& B, following which the Ministry sends advisories to media. These advisories are not mandatory, and media organizations do not take them seriously. Then, the Ministry is said to have its own agenda which it tries to enforce in the process.

EMMC has made serious efforts in checking paid news

The monitoring mechanism set in motion by EMMC is welcome but effectiveness of execution is questioned. Violations can be detected, substantiated and action can be initiated, but the impact remains ineffective. However, some scholars are of the view that EMMC has been making serious efforts in putting a check on the menace of paid news at its own level.

Suggestions for improvement in the system

Reduce involvement of government in regulation

Most of the experts are against direct or indirect involvement of the government in keeping a check on media. The government may be partisan and stringent, thereby adversely affecting the regulatory framework.

Keep a check on promoters

However, it is felt that the Ministry of Information and Broadcasting should create a level playing field so that people with vested interests and shady characters do not turn to be media promoters. This can be an effective check on paid news.

Set up an independent regulator

There is need of a truly independent regulatory body for transparent and democratic regulation for bringing sense and order in media. Only an effective regulator can check the malpractices of paid news. It is believed that people with judicial background should be involved in regulation so as to put an independent check on media.

Encourage self-regulation by media

The mechanism of EMMC can prove effective only when journalists follow ethics. There is a viewpoint that the State should not be allowed to control the media; and the private players of media should draw their *Lakshmanrekha* themselves.

Make certification necessary for practice

There can be morality certification of a journalist before he/she begins working in the media. This must be ensured that a prospective journalist is properly trained to abide by the culture and ethics of the profession before he/she is allowed to voice his/her opinion through any medium.

Role of PCI in checking the practice of paid news

Press Council of India (PCI) is a body created by law to help the newspapers in the maintenance of professional standards. It keeps an ethical control on newspapers and other periodicals, but does not enjoy punitive powers. The unique status of PCI and the functions undertaken by it invite more criticism and less appreciation.

PCI acts as watchdog

A section of scholars believe that the PCI has contributed significantly as a 'watchdog'. Despite limitations it has been effective to a great extent. It can always build moral pressure on the newspapers by getting statements published against wrongdoers in their columns.

It has helped in raising issues that seek cognizance of authorities as well as people.

PCI considered a toothless tiger

PCI is considered a *toothless tiger* by the majority of experts who feel that it remains a mute spectator to most of the violations by the press. So, most of the scholars plead for more powers and independence for this body.

Suggestions for strengthening PCI

- PCI should be given the power of cancelling the registration of the publication, and/or suspending the defaulters/wrong doers.
- PCI should be restructured by making its composition more broad based. The members should be picked up from different backgrounds, other than media.
- PCI should be reconstituted by putting print, television and internet in its ambit.
- The role of PCI should be changed to that of a regulator so as to keep an effective control on media.

Role of PCI regarding paid news

PCI has handled the issue of paid news though it has not succeeded in curbing this malpractice. The issue has been dealt with by the Election Commission more effectively. Referring to the favorable coverage given to Maharashtra CM Ashok Chavan by the regional press during 2009 Elections, it was Election Commission and not the Press Council that issued guidelines against this practice.

Following the Maharashtra case the PCI constituted committees for investigation, and issued guidelines to curb the practice of paid news. But, it has not yet been able to enforce these guidelines.

Suggestions to enable PCI to check paid news

To enhance the role of PCI in the area of paid news the following suggestion are given.

- Press Council of India Act should be amended to bring paid news in the ambit of PCI.
- PCI should be empowered to monitor the media content, particularly in view of changing commercial practices.

- PCI should also look into the wages and working conditions of journalists. Simply issuing guidelines or prescribing codes if the journalists remain low paid.

How to check paid news if payment is made in cash and no record maintained

To put a check on paid news is difficult if payment is made in cash and no record is maintained. It is equally difficult even if the payment is not made in cash. Based on the opinion of the experts, paid news can be of two types.

Types of paid news based on nature of transactions

1. Where the payment is made in cash with no mention in the account books. Such kind of cash transactions carries an element of suspicion since it involves black money at the both the ends. These transactions are illegal and criminal.
2. Where the transactions are not done in cash. These are even shown in account books under the category of felicitation fees etc. Even this is a corrupt practice and can be termed as illegal.

More methods to check paid news

Paid news is a criminal offence and the law should prescribe severe punishment for this. However, some scholars are skeptical about the outcome of any such law, since they believe that the punitive system in India is corrupt.

Looking at the present situation in India, it is difficult to establish the commitment of offence in paid news. It can be established only with the help of circumstantial evidence. It may be noted that in the massive campaign during 2009 elections, paid news charges could be established only on the basis of circumstantial evidences.

Enforce a law: In any case, a law is required for an effective control. In today's corporate culture, media tends to be corrupt, and so legislation has to be there. The government is required to put up a mechanism in place for enforcement following the legislation.

Paid news offences are mostly committed at the institutional level. So, there is a need to keep a close watch on bank account of media institutions, particularly during the time of election.

Individual journalists may also be involved in paid news.

Promote self-regulation: Paid news offences may also be committed by individual journalists. At the individual level, it can be self-regulatory.

Thus, both legal and ethical measures are required to check the problem of paid news.

Whether registration of publication should be cancelled if evidence of paid news is found

Opinions are divided on the issue of cancellation of registration of a publication in case it is found involved in paid news. Majority of experts are not convinced with this kind of solution suggested by U P Journalists Association as they wary about misuse of such a provision by rival publications and other vested interests.

Registration should be cancelled

Many scholars believe that cancellation of registration can put a check on paid news. But what should be the right course of action? Cancellation first and probe later; or probe first and cancellation later? In any case, cancellation of registration can check further mischief by that organization.

Registration should not be cancelled

Such a provision cannot be successful in curbing the practice of paid news because it will be enforced only on those whose fault is proved, the others would escape and continue practicing it. Also, it is not easy to prove the fault.

Most of the scholars feel that cancellation of registration is a harsh step, and does not seem a practical solution. The motive of punishment should be to bring change, and not to kill the organization. It can be the last step, that too for serial offenders (means if an organization repeats it 3 or 4 times).

What is the solution then?

Legal measures: The government should initiate a law on the issue of paid news. The issue should be debated in Parliament so as to ensure an effective law with the provision of investigating bodies. Only a strict law can help avoiding creeps entering into the profession.

The law should clearly define paid news a crime, with strong provisions like 7 years of imprisonment as in any other case of corruption.

Ethical measures

There is a need for professional bodies to act as pressure groups. Media organizations should be under pressure not to resort to paid news in the larger interest of the society and the profession.

Whether Section 123 of Representation of the People Act, 1951 should be amended so as to make paid news a punishable offence?

Most of the experts feel that section 123 of the Representation of the People Act 1951 should be suitably amended so as to declare any payment for the publication of news a corrupt practice. Though, some experts differ with this view point.

RPA should be amended to include paid news as offence

There is almost a consensus on making paid news a punishable offence. The common view is that paid news should be made a criminal act, and people involved in this practice should be treated as the ones involved in corrupt acts.

Proposed provisions in the amended law: The code prescribed by the Election Commission on paid news should be included in the amended law. Anything that comes in between free and fair elections should be made a criminal offence under the law. Even if the evidence is circumstantial, the wrong doers should be punished.

Proposed punishment in the amended law: The provisions of punishment should include the following.

- Punishment should be for both, one who is paying and the other who is receiving
- All modes of payment should be covered, whether in cash or kind.
- News organizations, as also the individuals must be brought in the ambit of law.

Need of strict provisions: It is apprehended that any liberal approach towards amendment would help in capturing only the blatant paid news cases. There is a need to have clear and strict provisions so as even to capture the more subtle paid news incidents.

Need to remove apprehensions: Those who support law on paid news have their apprehensions. *One*, the law can work to a certain extent; still there will be scope for corrupt practices. *Two*, amending law is a long and tedious job in our parliamentary democracy. *Three*, any amendment in law requires political will which the leaders lack.

So, there is a need to remove apprehensions.

Amendment in RPA on paid news is not required

In Representation of the People Act, there is already a provision of supervisor to keep an eye on the expenditure of the candidates; there is no need of bringing an amendment for including paid news. Moreover, there are many laws already in existence, which if implemented properly, can curb paid news. So, the need is to execute the existing laws and not to push for an amendment.

Final suggestion

There is a lone but innovative suggestion. It is suggested that the Press Council of India should be given the powers to monitor implementation on the provisions of the amendment Representation of People Act. The council can do this through its branches, representatives or committees of senior journalists at different levels.

Whether legislation be passed for disqualification of candidates or not

The present Chief Election Commissioner (CEC) Mr S V Sampat has suggested that the candidates found involved in paid news should be disqualified and a law should be passed in Parliament to this effect. The majority of experts support this suggestion while others find this idea not workable.

The CEC believes that a legislation prescribing disqualifications for candidates involved in paid news can give enough powers to the Election Commission for regulating political parties and the candidates. However, there is a general belief that the politicians lack the will to make such a law. So, two steps need to be taken. *One*, the Election Commission should persuade the government to initiate a law in this regard. *Two*, social pressure should be built on parliamentarians, particularly belonging to big parties to make sure that such a bill is passed.

Proposed provisions in the legislation

In the proposed legislation, the following provisions should be included.

- The practice of paid news must be put under unfair electoral practices. This will result in giving a level play to the candidates along with strengthening the free and fair polls.

- The violation of the model code of conduct as prescribed by the Election Commission should be made a criminal offence, and appropriate action should be initiated against the offender.
- The politicians involved in paid news should be debarred from contesting elections, even for a longer period depending on the extent of the offence.
- The tainted journalists should also be restricted from pursuing the profession.
- Election Commission should be given powers to investigate the cases of paid news and pronounce punishment to offenders.
- Election Commission should be given powers to prosecute anybody under criminal laws.
- The offence committed under this Act should be made non-bailable. On commitment of the offence, the candidate, the political party and/ or the media person should be sent to jail.

No new legislation required, enforce existing laws

The focus should be on more effective enforcement and implementation of the existing laws instead of making the new ones. Some experts feel that the idea of bringing a new legislation will not work.

What the proposed law cannot handle

The proposed law will have its limitations and so will not be effective.

- Paid news transactions or dealings cannot be tracked as they are not done in bank accounts or open agreements.
- Not only politicians, media is also responsible for paid news. But, keeping media under the proposed law will be too difficult.
- Conducting investigation and taking action are jobs too difficult to be handled by the Election Commission.

Final Suggestions

Simply regulating the political parties and the candidates will not work. Efforts should be made to regulate the media since it misuse its freedom of speech and expression. Punishing the publisher will make more impact than punishing a political party.

Suggestions for keeping an effective check on paid news across media platforms

The following suggestions have been given by the experts on the issue of paid news.

- ***Legitimize paid news:*** Paid news should be legitimized. There should be greater transparency over the money that the media houses have collected from individuals.
- ***Enact a comprehensive law:*** There is need of bringing a comprehensive law on paid news with clear provisions of violations and punishment.
- ***Hold deliberations with stakeholders:*** Structured deliberations should be held involving various stakeholders like viewer, reader, civil society, and members of parliament and state legislatures with a base document with diagnosis and cure of paid news.
- ***Put stricter laws in place:*** There must be stricter laws for awarding punishment to the offenders of paid news.
- ***Make a tribunal for disputes:*** A tribunal should be made involving professionals from all spheres for deciding cases related to paid news.
- ***Thrust on ethics, not on law:*** No legislation is going to help; merely creating an Act is not the solution. Nobody can force right conduct down your throat. More emphasis should be on ethics.
- ***Promote self-regulation:*** Self-regulation needs to be promoted. Editors' Guild, All India Newspapers Association and other such bodies, should meet, discuss and deliberate on the relevant issues and form guidelines for paid news. These guidelines can work as deterrent for the people who are falling out of line.
- ***Code of conduct by news organizations:*** Code of conduct should be prescribed by every news organization so as to maintain ethical standards internally.
- ***Resolve of journalist important:*** Paid news is an ethical issue. If a journalist takes a resolve that he/she will not promote any one political party, it will work. A journalist has to be objective.
- ***Introduce system of ethical evaluation:*** We need a strong system for ethical evaluation or monitoring for the journalists. In the news media sector, the whole system needs to be changed.
- ***Find ways to self-sustenance:*** The production cost of a newspaper is too high; and the readership figures are too low. Even funding from the government will not do as it will turn newspapers into mouth pieces of the government. The policymakers and scholars have to sit together for finding out the sources of

funding, so that newspapers can be made self-sustained and independent.

- **Introduce media literacy:** Media literacy should be introduced in schools from the 10th standard itself. This will give the students an insight about the working of media.

Conclusion

Considering journalism as public service, 'public' occupies the most important role in the whole process of reporting, editing and presenting news. Practices like paid news hinder the right of public to get accurate and complete information. This malpractice needs to be dealt with at the root level. Policy makers need to play an active role by working out more sources of income for newspaper industry, especially for individual journalists. Another need is to make changes in the criminal law thereby making this malpractice a criminal offence for any political leader, corporate, journalist or any other found involved in it. Expanding the area of regulation by Press Council of India to include electronic media under it along with giving it punitive powers would act as deterrent. But more than policy or law, the self-control and ethics of different stakeholders- individual as well as organizations, is the ultimate determining factor for checking paid news.

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