

General Studies-2; Topic – Salient features of the Representation of People’s Act.

Paid News during Elections

1) Introduction

- According to the Press Council’s report, paid news is “any news or analysis appearing in any media (print & electronic) for a price in cash or kind as consideration”.
- It has acquired different forms over the last six decades, from accepting gifts on various occasions, various monetary and non-monetary benefits, besides direct payment of money.
- The Election Commission of India has detected hundreds of cases where politicians paid newspapers or TV channels to carry favourable reports.

2) Election Commission of India's Views

- ECI holds that paid news plays a very vitiating role in the context of free and fair elections.
- It also involves under-reporting of election expenses by candidates.
- Electors attach greater values and trust news reports more compared to clearly specified advertisements.
- There is no specific law against “paid news”. Section 10A of the Representation of Peoples Act (RPA) deals with the misreporting of funds.
- ECI suggested that paid news be made an electoral offence under the RPA.
- A Law Commission report from 2015 also recommends amending the RPA to this effect.
- It stated that definitions of “paying for news”, “receiving payment for news” and “political advertisement” should be included in the section of the RPA.
- Over 600 paid news complaints were forwarded by EC to Press Council of India with reference to the 2014 Lok Sabha elections.

3) Why Paid news is an Electoral Offence

- Affects people’s rational thinking and opinion which gets reflected in their voting patterns.
- Undermines free and fair elections, which distort the working of the democracy.
- Richer candidates who could pay for their publicity has a clear advantage.
- The win of capitalism or financial capacity over morals, principles, ethics, and ideologies enshrined in the constitution.
- Publishing the candidates’ views as news items and bringing out negative news items against rival candidates during the elections.

4) Role of Media

- The Indian media plays the role of constructive opposition in the Parliament as well as in various Legislative Assemblies of the states.
- For democratic India, the media continues to be acclaimed as the fourth important pillar after the judiciary, parliament and bureaucratic set-up.
- Since 2010, Media Certification & Monitoring Committees (MCMC) are set up at district and state levels to check paid news ahead of elections.

5) Election Commission moves Supreme Court on Paid News

- The Election Commission of India has moved the Supreme Court to take on the menace of paid news during elections.

- EC is challenging the May 2018 Delhi High Court order that set aside its disqualification of an MLA from Madhya Pradesh on the grounds of paid news.
- The EC disqualified the MLA in July 2017, for three years after at least 42 cases of 'paid news' in his constituency's newspapers in the run-up to assembly polls in 2008 were reported.
- The Delhi HC order not only overturned the EC's order on MLA's disqualification, but it also stated that the Commission's remit is limited to election expenditure incurred by candidates and not content of speech.
- It was felt that the Delhi HC order had dealt a major blow to the fight against paid news.
- Unless the legal position on the issue was corrected, the EC's role and power to check paid news in elections will be undermined.

6) Concerns / Challenges

- Paid news essentially emanate from the fact that much of the mass media is dominated by corporate conglomerates.
- They are primarily interested in maximization of profits.
- It puts out information as if it has been independently and objectively produced but has actually been paid for.
- Emphasis on commercial considerations rather than search for the truth and hold accountable those in power and authority.
- Paid news on politicians and political parties subvert one of the most fundamental of democratic ideals: the purity of the vote.
- When the media itself indulges in corrupt practices, especially during election campaigns, it undermines the processes that are meant to uphold and strengthen democracy.
- Black money is very often involved in paid news.
- There has been a lot of discussion on paid news including a parliamentary standing committee report on the subject, yet there is no consensus on how to deal with the problem.

7) Way Forward

- Preserving India's democratic values depends on cracking down on candidates who mislead the electorate through paid news.
- It is a reminder for the amendment of RPA Act, 1951.
- A legal framework in which electoral issues are expeditiously adjudicated must also be put in place if election law is to be enforced in both letter and spirit.
- Define what constitutes paid political news, so that Press Council of India can adopt appropriate guidelines.
- Regulator(s) should have the power to take strong action against offenders and should not include media owners/interested parties as members.
- Transparent and unbiased policy for distribution of advertisements by the central and state governments, with provisions for scrutiny.
- Conduct study to evaluate the mechanism adopted by other countries to tackle the problem of paid news.
- Naming and shaming of media houses involved in paid news.
- In India, a more alert citizenry can make a difference by bringing the problem of paid news to the public domain.