Dealing with Paid News

What is the issue?

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The Election Commission of India (ECI) holds that paid news impairs the process of free and fair elections.

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What is the observation?

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- Paid news refers to the news or analysis appearing in any media for a price in cash or kind.
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- It plays a significant but negative role in the context of free and fair elections.
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- It also involves under-reporting of election expenses by candidates.
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- EC found 42 cases of paid news in the election of BJP's Narottam Mishra in 2008 Madhya Pradesh Assembly elections.
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How is paid news being dealt?

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- There is no specific law against "paid news" in India.
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- But the poll panel depend on Section 10A of the Representation of Peoples Act (RPA).
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- It deals with the misreporting of funds related to election expenses.
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- E.g. In 2017, the ECI ordered Mishra's disqualification and barred him from contesting elections for 3 years.

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- It argued that Mishra knew of, and by implication authorised the publication of the “reports”.
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- This should be seen as political advertising under Section 77 of the RPA.
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- So, the expenditure incurred or authorised on this head should have been listed in the submissions to the poll regulator.
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- But Mishra had “failed to lodge a correct and true account of his election expenses”.
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What is the court's view?

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- The Delhi High Court later set aside Mishra's disqualification.
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- It said that the content of a media article or a news feature on particular candidates should not be regulated indirectly through EC's directives.
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- It observed that they essentially fall within the domain of free speech.
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- So, this eventually restricts the poll regulator from acting against paid news.
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What are the demands in place?

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- The ECI suggested the Union government that paid news be made an electoral offence under the RPA.
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- A Law Commission report from 2015 also recommends amending the RPA to this effect.
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- But governments have approached the problem from a press regulation perspective rather than poll regulation.
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- E.g. the earlier government brought the Registration of Newspapers and Publications Bill, 2013

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- The present government proposed providing for suspension of publication permits for a period of 45 days for erring publications.
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What could be done?

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- Cracking down on candidates who mislead the electorate through paid news preserves India’s democratic values.
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- The ECI has approached the Supreme Court against the Delhi HC order, and so, much depends on which way the SC decides.
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- Meanwhile, the government and political parties would do well to gather the will to amend the RPA.
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Source: Financial Express
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