

INTERPRETING THE NUANCES OF MEDIA OWNERSHIP IN LIGHT OF CONSTITUTIONAL PRINCIPLES OF LIBERTY AND DEMOCRACY

Ms. Shriya Bhojwani

Ph.D. Research Scholar at JECRC University, Jaipur, Rajasthan

Dr. Namita Jain

Associate Professor, JECRC University, Jaipur, Rajasthan

ABSTRACT

Freedom of the Press was and is considered to be fundamental for a democratic nation. Our forefathers advocated for freedom of the press and wanted it to be a separate right within the Constitution of India, but it was interpreted by the Indian Courts within Article 19(1)(a) as intended by the Constituent assembly members. Since independence, this freedom has attained new dimensions and to protect the independence of media, it is very less regulated by the legal framework. Enormous autonomy is given to the stakeholders to regulate themselves, which has been going on for years now. But then self-regulation has proved to be a failure as in the past decade various problems like paid news, sensationalism, formation of cartels, and other unethical practices done by the media houses have come to light which is upsetting the various fundamental rights of the citizens like right to information, right to expression etc. The researchers in this paper intend to discuss the challenging media ownership structure and the oligopolistic practices that are prominent in the media industry affecting others' interests and undermining the basic principles of democracy and liberty. The researchers are trying to showcase a pattern of big corporate houses or people having political connections owning different media houses and using the media to influence the decision-making of the readers and viewers. Then the researchers in this paper pinpoint the legal framework that governs the different segments of media and keeps a check on the media ownership structure. Finally, the researchers provide some suggestions that must be considered for better regulation of the media industry.

Keywords: Democracy, Self-Regulation, Sensationalism, Cartels, Oligopoly, Media- Ownership.

INTRODUCTION

Press freedom has always been a debated topic and to uphold the various constitutional theories of liberty, democracy, equality, etc the authorities have not interfered in its working and it is mostly self-regulated to ensure that the media performs its duties diligently. But in the past few years, the delusion of media ethics has become a concern, with the growing unethical practices like paid news, media trials, defamation, breach of privacy, yellow journalism, sensationalism, tabloidization, hate speech, fake news, etc. The reason associated with these unethical practices adopted by media houses is the commercialisation of news where even the non-media corporates are investing in the media houses and are generating revenue out of it. Commercialization of media is not a recent problem. It started in the 1950s as mentioned by J.S. Rajyadhyaksh, the then chairman of the Press Commission of India in the report submitted in 1955 that earlier media had an agenda, a purpose which was to ensure that the political governance was on point in the country.

But as observed now that the media has lost its mission, it is no longer into responsible journalism, rather, it has started its commercial ventures.¹ Similarly Justice Ventaramaih in the appreciated judgment of *Indian Express Newspapers (Bombay) Pvt. Ltd and Others vs. Union of India*² have opined that trade and business have made space for themselves in the ambit of freedom of speech and expression and this right of expression is not merely just a right to communicate but has rather become an important trade practice, whereby asserting one's right under Article 19(1)(a)³, the media industry has started earning and doing business.

The media industry is gradually turning into an oligopolistic market, wherein only a few players are actually active in the market. The ownership lies either in the hands of any of the political parties or any person or business tycoon who has some or other political affiliation. The ownership structure in India is both vertical and horizontal, leading to cross-media ownership which means that the media house has control vertically in all the segments like distribution, publication etc, it has ownership control in different fields, different forms of media like print media, broadcasting media, digital media, etc. Along with this the media houses also have horizontal control as it enjoys market dominance in different geographical areas. It is alleged that media pluralism became a major concern during the 2014 parliamentary election when concentration and media ownership changed their dynamics. In 2014 Reliance Industries took over Network 18 which had a substantial news readers/ viewers base. Network 18 is operative in 15 languages through twenty channels. Network 18 owns CNN News 18, CNBC, Viacom 18, News 18, and other television channels and digital platforms. Patently the dominance of the Ambani family over the media industry is visible.⁴ Similarly in 2015 when Reliance launched Jio, it was advertised with our honourable Prime Minister's pictures on the front pages of various newspapers, conveying a message that they are allies and Reliance Industries is helping in furthering the vision of the ruling government.⁵ Being the state representative, such kinds of advertisements are objectionable as they bring the government in a bad light. Moreover, when Jio came into the market it severely affected the economy and the business of its rivalries like Vodafone, Airtel, and Idea by throwing them outside the market. Jio successfully captured the market by providing telephone services at subsidized rates. This could have only been achieved with liberal market regulations and with easy entry into the market. The rivalries did sense something foul and blamed the Telecom Regulatory Authority of India for liberalizing the rules and regulations and helping Reliance Jio to rule the telecom market.⁶

¹Sarkar Shivaji, "Cross Media Ownership- A threat to Vibrant Democracy", *Vivekananda International Foundation*, Aug. 22, 2013, <https://www.vijindia.org/article/2013/august/22/cross-media-ownership-can-india-check-make-it> last accessed on 26th Nov. 2023 at 5:55 pm.

²AIR1986SC515.

³*Constitution of India, Article 19(1)(a): All citizens shall have the right to freedom of speech and expression.*

⁴Kumar Smarika, Concentration of media ownership and the imagination of free speech, *Economic and Political Weekly*, Vol. 51, No. 17, pp. 127-133.

⁵"Modi, Mukesh and a Moment in Time", *Economic & Political Weekly*, September 10, 2016, Vol LI No. 37.

⁶Kumar Smarika, Concentration of media ownership and the imagination of free speech, *Economic and Political Weekly*, Vol. 51, No. 17, pp. 127-133.

This practice of involvement of non-media corporates in the media industry is a matter of concern as it violates various fundamental rights of the citizens like the right to information, right to decision making, right to vote, right to trade, profession and business, etc. The sad part is that the consumers, that is the readers or the viewers, who are receiving the information, are not aware of this oligopolist practice that is being carried on. The growing oligopoly forces us to question, how to balance rights under Article 19(1)(a) and Article 19(1)(g)⁷. Aren't these two rights opposites to each other? Can they even go together? Do we still have freedom of speech and expression? Is there a need to protect and assert freedom from the various concentration of ownership?

BEARING OF MEDIA OWNERSHIP ON LIBERTY AND DEMOCRACY

Mass Media enjoys the power to influence the lives of countless people due to its huge audience reach. It has the privilege to influence our decision-making in every aspect, be it political decision-making or economic decision-making. Media affects the daily livelihood of a citizen. It affects the economic, cultural, political, social, and intellectual growth of an individual. It is a protagonist in the development of the nation and in building an informed citizenry. Media's crucial function involves bridging the gap between the government and the citizens, keeping a check on the working of the elected government and informing the citizens regarding governmental initiatives. The problem starts when the media instead of doing its job ethically, gets into various unethical practices. Media houses have recently started entering into private treaties with various business tycoons and other corporate houses for exchanging benefits. Media does favourable reporting for the corporates and in return, corporate houses provide them with some considerations in the form of shares or debentures in the company or a lumpsum amount for investment, etc. This practice has increased to a level where now the non-media corporate houses are owners, managers, and investors in the media houses. They have created a cartel not allowing new players to enter the market. This is not a new practice as during different times, when the press was owned by industries many leaders like the Late V. K. Krishna Menon referred it to be Jute Press or Steel Press as the ownership lay with jute industrialists and steel industrialists like TATA respectively.⁸ The problem of concentrated ownership in the media industry has been a problem for long and many journalists, scholars and researchers have pointed out the damage that it is causing to our democratic nation. It provides us with half information or biased information or misinformation and creates a particular perspective.

People look towards big and established newspapers and media houses in matters where any public incident or a massive incident, has happened, wherein they look forward to how a particular media is reacting towards it. What is the actual situation that the media will showcase and will give light to it but the general tendency of media houses is that they either remain silent on it, or they refrain themselves from giving any opinion, per say. This is because the owners or the people in command, at managerial position have various business interest which might be hampered if they do so.

⁷*Constitution of India, Article 19(1)(g): All citizens shall have the right to practise any profession, or to carry on any occupation, trade or business.*

⁸*Sarkar Shivaji, "Cross Media Ownership- A threat to Vibrant Democracy", Vivekananda International Foundation, Aug. 22, 2013, <https://www.vifindia.org/article/2013/angust/22/cross-media-ownership-can-india-checkmake-it> last accessed on 26th Nov. 2023 at 5:55 pm.*

Explaining it in a layman language suppose, for instance a business tycoon is actually the owner of a media house, he has political connections or relations with any political party, and if any incidents happen, which shows that political party is involved in any sort of corruption or corrupt practices, then the media house will refrain itself from showcasing or disseminating any information which might affect its relation with the concerned political party. Or for instance, the concerned business tycoon has different business operations if anyone business operation is involved in any unethical practices, and the media house showcases it, it might affect or disclose the name of that particular business tycoon. It might later affect his other business ventures also so the owners want favourable reporting, which promotes their business interest and helps them in generating revenue by creating a positive image, among the consumers in the market. The owners or the investors of renowned news houses like The Times of India, Hindustan Times, etc, have various other business ventures and they will not publish anything that might affect their other businesses.

The media houses enter into private treaties with various corporate houses where they help them to make more profits, and to create a reputation in the market, through favourable reporting in return for some interest. This exchange between the non-media corporates and the media houses is depriving us of true, accurate, and unbiased news. They are creating a bias wherein we are arriving at our decisions only based on the misinformation or fake information we are receiving. Media houses have adopted the practice of sensationalism or yellow journalism where to create hype or to viral any information, they spice it up so that it sells well in the market. Many a time they focus on the news which is immaterial like displaying the airport look of celebrities, showing their lifestyles, etc, creating unnecessary sensationalism while ignoring other important events happening in any part of the nation. They keep on showing news that they want us to know while ignoring the others. The demarcation between advertisement and news is being blurred out as media houses have been involved in the practice of fake news, wherein they advertise in disguised form. For the sake of favourable coverage, often news media ends up creating the news, by moulding the facts or by advertising in the form of news. The entire structure and the pious profession of journalism have become a business or a trade where the news channels are running a TRP race⁹, they are adopting all the mechanisms to ensure that their consumers increase and demand for their service is created in the market. For this, they have joined hands with corporate houses and powerful business tycoons, who have some or the other political connection. This leads to the growth of few powerful people only, the rich become richer. This oligopolistic practice is not letting the newcomer enter the market. The established media houses have formed a cartel and they are ruling the media industry. This is leading to a poorly informed citizenry as we do not have a plurality of news.

The trust and faith in the media and the news that they provide are being shaken, as no credibility can be associated with media working. The press must act as a mirror, which should reflect the intention of the government the policies that they frame, the needs of the people, their aspirations

⁹Shabudi Anima, "When will the Indian Media start asking the Government crucial questions?", *Youth ki Awaaz*, 15 Sept. 2020, <https://www.youthkiawaaz.com/2020/09/the-unethical-risage-of-the-indian-media/> last accessed on 26th Nov. 2023 at 9:20 pm.

their beliefs, and hopes from the government. It should help the government in identifying all the difficulties the citizens are facing, which needs to be catered from the side of the government. But unfortunately, nothing of this sort is happening. We are becoming helpless as we are so dependent on media, we don't know whether to rely or not to rely on media for any sort of information and how to come and arrive at any sort of decision. Whatever we read or hear have a great impact on our mind. It affects our decision-making, and how we think, it affects in creation of any particular opinion, and it creates our likes and dislikes. Sadly, we at the receiving end are not able to ascertain the authenticity of the news.

INDIAN LEGAL FRAMEWORK FOR THE MEDIA INDUSTRY

The legal framework in India is influenced by the British Legal System. We have adopted and enacted various laws similar to those applicable in British. Article 19(1)(a)¹⁰ of the Constitution of India grants freedom of speech and expression as the basic fundamental right of the citizen of India. Freedom of the press is also imbibed under the same article. The Supreme Court of India in numerous judgments has expanded this freedom and has granted enormous rights to the media. Article 19(2)¹¹ provides some restrictions only on the basis of which the freedom of speech and expression can be restricted by passing a law. Apart from these constitutional provisions, there exist numerous laws governing the media and entertainment sector. There are laws specifically dealing with print media, telecommunication, broadcasting, advertisement, digital media, etc. These laws provide for the procedural requirements that are needed before getting a license to operate any television channel, the procedure for setting up a printing press, the preconditions for distribution and broadcasting, certification of films and their telecast, etc. The laws also provide for the working conditions for the journalists, the regulations for wages, provident fund, gratuity, etc. There are specific legislations that provide regulation for the newspapers, governing the price of newsprint, the number of pages, and prices for a newspaper. There exist laws that govern different aspects of media like the Press Council of India, which regulates the working of the press, the News Broadcasting Regulatory Authority for television, the Telecommunication Regulatory Authority of India for the telecom sector, the Board of Film Certification for movies, News Broadcasters Association for the news channels, etc.¹²

Starting with the print media, the Press & Registration of Books Act 1867 and the Registration of Newspapers (Central) Rules 1956 governs the printing and publication of newspapers. The act and the rules provide for various technicalities that must be followed before a book or a newspaper is published. Like the book must be sent to the repository, in the case of newspapers, before its publication, the printers must get the license to print and publish from the Registrar of the Newspaper, by providing the requisite information and depositing various documents. Only after receiving the license or the certificate, the printing process can be started. The Press Council Act,

¹⁰Constitution of India, Article 19(1)(a): *All citizens shall have the right to freedom of speech and expression.*

¹¹Constitution of India, Article 19(2): *Nothing in subclause (a) of clause (1) shall affect the operation of any existing law, or prevent the state from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right comfort by the set subclause in the interest of the sovereignty and integrity of India, the security of the state, friendly relation with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.*

¹²"Media Ownership Monitor India 2018", Legal Framework, <http://india.mom-gmr.org/en/context/law/>, last accessed on 4th Dec 2023 at 9:50 am.

1978 empowers the Press Council of India to monitor the content printed and published by the press and if it finds that the concerned newspaper has not abided the ethical practices of journalism, it can warn and censor it. Anyone can file a complaint before the council, against any misconduct. The Press Council of India prepares a code of conduct for newspapers which they must abide with so to ensure that professional standards are maintained and the newspapers perform their public duty efficiently.¹³ It ensures that the autonomy and independence of the newspaper are not compromised and they can function with utmost accuracy and sincerity. The Act also provides adjudicating powers to the Press Council to hear any complaint filed before it about any publication done by the news agency. The council enjoys judicial powers under Sec 15¹⁴ of the Press Council of India Act, 1978 to issue summons, inspect documents, call for evidence, etc.

Moving towards the segment of broadcasting, the Ministry of Information and Broadcasting is the authority given the power to make laws and policies that govern broadcasting, radio, press, films, advertisement, publications, etc in India. The Ministry of Information and Broadcasting ensures the implementation of the Cable Television Networks Regulation Act, 1955, and the Cable Television Networks Rules, 1994. The above-mentioned act and rules govern the broadcasting services provided by the cable operators. Under this act, the Telecom Regulatory Authority of India has been empowered to grant licenses to cable operators. It ensures that the content broadcasted is not against the code provided by the act. In case of breach of any of the provisions of the act or rules, the authority has the power to suspend the license or not renew it. TRAI is empowered to impose penalties in consonance with the provisions of the act. The Ministry of Information and Broadcasting by the Cable Television Networks (Amendment) Rules 2021 intends to delete the provisions of penalties from the act to ensure a business-conducive environment. The act also regulates the advertisements that are broadcasted by the cable operators through the advertisement code. The code provides for the principles and practices that must be followed by the cable operators while advertising. The Advertising Standards Council of India provides guidelines for the advertisement on cable TV. Also, the Advertising Standards Council of India has given a code for self-regulation in advertising, where the council pledges that the members associated with the Council will ensure honesty and truthfulness in their advertisements. They will not exploit any vulnerable section of society and will ensure fair competition in the market. The Press Information Bureau performs the function of advertisement for the government, it provides the requisite information about the policies of the government to the people and also facilitates the government regarding the response of the people to the newly framed policies.

¹³Sharma Parth, "A Critical Evaluation of Media Regulations in India", Christ University, Bengaluru, January 2017.

¹⁴The Press Council Act, 1978, Sec 15(1): *General Powers of the Council- For the purpose of performing its functions or holding any inquiry under this act, the council shall have the same power throughout India as are vested in the civil courts while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely: --*

- a) *summoning and enforcing the attendance of persons and examining them on oath;*
- b) *requiring the discovery and inspection of documents;*
- c) *receiving evidence on affidavits;*
- d) *requesting any public recorder copies thereof from any court or office;*
- e) *issuing commissions for the examination of witnesses or documents; and*
- f) *any other matter which may be prescribed.*

The next segment is digital media, which has facilitated people in content creation. Now viewers and readers have also become the information producers. It has become really difficult to identify the genuineness and the accuracy of any piece of information. Apart from the innumerable laws that govern the media industry, the Information Technology Act, 2000, specifically regulates digital media. The act regulates all sorts of electronic communication and provides a list of offences and their respective penalties. The act penalises offences like tampering with computer source documents¹⁵, sending offensive messages through communication services¹⁶, identity theft¹⁷, cheating by personation by using computer resources¹⁸, violation of privacy¹⁹, cyber terrorism²⁰, and publishing or transmitting obscene material in electronic form²¹, to name a few.

¹⁵The Information Technology Act, 2000, Sec 65: Tampering with computer source documents- Whoever knowingly or intentionally conceals, destroys or alters or intentionally or knowingly causes another to conceal, destroy or alter any computer source code used for a computer, computer programme, computer system or computer network, when the computer source code is required to be kept or maintained by law for the time being in force, shall be punishable with imprisonment up to three years, or with fine which may extend up to two lakh rupees, or with both.

¹⁶The Information Technology Act, 2000, Sec 66 A: Punishment for sending offensive messages through communication service, etc. - Any person who sends, by means of a computer resource or a communication device, -

- a) any information that is grossly offensive or has menacing character; or
- b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will persistently by making use of such computer resource or a communication device;
- c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.

¹⁷The Information Technology Act, 2000, Sec 66 C: Punishment for identity theft- Whoever, fraudulently or dishonestly makes use of the electronic signature, password or any other unique identification feature of any person, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine which may extend to rupees one lakh.

¹⁸The Information Technology Act, 2000, Sec 66 D: Punishment for cheating by personation by using computer resource- Whoever, by means of any communication device or computer resource, cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine which may extend to one lakh rupees.

¹⁹The Information Technology Act, 2000, Sec 66 E: Punishment for violation of privacy- Whoever, intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person, shall be punished with imprisonment, which may extend to three years, or with fine not exceeding two lakh rupees, or with both.

²⁰The Information Technology Act, 2000, Sec 66 F: (1) Whoever,-

(A)with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the people by-

- (i) denying or cause the denial of access to any person authorised to access computer resource; or
- (ii) attempting to penetrate or access a computer resource without authorization or exceeding authorised access; or
- (iii) introducing or causing to introduce any computer containment,

and by means of such conduct causes or is likely to cause death or injuries to persons or damage to or destruction of property or disrupts, or knowing that it is likely to cause damage or disruption of supplies or services essential to the life of the community or adversely affects the critical information infrastructure specified under section 70; or

(B)knowingly or intentionally penetrates or accesses a computer resource without authorisation or exceeding authorised access, and by means of such conduct obtains access to information, data or computer data base that is restricted for reasons of the security of the state of foreign relations, or any restricted information, data or computer database, with reasons to believe that such information, data or computer database so obtained may be used to cause or likely to cause injury to the interests of the sovereignty and integrity of India, the security of the state friendly relations with foreign states, public order, decency or morality, or in relation to contempt of code, defamation or incitement to any offence, or to the advantage of any foreign nation, group of individuals or otherwise, commits the offence of cyber terrorism.

²¹The Information Technology Act, 2000, Sec 67: Punishment for publishing or transmitting obscene material in electronic form- Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years or with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment with a description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.

The act also provides for cases wherein the intermediaries won't be held liable.²² The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, as notified by the Ministry of Electronics and Information cast some duties and responsibilities on the intermediaries and social media users. As per these rules, the social media user is duty-bound to ensure that it does not publish any content that is obscene or dangerous or hampers anyone's reputation. There is an obligation on the intermediaries that it should verify the content before allowing it to be published. They are supposed to make various categories based on which the content has to be classified and published, for instance, if the content involves anything sensitive then a disclaimer must be necessarily given before its publication. The rules also provide for the grievance redressal mechanism. The new Digital India Act proposes to replace the existing Information Technology Act to meet the contemporary technological challenges and to cater to the increasing cyber offenses which are still not in the purview of the old legislation.

Moving further towards the laws, rules, or regulations specifically addressing the increasing problem of cartel formation or oligopolistic practices, there are authorities like the Competition Commission of India and the Securities and Exchange Board of India established under the Competition Act 2002 and the Securities and Exchange Board of India Act, 1992 respectively monitoring the takeovers, shareholdings, mergers, and acquisitions among different companies. To promote media plurality, the Competition Act monitors various commercial activities to ensure that none of the players enter into any such agreements or contracts that are anti-competitive or affect fair market regulations. The commission is empowered to supervise all the mergers and acquisitions to check that cartels are not formed. Similarly, the Securities and Exchange Board of India Act regulates the stock market, keeping an eye on the sale and purchase of shares and debentures. The act lists down various penalties imposed in cases of indulgence in unfair trade practices. Apart from these, there exists the Consolidated FDI Policy 2020 which provides various conditions regulating the foreign investment in Indian companies involved in the Media and Entertainment sector.²³ Lastly, the Telecom Regulatory Authority of India has issued numerous consultation papers, seeking the opinions of the different stakeholders in the media industry regarding the regulation of media ownership, and has accordingly issued various guidelines in the same regard. Based on these consultation papers the Broadcasting Services Regulation Bill 2006, was introduced to restrict cross-media ownership and foreign investment in broadcasting. It intended that no political or religious body would have permission to own any of the television channels. This bill intended to establish an independent regulator, whose duty would have been to prevent and report media concentration in the market and ensure that there is plurality in news sources. This bill failed to become an act. Again, the draft Broadcasting Services Regulation Bill 2023 has been introduced with a similar intention to regulate media ownership.

CONCLUSION & WAY AHEAD

²²*The Information Technology Act, 2000, Sec 79: Exemption from liability of intermediary in certain cases- (1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of subsections (2) and (3), an intermediary shall not be liable for any third-party information, data or communication link made available or hosted by him.*

²³*Consolidated FDI Policy Circular of 2020, Department for Promotion of Industry and Internal Trade, Ministry of Commerce & Industry, Government of India, available at https://www.meity.gov.in/writereaddata/files/FDI-PolicyCircular-2020-29October2020_0.pdf.*

We, as a democratic nation, has always upheld the freedom of the press through various judicial pronouncement. But with this freedom, there comes a whole lot of responsibility on the shoulders of the media to uphold liberty and basic constitutional principles. So, to further strengthen the democracy in our country hence, while exercising freedom, the media should act in a responsible manner ensuring plurality of news and diversity of opinions. News channels must clearly specify that if information published by them is sponsored news.²⁴ They should present their opinions as opinions and not assert it as a fact.²⁵ Media houses who have the liberty to regulate their own conduct must necessarily ensure that the rules made for their own regulations are strictly complies with and in case of any non-compliance the community as a whole take punitive actions against the wrong doer. This will help to restore the faith and trust in the media house.

To ensure plurality and diversity in the media industry there must be a cap on mergers and acquisitions among various companies. The non-media corporates should not be allowed to invest in the news companies. Even if they acquire any stocks of the company, there must be a certain cap to it which should not be more than 10%. There must be a requirement of mandatory disclosure to be done regarding the purchase or sell of stocks like shares or debentures by any journalists or editors in any company. The mandatory disclosure should not be only on the media houses or the concerned company, but rather on every journalist, editor or reporter, or any stakeholder who is involved in the media industry should mandatorily disclose its interest in any other private business entity. The concentration is not only by the non-media corporates but also by various political parties. There is no mandate on the politicians, holding the stakes in the media houses to disclose their or their family members political connections or affiliations. A mandatory obligation on the politicians to disclose their holdings must also be made effective on an immediate basis. This will provide us a clear picture regarding who is owning the media company. We would be in a position to trace down the chronology of the various information provided to us and would be in a position to analyse the perspective which the media houses intend to create and from where it is coming from.

The problem of ownership structure exists because of the deficiency of media infrastructure, or the huge expenditure that media has to bear while performing its functions. Media houses rely on the corporate houses for the funds to dispense various undertakings. Even many journalists, editors or reporters enter into private agreements or adopted various unethical practices like fake news, paid news so to get extra monetary benefits. As they are paid less in comparison to the living standard in the market. This can be addressed by amending the Working Journalist Act, to bring it in parlance with the current market price level. The wage rate should be increased and the acts must be implemented strictly. The government can further by coming out with a mechanism wherein some funding or a definite source of income, can be given to the media houses, wherein they don't have to enter into any sort of private treaties, or they do not have to collaborate with private entities for revenue generation. Government can provide with the requisite infrastructure. We need to

²⁴Atreya Shashank, "Cross Media Ownership in India: Cause for Concern?", *Tech Law Forum*, NALSAR, 22 Sept. 2014, <https://techlawforum.nalsar.ac.in/cross-media-ownership-in-india-cause-for-concern-2/> last accessed on 26th Nov. 2023 at 9:54 pm.

²⁵Shekhar Prasoan, "Ethics in Media: A thing of the Past?", *Legal Services India*, <https://www.legalserviceindia.com/legal/article-3656-ethics-in-media-a-thing-of-the-past-.html> last accessed on 26th Nov. 2023 at 9:37 pm.

ascertain ownership and control. They might not be same every time. At this juncture what needs to be regulated more is the managerial control. We need to see that control or the decision-making power should not lie in the hands of just few people and there is diversity of opinions in the panel who have the managerial power.

We in India have abundant laws which regulate and govern various forms of media in India but still there is inadequacy in the laws that cater to the problem of media ownership and the formation of the cartels.²⁶ The problem of media concentration cannot be completely traced as there are specific legislations that govern and monitors various aspects of different verticals of media like print, broadcasting, digital, telecom, advertising, news etc but there is no specific legislation which cater the question of media concentration. Competition law should be amended to see that diversity and plurality is maintained within the media industry. There must be regular scrutiny over the ownership rules as the media is changing and evolving. Proper regulation for the foreign investment, mergers and takeovers in the media industry should be formulated and specific laws addressing cross media ownership should be drafted and implemented. Lastly the Press Council of India must be given more power to penalize the wrongful actions done by any media houses. In cases when a punitive action is taken against any wrong doer, it must be publicised so as to let others be aware that their unethical acts might attract punishments.

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