

Regulating the Media in India – an Urgent Policy Priority



*As the UK waits for the outcome on proposals for its new press regulator, LSE's **Shakuntala Banaji** describes a much bigger country with a much bigger problem with unethical media behaviour. She argues that in India self-regulation will not be sufficient to deal with the shocking problems in its media.*

India's media have grown exponentially in the past two decades. From a handful of state-owned channels run by the national broadcaster Doordarshan, a few radio stations including the BBC World Service and Voice of America, the electronic media environment in the country has changed beyond recognition since 1991. Foreign-owned channels and joint ventures from Star and NDTV to Zee and MTV abound, and there has been talk of raising the already high cap of 26% Foreign Direct Investment (FDI) in the Indian media currently in place. Alongside international and foreign channels and websites, national, regional and local broadcasters have multiplied, often owned and run by Indian capital linked to powerful elite interests, including regional and national politicians and large newspaper groups.

There is currently no single Indian media body which oversees either the content and ethics or the ownership of all of these diverse media platforms. In fact unrestricted cross-media ownership has at times raised red flags with government bodies. For instance, the Telecoms Regulatory Authority of India (TRAI) **consultation paper of 2013** sets out some of the issues it perceives as crucial to maintaining media plurality alongside economic growth. Nevertheless, till date, calls for rigorous regulation have been strongly resisted by the media industry in India on the grounds that such regulation might (a) interfere with freedom of expression and (b) that self-regulation of the press is sufficient to protect the public interest. However, a range of unethical and even illegal practices point towards the urgent and unavoidable need for strong, well-thought-out and sustainable regulatory mechanisms, codes and frameworks. The following have all become all too common in Indian media:

- media misreporting and sustained defamation of particular social groups or individuals;
- threats by elites and political interests to the independence of journalists and citizen sources;
- scandals involving millions of rupees in exchange for favourable coverage of particular political and investment interests;
- **bribery and corruption linking lobbyists and fixers for large industrialists with major media houses, journalists and politicians;**
- **paid news;**
- the sale of editorial space and airtime for advertorials;
- and the reckless endangerment of members of the public through the unethical and sensationalist reporting of **health scares** and **terror attacks**.

But who should regulate? And what powers should this body have to sanction and control unethical, dangerous or misleading reportage? One option is the Press Council of India, the only self-regulatory media body in India today.

Nominally, the press in India is self-regulating, overseen by the Press Council, which is a statutory body reporting to parliament. The PCI was for some years seen as a rather inactive and even toothless body, but there have been recent calls under its new chairperson, Justice Markandey Katju, for it to have far **greater oversight in the realm of the electronic media** both on and offline. However, according civil society watchdog groups, the PCI's record in relation to print media is far from stellar, raising questions as to what benefits such increased remit might bring for citizens of India and for working journalists. .

Indira Akoijam writing on the independent media watch website [the hoot](#), showed that despite the estimated 330 Million newspapers circulated daily in India, only 90 complaints were accepted and heard between 2011 and 2012, and of those 54 were dropped or dismissed. She gives evidence of long delays in adjudicating such cases, particularly in relation to defamation. According to the PCI's report, 49 of the cases were related to defamation many of them dating back to before 2010. Even in the most severe case mentioned the PCI was only able to censure the editor and bring the case to the attention of the register of newspapers and state bodies responsible for advertising and public relations. Akoijam further argues that the relatively high costs of getting sustained legal advice lead even the small number of successfully registered cases to be stalled or dropped by the complainants. Akoijam gives one example:

The Press Council dealt with only one complaint of paid news against the editor of *Abhi Abhi*, Hisar (Haryana) by an election agent in 2011- 2012. The complaint was filed on 5th October 2009. The editor had allegedly approached the complainant and demanded a sum of Rs 5 lakh. When he refused, the newspaper started publishing a spate of motivated and false news article against J P Dalal. The matter was dismissed as both the parties did not appear for the hearing. [[the hoot](#), September 17th 2012)

Even this small number of cases must be seen in the wider context of the skills and resources needed to send a complaint in the first place. PCI complaints would tend to come from those with literacy and motivation or facilities for representation, a tiny fraction of the population of those who might justifiably have grievances against the press in India.

The bad behaviour of Indian media often well exceeds defamation of political candidates or corporate promotion in the form of news. A particularly brutal example is the media's generally abominable handling of the alleged '[fake encounter killing](#)' of a young India woman, Ishrat Jahan, and three others by the Intelligence Bureau and the Gujarat Police some years previously. Framing the young student as a terrorist and murdering her in cold blood would have been bad enough. However, as the Intelligence Bureau and police case has unravelled in a very public way, they have defended themselves by manufacturing evidence against the dead young woman. This evidence included the ridiculous allegation that she was named as a terrorist operative in a taped interrogation of terror suspect David Headley. Despite the fact that the [false evidence has since been declared](#) absurd by the National Investigative Agency and that the family's lawyer has disproved it by listening to the entire tapes in question, the Indian media, particularly broadcast media, have relentlessly sustained and circulated the manufactured evidence. It has thus played a role in defaming the young woman and impeding her family's quest for justice even further, in the process undermining its own supposed role as the fourth estate in a democracy. Even with some expanded powers or authority it is doubtful that the until now toothless self-regulator of newspapers will have any impact in cases like this where both politicians and media outlets appear to collude to obstruct justice.

Indian journalist and critical media analyst Geeta Seshu also writes about the [dangers of allowing the Indian media to self-regulate](#). She cites their penchant for [opting out of codes of conduct or agreements which do not suit their economic interests](#) as many are run by corporations with other business interests such as mining, steel or electricity or by local political families with both high level business connections and ministerial ambitions.

What sanctions would be enough to encourage legal, ethical and political co-operation from the Indian media, even when their ratings might be at risk? Should licences be suspended? Should journalists and editors be dismissed? Should huge fines be implemented against media houses who do not conform? Should prison be an option when all else fails? As of today, warnings and finger wagging seem to be the worst that rabidly defamatory, corrupt or reckless media houses can expect from the current self-regulatory body. While there is, indeed, always a danger that a new regulatory body might use its powers to censor political or civic dissent, to encourage particular brands of moral policing of the public sphere and to curtail freedom of expression, I for one am convinced that the current regime of unregulated, corrupt, politically complicit and crony-capitalist media in India is undermining rather than aiding democracy.

The post gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics. The author thanks Geeta Seshu for her helpful comments.

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