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Media Influence

Matrix:

India



Government, Politics and Regulation

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The Center for Media, Data and Society (CMDS) is a research center for the study of media, communication, and information policy and its impact on society and practice. Founded in 2004 as the Center for Media and Communication Studies, CMDS is part of CEU's School of Public Policy and serves as a focal point for an international network of acclaimed scholars, research institutions and activists.

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The report was done with the participation of the Centre for Policy Studies (CPS) at Indian Institute of Technology, Bombay (IITB).

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LEGAL OVERVIEW

The right to freedom of speech and expression is guaranteed to all the citizens of India by the Indian Constitution of 1950.[1] This provision implicitly extends to include the right to press freedom. However, this right is subject to reasonable restrictions, if needed, in the interest of security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offense.[2]

Similarly, the right to information is seen as an inalienable component of freedom of speech and expression. The Right to Information (RTI) Act of 2005 put forward provisions ensuring that citizens have access to information held by public authorities, its aim being to promote transparency and accountability of these institutions.[3] The RTI Act has empowered journalists to solicit and report official information which was earlier shielded by the Official Secrets Act of 1923.

The newspaper and television journalists have to be accredited by the Ministry of Information and Broadcasting (MIB), which acts on recommendations from the Central Press Accreditation Committee (CPAC) under the Press Information Bureau (PIB). PIB laid in 1999 the Central Newsmedia Accreditation Guidelines that put forward the eligibility criteria for journalists and media houses to gain access to government offices and events organized by the Government and its agencies.

The news media in India is governed by a mix of statutory laws and codes, legislation, and administrative guidelines and statutes. Regulatory provisions in place, particularly for the infrastructure, operation and content production are distinct for news disseminated via newspaper and television. Infrastructure and operation of news on the internet is largely an unregulated space.

A common code that regulates news content on all media is the Indian Penal Code statutes on Defamation, Sedition, Hate Speech, and Libel, which was adopted back in 1860.[4] These statutes have been governing content in India since the British colonial period and are in play even after many of them have been revoked in the British parliament. These provisions have often been used to suppress newsmakers and journalists critical of the establishment and corporate interests. In addition, other legal provisions governing news content are medium-specific such as the Norms of Journalistic Code of Conduct laid by the Press Council of India, the Advertisement and Program Code under the Cable Television Networks Act of 1995, and limitations to content under the Information Technology Act (2000).

[1] Article 19 (1) (a) states that all citizens have the right to express one's own convictions and opinions freely by words of mouth, writing, printing, pictures or any other mode.

[2] Constitution of India effective since 1950, amended 101 times since, available online at https://www.india.gov.in/sites/upload_files/mpi/files/coi_part_full.pdf (accessed on 28 January 2019).

[3] Right to Information Act, 2005, available online at <http://rti.gov.in/webactrti.htm> (accessed on 28 January 2019).

[4] Indian Penal Code, 1860, available online at https://indiacode.nic.in/acts/1_Indian%20Penal%20Code,%201860.pdf (accessed on 29 January 2019).

Regulation of newspapers

India's 114,820 odd newspapers and periodicals in 24 languages^[5] require registration (under the Press and Registration of Books Act of 1867, amended several times since) with the Registrar of Newspapers of India (RNI), which also decides whether a newspaper organization can own a specific title. Registration with the RNI also enables the organization to procure newsprint for publication. On furnishing the certificate of registration the newspapers can avail exemptions and avoid custom duty. This is very helpful to small and medium newspapers that are economically burdened. The Department of Industrial Policy & Promotion (DIPP), under the Ministry of Commerce and Industry, sets a foreign investment cap (currently at 26%) on newspapers and news periodicals.^[6] The Norms of Journalistic Code of Conduct laid down by Press Council of India (PCI) put forward norms and guidelines for newspapers and journalists including basic principles and ethics, and an exclusive code of conduct for coverage of communal disturbances, diseases, terrorists and militants, and gender sensitivity, among other things.

Regulation of cable news

Unlike newspapers, cable and satellite channels need a license to operate. Such licenses are granted in two categories, namely News & Current Affairs and Non-news & Current Affairs TV channels. News and Current Affairs channels require an uplinking permit from the MIB, according to the Policy Guidelines for Uplinking of Television Channels from India, first introduced in 2000 and amended at

various stages, the latest in 2011. To run a news channel the eligibility criteria include a minimum net worth of INR 200m (€2.48m), a Performance Bank Guarantee of INR 20m (€248,400) per news channel and a permission fee of INR 200,000 (€2,500) per annum. This permission is granted for a period of 10 years (which can be renewed) after security clearances from Ministry of Home Affairs and Department of Space. These television guidelines also impose a foreign investment cap of 49% in news channels.^[7]

There are two types of licenses that a broadcaster must obtain: a Grant of Permission (GOPA), as discussed above, from the Ministry of Information and Broadcasting, and a Wireless Operating License from the Ministry of Communication and Information Technology for spectrum usage, in line with the Wireless Telegraphy Act dating back to 1885. Cable News channels, of which there are 389 in 11 languages^[8], are also governed by the Cable Television Networks (Regulation) Act adopted in 1995, periodically amended to be synchronized with technology advancements. The latest amendment in 2011 imposed mandatory digitization of cable relays to enhance fiscal transparency in this sector. Content in cable news is directly regulated by the Advertisement and Program Code under the Cable Television Networks Rules from 1994. The code lists the rules on the nature of content carried through cable and direct-to-home (DTH) services. It has over-encompassing clauses such as the obligation on content providers not to offend "good taste or decency," be critical of "friendly countries", attack religious and other communities, deal with obscenity and half-truths, and incite violence. If these rules are violated, the MIB is empowered

[5] Highlights of Annual Report on Press in India, as of March 2017, Office of Registrar of Newspapers for India, Government of India, available online at http://rni.nic.in/all_page/press_india.aspx# (accessed on 25 January 2019).

[6] See more on this government document online at https://mib.gov.in/sites/default/files/Are_You_surprised__0.pdf (accessed on 28 January 2019).

[7] Amendments to Policy Guidelines for Uplinking of Television Channels, Government of India, Ministry of Information and Broadcasting, 2011, available online at https://mib.gov.in/sites/default/files/Finalorder_for_uplinking_of_TV_channels05.12.2011.pdf (accessed on 5 January 2019).

[8] Annual Report of the Ministry of Information and Broadcasting (2017-2018). The total number of permitted News and Current Affairs Channels, as of March 2018, officially published online at https://mib.gov.in/sites/default/files/Annual%20Report_2017-18%20%28English%29.pdf (accessed on 28 January 2019).

to issue recommendations and warnings, or even suspend a broadcaster's license. The industry has attempted to regulate content on its own via self-regulatory mechanisms such as the television industry's Code of Ethics & Broadcasting Standards. (See *Local Influencers in this chapter*)

Regulation of news on public broadcasting

News disseminated via Doordarshan, the television wing of Prasar Bharati (Public Service Broadcaster of India) is regulated by the Guidelines for Sponsored Programs.[9] The All India Radio (the radio arm of the PSB) regulates content on radio broadcasts according to the AIR Code.[10]

Regulation of news on radio

Private FM radio and community radio are prevented from broadcasting news by a clause in their Grant of Permission.[11] However, as of 2019 the MIB allows private FM radio channels to rebroadcast unmodified news bulletins from All India Radio (AIR). A license fee for carriage of news is also applicable based on the category/rating of the service provider.[12]

Regulation of online news

Unlike newspapers and cable news channels, online news outlets do not require any registrations or licensing. There are no

eligibility requirements for starting a news website. However, the central government has made efforts to formalize a code of conduct for online news providers in line with the existing provisions for newspapers and cable news. Newslaundry.com, an online news website, was asked by the Reserve Bank of India (RBI) to file for foreign direct investment (FDI) approval when it wanted to sell a stake in the company overseas. Such an approval is not needed for online news media, being required only of traditional media.[13]

Unlike cable television, there is no legal distinction made between news and non-news content online. Both are governed by the same Information Technology Act of 2000, known as the IT Act, which initially covered issues related to cybercrime and e-commerce; however, an amendment in the Act made in 2008 also brought data protection under its ambit. The Act also empowers the Government to intercept, monitor or decrypt any information online, take down web pages, and block content, including content published on online news portals.[14]

Internet sites, including news sites, are regulated by the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules of 2017[15] that allows for suspending internet services during national emergencies. These rules are in line with provisions under the Indian Telegraph Act adopted in 1885.

[9] Available online at <http://prasarbharati.gov.in/DDProgSource/SponsoredProgrammes.pdf> (accessed on 28 January 2019).

[10] Available online at <http://allindiaradio.gov.in/Information/AIR%20Code/Pages/default.aspx> (accessed on 28 January 2019).

[11] Grant of Permission states: "The permission holder shall not broadcast any programmes, which relate to news and current affairs and are otherwise political in nature." See more online at https://mib.gov.in/sites/default/files/CRSMIGRATIONGOPAI20208_test.pdf (accessed on 28 January 2019).

[12] See more details at <http://allindiaradio.gov.in/Oppurtunities/Tenders/Documents/AIR%20News%20mou%2012042018.pdf> (accessed on 28 January 2019).

[13] Nikhil Pahwa, "Do news websites in India need government approvals? Newslaundry.com files for FDI approval", Medianama, 4 July 2014, available online at <https://www.medianama.com/2014/07/223-newslaundry/> (accessed on 28 January 2019).

[14] According to Section 69 A of the Information Technology Amendment Act, 2008, available online at http://meity.gov.in/writereaddata/files/it_amendment_act2008%20281%29_0.pdf (accessed on 30 January 2019).

[15] Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, available online at <http://dot.gov.in/sites/default/files/Suspension%20Rules.pdf?download=1> (accessed on 10 February 2019).

Attempts to introduce and extend regulations to online news, similar to those governing offline news, raised worries among journalists and civil society. More than 100 journalists working for online portals expressed concern in a letter to the MIB about potential risks posed by the transposition of old rules and regulations to the internet. They stressed that any new regulations are not needed as online news content is already governed by the IT Act and the country's Penal Code.[16]

Right to privacy

In a recent and much celebrated development, the Right to Privacy was declared a Fundamental Right in 2017 thanks to an intervention from the judiciary extending Article 21 of the Indian Constitution. The decision was prompted by the growing public distrust of the manner in which the Government collects and uses personal data as well as of questionable surveillance practices during the roll-out of Aadhaar (meaning “foundation” or “base” in modern Hindi), India's national biometric identity scheme.

Data protection regulations

Efforts to regulate data protection are declaredly aimed at following the General Data Protection Regulation (GDPR), Europe's main data protection law that became effective in 2018. One major legal development in the pipeline was the release of a parliamentary Bill, drafted by a committee of experts, in July 2018.

The Bill puts forward provisions for creating a data regulatory authority and obligations for transparency of data processing. The Bill puts data gathered for 'journalistic purposes' in the exempt list and recommends the PCI to include data privacy in their code of ethics.[17] It recommends news media and journalists to balance the right to know with the right to privacy by guaranteeing ethical standards and ensuring personal data protection.[18] While there are no specific laws on data protection yet, a set of rules known as Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules (Privacy Rules),[19] adopted in 2011, require all commercial entities collecting, processing and storing personal data, including sensitive personal information, to comply with certain procedures. It distinguishes between “personal information” and “sensitive personal information.”[20]

[16] Letter to Minister of Information and Broadcasting drafted by over 100 journalists on the issue of online news regulation, available online at <https://thewire.in/media/journalists-letter-smriti-irani-online-media-regulation> (accessed on 29 January 2019).

[17] Somesh Jha, “Press freedom protected under Srikrishna panel's data protection Bill”, Business Standard, 31 July 2018, available online at https://www.business-standard.com/article/economy-policy/press-freedom-protected-under-srikrishna-panel-s-data-protection-bill-118073001397_1.html (accessed on 10 February 2019).

[18] Personal Data Protection Bill, 2018, available online at <http://www.prsindia.org/uploads/media/Data%20Protection/Draft%20Personal%20Data%20Protection%20Bill,%202018.pdf> (accessed on 29 January 2019).

[19] Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules (Privacy Rules), published online at [http://meity.gov.in/sites/upload_files/dit/files/GSR313E_10511\(1\).pdf](http://meity.gov.in/sites/upload_files/dit/files/GSR313E_10511(1).pdf) (accessed on 29 January 2019).

[20] DLA Piper database on World Privacy Laws, available online at <https://www.dlapiperdataprotection.com/index.html?t=law&c=IN> (accessed on 29 January 2019).

REGULATORY AUTHORITIES

The news media in India is regulated by a myriad of institutions that are indirectly controlled by the Government since it holds the authority to appoint and dismiss board members of the concerned regulatory bodies. The plethora of institutions that regulate the media has consequences on the nature of regulation, creating regulatory parallelisms and, consequentially fragmenting the regulatory architecture of the news media.

The Ministry of Information and Broadcasting (MIB) formulates most policies and regulations related to the news media. The Public Service Broadcaster in India, Prasar Bharati, oversees the public radio and television services, namely All India Radio (AIR) and Doordarshan (DD). Although, according to law, Prasar Bharati is an autonomous statutory body coordinated by MIB its editorial and managerial autonomy has been long questioned. (*For a more detailed profile of Prasar Bharati, see Funding Journalism in Media Influence Matrix: India*) There are many other organizations that indirectly shape the functioning of news outlets. They include the Ministry of Home Affairs, Department of Space, Election Commission of India, Competition Commission of India and Department of Consumer Affairs.

MIB is one of key players in Indian media policy. It consists of three administrative wings, namely Information, Broadcasting, and Films units. Along with other autonomous and statutory bodies, MIB governs through these three wings the legal, economic and cultural aspects of mass media in India. MIB also regulates Doordarshan and All India Radio as well as news content disseminated via print media, and public and private television channels. Its key tasks include:

Drafting laws and policies

MIB drafts and approves all media related laws, policies and guidelines. It also handles recommendations coming from a plethora of subordinated agencies.

Grant of permission

MIB grants permission to operate newspapers (through the Registrar of Newspapers), as well as private television and radio channels. The so-called grant of permission is an official agreement awarded to media service providers that meet the MIB's eligibility requirements. (*See above*)

Legal compliance

MIB is in charge of ensuring legal compliance by news outlets and has the power to issue warnings and notices, suspend services or revoke licenses when laws and guidelines are violated by these outlets.

Content regulation

MIB monitors broadcast content through the Electronic Media Monitoring Centre (EMMC), a body set up in 2008 to monitor content on television channels, radio stations and community radio channels. The EMMC reports on channels that have violated program and advertising rules as set in a 1995 law. In a recent development, the MIB asked 121 private satellite channels, including news channels, to cooperate with EMMC in facilitating content monitoring.[21]

[21] "I&B asks 121 pvt satellite channels to co-operate with EMMC," 21 May 2018, Times of India, available online at <https://timesofindia.indiatimes.com/india/ib-asks-121-pvt-satellite-channels-to-co-operate-with-emmc/articleshow/64262578.cms> (accessed 30 January 2019).

Government advertising

MIB oversees the advertising spend of various ministries and government departments through the Bureau of Outreach and Communication (BOC), its subordinate body consisting of the Directorate of Advertising and Visual Publicity (DAVP), Directorate of Field Publicity (DFP), and Song & Drama Division (S&DD). BOC, through DAVP, requests newspapers, television channels and websites to carry government advertisements and sets the price of such advertisements based on the size of their audience, using a formula developed by DAVP. Government advertisements awarded through the DAVP is the lifeline of most small newspapers in India. In many instances publications critical of the government have experienced cuts in the advertising spend doled out by DAVP. (*See more on state advertising in the chapter on Funding Journalism in Media Influence Matrix: India*)

Leadership (Feb 2019)

- Col. Rajyavardhan Rathore (Retd.), Minister of State (Independent Charge)
- Mr Amit Khare, Secretary
- Ms Jayashree Mukherjee, Additional Secretary
- Mr Vikram Sahay, Joint Secretary (Policy & Administration) with New Media Wing & EMMC, Broadcast Content Division & TV-I
- Mr Ashok Kumar R. Parmar, Joint Secretary (Films) & Chief Vigilance Officer
- Ms Anju Nigam, Joint Secretary (Broadcasting) with Community Radio Station Senior Economic Advisor, Vacant
- Mr Manoj Kumar Pingua, Joint Secretary (Economic Wing)
- Mr Ali Raza Rizvi, Additional Secretary & Financial Adviser

Funding

The MIB operates on a budget allocated by the central Government. It then allocates funding to its independent arms and statutory bodies. The MIB budget has been on the rise for the last five years. The ministry divides the budget among three key sectors: Film, Information and Broadcasting. MIB also generates revenue through broadcast license fees paid by television and radio broadcasters. In 2015-2016, the MIB generated nearly €303m from auctions of private FM radio channels. This boosted the ministry's revenue to a total of €1.79bn.

The DAVP, apart from its own budget, receives funds from ministries, autonomous bodies and public service undertakings for advertising investments. In 2016-2017, the central Government spent close to €159m on print, audio-visual and outdoor advertising.[22]

The government purse*Budget of Ministry of Information and Broadcasting (MIB), 2012-2017*

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Budget (in € m)	315	339	376	426	439
Revenue (in € m)	82	95	146	1,793	241

Source: Ministry of Information & Broadcasting, annual reports 2012-2018

[22] Written answer by the MIB Minister, Col. Jayavardhan Rathore (Retd.) in the Lok Sabha (Lower House of the Indian Parliament), available online at <http://164.100.47.194/Loksabha/Questions/QResult15.aspx?qref=75956&lsno=16> (accessed on 10 February 2019)

Budget share of DAVP and EMMC, 2012-2017

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
DAVP (in € m)	21.3	30.6	27.1	26.6	28.8
EMMC (in € m)	1.7	2.2	3.3	2.6	1.2

Source: Ministry of Information & Broadcasting, annual reports, 2012-2018, Media Unit-Wise Budget

Operational aspects

Broadcast Media, Telecom and Frequency Spectrum

Remit and Tasks

Telecom Regulatory Authority of India (TRAI)

Telecom Regulatory Authority of India (TRAI) was set up as India's telecommunications regulator through an Act of parliament in 1997. It has jurisdiction over technological regulation (such as interconnection and digitization) and economic regulation (such as tariffs, market dominance and ownership) in telecommunication, cable television, DTH and the FM radio.[23] As internet and broadband are overwhelmingly confined to mobile telecommunications, TRAI by default came to regulate the online space including issues such as net neutrality, data protection and Over-the-top (OTT) media. Thus, TRAI has come to deal with news-related issues on both cable television and the internet. However, the power of TRAI is not akin to regulators in other countries since it only has the power to make recommendations, suo motu or at the request of a licensing body. Its recommendations are hence not binding until approved and ratified by the relevant line ministry having jurisdiction over the relevant matter.[24] There have been talks about renaming TRAI as Digital Communications Regulatory Authority of India (DCRAI). As part of these regulatory shifts, TRAI's remit may widen to include regulation of cyber- and data security, in line with the National Digital Communications Policy adopted by the Digital Communications Commission in 2018. These changes will be made by amending the TRAI Act of 1997. Currently, these matters are under the ambit of the Ministry of Electronics and Information Technology (MeitY).[25]

The remit and tasks of TRAI include:

Legal compliance

TRAI is in charge of overseeing compliance with the terms and conditions of the license granted to broadcasters and with the universal service obligations. TRAI can impose financial disincentives and issue orders on non-compliance. However, TRAI can only recommend revocation of a license in cases of non-compliance. The actual decision to strip a broadcaster of its license rests with the MIB and the Department of Telecommunication (DOT) of the Ministry of Communication.

[23] See TRAI notification online at <https://mib.gov.in/sites/default/files/act16.pdf> (accessed on 30 January 2019).

[24] See the TRAI Act for more details at https://www.trai.gov.in/sites/default/files/The_TRAI_Act_1997.pdf (accessed on 30 January 2019)

[25] Prabhjote Gill, "India plans on handing over the reins of data privacy to the telecom industry watchdog", Business Insider, 29 October 2018, available online at <https://www.businessinsider.in/india-plans-on-handing-over-the-reins-of-data-privacy-to-the-telecom-industry-watchdog/articleshow/66416519.cms> (accessed on 30 January 2019)

Ensuring quality of service

TRAI lays the standards for quality of service related to maintenance of subscription and consumer care as well as redressal mechanisms to be followed by all broadcast service providers.

Reporting and policy recommendations

TRAI regularly produces reports about the performance of the broadcast and telecom sectors as well as consultation papers and recommendations on issues under its remit. TRAI floats its recommendations and solicits suggestions from all stakeholders before sending them to the respective ministry to use them in policy initiatives. These documents are published online and publicly accessible.

Setting tariffs

TRAI is responsible for setting and revising tariffs and fees for service providers at rates that ensure growth and fair competition in the market.

Telecom Disputes Settlement and Appellate Tribunal (TDSAT) (TRAI Arbitration Arm)

The Telecom Disputes Settlement and Appellate Tribunal (TDSAT) is the arbitration arm of TRAI, established in 2000 through an amendment to the TRAI Act. TDSAT adjudicates over telecom and broadcasting disputes, and appeals by private players against TRAI decisions, directions or orders. Its jurisdiction was expanded in 2017 to include disputes related to activities in electronic information and airport services following the downsizing of two arbitration tribunals covering those services. In short, TDSAT is the first instance court for telecom, broadcast and airport matters. Its orders can be challenged in the Supreme Court of India. In the case of orders on disputes regarding cyber-related issues, appeals can be made before a High Court.

TDSAT follows its own set of procedures and not the Indian Civil Procedure Code established for regular civil courts. TDSAT charges a fee for filing a petition or an appeal to the tune of INR 5,000 (€61) and INR 10,000 (€123), respectively. Due to the increasing number of cases before TDSAT, a Mediation Centre was established in 2013 to mediate matters through settlements. At the time of writing, a total of 2,096 cases were pending with TDSAT.[26]

Digital Communications Commission (DCC)

The Digital Communications Commission (DCC), previously known as the Telecom Commission, was established in 1989 through a resolution passed by the Government.[27] Formally, DCC has “administrative and financial powers of the Government of India” to deal with the telecommunication sector. The Telecom Commission was renamed in 2018 to adjust to the new realities of the digital economy. Since internet access in the country is largely confined to mobile communications, the DCC has been entrusted with developing “telecom as a business enabling sector.” DCC is thus the most prominent decision-making body entrusted with policy formulation and implementation under the Department of Telecommunication (DOT) of the Ministry of Communication.[28] The DCC is an inter-ministerial commission as it comprises representatives of different ministries who advise on policy matters.

DCC drafts policies that apply to the telecom sector and, by extension, to data and internet services. The body drafts the National Telecom Policy (now, National Digital Communications Policy). Its

[26] The source of the information is the tribunal’s website:

<http://www.tdsat.gov.in/admin/notice/uploads/statement%2031th%20october%20%202018.pdf> (accessed on 30 January 2019).

[27] See the resolution online at <http://www.dot.gov.in/sites/default/files/DOC120613.pdf> (accessed on 30 January 2019).

[28] See more online at http://www.dot.gov.in/sites/default/files/2016_05_26%20Res%20Policy-I.pdf?download=1%3Cbr%20/%3E (accessed on 30 January 2019).

implementation, however, needs the approval of Parliament. The policy draft is based on the recommendations and consultation papers from TRAI. The National Digital Communications Policy of 2018 released by the DCC has formally approved net neutrality rules in India after lengthy advocacy efforts by civil society and content providers. It proposes implementation of these rules through amendment of license agreements and introduction of transparency requirements.[29]

DCC also prepares the yearly budget of the DOT and all its subordinated bodies. The draft of the budget is submitted for approval to the Union Finance Ministry and the Government.

Wireless Planning and Coordination Authority (WPC)

The Wireless Planning and Coordination Authority (WPC) is an arm of the Department of Telecommunication (DOT) at the MeitY. The WPC was established in 1952 as the national radio regulatory nodal agency. The WPC has multiple regional offices that are in charge of supervising the issuance of licenses. It also manages international coordination for spectrum management.

Its remit includes:

Spectrum allocation

Spectrum allocation for wireless services in India is handled by a committee under the WPC called Standing Advisory Committee on Radio Frequency Allocation (SACFA). SACFA drafts the frequency allocation plan for the country and makes recommendations on major frequency allocation issues.

Licensing

WPC issues licenses to all satellite broadcasters, mobile telecom operators, DTH operators and other radio communication service providers to use spectrum, charging a fee for it. The WPC has a few departments that scrutinize all awards of frequencies as well as deliberate over policy matters related to licensing.

Legal compliance

The Wireless Monitoring Organization (WMO) under the WPC ensures, through monitoring, compliance by licensed spectrum users with all international and domestic regulatory provisions and technical parameters. WMO is also the complaints redressal body for any issues related to interferences in service delivery.

Board Composition

Telecom Regulatory Authority of India (TRAI)[30]

TRAI's Board consists of one chairperson, two full-time members and two part-time members, all of whom are appointed for a period of three years. Their appointment, and removal, rests with the central Government.

Composition of TRAI (March 2019)

- Mr Ram Sevak Sharma, Chairperson, in office until 2020 (*extended term*)
- Mr H Pradeep Rao, Whole-time Member, in office until 2019
- Whole-time Member, vacant since 2015
- Lt. Gen Nitin Kumar Kohli (Retd.), Part-time Member
- Prof. Abhay Karandikar, Part-time Member

[29] See more online at http://www.dot.gov.in/sites/default/files/Final%20NDPCP-2018_0.pdf (accessed on 30 January 2019).

[30] Source: TRAI Organization Structure, available online at <https://www.trai.gov.in/about-us/organization-structures>

Telecom Disputes Settlement and Appellate Tribunal (TDSAT) (TRAI Arbitration Arm)

TDSAT consists of a chairperson and two members appointed by the central Government. The chairperson should be or should have been a judge of the Supreme Court or the chief justice of a High Court. The other two members are eligible if they held the post of permanent secretary to the Government of India or any equivalent post in the central or state Government for a period of not less than two years, or a person who is well versed in the fields of technology, telecommunication, industry, commerce or administration.[31]

Composition of TDSAT (March 2019)

- Justice Shiva Kirti Singh, Chairperson, in office until 2020
- Mr Anil K Bhargava, Member, in office until 2019
- Member, vacant since May, 2018

Digital Communications Commission (DCC)

DCC consists of a Chair, four full-time and four part-time members. The Secretary to the Government of India in the DOT is the ex-officio Chair of the DCC. The four full-time members of the DCC are in charge of finances, services, production and technology. They are ex-officio Secretaries to the Government of India in the Department of Telecommunications. The part-time members of the DCC are CEO and Secretaries of various government departments.[32]

DCC Composition (March 2019)

- Ms Aruna Sundararajan, Chairperson DCC & Secretary
- Mr Lav Gupta, Full-time Member (services)
- Mr Prabhash Singh, Full-time Member (technology)
- Ms Anuradha Mitra, Full-time Member (finances)
- Full-time Member (production), Vacant
- Mr Amitabh Kant, Part-time Member (CEO NITI Aayog)
- Mr Subhash Chandra Garg, Part-time Member (Department of Economic Affairs)
- Mr Ajay Prakash Sawhney, Part-time Member (Ministry of Electronics and Information technology)
- Mr Ramesh Abhishek, Part-time Member (Department of Industrial Policy & Promotion)

Wireless Planning and Coordination Authority (WPC)

Board[33]

- Mr Anil Kumar, Wireless Adviser to the Government of India
- Mr R. B. Prasad, Joint Wireless Adviser
- Mr N. K. Bhola, Sr. Deputy Wireless Adviser (Telecom)
- Mr M P S Alawa, Sr. Deputy Wireless Adviser (SACFA)
- Mr Gulab Chand, Sr. Deputy Wireless Adviser (BWA)
- Ms Revathi, Sr. Deputy Wireless Adviser (Satellite)
- Mr M K Patnaik, Sr. Deputy Wireless Adviser (P)
- Mr V J Christopher, Sr. Deputy Wireless Adviser (V)
- Mr Bhagirath, Sr. Deputy Wireless Adviser (Admin & COP)
- Mr Narendra Bharti, Sr. Deputy Wireless Adviser (ASMS)
- Mr Anil Kumar Soni, Sr. Deputy Wireless Adviser (International Conference)

[31] See more information online at <http://www.tdsat.gov.in/admin/introduction/uploads/TDSAT%20INTRO.pdf> (accessed on 1 March 2019).

[32] See more online at <http://dot.gov.in/profile> (accessed on 30 January 2019)

[33] See more online at http://wpc.dot.gov.in/Content/17_1_WhosWho.aspx (accessed on 30 January 2019)

Funding

Telecom Regulatory Authority of India (TRAI)

TRAI receives annual funding from the central Government in the form of grants via the Department of Telecommunication (DoT), which generate its income from registration fees, customer education fees and penalties paid by telemarketers.[34] TRAI does not generate revenue on its own; it acts as an administrative body under the DoT.

The electronic communications watchdog

Budget of TRAI, 2012-2017

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Income (in € m)	8.08	9.88	10.97	10.73	9.21
Expenditure (in € m)	6.14	7.36	7.36	8.38	9.85

Source: Annual Reports TRAI, 2012-2017

Telecom Disputes Settlement and Appellate Tribunal (TDSAT) (TRAI Arbitration Arm)

Trial funding

Budget of TDSAT, 2012-2017

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Budget (in € m)	1.29	1.41	1.41	1.62	1.69

Source: Department of Telecommunication

Digital Communications Commission (DCC)

The Controller of Communication Accounts (CCA) is responsible for the revenue collection, assessment, and monitoring of the DoT. The three main sources of revenue for the DoT are license fees, receipts from spectrum auctions, and spectrum usage charges. The revenue from the DoT contributes the largest share to non-taxed budget receipts of the Government of India and so the finance ministry pushes it to generate more revenue. In 2016-2017, the target revenue was estimated at €11.9bn, however due to low returns from the spectrum auctions the amount was revised to €9.45bn in the Q3 of financial year.

The telecom architect

Budget of DCC, 2012-2018

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Income (in € m)	2,268	4,814	3,675	6,615	8,429	3,543
Expenditure (in € m)	2,393	4,902	5,179	6,724	9,446	3,688

Source: India Union Receipts Budget, 2012-2018

[34] Based on Annual Reports of TRAI from 2012-2017, available online <https://traigov.in/about-us/annual-reports> (accessed on 30 January 2019).

Wireless Planning and Coordination Authority (WPC)

The spectrum watchdog

Budget of the WPC, 2012-2017

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Budget (in € m)	1.0	1.0	0.9	0.9	1.1

Source: Department of Telecommunications, Annual Report 2017-18

Print Media Regulators

Remit and Tasks

Press Council of India (PCI)

The print media in India is regulated by the Press Council of India (PCI), which came into being in 1966 through the Press Council Act adopted a year earlier. PCI is a statutory and quasi-judicial body functioning under the Ministry of Information and Broadcasting (MIB).

Its tasks include:

Adoption and enforcement of the Code of Conduct

The PCI is responsible for establishing a code of conduct for all newspapers, news agencies and journalists in accordance with professional standards. It also lays down ethics and guidelines to be followed by all its members.

Power to censure

The PCI has the power to warn, admonish or censure any newspaper, news agency or journalists if they have committed any professional misconduct or violated ethical norms. In the year 2016-2017, according to the latest available data, the PCI censured a total of 57 newspapers, news agencies and journalists based on complaints received.[35]

Studies and recommendations

The PCI undertakes studies, referred to it by the central Government, on matters relevant to print journalists and the press. The PCI conducted a study on the issue of paid news in India in 2010 at the request of the central Government. However, the recommendations stemming from such studies are not binding for the Government.

Press Council of India (PCI)

The office of Registrar of Newspapers for India was established in 1956 on the recommendation of the First Press Commission through an amendment of the Press and Registration of Books Act adopted back in 1867. It is a statutory body under the MIB and responsible for the registration of newspapers and magazines in India. The RNI regulates the publication of newspapers and magazines in line with the Press and Registration of Books Act (1867)[36] and Registration of Newspapers

[35] See the section on “Index of Adjudications in Complaints filed Against the Press (2016-2017)” at <http://presscouncil.nic.in/WriteReadData/userfiles/file/ANNUAL%20REPORT%2016-17%20eng.pdf> (accessed on 30 January 2019).

[36] See the act online at http://rni.nic.in/pdf_file/THE_PRESS_AND_REGISTRATION_OF_BOOKS_ACT.PDF (accessed on 30 January 2019).

(Central) Rules (1956).[37] The RNI is represented locally through its regional officers and district collectors who collect information provided by publishers in the form of declarations (authenticated by a district court magistrate) that are updated in the books. The RNI took the heat in the past year for acting under the political influence of the ruling party and arbitrarily cancelling registrations of newspapers critical of the state.

The RNI's remit and tasks include:

Registration and certification

The RNI registers and maintains a record of the newspapers and magazines published in India. It issues Registration Certificate upon approval from a district magistrate. The certificate legitimizes publication and enables import and procurement of newsprint for newspaper houses. Annual financial statements and statements about the total quantity and value of the newsprint consumed and imported, duly authenticated by the RNI, represent another form of eligibility documents for the import of newsprint.[38]

Verification

The RNI on receiving a registration request verifies the availability of the newspaper title to avoid duplication, in line with legal provisions from the Press and Registration of Books Act. It also verifies the particulars of news and publishing house, which includes information regarding editors and printers, language and place of publishing, number of copies issued per week and year, and price per copy. The RNI verifies the annual statements and claims of circulations submitted by all registered newspapers and periodicals. Law empowers the RNI also to access records and documents of publishers by allowing them physical entry on their premises. Data from the RNI is used by the Directorate of Advertising and Visual Publicity (DAVP) in allocating government advertising.

Board Composition

Press Council of India (PCI)

The Press Council is headed by a chair who, by convention, has been a retired judge of the Supreme Court of India and is appointed by the Government in power. The Council consists of 28 other members of whom 20 represent the press and are nominated by press organizations or news agencies recognized and notified by the Council. Five members are nominated from the two Houses of Parliament, and three represent cultural, literary and legal fields as nominees of the Sahitya Academy, University Grants Commission and the Bar Council of India.

The members serve on the Council for a three-year term. The independence of the PCI has been often questioned, and is currently fiercely debated as the appointment procedure is said to be biased towards certain media associations and candidates, thus violating PCI's mandate to protect the freedom of press.[39]

[37] See the rules online at https://indiacode.nic.in/ViewFileUploaded?path=AC_CEN_29_0_00008_186725_1523267828250/rulesindividualfile/&file=RNI+centralRule1956+%281%29.pdf (accessed on 30 January 2019).

[38] See more details at http://rni.nic.in/newsprint/pdf_file/latestNewsprint.pdf (accessed on 30 January 2019).

[39] Nimisha Jaiswal, "After 'Fake News' Order, Nominations To Media Watchdog Spark Row," NDTV, 6 April 2018, available online at <https://www.ndtv.com/india-news/after-fake-news-order-nominations-to-media-watchdog-spark-row-1833751> (accessed on 1 March 2019).

Composition of the PCI Council (appointed in May 2018)

- Justice Chandramauli Kumar Prasad, Chairman, in office until 2021 (Second Term)
- Mrs Anupama Bhatnagar, Present Secretary, in office until 2021
- Prof (Ms.) Sushma Yadav, Member (Nominated by University Grants Commission), in office until 2021
- Mr Manan Kumar Mishra, Member (Nominated by Bar Council of India), in office until 2021
- Dr. K. Sreenivasarao, Member (Nominated by Sahitya Akademi), in office until 2021
- Mr T.G. Venkatesh Babu, Member of Parliament, in office until 2021
- Mrs Meenakshi Lekhi, Member of Parliament, in office until 2021
- Mr Prathap Simha, Member of Parliament, in office until 2021
- Dr. Vinay P. Sahasrabudde, Member of Parliament, in office until 2021
- Mr Swapan Dasgupta, Member of Parliament, in office until 2021
- Chandramani Raghuvanshi, Member, in office until 2021
- Mr Uttam Chandra Sharma, Member, in office until 2021
- Mr Pradeep Kumar Jain, Member, in office until 2021
- Mr Om Parkash Khemkarni, Member, in office until 2021
- Mr Sayed Razza Husain Rizvi, Member, in office until 2021
- Dr. Baldev Raj Gupta, Member, in office until 2021
- Mr. Amar Devulapalli, Member, in Office until 2021
- Mr Balwinder Singh Jammu, Member, in office until 2021
- Sarat Chandra Behera, Member, in office until 2021
- Mr Pravat Kumar Dash, Member, in office until 2021
- Mr M A Majid, Member, in office until 2021
- Mr Kamal Nain Narang, Member, in office until 2021
- Chhayakanta Nayak, Member, in office until 2021
- Mr Vijay Kumar Chopra, Member, in office until 2021
- Mr Rakesh Sharma, Member, in office until 2021
- Mr Shayam Singh Panwar, Member, in office until 2021
- Mr Keshav Dutt Chandola, Member, in office until 2021
- Mr Ashok Upadhyay, Member, in office until 2021

Registrar of Newspapers for India (RNI)

The central Government appoints the Registrar for Newspapers of India and other officers to discharge functions under the Press and Registration of Books Act (1867).

The composition of the RNI (February 2019)

- Mr K. Ganesan, Press Registrar & Head of the Department
- Mr K. Satish Nambudiripad, Additional Press Registrar
- Ms Himani Sarad, Deputy Press Registrar
- Mr R.K. Bhardwaj, Deputy Press Registrar
- Mr Pushpavant, Assistant Press Registrar
- Mr Praveen Kujur, Assistant Press Registrar
- Mr R.K. Pillai, Assistant Press Registrar
- Mr Joy Saxena, Section Officer
- Mrs Prem Lata, Section Officer
- Mr Ram Bachhan, Section Officer
- Ms Anju Susan James, Registration Supervisor
- Mr S.B. Chaturvedi, Sr. Statistical Officer

Funding

Press Council of India (PCI)

The PCI receives funds[40] in the form of grants from the MIB, but it also earns income from service fees levied on registered newspapers and news agencies. The PCI sets different rates for different newspapers depending on their circulation and other criteria. The expenses incurred by the PCI are mostly establishment and administrative costs.

The print regulator

Budget of PCI, 2012-2017

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Grants (in € m)	0.67	0.61	0.74	0.78	0.84

Source: Ministry of Information & Broadcasting

Registrar of Newspapers for India (RNI)

The RNI is funded by the MIB from its planned schemes budget for undertaking infrastructural development and digitization of records. It also receives funds from the non-planned kitty of the MIB for establishment and administrative costs.

The print regulator

Budget of RNI, 2012-2017

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Budget (in € m)	0.54	0.53	0.60	0.68	0.94
Expenditure (in € m)	0.49	0.52	0.60	0.65	0.75

Source: Outcome Budget Reports, MIB Annual Reports

Internet Regulators

The internet in India is governed by a series of regulations initiated by the Ministry of Electronics and Information Technology (MeitY). There is no dedicated regulator for online news content in India; however, lawsuits related to online content, including news, can be lodged in court in line with provisions from the Information Technology Act of 2000.[41]

Established in 2016, the MeitY was carved out of the Ministry of Communications and Information Technology (MCIT) where it operated as the Department of Electronics and Information Technology. Spun off the MCIT, MeitY was tasked to draft policies and regulate internet-related issues. The MeitY also inherited the Unique Identification Authority of India (UIDAI), which is

[40] See more information in the PCI Annual Report available online at http://www.presscouncil.nic.in/Content/71_4_AnnualReports.aspx (accessed on 30 January 2019).

[41] Information Technology (Amendment) Act, 2008, available online at http://meity.gov.in/writereaddata/files/it_amendment_act2008%20%281%29_0.pdf (accessed 31 January 2019).

responsible for the national biometric identity scheme known as Aadhaar. Thus, MeitY oversees all internet and infrastructure related matters except for the licensing of internet service providers, which rests with the Department of Telecommunication under the MCIT.

The MeitY monitors internet content through the Indian Computer Emergency Response Team (CERT-In), which was established in 2004. The body has the power to intercept emails, block websites or online content and to ensure that service providers, intermediaries, and data centers comply with local legislation.

Disputes over issues related to electronic communication were for several years dealt with by the State Adjudicating Officers and the Cyber Regulations Appellate Tribunal (CyAT).[42] The CyAT was the arbitration arm of the MeitY. It was initially set up in the year 2000 as a statutory organization. The CyAT adjudicated over appeals against decisions made by the State Adjudicating Officers. However, the CyAT has been defunct since 2011 although it continued to spend on its facilities and salaries for years.[43] A total of 17 judgements had been passed by the CyAT prior to the retirement of its chairperson in 2011. The backlog of cases, however, has never ceased to grow.[44] That has prompted the central Government to merge the CyAT with the Telecom Disputes Settlement and Appellate Tribunal (TDSAT).[45]



In May 2018, in an attempt to draft exclusive regulations for online news media at par with the regulatory framework for broadcast and print journalism, the Ministry of Information and Broadcasting (MIB) set up a committee under ministry leadership to lead this process. However, the committee's composition and its agenda drew criticism from journalists and activists who saw in it an effort to destroy the internet as a democratic platform. Hence, the MIB dissolved the committee, handing its mandate over to a panel overseen by the MeitY. Representatives of the MIB have said in recent years that internet is not under MIB's domain but under that of MeitY.[46] The regulation of internet in India is caught between a clash of jurisdictions.

Cyber spending

Budget for cyber security in India, 2012-2017

	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Budget (in € m)	3.70	4.95	7.03	6.72	2.31

Source: Annual Reports of the Ministry of Electronics and Information Technology

[42] According to the IT Act, Section 46 (State Adjudicating Officers) and Section 48 (1) for Cyber Regulations Appellate Tribunal (CyAT).

[43] Anuj Srivas, "The Tragic and Comedic Functioning of India's Cyber Appellate Tribunal," The Wire, 12 December 2016, available online at <https://thewire.in/banking/tragic-comedic-functioning-indias-cyber-appellate-tribunal> (accessed on 31 January 2019).

[44] Divij Joshi, A Review of the Functioning of the Cyber Appellate Tribunal and Adjudicatory Officers under the IT Act, 16 June 2014, the Center for Internet & Society, India, available online at <https://cis-india.org/internet-governance/blog/review-of-functioning-of-cyber-appellate-tribunal-and-adjudicatory-officers-under-it-act#fn13> (accessed 31 January 2019).

[45] See more online at http://www.tdsat.gov.in/admin/notice/uploads/Logo_notice.pdf (accessed on 31 January 2019).

[46] Nikhil Pahwa, "As India looks to regulate Internet content, some issues to consider", Medianama, 12 April 2018, available online at <https://www.medianama.com/2018/04/223-internet-content-regulation-india/> (accessed on 31 January 2019).

Data Protection Regulators

India has no laws for data protection and no institutionalized data protection regulatory authority. A parliamentary bill titled “Personal Data Protection Bill,” put forward in 2018 by a committee assigned by the central Government to draft it, has made recommendations regarding the establishment of the Data Protection Authority of India. It includes recommendations on how to appoint the authority’s governing structures (a board consisting of six full-time members and a chairperson with a mandate of five years, appointed by the Government on the recommendation of a selection committee). The authority, according to the law proposal, would have powers to monitor and prevent misuse of personal data, ensure compliance with legal provisions and issue licenses to data auditors. Orders of the prospective Authority would be appealable to an Appellate Tribunal established by the central Government; appeals from this Tribunal will go to the Supreme Court, according to the proposed law.[47]

Other Institutions with Regulatory Powers

Ministry of Home Affairs (MHA)

MHA is a key body influencing the infrastructural aspects of broadcast media as all broadcast channels must acquire clearances from the MHA and Indian Satellite Systems (CAISS) to become eligible for a broadcast license (Grant of Permission) awarded by the MIB. MHA has so far denied security clearances to many channels, including news channels. In August 2018, the MIB cancelled the licenses of 14 channels following an MHA decision.[48] The decisions of the MHA are often politically influenced. The secretaries of MHA at the national and state level have the power to direct the DOT to suspend telecom and internet services in line with the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. The Indian Satellite Systems (CAISS), an agency under the Department of Space, oversees authorizations to operate the Satellite System and notifications or registrations of the spectrum taken by broadcast licenses.

Competition Commission of India (CCI)

Ownership of any company in India is regulated by the Competition Commission of India (CCI), the anti-monopoly regulatory authority whose tasks are to prevent anti-competitive deals and abuse of dominant position and to regulate mergers and acquisitions of all registered companies operating in India, including media.[49] The CCI’s board consist of three members headed by the Chairperson and other members appointed for a year and a half.[50] The National Company Law Appellate Tribunal (NCLAT) has been since 2017 the appellate body of CCI in charge of hearing appeals against the orders and decisions of the CCI.

[47] See Chapter X on Data Protection Authority of India in the new bill, available online at http://meity.gov.in/writereaddata/files/Personal_Data_Protection_Bill,2018.pdf (accessed on 31 January 2019).

[48] “MIB cancelled 14 channels’ permissions on MHA advice”, IndianTelevision.com, 1 August 2018, available online at <http://www.indiantelevision.com/regulators/ib-ministry/mib-cancelled-14-channels-permissions-on-mha-advice-180806> (accessed on 31 January 2019)

[49] The CCI fined Google India for abusing its dominant position in the search engine market. See more details at <https://www.cci.gov.in/sites/default/files/07%20&%20%2030%20of%202012.pdf> (accessed on 10 February 2019)

[50] See more details at https://www.cci.gov.in/sites/default/files/rules_pdf/R4.pdf (accessed on 31 January 2019).

Securities and Exchange Board of India (SEBI)

This is the capital markets regulator in charge of supervising matters related to stock exchanges and investments in companies, including commercial media outlets. SEBI has details of the ownership and revenues of all listed media companies[51], which are publicly accessible. SEBI also checks fraudulent behavior and ensures legal compliance of companies listed on the stock exchange. SEBI was influential in unveiling the so-called Private Treaties: agreements according to which news outlets receive a stake in a company in return for predefined advertising space, which often gets extended to include friendly media coverage. Private Treaties appear to be a rampant practice in the Indian news media. As a result, SEBI imposed obligations on news outlets to disclose stakes they own in companies they cover.[52]

Election Commission of India (ECI)

The body entrusted with ensuring compliance with ethical norms during elections, the ECI was formed by the Constitution in 1950. The ECI also regulates media coverage during electoral campaigns by laying guidelines for fair and ethical reporting in line with the Representation of People Act of 1951.[53] The ECI's Compendium of Instructions on Media Related Matters has been widely used to regulate the "paid news" practice that is more common during elections.[54] It also runs Media Certification and Monitoring Committees (MCMC) at national, state and district levels.

Department of Industrial Policy and Promotion (DIPP)

The DIPP under the Ministry of Commerce and Industry is responsible for the formulation and regulation of the foreign direct investment policy for all sectors. The DIPP decides foreign direct investment caps for news outlets, currently set at 26% for print and 49% for cable TV. There isn't an exclusive policy for foreign direct investment (FDI) in online news websites yet. However, there have been attempts at regulating the financial infrastructure of news website through this instrument and an exclusive formal policy in this direction can be expected.

Department of Consumer Affairs (DoCA)

Operating as a unit of the Ministry of Consumer Affairs, Food and Public Distribution, DoCA regulates news media companies in line with the Drugs and Magic Remedies (Objectionable Advertisements) Act of 1954.[55] DoCA is tasked to protect consumer rights and closely regulate misleading and objectionable adverts on television, radio and any other electronic media, newspapers, banners, posters, handbill or wall-writing. Along with the self-regulatory organization, the Advertising Standards Council of India (ASCI), DoCA is running a portal called Grievance Against Misleading Advertisements (GAMA) where it received a total of 3,714 complaints in the period 2017-2018.[56]

[51] The Cable Television Act, the Downlinking and Uplinking Guidelines, and the Press and Registration of Books Act require companies wanting to set up a media business to reveal their ownership structures. The foreign investment guidelines require news companies to reveal the details of their foreign investors. See more in Vibodh Parthasarathi, Alam Srinivas, Archana Shukla, Supriya Chotani, Anja Kovacs, Anuradha Raman & Siddharth Narain, Mapping Digital Media: India, 2013, available online at <https://www.opensocietyfoundations.org/reports/mapping-digital-media-india> (accessed on 10 February 2019)

[52] Press Release by SEBI on mandatory disclosure by the media of stakes in corporate sector, available online at https://www.sebi.gov.in/media/press-releases/aug-2010/mandatory-disclosures-by-the-media-of-its-stake-in-corporate-sector_1455.html (accessed on 31 January 2019).

[53] Available online at http://www.legislative.gov.in/sites/default/files/04_representation%20of%20the%20people%20act%2C%201951.pdf (accessed on 31 January 2019).

[54] The compendium is available online at <https://eci.gov.in/files/file/6902-compendium-of-instruction-on-media-related-matters/> (accessed on 31 January 2019).

[55] See more details at http://www.accmumbai.gov.in/aircargo/pdf/drug_objectional_advertisement_act.pdf (accessed on 31 January 2019).

[56] See more at https://www.ascionline.org/AGM-2017-18/CCC_Recomm_17-18.pdf (accessed on 31 January 2019).

Decision-Making Process

Key Decision-Makers in Regulation & Policymaking

Decision-making power in the Indian media regulatory scenario is fairly centralized. The central Government and line ministries make the final calls regarding new policies and appointments. News media regulations are of keen interest to the elected politicians in India owing to the large degree of political ownership in this sector. Thus, decisions made in this regard have been influenced by political and electoral logic of different regimes. The Indian media market houses multiple media, but multiplicity does not ensure diversity. The news media is owned and driven by interests of politicians or their families, large business owning families, and wealthy financiers. According to experts interviewed for this project[57], the news media in India is arbitrarily regulated to please those wielding power.

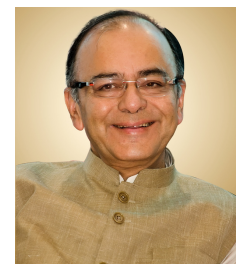


Source: Wikimedia

Narendra Modi, the current Prime Minister of India (elected in 2014) is a member of the right-wing Bharatiya Janata Party (BJP). Narendra Modi follows a centralized decision-making model with significant power allotted to his Prime Minister's Office (PMO), which includes his secretaries and advisors. He ensures that his ministers follow suit. Prior to his election, Modi was the Chief Minister of the state of Gujarat for two consecutive terms. He has greatly benefitted from controlling the media's agenda during his campaign and in his term of office. He strongly advocates mass advertising and the use of online media for political mobilization, participation and propaganda. He is the most

influential individual in the Indian media regulation, and news media houses and journalists critical of his administration have been muzzled during his regime.

Arun Jaitley is the current Finance and Corporate Affairs Minister of India. A lawyer by profession, he has held multiple union cabinet portfolios in the past including defense, information and broadcasting, and law and justice. He has been an active politician with the BJP since 1991. One of India's leading lawyers, Jaitley has defended the case for corporate giants such as the beverage manufacturers Coca Cola and Pepsi Co and the global conglomerate Aditya Birla Group, among others. He exerts influence not only in the regulatory decision-making process, but also over journalists and news media houses that are pressured to offer friendly coverage. Jaitley is known for using his political clout and social network to create a nexus of high-profile journalists that avoid criticizing him.[58]



Source: Wikimedia



Source: Wikimedia

The Union Minister of Home Affairs, Rajnath Singh, and the Union Home Secretary, Rajiv Guaba are also key decision makers. **Rajnath Singh**, also a member of the BJP, has previously served as Minister of Agriculture (2003-2004), Chief Minister of Uttar Pradesh (2000-2002), and President of the Bharatiya Janata Party. He has been closely associated with the Rashtriya Swayamsevak Sangh (RSS), a right-wing Hindu nationalist organization. Rajnath Singh has influenced decisions that expanded the regulatory powers of the Ministry of Home Affairs over telecom and internet services.

[57] Interviews with journalists and experts in India carried out for this report (See Methodology in Media Influence Matrix: India).

[58] Praveen Donthi, "Talk Of the Town- How Arun Jaitley wins friends and influences people", Caravan Magazine, 1 May 2015, available online at <https://caravanmagazine.in/reportage/talk-town> (accessed on 10 February 2019).

Rajiv Guaba is an Indian Administrative Servant from the state of Jharkhand and previously served in various capacities under the ministries of urban development, communication, defense, and environment and climate change. He headed the inter-ministerial committee that deliberated on policies and legal framework to deal with mob-violence and lynching resulting from dissemination of explosive messages on social media. He has advocated for increasing the surveillance power of the state.



Source: Wikimedia

Source: Ministry of
Information and
Broadcasting

Col. Rajyavardhan Rathore (Rtd) was appointed Minister of State (Independent Charge) for Information and Broadcasting in May 2018. He earlier handled this portfolio as a junior minister assisting the controversial former Minister of Information and Broadcasting, Smriti Irani. Rathore is a fairly young politician, a former Olympian who served in the Indian Army until he joined BJP in 2013. He also handles the portfolio of the Ministry of Youth Affairs and Sports. Unlike his former boss, Rathore has been careful not to make bold and controversial media regulatory decisions; in fact he advocated for self-regulation soon after being named head of the ministry.[59] He remains to be a key player by virtue of his official position.

Ravi Shankar Prasad is the current Minister of Electronics and Information Technology, and Law and Justice. Prasad is a lawyer by profession and has been associated with the RSS and BJP student wing since the 1970s. He has previously served in the ministries of communication, information and broadcasting, and coal and mines. Prasad has spearheaded the Digital India initiative (a program launched by the Indian Government in 2015 aimed at making government services available electronically to citizens) and been included in the “Top 20 most influential people in Digital Government” worldwide by Apolitical UK, an NGO.[60] He has recently been very influential in decisions surrounding data protection, intermediary responsibilities, and the ongoing discussions on regulating social media content. Prasad supported the demand for net neutrality and claims to have denied Facebook’s Free Basics in India.[61]



Source: Wikimedia



Source: Wikimedia

Dr. Ram Sevak Sharma, currently serving his extended term as the chairman of TRAI, is another key decision maker although much lower in hierarchy. Sharma is a bureaucrat and Indian Administrative Servant from the state of Jharkhand and has furthered two important initiatives of the Modi government. He has served as the information technology secretary where he worked on the policies of Digital India initiative. As the Mission Director with the Unique Identification Authority of India (UIDAI), he was instrumental in the implementation of the Aadhaar scheme of the current government. His appointment as a regulator was strongly supported by the chief architect of the

Aadhaar scheme, Nandan Nilekani, the co-founder of a leading IT company who also unsuccessfully contested the 2014 parliamentary elections. Sharma was appointed as the TRAI chairman in 2015. The extension of his term for two years was a first in the history of TRAI’s chairmen mandates,

[59] Press Trust of India, “New I&B minister Rajyavardhan Rathore asserts that govt has no plans to regulate news portals”, Firstpost.in, 16 May 2018, available online at <https://www.firstpost.com/india/new-ib-minister-rajyavardhan-rathore-asserts-that-govt-has-no-plans-to-regulate-news-portals-and-media-websites-4471195.html> (accessed on 10 February 2019)

[60] ET Bureau, “Ravi Shankar Prasad among top twenty most influential people in Digital Government”, Economic Times, 9 August 2018, available online at <https://economictimes.indiatimes.com/news/politics-and-nation/ravi-shankar-prasad-among-top-twenty-most-influential-people-in-digital-government/articleshow/65840151.cms> (accessed on 10 February 2019)

[61] Press Trust of India, “Ravi Shankar Prasad says he ‘denied permission’ to Facebook’s Free Basics”, Live Mint, 16 December 2017, available online at <https://www.livemint.com/Industry/MgBUEXQEX1q3MJ6bk2oS1N/Ravi-Shankar-Prasad-says-he-denied-permission-to-Facebook.html> (accessed on 10 February 2019)

coming as a disappointment to incumbent cellular operators and his critics who have been weary of Sharma's bias towards a new telecom player: Reliance Jio Infocomm (Jio), company owned by Mukesh Ambani, the richest individual in India. During Sharma's tenure, TRAI put forth some progressive recommendations like strengthening of net neutrality, tightening norms around quality of services, and mandating telecom operators to compensate users for call drops.[62] However, many of TRAI's recent decisions such as predatory pricing and elimination of interconnect usage charges have favored Jio.

Transparency of Decision-Making in Media Regulation

The media regulatory authorities in India are operationally transparent. All documents, reports and orders issued by them are regularly released and easily accessible on their websites. Furthermore, provisions under the Right to Information (RTI) Act of 2005 empower citizens to get access to information under the control of public authorities. RTI applications serve as an important tool for journalists to investigate matters that would otherwise be inaccessible to the public. Digitization of public records has been initiated as part of Digital India to further boost transparency and accountability of the administration. However, despite the existing framework and such efforts to digitize information, transparency in decision-making is not fully achieved in the country.

The Central Information Commission (CIC) is the national body established under the RTI Act to carry out the task of resolving public queries and complaints by issuing directions to respective ministries and authorities. On the ground level, Public Information Officers (PIOs) under each administrative office collect applications for information and provide assistance. In 2010, the central Government also launched a new scheme aimed at improving transparency in the Government.[63]

In spite of all these mechanisms, transparency in public administration is a major problem. The MIB took two years and seven months to release public information following a query about ownership of media companies lodged in 2015 by the TheHoot.org, a website mapping media ownership in India. The MIB argued that it could not release such data as it was considered "third party information." [64] The Cable Television Act, the Downlinking and Uplinking Guidelines, and the Press and Registration of Books Act require that the ownership data of listed media firms in India be revealed before they receive a license to operate. Such data are then made available to the public through SEBI and the Registrar of Companies (ROC). Transparency in news media ownership has been a crucial, yet unregulated, issue in India as the market is dominated by vertically and horizontally integrated media conglomerates and politically owned news media and distribution channels.

Besides lack of cooperation by the authorities in timely releasing requested data[65], applicants using the right to information to get public data face many other challenges. The law, for example,

[62] ET Bureau, "Government extends TRAI chief RS Sharma's tenure amid controversy over his Aadhaar dare," Economic Times, 10 August 2018, available online at <https://economictimes.indiatimes.com/news/politics-and-nation/day-before-retirement-trai-chief-ram-sewak-sharma-gets-2-year-extension/articleshow/65340646.cms> (accessed on 10 February 2019).

[63] See more details about the scheme at <https://dopt.gov.in/schemes/improving-transparency-and-accountability-government-through-effective-implementation-right> (accessed on 31 January 2019).

[64] Sai Vinod, "Do we have a right to information? No, says MIB," The Hoot, 31 July 2018, available online at <http://asu.thehoot.org/research/special-reports/do-we-have-a-right-to-information-no-says-mib-10712> (accessed on 31 January 2019).

[65] The number of appeals and complaints pending at CIC, as of December 2018, stood at 23,037. See more in Himanshi Dawan, "From sarkari stonewalling to serious backlogs, RTI is in trouble," Times of India, 26 December 2018, available online at http://timesofindia.indiatimes.com/articleshow/67260233.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (accessed on 31 January 2019).

does not have provisions ensuring the anonymity of the applicant. Therefore, there have been numerous cases of attacks against such applicants to avoid possible investigations. The Commonwealth Human Rights Initiative (CHRI), an internationally operating NGO, has mapped a total of 416 reported attacks on RTI activists in India since 2006 in the form of assault, harassment, murder and attacks that led to suicide.[66]

Another setback in achieving transparency and accountability in public administration is the political and human interventions behind closed doors that shape decision-making. Such practices were evident in the 2G Spectrum Scam of 2009 wherein arbitrary bending of the decision-making process through a biased allocation of a 2G license and frequencies to telecom service providers was orchestrated by top ministers and politicians including the then Minister of Communication and Information Technology, Andimuthu Raja. Covered amongst others by TIME magazine[67], the scam prompted the Department of Telecommunication to discuss the potential of awarding wireless licenses online as a move to ensure transparency among the government bodies collectively handling the task of allocation of airwaves in India.[68]

In India, the Government has the power to appoint the boards of regulatory authorities and very often this process is politically influenced and non-transparent. This was apparent in the reconstitution of the Press Council of India (PCI) and Central Press Accreditation Committee (CPAC) in 2018 wherein the precedent was overlooked and certain journalists and media representatives were underrepresented or not represented at all.[69]

Similarly, decision makers often cite national security threats as reasons for canceling and suspending television news channels when, in reality, they are just measures to block outlets that do not toe the line. Such an example was the cancellation of the broadcast license held by Al Jazeera English, a television news channel uplinked from Qatar, in 2017. The decision was prompted by a documentary about the conflict in the state of Jammu and Kashmir in India that had been aired by Al Jazeera.[70] The MIB cancelled licenses of 147 channels between 2015 and June 2018; 18 of those were over “security clearances.”[71]

[66] See more details at <http://attacksonrtiusers.org/> (accessed 31 January 2019).

[67] “Top 10 Abuses of Power,” TIME, available online at <http://content.time.com/time/specials/packages/completelist/0,29569,2071839,00.html> (accessed on 25 January 2019).

[68] Muntazir Abbas, “DoT mulls online allocation of wireless licence to facilitate ease of doing business”, the Economic Times, 1 October 2018, available online at <https://economictimes.indiatimes.com/industry/telecom/telecom-news/dot-mulls-online-allocation-of-wireless-licence-to-facilitate-ease-of-doing-business/articleshow/66021908.cms> (accessed on 31 January 2019).

[69] “Procedure For Reconstitution Of Press Council Of India “Arbitrary”: Media Bodies To PM”, NDTV, 10 April 2018, available online at <https://www.ndtv.com/india-news/procedure-for-reconstitution-of-press-council-of-india-arbitrary-media-bodies-to-pm-1835704> (accessed on 31 January 2019).

[70] Vasudha Venugopal, “Government scraps Al Jazeera’s security clearance,” the Economic Times, 24 August 2018, available online at <https://economictimes.indiatimes.com/industry/media/entertainment/media/government-scraps-al-jazeeras-security-clearance/articleshow/65523512.cms> (accessed on 31 January 2019).

[71] Kamaljit Kaur Sandhu, “147 TV channels cancelled in last 3 years, Centre tell Parliament,” India Today, 30 July 2018, available online at <https://www.indiatoday.in/india/story/147-tv-channels-cancelled-in-last-3-years-centre-tell-parliament-1300857-2018-07-30> (accessed on 31 January 2019).

Impact of Regulators on News Media and Journalism

Decision-making in matters related to the Indian media is riddled with political influence, regulatory parallelism and clashes over jurisdiction, involving not only decision-making authorities but also industry players. While regulatory bodies have the authority to make recommendations, the final decision rests with various ministries, among whom the Ministry of Information and Broadcasting (MIB) has a prominent role. Thus, the recommendations of regulatory bodies and parliamentary standing committees are often overruled or put on the back burner.

For example, the Telecom Regulatory Authority of India (TRAI) actively initiates discussions towards regulations in the field of broadcast and internet, but its recommendations are either ignored by the MIB or opposed by industry players who see them as being outside “TRAI’s jurisdiction.” In 2012, for example, TRAI acted on complaints from viewers about a large amount of advertising on television channels. TRAI released an ad-cap regulation limiting the duration of commercials on television channels to 12 minutes per hour, in line with the Programme and Advertisement Code under Cable Television Network Rules of 1994.[72] TRAI acted in line with its remit to ensure the quality of service and took several broadcasters to court for ignoring the limit. However, the body was faced with an industry and judiciary backlash as both broadcasters and judges criticized TRAI for overstepping its jurisdiction as matters related to content, according to the critics, fall under MIB’s regulatory ambit. The News Broadcasters Association (NBA), the trade body of cable news broadcasters, spearheaded the campaign against the TRAI regulation, taking the watchdog to the Delhi High Court under accusations that its decision had a negative impact on the revenues of its member news channels. NBA argued that ads are the primary source of revenue for news channels as most news channels in India are free-to-air and carriage fees are usually high, and that restrictions on advertising would violate their freedom of speech and expression.[73] The TRAI decision was thus quashed and the main argument against the regulation remained a question of jurisdiction.[74]

In 2012, another TRAI decision, this time on the regulation of interconnection agreements between broadcasters and distributors, was opposed by the NBA. In spite of regulations[75] allowing distributors to charge carriage fees for carrying television channels as well as to determine the fee levels (within some limits), the fees were harshly opposed by the NBA, which argued that the high rates charged by the distributors financially crippled news channels.[76] NBA also argued that

[72] See more details at

https://www.trai.gov.in/sites/default/files/StdofQoS_DurationOfAdvtTVChannels_Reg_Amends_22032013.pdf (accessed on 31 January 2019).

[73] The precedent used by NBA was *Sakal Papers (P) Ltd. v. The Union of India*, 1962 challenged the Newspaper (Price and Page) Act, 1956 which regulated the prices of newspapers in relation to their pages and sizes and the allocation of space for advertising. The Supreme Court held it unconstitutional as it directly infringed on Article 19(1)(a) and 19(1)(g) of the Indian Constitution. The derivative understanding of Article 19(1)(a) was expanded to state that right to propagate one’s ideas includes the right to publish, disseminate and circulate them. See more details about the case at

<https://globalfreedomofexpression.columbia.edu/cases/sakal-papers-p-ltd-v-the-union-of-india/#content> and <https://indiankanon.org/doc/243002/> (accessed on 31 January 2019).

[74] TRAI releases every 45 days reports of channels flouting the 12-minute cap rule under Cable Television Network Rules, 1994. Between 1 January 2018 and 31 March 2018 (the latest available figures), 39 news channels flouted these rules. See more details at <https://www.trai.gov.in/sites/default/files/NewsNonnewsjanmar201812072018.pdf> (accessed on 31 January 2019).

[75] The Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012, available online at

https://traigov.in/sites/default/files/201603160327017231500Main_regulation_Amendment_30April2012.pdf (accessed 1 February 2019).

[76] Apurva Chaudhary, “NBA Says That With Digitization, Carriage Fees Should Have Been Ended, Not Legitimized,” *Medianama.com*, 2 May 2012, available online at <https://www.medianama.com/2012/05/223-cable-carriage-fees-trai/> (accessed on 1 February 2019).

carriage fees should not be charged at all in a digitized media system. Following lobbying on all fronts, the NBA agreed with distributors on a set of minimal carriage charges.[77]

But decisions to not make regulatory decisions have as significant an impact as biased regulatory decisions. Lack of intervention, for example, in issues of media ownership and concentration as well as paid news is extremely damaging for media independence. Although such issues are repeatedly brought to the attention of the decision makers, decisions in this regard are rarely made due to personal interests of politicians and dominant industry players.

In the past decade, the phenomena of paid news (whereby media outlets charge for positive coverage of companies or political parties) and private treaties (whereby a media house is given equity in a company in exchange for predetermined advertising space) have raised major concerns among various watchdogs including the Election Commission of India (ECI), Press Council of India (PCI), Law Commission of India, Securities and Exchange Board of India (SEBI) and the parliamentary standing committees on Information Technology. Although these issues have been broadly analyzed in a slew of reports drafted by all these regulatory authorities, no concrete regulatory measure was adopted to end these practices. The ECI recommended in a report to treat paid news as an electoral offense under the Representation of the People Act.[78] PCI suggested to increase its jurisdiction to include content regulation of television news and punish offenders.[79]

The United Progressive Alliance, the ruling coalition in the period 2009-2014, proposed, through a 2013 Bill, an amendment to the Press and Registrations of Books Act (1867) according to which publications charging for news coverage would be suspended for up to 45 days. Recidivists would be shut down for good, according to the same legal proposal.[80] The Bill was heavily opposed by the Time's Group (owner of India's largest English newspaper by circulation, Times of India) and the Indian Newspaper Society (INS), an industry body.[81] The current National Democratic Alliance government scrapped the Press and Registrations of Books Act (1867) and released a draft Press and Registration of Books and Periodicals (PRBP) Bill to replace it. But the government decided to drop the provisions on paid news arguing that this issue is outside the ambit of the bill.[82]

Lack of regulations on paid news practices affects mainly small and independent news media. Claims by a MIB official that the broadcast news media was free from this "menace"[83] were spurned by investigative reporters. One month after the MIB official made those claims, a sting

[77] "NBA agrees to pay reasonable carriage fees post-digitisation," Best Media Info, 19 October 2012, available online at <http://bestmediainfo.com/2012/10/nba-agrees-to-pay-reasonable-carriage-fees-post-digitisation/> (accessed on 1 February 2019).

[78] ECI Compendium of Instructions with respect to Paid News during elections, available online at http://www.elections.tn.gov.in/Reports/Compendium%20of%20Instructions%20on%20Paid%20News%20and%20Related%20Matters_Feb%202014-English.pdf (accessed on 1 February 2019); see also the Law Commission Report on Electoral Reforms 2015 <http://lawcommissionofindia.nic.in/reports/Report255.pdf> (accessed on 1 February 2019).

[79] Press Council of India Report on Paid News, 2010, available online at <http://presscouncil.nic.in/OldWebsite/CouncilReport.pdf> (accessed on 1 February 2019).

[80] Amendment to Press and Registrations of Books Act (1867) proposed in the Registration of Newspapers and Publications Bill, 2013, available online at <https://www.prsindia.org/uploads/media/draft/Revised%20Draft--Press%20and%20Registration%20of%20Books%20Bill.pdf> (accessed on 1 February 2019).

[81] Manisha Pande, "Look who's lobbying against legislation on paid news," NewsLaundry.com, 28 July 2017, available online at <https://www.newslaundry.com/2017/07/28/times-of-india-paid-news-registration-of-newspapers-and-publications-bill-2017-ib> (accessed on 1 February 2019).

[82] Amitav Ranjan, "I&B to drop paid news regulation in draft Bill," IndianExpress, 14 December 2018, available online at <https://indianexpress.com/article/india/information-and-broadcasting-to-drop-paid-news-regulation-in-draft-bill-newspapers-magazines-5492867/> (accessed on 1 February 2019).

[83] "MIB clean chit on paid news," The Hoot, 9 April 2018, available online at <http://asu.thehoot.org/media-watch-briefs/mib-clean-chit-on-paid-news-10589> (accessed on 1 February 2019).

operation undertaken by the investigative website cobrapost.com found that a total of 27 media houses (including television news channels) were selling news space during state elections mostly to right-wing supporters.[84]

Decisions made by the Supreme Court of India, the highest judicial body in the country, were hailed by journalists as they play a major positive role in media policy. An important decision of the Supreme Court, with a huge impact on online news media, was the striking of Section 66 A of the 2000 Information Technology Act, following a flood of petitions, in 2015.[85] The Section put forward punishments for “sending offensive messages through communication services” and was widely used by individuals and politicians as a censorship tool. One case in which it was used to arrest some young girls and a professor who posted and shared on social media content critical of the Government caught the public attention.[86] The revocation, as “unconstitutional,” of section 66 A, was welcomed by online news media and free speech activists. The Supreme Court has also intervened and upheld the Right to Free Speech and Expression in numerous cases where Penal Code provisions on defamation and sedition have been arbitrarily imposed on news media houses, primarily as an attempt to curb criticism.[87]

[84] “Operation 136,” CobraPost, 26 March 2018, available online at <https://www.cobrapost.com/blog/Operation-136/1029> (accessed on 1 February 2019).

[85] “Summary of the Judgment in Shreya Singhal vs. Union of India [Read the Judgment],” 24 March 2015, available online at <https://www.livelaw.in/summary-of-the-judgment-in-shreya-singhal-vs-union-of-india-read-the-judgment/> (accessed on 1 February 2019).

[86] Monideepa Banerjee, “Outrage over professor's arrest for posting anti-Mamata cartoons,” NDTV, 13 April 2012, available online at <https://www.ndtv.com/india-news/outrage-over-professors-arrest-for-posting-anti-mamata-cartoons-476446> (accessed on 1 February 2019).

[87] The Supreme Court was vocal against the Tamil Nadu state government, specifically former Chief Minister J. Jayalalithaa, when it had filed a total 213 defamation cases between 2011 and 2016, of which more than 50 cases were filed against media outlets for being critical of the government. Ten cases each were filed against Tamil bi-weekly Nakkeeran and Vikatan magazine group. See more in Apurva Vishwanath & Dharani Thangavelu, “Supreme Court pulls up Jayalalithaa for misusing defamation law,” 25 August 2016, available online at <https://www.livemint.com/Politics/0YoIjK4oK4WXOAezvD7Q3I/Supreme-Court-pulls-up-Jayalalithaa-for-misusing-defamation.html> (accessed on 1 February 2019).

INFLUENCERS

The most influential individuals and organizations in the Indian media scene include financially powerful media owners or trade bodies whose membership represents the large media houses. There are a number of entities

that try to shape decision making, including trade and industry bodies, civil society and international players. However, the actual lobbying power rests with the first category players and the owners of large media houses.

Local Influencers

Trade Bodies

The growth of the media sector in India has spawned a profusion of trade bodies, most of which tend to be organized along sectors, including the news business. Some of these trade bodies have extended their remit, taking on the mantle of self-regulatory bodies, either informally within their organization or more formally by starting a compliance body. These self-regulators try to exert influence on regulators and ministries to protect and enhance the interests of their members during crucial junctures when policies are drafted and regulations implemented. They mediate between news media outlets, the Government, telecom operators, businesses and the audience. However, these bodies often end up voicing the interests of the dominant market players or of politically aligned players (or both), being thus unable to concertedly nurture public interest.

Media Related Bodies

Set up in 1985, the Advertising Standards Council of India (ASCI) is the largest voluntary non-governmental self-regulatory body comprising advertisers and media practitioners. Its members include advertisers, ad agencies, media owners and NGOs. ASCI monitors cases of misleading and offensive adverts to ensure compliance with an industry self-regulatory code. ASCI acts primarily on complaints from consumers and industry players. The Consumer Complaints Council under ASCI operates as a grievance redressal body whose mission is to judge cases of code breaches among ASCI members. However, its decisions are limited to recommendations and warnings. In 2006, ASCI received legal recognition from the Government, making non-compliance to ASCI code a violation of the Cable Television Network Rules (1994). Therefore, ASCI code is now legally binding on both advertisers and television channels.[88] D. Shivakumar, Executive President of Aditya Birla Management Corporation, was the ASCI chairman at the time of writing. The body was invited by various parliamentary committees to talks about consumer protection. Advertising Agencies Association of India (AAAI) is another influential industry association of advertising agencies whose combined turnover accounts for nearly 80% of the advertising business in the country.

Media audience ratings agencies like the Broadcast Audience Research Council (BARC) and Television Audience Measurement (TAM) are other media related bodies that influence the regulatory decision making. Both BARC and TAM are industry bodies comprising broadcasters, advertising agencies, and advertisers. BARC was founded in 2010 and came to be India's official rating agency (mandated by MIB and TRAI) that measures the reach of television channels and undertakes viewing analysis of 197 million television households. The BARC ratings for television channels are an important component of the DAVP formula for determining advertisement rates.

[88] "ASCI code made compulsory for TV ads," The Economic Times, 10 August 2006, available online at <https://economictimes.indiatimes.com/industry/services/advertising/asci-code-made-compulsory-for-tv-ads/articleshow/1882001.cms?from=mobile> (accessed on 1 February 2019).

Media Operators/Associations

Broadcast Journalism

The Indian Broadcasting Federation (IBF) is the largest trade body representing the interests of private broadcasters in their relations with the Government and regulatory authorities. It was established in 1999 with the aim of promoting the business interests of broadcasters and advertisers. Its members manage 376 national and regional television channels, of which 104 are news channels.

In 2011, IBF set up the Broadcasting Content Complaints Council (BCCC), a self-regulatory body tasked with handling content complaints at the industry level in line with an industry set of guidelines.[89] N.P. Singh, CEO of Sony Pictures Networks India, is the President of IBF.

Whereas IBF represents the broadcast industry, the News Broadcasters Association (NBA) exclusively represents the interests of private news and current affairs broadcasters. The NBA is an association funded by its members, which include 21 leading news channel owners (controlling a combined 71 news channels). Rajat Sharma, Editor-in Chief of India TV and Vice President of IBF, is the President of NBA. The NBA also houses the News Broadcasting Standards Authority (NBSA) that adjudicates in cases of complaints against member broadcasters in line with an internal ethical code. [90] Their decisions are limited to orders and recommendations to defaulting members who often ignore them.

These bodies have thus far failed to meaningfully and effectively self-regulate the news media as little has been done (and can be done) against news broadcasters that breach rules formulated by these bodies. Owners and editors of financially powerful news media houses continue to hold powerful seats in these bodies although content on their channels often flout ethical codes.[91] However, these bodies are prominent stakeholders in negotiations with the Government.

Cable Operators Federation of India (COFI) and All India Digital Cable Federation (AIDCF) are two other prominent trade bodies that actively influence decision-making. These bodies represent the interests of analog and digital cable service providers or distributors of television channels. The latter, known as Multi System Operators (MSOs), hold powerful positions in regional markets and in many instances their ownership is a key criterion in choosing what news channels to carry.[92] COFI played an important role in policy talks with the Government and TRAI during the discussions about the 2011 amendment of Cable Television Networks (Regulation) Act, which obliged cable television companies to digitize their operations. The members of these bodies are dominant players in various regional markets.

[89] "Self-Regulatory Content Guidelines for Non-News & Current Affairs Channels," available online at <http://www.ibfindia.com/sites/default/files/IBF%27s%20Self%20Regulatory%20Guidelines%20%28updated%20version%29.pdf> (accessed on 1 February 2019).

[90] NBA Code of Ethics & Broadcasting Standards, available online at http://www.nbanewdelhi.com/assets/uploads/pdf/code_of_ethics_english.pdf (accessed on 1 February 2019).

[91] Sandeep Bhushan, "Off Camera," *The Caravan*, 1 December 2018, available online at <https://caravanmagazine.in/media/absence-regulation-indian-television-broadcasting> (accessed on 1 February 2019).

[92] Vibodh Parthasarathi & Alam Srinivas, "Networks of Influence," *The Caravan*, 1 December 2016, available online at <https://caravanmagazine.in/perspectives/networks-of-influence-cable-distribution> (accessed on 1 February 2019).

Print Journalism

The Editors Guild of India (EGI) was set up in 1978 to collectively represent the editors of newspapers, agencies and periodicals. Their objective is to work towards ensuring press freedom from any form of government interference as well as ensuring compliance with a set of editorial standards put forward by a Code of Practice that should be followed by journalists. The EGI has continuously raised its voice against the stifling pressure of the Government by issuing official statements and sending letters to decision makers. In 2018, the EGI released a spate of statements and sent numerous letters to decision making authorities tackling issues such as dismissal and arrests of journalists, selective coverage of current affairs by media houses and arbitrary restrictions on media in various states of the country.[93]

The Indian Newspaper Society (INS) represents the business interests of newspaper owners and publishers and provides assistance in issues related to advertisements, newsprint, press freedom and industrial relations. INS has over 1,000 members all coming from the publishing industry. The INS has represented in numerous occasions both the business interests of newspaper publishers and the editorial interests of individuals in their relation with advertisers and the Government. The INS has been very vocal about the biased representation in the print regulatory body, the Press Council of India,[94] and about cases of arbitrary arrests of journalists. The INS also protects the business interests of its members in their relation with advertising agencies by granting them an accreditation that is used as a certificate of competence and gives them credibility in the market.

The publishers of small and mid-size newspapers and magazines promote their interests through the Indian Federation of Small and Medium Newspapers, which was established in 1985. It works towards ensuring that the voices of smaller publishers are heard in policy and regulatory debates that lead to decisions likely to affect them.

Digital Journalism

The Digital News Publishers Association (DNPA) is a newly established self-regulatory organization. Formed in September 2018 to counter the growing pressure from the MIB to curb fake news and introduce a code of practice for online news portals along the lines of the NBA and PCI codes, the DNPA brings together the largest online news providers, including those reporting in regional languages. However, the membership of DNPA till date includes only the owners of the traditional news media that have expanded to the digital market.[95] Independent news websites, mostly native digital portals that are not already owned by mainstream news media outlets, are not part of the DNPA. This makes for another industry association crowded by dominant players, hampering the interests of smaller, independent news sites.

[93] See more details at <https://editorsguild.in/statements-issued/> (accessed on 1 February 2019).

[94] "Media bodies write to PM Modi, seek his intervention in PCI," The Times of India, 10 April 2018, available online at <https://timesofindia.indiatimes.com/india/media-bodies-write-to-pm-modi-seeks-his-intervention-in-pci-matter/articleshow/63703037.cms> (accessed on 1 February 2019).

[95] "Hindustan Times, 9 others come together to form Digital News Publishers Association," LiveMint, 21 September 2018, available online at <https://www.livemint.com/Consumer/v6SU2NKz23zd7518atmUDL/Indias-top-10-media-companies-come-together-to-form-Digital.html> (accessed on 1 February 2019).

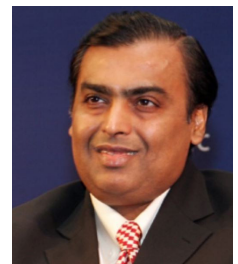
Other Bodies

Internet and Mobile Association of India (IAMAI) is the industry body bringing under one umbrella almost 300 internet companies and mobile technology developers. Its mandate is to “expand and enhance the online and mobile value added services sectors.” IAMAI represents its members in the relation with the Government, investors, consumers and other stakeholders. Although it focuses mainly on digital commerce, it has played an influential role in bringing net neutrality to India, helping thus independent news websites. Rajan Anandan, Vice President of Google India, is the chairman of IAMAI.

The Data Security Council of India (DSCI) is the industry body focused on data protection in India. Set up by the National Association of Software and Services Companies (NASSCOM), the DSCI is committed to making the cyberspace safe, secure and trusted. DSCI engages with governments and their agencies, regulators, industry associations and think tanks specialized in policy advocacy in initiatives aimed at ensuring cyber security and protecting privacy. The DSCI’s chairperson, Rama Vedashree, was part of the committee that drafted the Personal Data Protection Bill of 2018.[96] The DSCI is expected to play a key role in developing the privacy and data protection infrastructure if the bill is passed by Parliament.

Key Influencers

Mukesh Ambani is the most influential player in the Indian regulatory scenario and the chairman of the Reliance Group of Industries. He is the richest man in India with a net worth of almost US\$ 49bn as of 2019, according to estimates from Forbes. The conglomerate’s business assets expand across energy, textiles, natural resources, medicine, retail, education, telecommunication (Jio telecom operator), and entertainment and news media (Network 18) sectors. Ambani negotiates a quid pro quo for funding political parties in exchange for policies that favor his enterprises.[97] His business tactic has been a series of forward and backward integrations leading to Reliance’s control over news media production and distribution (through



Source: Flickr / World Economic Forum

ownership of cable and broadband providers as well as telecom and internet services). Apart from the assets he controls directly through equity holdings and loans, he has stakes in numerous news media outlets. The growth of his recent endeavor, Reliance Jio Infocomm (Reliance’s telecom subsidiary launched in 2016) has perfectly aligned with the current government rhetoric behind the Digital India policy as well as with regulatory decisions made by TRAI and recommendations in the Data Protection Bill. The Ambani family maintains personal relations with powerful politicians from India and the world.

[96] See more details online at http://meity.gov.in/writereaddata/files/Personal_Data_Protection_Bill,2018.pdf (accessed on 1 January 2019).

[97] Sucheta Dalal, “Ambani Ki Dukaan?” (Ambani’s Shop?), Moneylife.in, 14 April 2014, available online at <https://www.moneylife.in/article/ambani-ki-dukaan/37016.html> (accessed on 10 February 2019).

Amit Shah is the right-hand man and closest aide to Narendra Modi. He is the current president of Bharatiya Janata Party (BJP), a member of parliament from the state of Gujarat, and served under various capacities during Modi's Chief Ministership in Gujarat. He is a key influencer and deemed to be the man behind Modi's powerful Prime Ministerial campaign in 2014. Shah is a controversial politician and has criminal cases pending against him. He faced jail time in 2010 on charges of murder, extortion and kidnapping. However, his criminal record has not hindered his political rise. Shah has influenced the monitoring and surveillance initiatives of the current government.[98] He has also encouraged the BJP media teams to spread viral messages and false news to win the upcoming elections.[99]



Source: Wikimedia



Source: Wikimedia

Subhash Chandra is the chairman of Essel Group and a politician from the state of Haryana backed by the BJP. Chandra's conglomerate has interests in media (production and distribution), education, retail, packaging, and financial services. Essel Group subsidiary, Zee Media (Zee Entertainment Enterprises Ltd.) is just one of the many politically owned media houses in India. Chandra launched the first privately owned television channel in India in 1992, Zee TV, soon after the liberalization of the Indian economy. He also launched India's first DTH Service, Dish TV, in 2003. He has been an influential businessman and funder of many governments, gaining advantages from years of state

patronage. Zee News and DNA, the TV news channel and newspaper of the group, have shown clear bias in coverage of events critical of the ruling government.[100]

Vineet Jain is the managing director of the largest media group in India, Bennett Coleman & Co. Ltd (BCCL), which owns The Times of India, the largest circulated English newspaper in the world and the third largest circulated newspaper in India, according to data from the Audit Bureau of Circulation. The Sahu Jain family has owned The Times of India since 1955. It remains a privately owned conglomerate with family members controlling the majority stake in it. The Times Group owns entertainment and news radio (FM Radio Mirchi) and television channels (Times Now, ET Now, Mirror Now, among others). It has also acquired in recent years equity in myriad of international media (including Huffington Post) through partnerships under its consultancy and investment arm Times Bridge.



Source: Bennett University

Civil Society

India has a large and diverse civil society, which plays a significant role in protecting free speech and press. A high number of organizations stand for journalist protection and editorial independence of the media. However, there are very few successful entities that have managed to trigger change.

[98] Punya Prasun Bajpai, "A 200-Member Government Team Is Watching How the Media Covers Modi, Amit Shah," The Wire.in, 10 August 2018, available online at <https://thewire.in/media/narendra-modi-amit-shah-media-watch-punya-prasun-bajpai> (accessed on 10 February 2019).

[99] Iain Marlow, "Head of India's Ruling Party Emboldens Volunteers Spreading Fake News," BloombergQuint, 30 September 2018, available online at <https://www.bloombergquint.com/politics/india-ruling-party-head-emboldens-volunteers-spreading-fake-news#gs.zNtOr9H6> (accessed on 10 February 2019).

[100] Aditya Menon, "Saffron journalism: Zee News & art of manufacturing anti-nationals," Catchnews.com, 11 March 2016, available online at <http://www.catchnews.com/politics-news/saffron-journalism-zee-news-and-art-of-manufacturing-anti-nationals-1457687402.html> (accessed on 10 February 2019).

Journalist unions

The Indian Federation of Working Journalists (IFWJ) was established in 1950 and, at its request, the First Press Commission (1954) was set up to monitor the newspaper industry. IFWJ is India's trade union of journalists and people employed in the media sector. It operates through a web of regional units and branches. It actively participates in international journalism movements and networks and in civil society and human rights initiatives. Through its persistent interventions in the past, the IFWJ was successful in capturing the regulators' attention to issues such as the working conditions and wage scales of journalists and other employees in the media sector that eventually led to the adoption of the Working Journalists Act of 1955. IFWJ provides its members with legal assistance in labor-related issues and other rights. Its sister organizations include the National Federation of Newspaper Employees, National Confederation of News agencies Employees Organizations, and an offshoot, the Indian Journalists Union (IJU). These bodies constantly exert pressure on decision makers on matters of press rights and freedoms.

Apart from journalist unions on the national level there are various associations at the state level whose work has triggered regulatory intervention in the recent past. One of them is Maharashtra Patrakar Halla Virodhi Kruti Samiti (Action Committee Against Attacks on Journalists), which, through pressures and advocacy, forced the state of Maharashtra to pass the Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act of 2017. This act treats all attacks on journalists and media houses as cognizable and unbailable offenses.[101] The law is the first special law in an Indian state that defends journalists against violent attacks.

Professional associations

Founded in 2008, the Foundation of Media Professionals (FMP) is an active professional association comprising journalists and media entrepreneurs. It consistently releases statements on issues surrounding press freedom, journalists' protection and ethics. FMP has been at the forefront of initiating a dialogue with the Government on matters of journalistic protection in the light of an increasing number of attacks on and threats received by journalists. It also condemned the pressure and interference by the Government in the operation of ABP news channel (owned by Anand Bazar Patrika Group) and the dismissal of its editors for being critical of the establishment.[102]

The Network of Women in Media (NWMI) is working to provide a forum for women in the media. It promotes gender equality and justice in the media and, more generally, in society. The group has been very active during the MeToo movement in India, making pressures on media houses to set up inquiry cells and grievance redressal units in their offices. It has pressed the Government to investigate accusations against politicians.[103] The organization has been closely working with the National Commission for Women, a government body, on matters related to attacks on women journalists as well as the revelations from the MeToo movement.[104]

[101] "Law to protect journalists," Frontline, 12 May 2017, available online at <https://www.frontline.in/the-nation/law-to-protect-journalists/article9658191.ece> (accessed on 1 February 2019).

[102] "The Foundation for Media Professionals issues a statement on ABP News," NewsLaundry.com, 7 August 2018, available online at <https://www.newslaundry.com/shorts/the-foundation-for-media-professionals-issues-a-statement-on-abp-news> (accessed on 1 February 2019).

[103] "Full text: Women journalists' group demands inquiries against those accused of sexual misconduct," Scroll.in, 8 October 2018, available online at <https://scroll.in/latest/897471/full-text-women-journalists-group-demands-inquiries-against-those-accused-of-sexual-misconduct> (accessed on 1 February 2019).

[104] "NCW, Network of Women in Media condemn attack on women journos in Kerala," The News Minute, 17 October 2018, available online at <https://www.thenewsminute.com/article/ncw-network-women-media-condemn-attack-women-journos-kerala-90125> (accessed on 1 February 2019).

Donors/Trusts

The Independent and Public-Spirited Media Foundation (IPSMF) is a public charitable trust that promotes independent, public-spirited and socially impactful journalism. The Trust has financially supported a high number of small and independent media initiatives, which is a brave thing to do in a market where oligopolies are the order of the day. They have funded some popular and alternative media outlets such as The Wire (an independent digital news outlet), CGNetSwara (a citizen journalism portal), and Khabar Lahariya (a portal of digital news from the margins), among many others. The IPSMF has been a staunch supporter of media independence from the state as well as the market.

Think tanks

While charitable trusts like IPSMF and others financially support media independence, think tanks like the Centre for Internet Society (CIS) and Hoot.org promote the interests of the news media among regulators through industry articles, reports and recommendations. The Hoot.org is an online media watchdog that exhaustively covers all relevant media-related decision-making news in the country. It releases the annual Free Speech Report, a comprehensive document highlighting the status of press and social freedoms in India.[105] CIS actively participate in policy consultations on matters related to technology, internet and media freedom. Their reports, articles, and recommendations are seen by local observers as important studies that influence media policy and literacy.

External Influencers

International bodies, non-governmental and intergovernmental institutions, have leverage with the Indian media regulators and politicians. However, they have little influence in the actual decision-making process.

The Commonwealth Journalists Association (CJA) aims to collectively promote the interests of journalists in the region through networking and by calling out abuses against the media. It was founded in 1978 to promote professional journalism, free media and freedom of expression across the Commonwealth. The group was instrumental in collating the “Commonwealth Principles on Freedom of Expression and the Role of the Media in Good Governance,” which is a code of conduct aimed to protect journalists and media freedom. The code was put before the leaders of 53

Commonwealth countries, including the Indian Prime Minister Narendra Modi, at the Commonwealth Heads of Government Meeting in 2018. The urgency to act came was a result of the increasing number of journalist killings in the region. The meeting highlighted the killing of editor and journalist Gauri Lankesh in India, which has all journalists groups in the country up in arms.[106]

Human Rights Watch (HRW) is another international organization that has exerted influence and demanded prompt investigations into matters of journalist killings in India.

Asia Pacific Broadcasting Union (ABU) a regional professional association focused on the development of broadcasting in Asia, plays an

[105] The India Freedom Report, The Hoot.org, January 2016-April 2017, available online at <http://asu.thehoot.org/public/uploads/filemanager/media/LATEST-FREEDOM-REPORT-.pdf> (accessed on 1 February 2019).

[106] Nupur Basu, “‘Stop killing journalists in the Commonwealth’,” The Hoot.org, 18 April 2018, available online at <http://asu.thehoot.org/free-speech/media-freedom/stop-killing-journalists-in-the-commonwealth-10603> (accessed on 1 February 2019).

important role in negotiating live coverage of sport events and signal piracy in the region. The Indian public broadcaster, Prasar Bharati, is a full time member of the ABU and currently the president of the Asia-Pacific Institute for Broadcasting Development (AIBD), a group mandated by UNESCO to achieve cohesive electronic media environment in the Asia-Pacific region through policy and resource development.[107]

South Asian Women in Media Network (SAWM) is another supranational professional organization that promotes the interests of journalists, including journalists' protection, gender equality in the media and media freedom.

The International Telecommunication Union (ITU), a UN body, has considerable influence on the regulations in the telecommunications sector. ITU is an intergovernmental organization and a special agency of the United Nations tasked to coordinate work between governments and private sector bodies on global telecommunication and information communication technology (ICT) services. India is a member of the Asia-Pacific Telecommunity (APT), the regional office of the ITU. The ITU-APT Foundation of India is a “non-profit and non-political”[108] country-specific association that regularly meets to discuss and consult on matters relevant to the development of telecommunication sector. ITU oversees the radio spectrum management and standardization of telecommunication services and regulations globally. The Wireless Planning and Coordination wing (under the DoT) and TRAI coordinate with and follow the international standards laid by the ITU.

International advocacy and watchdog groups like Reporters Without Borders (RSF) and

[107] See more details at https://www.abu.org.my/About_Us-@-About_the_ABU_.aspx (accessed on 1 February 2019).

[108] See more details at <http://www.itu-apt.org/scope.asp> (accessed on 1 February 2019).

[109] “RSF issues warning to India in first World Press Freedom Index Incident Report,” RSF, 4 July 2018, available online at <https://rsf.org/en/news/rsf-issues-warning-india-first-world-press-freedom-index-incident-report> (accessed on 1 February 2019).

[110] “Gauri Lankesh murder: India turning more unsafe for journalists with govt unwilling to act, suggests data,” Firstpost, 6 September 2017, available online at <https://www.firstpost.com/india/gauri-lankesh-murder-india-turning-more-unsafe-for-journalists-with-government-unwilling-to-act-suggests-data-4013171.html> (accessed on 1 February 2019).

[111] Elisabeth Witchel, “Getting Away with Murder,” CPJ, available online at <https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php> (accessed on 1 February 2019).

Committee to Protect Journalists (CPJ) also exert pressures on media policymakers by regularly urging the government for better protection laws. The RSF's World Press Freedom Index and its rankings affect the country's global standing, building international pressure on the Indian government to improve the state of media freedom, where possible. In 2018, it ranked India on the 138th position out of 180 countries that it observes. It also released a warning incident report to the country's Prime Minister highlighting the multiple journalist killings and rise of hate speech.[109] Similarly, CPJ released a report titled “Getting Away with Murder on Global Impunity Index” which ranked India, among other nations, as “states with the worst records of prosecuting the killers of journalists.” India ranked 14th on the list with 18 murders of journalists with impunity from 2008 to 2018.[110] India has been listed on the Index 11 times and CPJ asserts that the conditions are getting worse. The Committee regularly speaks against attacks on press freedom and journalists and issues statements and letters to governments to take actions.[111]

Donors/Trusts

Indian media and civil society also receive financial assistance from international donors, charity organizations and venture capital firms. Omidyar Network, an American venture capital firm owned by the businessman Pierre Omidyar, has given significant financial support for improving media freedom and independence in India. It has invested in multiple independent and digital news websites in India such as Newslaundry, Scroll.in and The Ken. (See more details about philanthropy funding in the chapter *Funding Journalism in Media Influence Matrix: India*)



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