

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BANGALORE

Dissertation on:

TAMING THE PROPOGANDA MACHINE: REGULATION OF CONCENTRATED  
MASS MEDIA OWNERSHIP

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## CERTIFICATE

This is to certify that this Dissertation entitles “Taming The Propaganda Machine” is submitted to National Law School of India University, Bangalore by Arjun S. (Reg. No. LLM/925/2020) for the degree of Master of Law in Business Law, is the certified recorded of original work done by the candidate under my direct super vision and guidance.

I considered the thesis to have met the standards and the requirements of the rules and regulations concerning the nature of the degree. In this or any other university the contents expressed in the thesis were not submitted for the award of any other degree or diploma.

Date: 01<sup>st</sup> September 2021

Place: Bangalore

Signature of the Supervisor

Prof. (Dr.) Sudhir Krishnaswamy

## DECLARATION

I, Arjun S. hereby declare that that this dissertation “Taming The Propaganda Machine” is in partial fulfilment of the requirement for the award of the degree of Master of Law was composed solely by myself and that it was not submitted, in whole or in part, for a degree in any prior application. Unless otherwise stated by reference or acknowledgement, the work being presented is entirely my own.

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It would be highly unfair on my part if I do not indirectly show gratitude towards my grandparents who fall trapped daily by the propaganda propagated by filthy Kannada news channels, thank them too for indirectly inspiring me to take up this dissertation topic. Without them there would be no inspiration to finish this topic.

With Profound Gratitude

Arjun S.

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## AIM, SCOPE AND LITERATURE REVIEW

1. **STATEMENT OF THE PROBLEM:** Indian mass-media ownership lies in the hand of very few powerful entities resulting from ineffective archaic laws. This leads to market concentration, plurality of views and a good propaganda tool in the hands of elite.
2. **AIM OF THE STUDY:** this paper aims to see how India's mass media is destroying the democratic structure, the evolution of mass-media laws from the times of British India, the mass media laws regulating media monopolies is UK & US and the failure of Indian laws in checking mass media monopoly in India.
3. **OBJECTIVES OF THE STUDY:** the object of the paper is to propose a framework in dealing with mass-media monopolies as it is different from other types of market monopolies which the Competition Act 2002 fails to identify.
4. **RESEARCH QUESTION:** How to regulate the Concentrated Mass-Media ownership in India?
5. **THE SCOPE OF THE STUDY:** this paper revolves around monopoly laws relating to mass media ownership.
6. **LIMITATION OF THE STUDY:** though there are quite few articles about this topic the law, case law should evolve to a larger extent in India. My entire LLM was done from my home, access to physical library was difficult even though NLSIU has good online library, and the online interphase was painful experience.
7. **RESEARCH METHODOLOGY:** present legal research adopts a combination of analytical and descriptive methods. The study includes research by doctrinal method. The researcher will be taking the aid of both primary and secondary sources in this research project. The researcher has always taken the concise and argumentative approach for seeking a solution to the research problem.
8. **METHOD OF CITATION:** 'OSCOLA' style of citation is followed in this paper by the researcher.

## LITERATURE REVIEW.

1. In introductory part of this paper explains the immense problem which is artificially created by the mass-media which is highly influencing behaviour and choices of masses directly leading to the destruction of the democratic structure of the nation. This is as a result of concentration of mass media ownership. Three recent problems have been highlighted.
  - First article by *Pallavi Singh* “#Elections2019: Five ways the media says all is not well with the saffron sweep” article narrates how mass media was used to influence voting behaviour of the masses and the image building of Prime Minister Narendra Modi. It also describes how the leader of the opposition party was made a scapegoat.
  - Second article by *Debasish Roy Chowdhury*, “It Isn’t Just Modi. India’s Compliant Media Must Also Take Responsibility for the COVID-19 Crisis” article narrates how mass media was used by the Central Government to hide its Covid19 management disaster and even mass media was responsible for the pandemic disaster.
  - Last article by *Prabhjit Singh*, “Farmers at Kundli Upset over media misrepresentation, accusation: comfort “godi media” narrating how the protest is being downplayed by the mass media because of the vested interests of their corporate owners in the implementation of those farm laws.
  
2. Chapter I: narrates the working of Five Filters in Indian context as proposed by *Noam Chomsky & Edward Herman* in their book “*Manufacturing Consent: The Political Economy of the Mass Media*” this book explains how mass-media is turned into propaganda machines even in liberal democracy.
  - The First Filter: *Ownership*: deals with effect of ownership of mass-media houses with respect to Indian market. The mass-media data has been collected by study conducted by ‘*Media Ownership Monitor*’ and ‘*Reporters Without Borders*’ from their online website *Media Ownership Monitor – India*, “*Media ownership Matters*” and *Media Ownership Monitor*, “*who owns the media in India?*” data relating to ownership, political affiliation.
  - Second Filter: *Advertising*: talks about advertisement as the source of revenue to the media houses and how they filter news with reference to Indian contest where writer *Avay Shukla*, in his article “*In Funding Hatred, India’s Corporates*

*Have Compromised with Evil*” tries to explain how advertisement is funding hate and winning the TRP race.

- Third Filter: *Sourcing*: this is also an extract of the above book describing it in the Indian scenario. The filter talks about how already filtered news is force fed to mass-media houses to spread propaganda. The first article by *Simrin Sirur, Shailaja Bajpai, Ratnadeep Choudary and Renu Agal*, “*Day 5, Pulwama attack: media continues to wage war*” talks about how mass-media spread misinformation about the *Pulwama attack* by force fed information by the Government. The next article by *Suchitra Vijayan and Vasundhara Srinate Drennan*, titled “*Opinion: After Pulwama, the Indian media proves it is the BJP’s propaganda machine*” talks about fake news amplification where news-houses never checks the sources.
  - Fourth Filter: *Flak*, the impact on media houses is when they question the power with Indian stories. The first data table is by *Reporters Without Borders* released is annual *World Press Freedom Index* talking about press freedom in India. The second article by *Raju Gopalakrishnan*, “*Indian journalists say they are intimidated, ostracised if they criticise Modi and the BJP*”, talking how journalists are threatened by the government. The last article by *Vijaya Lalwani*, “*Anil Ambani’s defamation blitz: 28 cases filed by Reliance Group in Ahmedabad courts this year*” explaining how big corporates like *Reliance India Limited* flank media-houses.
  - Fifth Filter: *Common Enemy*; extract from the same book explained in Indian way. Explaining the need of bogeyman to place fear in public to manufacture authority. The two articles explain the growing islamophobia in India by the help of mass media, *Zainab Sikander*, “*Indian media is waging a holy war against Muslims. It acts like hyenas*” and *Anna MM Vetticad*, “*Indian media accused of Islamophobia for its coronavirus coverage*”
  - Role of Mass Media in a Democratic Country. This section explains what exactly the role of mass media plays to uphold the values of democracy. Taken the help of article by *Shankar P*, “*Role of Media in Strengthening Democracy in India*”
1. Chapter II: chapter talks about the evolution of mass-media laws from British India to present day democratic India and how laws have helped the concentration of ownership. The colonial mass-media history was referred from the website of *Media Ownership Monitor, India* “*History of Mass media In India*” and article by *J.P*



*Josephine Baba*, "History of Media laws in India". The radio monopoly history is referred from Media Ownership Monitor India's radio website. Consultation papers of *Telecom Regulatory Authority of India* were referred for laws and radio monopoly in present day India. Further book by N. Natarajan "History of Indian Journalism" was referred for growth of mass-media and history of censorship.

3. Chapter III: This chapter talks about mass-media monopolies in other countries like UK & US. Starting with who owns media in those countries, the problems faced and the regulatory frame work.

- UK: the data of who owns media in UK was referred from *Media Reform Coalition*, "Who Owns The UK Media?" Tom Chivers, "Britain's Media Monopoly is a Threat to Democracy" narrates problem face by ownership concentration in UK. Regarding the media laws in UK was referred to *Ofcom's* report to The Secretary of States, "The operation of the media ownership rules listed under section 391 of the communications Act 2003" and legal article by Alexander Brown & Peter Broadhurst, "Media laws and regulation in United Kingdom"
- USA: the data of who owns media in USA was referred from articles by Anup Shah, "Media Conglomerates, Mergers, Concentration of Ownership" and Emily VanDerWeff, "Here's what Disney owns after the Massive Disney/Fox merger". The problem faced in USA by media concentration was referred in Monica Harris, "Why are we still Listening to Mainstream News". Lastly the mass-media regulatory framework was referred from legal articles of Harris, Wiltshire & Grannies, "Media law and regulation in USA".

2. Chapter IV: this chapter talks about regulatory flaws in legal framework. Mainly relating to failure of *The Competition Act 2002* to regulate monopolies. All the data of media ownership was referred from the book by Eli M. Noam, "Who Owns The World's Media? Media Concentration and Ownership around the World" other media laws was referred by the Telecom Regulatory Authority of India's government website. Monopoly laws in India were referred from legal articles of Rohan Arora, Harman Singh Sandhu and Shweta Shroff Chopra, "Dominance in India." Sohail Khan, "Who Controls Indian news Medias?" article was referred to study the cross ownership of *Reliance India Limited*. Laws relating to Community Radio Stations were referred from Ministry of Information & Broadcasting, Community Radio Stations website and article by Harveen Ahluwalia, "Govt amends policy guidelines for community radio stations" Book by Dr. Ahsanul Haq Chishti, "Indian's

Changing Media Landscape” was referred for cross-ownership laws in India. . Books by Bansi Manna, “Mass Media and Related Laws in India”, Dr. Rattan Singh, “Law & Media” and Akshay Kamal Mishra, “ A Brief Observation Media Laws In India” was referred for mass-media laws in present day India.

4. Conclusion: the short history of Nazi Germany talking about how democratic nation was converted into fascist empire by the help of mass-media, article by *Manish Tewari*, “*Media and Fascists: Lessons of History*” was referred.

# TAMING THE PROPOGANDA MACHINE

“The more you can increase fear of drugs, crime, welfare mothers, immigrants and aliens, the more you control all of the people.” - Noam Chomsky.

The fourth pillar of democracy is steadily narrowing down from the first term of Prime Minister *Narendra Modi*, leading to outcry of undermining mass-media’s place in national interest and the question as to *Modi’s* relation with mass-media as to the number of times the Prime Minister has been questioned, criticised or investigated for his policy over the “*scripted interviews*” around the time of elections.

Looking at the coverage, analysis and interpretation of India’s 2019 General Elections by mass-media; focussing on two main national political parties of *Bharatiya Janata Party* (BJP) and *Indian National Congress* (INC). Starting with print media, *The Times of India* in its front declared “Modi Magic” and in the same page highlighting the defeat of *Rahul Gandhi* in Congress bastion of *Amethi*, *Aam Admi Party’s* (AAP) defeat in Delhi. *The Economic Times* also dedicated its main page for praising *Modi’s* victory, “kick start” economic policy and *Gandhi’s* utter loss at *Amethi*. The *Indian Express’s* almost poetic “*deification and personification of one man*”, “*In five years, Brand Modi had transcend religion, class, caste*” and “*majoritarian triumphalism*”. The television mass-media was no less dramatic with praising “*largest victory*” “*spectacular performance*” “*a wave and a landslide*” “*nobody could see it*” the best “*defeat of dynasty*”, mostly stressing on the point *Modi* is the guardian and protector of majority *Hindus*, a *Chowkidar*. But on the other hand the *INC’s* Leader *Rahul Gandhi* was highly criticised for the loss as “*rejection in semi-feudal seats*” “*break of traditional loyalties*”, “*caught out at the wrong place at the wrong time*” a kind of subtle image for INC and its young leader *Rahul Gandhi*.<sup>1</sup>

On whole mass-media was very successful in showing image of *Modi* in the form of a dominant tiger, who is strong, risk taking decisive leader, protector of the realm. *Modi’s* popular personality was not only boasted after election but the macho personality was built way before the 2014 General Election and it was force fed to masses. On the other side *Rahul Gandhi* was shown as an inexperienced and unprepared cat who is bound to fail and his sister *Priyanka Gandhi* was just invisible to mass-media. The entire crux was that mass-media did

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<sup>1</sup> *Pallavi Singh*, “#Elections2019: Five ways the media says all is not well with the saffron sweep” News Laundry (24 may 2019)

not ever think about visionary ideology of Modi, his public policy and mainly burning issue of sustaining democracy, which it utterly ignored and only picked favourite sentiments to force feed nationalism in-to the masses. Therefore *Modi's* 2019 General Election victory took place is within a very tight mass media space.

“Masterstroke” the catch word used every time by mass-media also referred to as “*Godi Media*”<sup>2</sup> on *Modi's* disastrous handling of India’s COVID19 pandemic, ignoring intellectuals or opposition’s warning in March 2020. Within merely four hour notice the entire country was locked, the mass-media neither questioned move nor highlighted the largest mass migration in history of human kind, when daily wage earners walked back to their villages as hundreds died walking. The *Godi Media* also neglected the 24% economy crash, upshot of 75 million poor Indians leading to increase of 60% of global poverty. The mass-media did not question policy plan to tackle the pandemic, instead telecasted people banging vessels, Indian Army showering flowers on hospitals to just hype up *Modi's* strong leadership.<sup>3</sup>

*Modi's* disastrous first lockdown was not only praised but mass-media, but declared a complete victory over the pandemic, paving way for upcoming state elections. The mass-media hyped up campaign coverage where unmasked crowds gathered for rallies. The media also went to great extent of promoting quackery cures for corona virus, when entire nation was hunting for oxygen. The *Godi Media* also propagated *Modi's* propaganda of *Oxford-AstraZeneca* as Home-grown Indian Vaccine and *Modi* is giving away vaccines to the world which was highly untrue. When the Central Government was neither procuring vaccines from abroad nor scaling up the production by domestic companies.<sup>4</sup>

Hence most of the English and the Hindi mass-media news channels are shamelessly pro-*Modi*, they magnified the Central Government’s success which was actually failure and pinned actual failure to *Modi's* nemeses: the liberals, activists, leftists, NGOs, opposition who were actually doing their best to curtail the pandemic were labelled “*anti-nationals*”.

The present on going farmers’ protest regarding the three controversial farming laws passed by the union legislature during September 2020. The criticism by the famers is that the laws are cooperate appeasement of the Central government leading to inequality. The mass-

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<sup>2</sup> Those who play in the lap of the Indian government

<sup>3</sup> *Debasish Roy Chowdhury*, “It Isn’t Just *Modi*. India’s Compliant Media Must Also Take Responsibility for the COVID-19 Crisis” (TIME, 3 May 2021).

<sup>4</sup> *Ibid* 3

media has an obligation of not only protecting, but also promoting the freedom of speech and expression to have polarity of views of disadvantaged section of the society; in this case that of farmers' rights. But it was the opposite, mass-media channels like *Republic TV* ran programmes calling those farmers' protest resulting of "provoking" by the political players, they also went to extent of "sensational claim" that there are "report regarding farm protests having Khalistan elements". *Times Now* also claimed that these protesting farmers are "political props", *CNN-News18* extended that these farmers are simply ignorant and misled. Now the problem mainly arises when the coverage carried on by mass-media networks like *Network18*, which is owned by *Reliance India Limited* are having vested interest in implementation of those farming laws as alleged by protesters. This leads to dilution of narration of the protest.<sup>5</sup>

These are mealy fraction of problems faced by the 21<sup>st</sup> century Democratic India by the actions of country's mass-media; problem could be traced to highly concentrated mass-media market controlled by very minute numbers of highly powerful owners having direct contact with political parties. This leads to the problem of different stages of media production and distribution being concentrated in few. Regardless of India's population and diversity, mass-media market is dominated by very few players. Even though India is highly legislated country, the laws utterly failed to regulate concentration of mass-media ownership. Therefore this paper aims towards how to effectively regulate the mass media ownership concentration through laws.

The paper is divided into five parts. The first part narrates application of Noam Chomsky's five filters of mass-media in present day India and the role of mass media in a democratic country. The second part traces evolution of why mass media laws encourage concentration. The third part talks about mass media monopoly in democratic countries of USA & UK. The fourth part talks about loopholes in today's Indian laws. The last part addresses fixing of shortcomings in law to effective regulate mass-media concentration leading to plurality of narration. Ending with conclusions.

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<sup>5</sup> *Prabhjit Singh*, "Farmers at Kundli Upset over media misrepresentation, accusation: comfort "godi media", *The Caravan*, (30 November 2020).

## I

## FIVE FILTERS OF MASS MEDIA

How schools are for kids, mass-media are for adults in “manufacturing consent” and influencing public opinion. Mass-Medias propagate messages, signs and symbols to entertain and amuse masses subconsciously force feeding social code of conduct. The media is never a neutral spectator but manufacture narration, create stories, censor, and hide as to what the general public nourishes on to work in their advantage. This system is flawlessly designed from time immemorial as in any given society due to conflict of class interests leading to the need of propaganda system to serve the dominant elite.

*Noam Chomsky & Edward Herman* in their book “*Manufacturing Consent: The Political Economy of the Mass Media*”<sup>6</sup> till day is the most influential book on mass media put forth the “Propaganda Model” explaining how money and power is used to manufacture and filter news to orchestrate public opinion on economic, social and political ideologies. The mass media houses are huge factories mainly intended to maximise profits.<sup>7</sup> The five essential filters are essential to study working structure of media houses in a capitalistic society, let us see the working of these filters in Indian landscape.

## THE FIRST FILTER: OWNERSHIP

While talking about Size, Ownership, and Profit Orientation of the Mass-media<sup>8</sup> tries to explain how mass media are one of multi-heads of large companies or corporations; one of their main primary work is to uphold and protect company’s interests. The only way this could be effectively carried on is by supplying masses with filtered news, the process what they refer to as ‘self-censorship’. The company makes sure that news is not contrary with their standing. In total media houses are controlled by large businesses owned by wealthy elites having close contacts with other major corporations, banks and government who

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<sup>6</sup> Edward S. Herman and Noam Chomsky, *Manufacturing Consent The Political Economy of Mass Media* (Pantheon Books 1988)

<sup>7</sup> Ibid 6, 1

<sup>8</sup> Ibid 6, 3

impose constraints on the news eyeing on the profits. This is the first powerful filter affecting the choice of news.<sup>9</sup>

The structure of media ownership is critical for upholding of press freedom. If the ownership is concentrated in few dominant hands having strong political affiliation, without doubt leads to unhealthy democracy; pluralism is first step for free healthy democracy. In India there is mushrooming of news channels on television and mobile phones, newspapers both online and offline growing like weed every day. Has this really lead to plurality? The *Media Ownership Monitor – India*<sup>10</sup> found out Indian media-market seems fairly plural at national level, but highly concentrated at regional level at which national players have ceased to exist.

The latest data<sup>11</sup> as of 31<sup>st</sup> March 2018 on media landscape has over 118,239 publications registered with the *Registrar of Newspaper*, out of which 36,000 weekly magazines. According to *Ministry of Information & Broadcasting* there are over 550 FM Radio stations, over 880 STV channels out of which 380 are exclusively for ‘news and current affairs’, adding to it the countless number of news websites. *Media Ownership Monitor* (MOM) states that this do not translate into plurality; but the opposite towards concentration of control, consent and public opinion.

Out of 58 major Indian media houses studied by MOM regarding the print-media market being highly as only four *outlets Dainik Jagran, Hindustan, Amar Ujala and Dainik Bhaskar* alone captures 76.45% of readership within the *hindi* belt. The top two regional language newspapers has captured of the market. Top two of five *Tamil* newspapers capture two-thirds of readerships. *Telugu* newspaper of *Eanadu* and *Sakshi* captures 71.13% of audience. Similar trends can be seen in other regional market of *Bengali, Punjabi, Gujarati, Oriya, Kannada, Assamese and Urdu*. This is due to founding families still own large companies and also highly invest in other industries.<sup>12</sup>

*All India Radio* (AIR) the state owned and controlled broadcaster has monopoly over radio-news as private broadcasters are banned from news broadcasting. Data regarding

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<sup>9</sup> Ibid 6, 14

<sup>10</sup> Media Ownership Monitor – India, “Media ownership Matters” <<https://india.mom-rsf.org/en/>> accessed August 2021

<sup>11</sup> Media Ownership Monitor, “who owns the media in India?” <<https://rsf.org/en/news/media-ownership-monitor-who-owns-media-india>> accessed August 2021

<sup>12</sup> Ibid 11

television market is simply not available as it's considered as industry secret, instead of public resource.<sup>13</sup>

The *Media Ownership Monitor* study in India shows most of the leading media are controlled by people or entities with political ties. In the state of Orissa the four times *Member of Parliament* and National Vice President and Spokesperson of BJP, *Bajuayant Jay Panda* owns *Odisha TV*. *Rinki Bhuyan Sarma* owns *NewsLive* TV station in the state of Assam; she is the wife of *Himanta Biswa Sarma*, the powerful *BJP* cabinet minister.<sup>14</sup> This close combination of politics, business and media threatens media pluralism and freedom as political leverage can be used to punish or reward media houses and propagate advertisements.

### SECOND FILTER: ADVERTISING<sup>15</sup>

Like any other business, media houses survive on revenue, advertisement are main source of revenue for their survival, growth and competition. Because advertisement gets them higher profits than entire sales and subscription, if they only depend on sales then they have to increase the selling price of papers causing the customers to simply choose other cheaper options. As media production costs way more than readers are ever willing to pay.

Since media houses depend on advertisers, then 'the advertisers' choices influences media prosperity and survival<sup>16</sup>, they fill the gap of production, so what exactly are they paying for? The answer is audiences, much as they are selling you a product; they are also selling the advertisers a product, which are you and me!! This choice of advertisers heavily influences on the quality of news which is being delivered to the readers. What this filter actually means to say is that news is 'filler' used for influence buying behaviour of educated well-off readers. Stories which offend the 'buying mood' of the readers will be automatically censored. On the whole the news in the newspaper has a meniscus role to play as a product; the real purpose is to sell products through advertisement. Therefore it's very important for the media houses to keep in mind the socio-economic and political preferences in mind to keep the advertisers happy and revenue inflowing or they will lose such valuable patrons.

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<sup>13</sup> Ibid 11

<sup>14</sup> Ibid 11

<sup>15</sup> Ibid 9

<sup>16</sup> Ibid 15



Hatred is one amazing thing that not only unites Indians but the world too. *Avay Shukla*<sup>17</sup> talking about vicious cycle trilogy of mass media, bigotry and TRPs, the one thing which runs this cycle is the inflow of huge amount of advertising revenue by advertisement, without which the system would collapse. The writer talks about visible venomous snakes like *Rahul Shivshankar, Arnab Goswami and Navika Kumar*, but masses fail to see the patrons who provide shelter and substance to them.

The writer gives comprehensive list of companies investing in such media houses. Starting with *Republic TV and Republic Bharat*, who receive heavy funds for advertising from big companies such as *Muthoot Group, Raymonds, Jio, Kent, Max Bupa, Air India, Nissan, Dabur Star health Insurance, Mahindra, Amazon, Samsung, Sony, Toyota* to name a few. *Times Now* receives advertisement from *Toyota, Hyundai, Birla Group, Amul, Skoda, Mercedes, Samsung Sony, and TCS*. These are the exact corporates who fund toxicity and hatred and mass-media having no other option other than spread venom 24\*7 to win the TRP race. On an average Rs. 70,000 crores are spent every year by the corporates on advertisement of which average 2% goes to the news outlets. TRP is the bench mark as to who receives the lion share of this two percent amounting to Rs. 1,400 Crores. The top three winners are *Republic TV, Times Now and India Today*. Neither the media-houses nor companies care about the social impact, but the ignorant at the receiving end take it as divine knowledge.

### THIRD FILTER: SOURCING<sup>18</sup>

Breaking news can emerge anytime and media houses cannot place their correspondents everywhere to cover such hot topics to air on time, but what can they do is to place their personals at common places where news are normally sourced from like governmental institutions. In doing so they form a link of informers from within these institutions having symbiotic bonds to supply them with crucial information, this is anyways involuntary choice of the media houses. Whatever information these institutions provide should be carried forward by media-houses; they aren't in a position to either question the sources or to go against such information as it may offend them and may not provide information in future. The end product is that the news what media-houses supplies to the masses are unchecked and mainly serves interests of elite.

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<sup>17</sup> Avay Shukla, "In Funding Hatred, India's Corporates Have Compromised with Evil" *The Wire*, (18 October 2020)

<sup>18</sup> *Ibid* 6, 18

Nearly forty Indian Army personnel were killed on February 14<sup>th</sup> 2019 when a convoy was hit by a suicide bomber in *Pulwama*, for which *Jaish-e-Muhammad*, a Pakistan based terrorist organization claimed responsibility. The security of four separatist leaders in Jammu and Kashmir was withdrawn by the state government. This event no wonder was all over the news, every front page of Indian newspaper was filled with this news. “*Pro-Pakistan element*” named by *The Times of India*’s front page headlines; when this was criticised for downplaying the newspaper republished the piece with a short note in the ‘bottom’ of the page. The “Explained” box gave a statement saying that the government is cracking down in the Valley and does not think that the *Hurriyat* had any role. Shamelessly *Dainik Bhaskar* printed “*Pak supporters security taken away*” went ahead accusing separatist leaders working with ISI. Regarding the TV news channels reporting on the issue, almost all declared war against Pakistan. *Arnab Goswami* wanted revenge against Pakistan, the entire weekend both English and Hindi news channel self-expressed people’s “*gussa*”, *India Today* demanded “*Payback*”; *Times Now* wanted “*Justice*”. ABP News went ahead full-fledged recreating the bombing scenario.<sup>19</sup>

“*Stuck the biggest camp*” claimed Indian Foreign Secretary *V.K. Gokhale*, after *Indian Air Force* carried out airstrikes on Militant camps in *Pakistan’s Balakot in Khyber-Pakhtunkhwa* province in retaliation for killing forty *Indian Army Soldiers*. The Foreign Secretary further said “large number” of terrorists was killed, but the Indian Government failed to provide any exact number. But the Indian mass-media immediately filled the vacuum by coming with the figure of “300 terrorists” were killed in the airstrikes. The *Associated Press* had different story to tell, “*mostly deserted wooded area*” having no casualties.<sup>20</sup>

This was misinformation peddled by the Indian mass media, But the investigation carried out by *The Washington Post*<sup>21</sup> found out that news outlets like *News 18*, *NDTV*, *India Today*, *Mumbai Mirror*, *ANI*, *Indian Express*, *First Post* and other forerunner media houses regularly obtained their information from “government sources” “police officers” and other such experts. The media houses never bothered to further investigate, just went ahead with the breaking news. Not only casualties were fluctuating, but the RDX used in the blast ranged

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<sup>19</sup>Simrin Sirur, Shailaja Bajpai, Ratnadeep Choudary and Renu Agal, “Day 5, Pulwama attack: media continues to wage war” *The Print*, (18February, 2019).

<sup>20</sup> Suchitra Vijayan and Vasundhara Sirnate Drennan, “Opinion: After Pulwama, the Indian media proves it is the BJP’s propaganda machine”, *The Washington Post*, (4 March 2019).

<sup>21</sup> *Ibid* 20

from 25 to 350 kilograms, no wonder masterminds were also made up. In spreading this false news media-houses escalated the tension in Kashmir Valley and diverted the attention of public surrounding the *Rafael deal* of the *Modi Government*.

These two incidents is what exactly the third filter of Chomsky tries to explain, none of the media houses rectified their blunder because they had already packed their circus and moved on to other areas and five second human memory faded away. But *Narendra Modi* won his second term with landslide victory.

#### FOURTH FILTER: FLAK

Challenging power is a dangerous thing; if the story is questing power then one can see the fourth filter in action. Nobody ever likes damaging their reputation, similarly media houses never want to be caught up in web of costly law suits leading to not only loss of time but also valuable revenue from advisers. Flank<sup>22</sup> is negative response to contravention media statement in form of complaints or law suits by government or other entities including people. Flanks are costly for media houses, so they rarely question the authority, if they do they will be simply pushed out of the game. The filter just says news is always subtle or censors the truth to save its head.

The Paris based organization *Reporters Without Borders*<sup>23</sup> released its annual *World Press Freedom Index*, in which India ranked 138 out of 180 countries lower than countries like Afghanistan, Zimbabwe and Myanmar. Year by year India's ranking is speeding downhill. The group further stated that the *Hindu nationalists* uphold the narration of 'anti-national' against anyone who criticises the government, resulting in the self-censorship of mainstream media and its journalists. The flank is usually amplified on social Medias by troll armies.

*Pranav Roy* co-founder of *NDTV*, India's first private news channel stated, "*India is going through an aggressive variant of McCarthyism against the media*". Currently the media house is under the investigation by *Central Bureau of Investigation* for being in opposition of *Modi's* policies and *BJP's Hindutva* nationalism. *Gauri Lankesh*, a vocal of secularism and strong critic of *Hindutva* ideology was gunned down. *Sagarika Ghose*, columnist at *Times of India* newspaper narrates the horrific tales of receiving not only death

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<sup>22</sup> Ibid 6, 18

<sup>23</sup> Reporters Without Borders <<https://rsf.org/en/ranking/2018>> accessed August 2021

threat, but also gang rape threats. Various other senior editors and journalists left jobs from various mainstream media houses from the fear of government or *Modi's* supporters.<sup>24</sup>

“*The largest defamation blitz in recent memory in the country*” reported *The Telegraph*, when *Anil Ambani's* Reliance Group went on a rampage filing a staggering of 28 defamation suits in *Ahmedabad City and Civil Sessions court*. In which 20 cases are against media houses including *Financial times and Bloomberg*. The rest 8 cases were against politicians from Opposition like *Ashok Chavan* former Chief Minister of *Maharashtra* and *Oommen Chandy* former Chief Minister of *Kerala*. The defamation cases goes way beyond *Rafale* controversy, like sale news reports of telecom assets owned by *Anil Ambani* in Reliance Communications and *Jio*. The civil suits ranges from the highest damages claim of Rs 10,000 Crores against *NDTV*, in other 11 cases damages claimed up to Rs. 65,000 Crores and Rs. 15,500 Crores in other five cases.<sup>25</sup>

These are not just defamation cases against media-houses, but flanking them from telling truth. These law suits will costs media-houses dearly not only in defending cases but also the reduction of revenue. This is also a warning to other media houses to self-censor their stories and save their heads from challenging power.

#### FIFTH FILTER: COMMON ENEMY

In order for the mass media to ‘manufacture consent’ you need an enemy<sup>26</sup>, any common enemy to target which comes in various forms, may be Communism, Immigrants, Terrorists, reservation, minorities, Muslims, women empowerment, LGBTIQ+ and so on. A common enemy is like a bogeyman, someone to fear for; the exact reason is that in order for public to accept authority it is necessary to create fear artificially.

The daily Prime Time debates on TV News channels completely devoid of journalist’s ethics and morality. News channels like *Aaj Tak, Network18, Zee News* using the work *Jihad* to everything when it comes to Muslims, like *corona jihad, love jihad, zameen jihad* and the list goes on. It’s like the Indian media is waging a holy war against Muslims and Islam in the name of business. This open display hate and bigotry against the Muslims and other minorities is to please the ruling *BJP*.

<sup>24</sup> Raju Gopalakrishnan, “Indian journalists say they are intimidated, ostracised if they criticise Modi and the BJP”, Reuters, 27 April 2018.

<sup>25</sup> Vijayta Lalwani, “Anil Ambani’s defamation blitz: 28 cases filed by Reliance Group in Ahmedabad courts this year”, Scroll, 25 November 2018

<sup>26</sup> Ibid 6, 29

Few years down the lane the growth of Islamophobia is steadily increasing and everyone are well aware of recent *Tablighi Jammats* conspiracy, there a theory was propagated that the members of *Tablighi Jammats* are spitting in order to spread the coronavirus. Muslims are regularly called Pakistanis and of course their affiliation with *ISIS* especially with respect to *Kerala* and other such synonymous issues of *Triple talaq*, beef, and halala.<sup>27</sup>

In February/March of 2020 when the coronavirus pandemic was in its initial stages, 1,500 men belonging to *Tablighi Jammats* were stuck at *Nizamuddin Markaz* in Delhi. Even the spiritual head thought much about the congregation, just like all other religious gathering which took place at the time. But only the *Tablighi Jammats* gathering was highlighted by news channels, not only blamed them for spreading coronavirus, the entire Muslim community was blamed for India's coronavirus. This led to Muslims being targeted, abused in streets by mobs and best thing is police never took actions against such atrocities, the same media which propagates hate look the other way when the atrocities took place.<sup>28</sup>

#### ROLE OF MASS MEDIA IN A DEMOCRATIC COUNTRY.

India is a country where manufacturing consent starts at home at a very young age, where you cannot question any blind culture of elders but in fact it should be taken as divine words. Majority of the population are illiterate and the literate have limited access to quality information, therefore Indian mass media has immense power to influence public opinion and make the mass easily fall for its narration. This is because the narration is not plural, due to the concentration of ownership in very few hands having strong political links. The content in the news depends on the owner of the newspaper, heavily bombarded with bias information. This way the media houses manufacture consent, manipulate the masses in voting behaviours in elections. Once the masses fall prey for the propaganda it is easy to come into power and control the entire nation. This paper tries to explain how the laws are favouring mass media ownership concentration and how to effectively regulate it to bring about plurality of news to uphold democracy.

The five filters of propaganda model proposed by Noam Chomsky narrate as to how mass media in any democratic country must not work in order to uphold the democratic

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<sup>27</sup> Zainab Sikander, "Indian media is waging a holy war against Muslims. It acts like hyenas", *The Print*, 13 April 2020

<sup>28</sup> Anna MM Vetticad, "Indian media accused of Islamophobia for its coronavirus coverage", *Aljazeera*, 15 May 2020.

system. It is the fourth estate of democracy igniting public discussion and debate carrying on the role of watchdog and public guarding upholding general interests; on the whole they have the important role to reinforce democracy, as an instrument between the governed and governors in the process of national building.<sup>29</sup>

Mass-media are destined to reach out to large section of society as a medium of mass-communication to act as social catalyst to strengthen democracy. In order to strengthen democracy mass-media should work to shape socio-economical, legal factors. The general public has limited information access about the working out the government. The role of media is not only informing the public of governments working but also to make public the corrupt government officials, so that people can decide well during elections. So if media is not free from external influence then the information is also diluted. This creates a situation where voters either vote in dark or choose not to vote at all. Therefore media must play a greater role in transparency and accountability to strengthen democracy.<sup>30</sup>

In India the mass-media are not free from five filters as we have seen earlier, they have given into all the filters, they are highly influenced by external factors, and their news are diluted and owned or supported by political parties. Therefore without any doubt the mass media certainly do not question the government in power, further are partners in crime in bringing down the democratic structure.

The next important role of mass media is to bring about social change like in areas of gender discrimination, gender based violence, communalism, religious and caste discrimination, untouchability and other problems which thrive in the Indian society, by spreading awareness to bring about equality in the society. Awareness of these problems helps in eradicating them, this is only possible when the media houses are unbiased and act like a mentor and an educator. To bring about the concept of democratic society, everyone in the society must be treated equally, as equality is essential to democracy. Further the mass-media has the role of influencing public policy making to make the political system more democratic and strengthen democracy.<sup>31</sup>

But the mass media in today's India spreads all kinds of hate, mainly aims to divide and disintegrate the basic social fabric of society. Spitting venom in the name of saving

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<sup>29</sup> Shankar P, "Role of Media in Strengthening Democracy in India" JAdv Res Jour Mass Comm 2017; 4(3&4); 111-115

<sup>30</sup> Ibid 29, 113

<sup>31</sup> Ibid 29, 114

Hinduism, by supporting islamophobia, communal hatred, further looking down upon other minorities, women's rights, totally ignoring problems of Dalits, not spreading awareness about gender and sexuality and the list goes on. Therefore it is clear that today's mass media is not only working to bring about social changes but they are not actively participation is shaping the public policy to uphold democracy.

Hence mass media has not only the work to give out news but they have other such works to uphold the democratic structure of the society and the government.

## II

## EVOLUTION OF MASS MEDIA LAWS IN INDIA

In the last part we saw how the Indian Mass-Media houses are failing to uphold its duty in a democratic nation; it cannot be completely blamed for its pathetic state of affairs. One of the main problem lies in *Noam Chomsky's* first filter relating to ownership, the present ownership of mass media houses are concentrated in the hands of few powerful entities, if this is possible then the problem lies in the laws which has failed to regulate it effectively. Let's see how the evolution of mass media laws led to the support of concentration of power in the hands of few.

## COLONIAL INDIA

The birth of Mass Media laws can be traced back to the *East India Company* when it won its first battle on Indian soil at *Battle of Plassey* in 1757, so the laws are spanning form 18<sup>th</sup> century colonial India to the present day Democratic nation in the 21<sup>st</sup> century. The British developed and took forward newspapers as mass media, but back then publishing houses were legally private commercial enterprises. *James Augustus Hicky* was the first to launch the "*Bengal Gazette*" in 1780 as the first English newspaper in *Bengal*, but the company did not encourage establishment of newspaper and over that strictly advice that none of its servants to have any connections with newspapers. *James Hicky* firmly wrote against the first *Governor General at Calcutta*, on anti-war and worked for the purpose of free press. Finally the Supreme Court banned the paper altogether in 1782 for its criticism against the company, but this incident sparked inspiration among to others, thus many newspapers like the '*Bombay Herald*', '*Bombay Courier*' and '*Bombay Gazette*' was founded in in 1789, 1790 and 1791 respectively entered marked. It was around this time in 1799 *Lord Wellesley* passed the pre-censorship laws on young newspapers. Around this time freedom movement was still in its nascent stage, but sharp rise in criticism against the power made the government to start censorships of free press with the help of legislation.<sup>32</sup>

Like censorship, licencing was other way to regulate mass-media by the English, *Adam's regulation* of 1823 by the company started issuing licence in Bengal. This licencing

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<sup>32</sup> Media Ownership Monitor, India "History of Mass media In India" < <https://india.mom-rsf.org/en/context/history/> > accessed August 2021



regulation was repealed by *Metcalf's Act* applicable to all of the company's territories that made declaration of location of every printer and publisher. Around the *Sepoy Mutiny* of 1857, the government on 18<sup>th</sup> July passed the "*Gagging Act*" along with introducing of compulsory licensing to own and run press, the government was also granted power to prohibit any publication relating to printed material which would go against the Government, questioning its authority<sup>33</sup>. In 1860 when *the Indian Penal Code*<sup>34</sup> was enacted, it gave wide range of powers for the British Raj the power to prosecute writers, publishers and editors on defamation and other sedition offences.

In the year of 1869 the British Crown enacted *the Press and Registration of Books Act*<sup>35</sup> which is still in force till date, this makes regulation of printing press and registration and preserving copies of books. The act gives the government the power to levy penalty and exempt certain range of books and newspapers from the act's provisions.

Next the *Vernacular press Act of 1878* which was issued by Viceroy *Lord Lytton* came into force when the native language press became popular. The only main aim of this act was to better control the Vernacular press for questioning the government policies, the act was aimed to stop spreading of unrest against the British Raj<sup>36</sup>. This act gave immense power to any magistrate, Commissioner of Police to summon any person owing a press to give bond on security declaring that will not publish certain materials to the general public. Further the act provided for forfeiture, confiscate printed materials which are questionable, in such circumstance the owner never had the relief at the court of law. Under this act the famous *Kali Nath Ray* had been sent to jail for reporting "*Amritsar massacre*" in 1919.

*The Telegraph Act* was passed in the year 1885, which defined telegraph which was very wide that it covered all means of communication whether it is electromagnetic waves or telephone. Today it is applied to radio, fax, and televisions. The extraordinary power granted to the government by this act was the provision relating to intercept messages, takeover of establishments by the Government for public safety during the time of public emergency.

Finally *The Newspaper (Incitement to offences) Act of 1908* was passed which gave the local authorities to take actions against newspapers' editors engaged in inciting rebellions against the government. Again in 1910 *Press Act* came into force having power to demand

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<sup>33</sup> J.P Josephine Baba, "History of Media laws in India"

<sup>34</sup> The Indian Penal Code, 1860 Act 45 of 1860

<sup>35</sup> The Press and Registration of Book Act (25 of 1867)

<sup>36</sup> Ibid 32

high securities from publishers ranging from Rs. 500 to Rs 2000. This was too high for those times to afford by any publisher, with main intension to stop seditious writings against the judges, public servants and Indian Rulers. The penalty was too high that many newspapers stopped functioning.<sup>37</sup> *The Foreign Regulation Act 1932* was also passed with the main intension to stop prejudicial writings against the friendly relations of the British Empire with other friendly states.

The history of radio mass-media origins dates back to 1923 and 1924 when the Radio clubs of *Bombay, Madras and Calcutta* started service. But during 1927 all the clubs closed during the financial crisis, but in the same year *Broadcasting Company Ltd* (IBC) was established by an agreement between the government and the private radio clubs which resulted in government taking over the assets of private clubs. Therefore radio broadcasting was completely under the control of the government; later in 1936 it was renamed at All India Radio.<sup>38</sup>

Those are the few prominent mass media laws enacted by the British when there were no fundamental right, the only intension of the ruling class was to monopolise mass-media through laws only to have dominant narration and kill any other voice against their rule. The sole purpose was to suppress people and rule over them, in such totalitarian societies all of the propaganda model play well, especially when ownership is under the control of ruling elite then the narration will be highly restrictive having no other voice. The regulation and licencing are mode of censorships; penalties, securities and bonds are flank to deter people from criticising the government.

#### AFTER 1947

The point here is that whether these undemocratic laws supporting concentration of powers remained same even after India became a democratic Republic. India gained independence on 15<sup>th</sup> August 1947, but most crucial day for the freedom of press was on 26<sup>th</sup> January 1950 when the Constitution of India came in-to force. The experience from former Colonial masters has taught Indians the need to have 'freedom of press'. This fundamental freedom was incorporated in the constitution to safeguard it in the form of Freedom of Speech and Expression under Article 19(1) (a) which is not absolute with respect to limitations under Article 19(2) in the 'Public Interest'.

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<sup>37</sup> Ibid 33

<sup>38</sup> Ibid 32

After gaining independence the most outreached and quick form of mass-media was the radio broadcast. The *Government of India* inherited the *British All India Radio's* monopoly and renamed it as *Akashvani* mainly broadcasting cinema songs. Till the liberation of the 90s the Government of India had the complete monopoly<sup>39</sup>. Today the radio landscape is made of both *Akashvani* and private players but, the latter cannot play any unaltered news produced by All India Radio as they are barred by law. The TRAI consultation Paper<sup>40</sup> on “*Digital Radio Broad casting in India*” shows that AIR covers almost 92% off the country’s radio landscape having 420 radio stations covering 90.20% of the population reach. This monopoly makes the Government of India a strong propaganda tool for news broadcast and influence on public opinion since majority of Indias has low literacy rates especially in rural areas where radio is a popular means of news. No wonder there is heavy regulations in radio broadcast in law stating “*the safety of the country, national security and public order*”

The same goes with the Television broadcasting, until 1975 only handful of Indian cities had access to *Doordarshan*, completely owned and run by the Government of India. But not until 1991 when the Indian Government liberated the economy where private players started private TV Channels this was for the first time Indians had the opportunity to watch non-Doordarshan channels and taste how the western world looks.<sup>41</sup> Broadcasting of Radio or Television was completely monopolised by the Government of India not until the Supreme Court of India in *Secretary, Ministry of I&B vs. CAB*<sup>42</sup> looked away from the monopolistic approach and held that Government cannot have monopoly over mass media because it is not provided under the statutes or even the *Constitution of India*.

After the Fundamental Rights as to Freedom of Speech and Expression was enforced by the Constitution of India, the entire colonial legislature which curtailed free speech was declared unconstitutional. Therefore the press flourishing in the free India, of course there are the colonial regulation<sup>43</sup> and licencing still in place with few modifications to fit with the frame work of the constitution. But restrictions are placed on press relating to prohibition of publication which is prejudicial to defence activities by *Defence of India Act 1962*, *Civil Protection Act 1968* and even *Article 105(2)* of the Constitution places limitation on

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<sup>39</sup> < <https://india.mom-rsf.org/en/findings/radionewsmonopoly/>>

<sup>40</sup> Telecom Regulatory Authority of India <<https://traf.gov.in/notifications/press-release/traf-releases-consultation-paper-issues-related-digital-radio>> accessed August 2021

<sup>41</sup> Ibid 32

<sup>42</sup> (1995) 2 SCC 161

<sup>43</sup> Press and Registration of Books Act 1867, The Press (Objectionable Matters) Act 1951, Delivery of Books and Newspapers (Public Libraries) Act 1954

publication of Parliamentary proceedings. Other than this India is a free for press freedom, the problem actually lies criminal cases filed against the editors and Journalists under the provisions of *Indian Penal Code 1860* relating to defamation and sedition.

It is true that in colonial India there existed monopoly of mass-media and censorship flourished, but after Independence the monopoly of the state was liberated to private players except the radio broadcast, mass-media was free to broadcast, print any material through Fundamental Rights granted to them. Yet the market is filled with manipulated news to influence public opinion to serve good of the elite ruling class, this problem must be seen with respect to Noam Chomsky's five filters of media, the first filter of 'Ownership' is causing most of the problem as to filtering of news and self-censorships. This is the indirect form of monopoly which the laws are failing to take in to consideration; therefore it is important to see why mass media monopolies are flourishing in India indirectly in the hands of few private players.

## III

## MASS MEDIA OWNERSHIP IN OTHER DEMOCRACY

The problem of concentration of mass media ownership is not only confined to India, but it is also problematic in other countries as well. Let us go through the ownership concentration, threat to democracy resulting from such concentration and how they have brought about law in place to regulate and deter concentration of ownership in democratic countries of UK & USA. The United Kingdom is a common law country from where India derived many of its common laws. USA is a democratic and capitalistic country just like India.

## UNITED KINGDOM

The concentration of mass media ownership is a huge problem in the UK which is getting worst year by year. As of 2021 report<sup>44</sup>, the study shows that just three companies News UK, Reach and Daily mail dominates a staggering 90% of the national news marker which was a steady increase from 71% in 2015. The online leadership of those three companies dominates a huge 80% of the market. The local news market is overpowered by mealy six companies like *JPI Media, Reach, Gannett, Tindle, Lliffe and Archant* covering almost 84% of the marker. In the landscape of Radio broadcasting only two companies take up of almost 70% of the market and 60% of the digital stations. The *British Broadcast Corporation* remains all time powerful in online and broadcasting market. Even in Britain the concentration of ownership is causing wealthy individuals or organisations are distorting the public with their own political economic interests.

*Tom Chivers*<sup>45</sup> further narrates how Monopoly of the above report is a threat to democracy.<sup>46</sup> He says the levels of concentration of mass-media ownership has reach dangerously new levels in the UK and a handful of powerful people are igniting public debate through control over newspapers, only media platform and broadcasters. This leads to a problematic situation where media houses cannot be independent, free and having a plural media. This concentrated circle of media owners enjoys power at the top, having access to political parties.

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<sup>44</sup> Media Reform Coalition, "Who Owns The UK Media?" < [https://www.mediareform.org.uk/wp-content/uploads/2015/10/Who\\_owns\\_the\\_UK\\_media-report\\_plus\\_appendix1.pdf](https://www.mediareform.org.uk/wp-content/uploads/2015/10/Who_owns_the_UK_media-report_plus_appendix1.pdf) > accessed August 2021

<sup>45</sup> PhD Researcher at Goldsmiths, University of London. Teaches media history and politics.

<sup>46</sup> Tom Chivers, "Britain's Media Monopoly is a Threat to Democracy" Tribune, (16 April 202)

Further the monopoly leads to aggressive takeovers, buy-outs causing serious harm to diversity, especially news at regional levels. Big monopoly companies simply cut costs in local level by merging local titles; this highly deprives regional areas' coverage of news. In turn these loaded media giants further amplify their news through social media platforms, these unregulated fields are again dominated by monopoly companies like Facebook which owns Instagram & twitter, apple and Alphabet owns YouTube & Google, these acts like gatekeepers as to what one views online.

There are two major news channels *News Corp's* and *GB News* having all the potential to not only influence but also cause tip over political opinion in UK's mass-media, that is the tremendous amount of power they yield in terms of monopoly. Because UK's *Ofcom's* regulation does very little to stop these news channels' agenda to carry forward their proprietor's interests as the rules only needs for broadcasters to give "general coverage of differing views".<sup>47</sup>

*Tom Chivers* explains that "Media plurality is not a luxury in the digital age" as it is part and parcel of free democratic mass-media system, in which few wealthy individuals or companies must not be allowed to control the public debate in the name of business. The only way possible is for the law to take action to deal with the complex media ownership in 21<sup>st</sup> century and support independent media. Even the internet giants must be regulated so that they do not act like gatekeepers. At last he says media concentration cannot be cured overnight, but concentrated mass-media ownership is the place to start with.

Let's look at the laws in place to encourage Mass Media Plurality in UK. *The Broadcasting Act 1990* as amended by *The Broadcasting Act 1996* is used predominantly to regulate the media market including ownership and plurality matters. The fifth report by *Ofcom* to the Secretary of states on 23<sup>rd</sup> November 2018<sup>48</sup> stated its statutory duty to review once in three years regarding the working of "Media Ownership Rules" enacted by the parliament under the section 391 of the *Communications Act 2003*. The main intensions of these rules to preserve plurality of views from undue influence of concentrated mass media market in the interest of public.

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<sup>47</sup> Ibid 46

<sup>48</sup> Ofcom's report to The Secretary of States, "The operation of the media ownership rules listed under section 391 of the communications Act 2003"

Currently there are four broad rules to regulating mass-media ownership enacted by the UK Parliament:

1. The National Cross-Media Ownership rules: a preventive rule for the newspaper operator having 20% or more share in the newspaper circulation market, disqualified from holding channel 3 licence or owing shares in such licence of more than 20% and further a channel 3 licence holder is prevented from holding interest of 20% or more in any large national newspaper operator.
2. The new rule further requires the Channel 3 licensees to appoint a single provider among them
3. The Media Public Interest Test: it gives power to the *Secretary of States* in intervening in mergers between newspaper enterprise and a broadcaster when the benchmark relating to market values or share limit is reached. In order to issue investigation the factors to be considered is the prescience presentation of news, diversity of free expression including variety of tastes both in local and national level. Lastly the need for heterogeneity of media owners.

The situations may be of mergers of media organisation which includes cross-media mergers but not mergers of satellite with radio or TV services.

4. The Disqualified persons Restrictions: first the persons or bodies who want to own a licence must get prior approval from Ofcom to prevent undue influence of broadcasting service.

With regard to restriction of ownership is regulated by Broadcasting Acts of 1990 and 1996, when there is ownership change over, it must be informed to *Ofcom* ensuring that no disqualified person takes control so that control will not affect the program content negatively. There are broad two categories of bodies disqualified from holding broadcasting licence; those are political or religious groups and advertising agencies. The main reason is that they manufacture content leading to filtering of news and influencing public opinion.

#### UNITED STATES OF AMERICA.

The United States of America, a capitalist Country the self-declare torch bearer of Freedom of speech and Expression too have got problem with concentration of mass media ownership. There were 50 odd companies which had dominated the mass media marked in 1983 and by just seven years in 1990s the number had hugely cut short by just 9 major companies. By the time of 2012 the number had further reduced a bare minimum of 6 major

companies<sup>49</sup>. At present the number stands at 5. The handful of companies which rule the mass media landscape in US boils down to five major entities.<sup>50</sup> The first major power is flowing from Billionaire *Jeff Bezos* owning the *Washington Post* and also has a whopping 75% pie in the *Amazon*. Secondly Billionaire *Mortimer Zuckerman* owns *New York Daily News* and *News & World Reports*. Thirdly *Los Angeles Times* is owned by the Billionaire *Patrick Soon-Shiong*; fourthly Billionaire *Warren Buffett* has controlling interest in *Berkshire Hathaway* indirectly owning 70 daily newspapers in the US. The fifth and the sixth place is secured by billionaire *Rupert Murdoch* controlling interests in *News Corp* indirectly owning *The New York Post* and *The Wall Street Journal* and *Boston Globe* is primarily owned by Billionaire *John Henry*.

*Monica Harris*<sup>51</sup> narrates the problem faced by concentration of media in the US markets. She states that people or organization increase presence in the media industry for typically two main reasons, one is definitely to make money even if they are losing money, then the option works just fine that is to gain uncontrolled influence this helps them to have substantial amount of political powers, greater power to diffuse conflicting interests and punish political enemies. Power gives them unprecedented power to influence political and financial policies. They determine as to what we should think, what we should hear and where we must put out belief in and nothing contrary to it. In this way “free press” is being used to break the foundation of democracy. The very journalists who should be following their ethics of free press are supporting their corporate masters to save their careers.

She further states that when market is concentrated the industries become monolithic entities moving together as one single entity rarely favouring consumers, who cannot question much and disastrous effect on free speech. Even the Social Medias which was originally thought to question these monopolies are themselves being tamed. The dominant position makes these media houses the forerunner of trusted news, any other source of news will be simply branded as ‘fake news’. This ‘manufacturing of consent’ in today’s world is dangerously propagated by Twitter, Facebook and YouTube which has taken the war of ‘Fake news’ on full swing as they have dominated the social media landscape.<sup>52</sup>

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<sup>49</sup> Anup Shah, “Media Conglomerates, Mergers, Concentration of Ownership” (02 January 2009)

<sup>50</sup> Emily VanDerWeff, “Here’s what Disney owns after the Massive Disney/Fox merger”. Vox, (20 May 2019)

<sup>51</sup> Monica Harris, “Why are we still Listening to Mainstream News”, Medium, (19 May 2020)

<sup>52</sup> Ibid 51



In a free society everyone must have the free choice to choose any information they want, if this basic decision is made for us then we no more live in a free society. We are made to believe that we live in a society where there is independent press having free speech and we ourselves go ahead pretending that we do live in such a society because we have bent the knee so much its actually difficult be believe anything contrary.

Looking at the framework at Mass Media ownership rules in the US which is regulate by rules of Federal Communications Commission<sup>53</sup> which is subjected to the restrictions based on where the ownership is concentrated of multiple broadcast television stations situated in a single market. Secondly “national ownership cap” where the ownership of television station broadcast has reached mark in the population. If the radio station broadcast ownership is within the local market. Service is being restricted to certain percentage of the population be a single cable operator. Restriction of ownership based on certain number of channels it carries. Lastly restriction of ownership when the ‘top four’ television networks composed of two or more companies. In enforcing these rules the FCC takes into consideration a broad spectrum of financial, interests in owners, influence and control.

But in November on 2017 the FCC bought down many of its ownership rules relating to prohibition of cross ownership within local marked of broadcast and radio stations. The next is the prohibition of cross ownership between television and radio stations in the same geographical are. Relaxation was also laid for ownership of multiple television stations in the same market.<sup>54</sup>

In bringing about plurality, the US laws do not directly deals with the concept of bringing plurality, diversity of viewpoint and other related concept. But what the law does is that it indirectly deals with the restriction of cross ownership in particular sectors to lead the way for plurality.

While looking at two of the liberal democracies, of course they too are facing problems relating to concentrated media ownerships which are shaking the very foundation of democracy and free society. But these countries have enacted laws to deter to an extent concentration of mass-media ownership through certain restriction of cross ownerships. Yes these laws have failed to an extent to check concentration of power, but these countries still do have such laws in place only the enforcement failed to do its job.

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<sup>53</sup> Harris, Wiltshire & Grannies, “Media law and regulation in USA” , Lexology (5 August 2020)

<sup>54</sup> Ibid 53

## IV

## FAILURE OF INDIAN LAWS.

As we have seen in earlier chapters, the situation of India where very high level of exists mass media ownership and market concentration. The main reason for concentration reflects either the lack or huge gaps in the legal framework to protect media diversity and banning concentration. Even if there are laws they are archaic enacted by the colonial masters which do not effectively work in the complex structure of ownership present in the 21<sup>st</sup> century India, therefore leading to the concentration of mass media in the hands of few wealthy individuals to influence public. As a result even if there is diversity of supply in the market, the source is concentrated. Let us see where the loopholes lies in the Indian regulatory framework which has failed to address mass media monopolies.

## HORIZONTAL MONOPOLIES

Horizontal monopoly can be described as the complete control of a particular trade or supply of particular goods or services or the entity has exclusive control over it<sup>55</sup>. Horizontal monopoly occurs in mass-media when media houses control the same segment of media like the monopoly in newspaper, or monopoly of news Channels.

Today's world runs at the speed of internet, the world is more connected than ever before. Due to advanced technological development new is available at fingertips anywhere at any time at almost free of cost, people get influenced and judge as quickly as that. It is very important to know source of information and intension behind it, this is very much possible when there are diversity of opinion in the market to fact check available news. To get diversity of news opinions the market must be made of diversity of mass media houses owned by different owners, if the market is just owned by one dominant player then there is no plurality of opinion we should eat what is served to us without knowing the taste of anything else. Oligarchy in any business is unhealthy, especially when in mass media which directly threatens the survival of democracy.

As we have already seen majority of mass media is owned by few people who either have political connections or are political bodies themselves. They run a symbiotic relationship as corporate houses provide those funds and the political parties help them grown

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<sup>55</sup> Oxford Learner's Dictionary <<https://www.oxfordlearnersdictionaries.com/definition/english/monopoly>> accessed August 2021

in the business. Democracy is already the rule of majority, when mass media itself is monopoly and propagates the will of the majority leading to autocratic regimes.

In India horizontal monopoly in mass media controlling same segment of print media could be seen in the Best Selling daily English Newspaper *The Times of India* not only in India but the largest circulating English newspaper in the world. This mass-media print entity owns about 40 other print media businesses and of course it has power over other platforms too. The *Times Group* (BCCL) is the publishing house of *The Times of India*, including publishing of *The Economic Times* having combined circulation of 43 lakhs in total copies. The *Times Group* has other 13 daily papers and eight magazines. Their main market concentration is in the major metropolitan areas of *New Delhi, Kolkata, Mumbai and Chennai* home to majority of India's White collar population<sup>56</sup> influencing their choices indirectly shaping the socio economical political landscape and shaping policy.

In India *Competition Act 2002*<sup>57</sup> deals with monopoly, abuse of dominant position in the market. It is the law to enforce competition policy, prevent concentration in order to protect fair and free competition and mainly protect the interest of consumers. The act is a neutral law to regulate all kinds of market competition which also takes into consideration mass-media market, but problem arises because this act or there exist no other act which specifically deals with the problem of mass media monopolies because the problem is more complex than monopolies of other enterprises manufacturing commodities for consumption. The concentration of mass-media goes beyond manufacturing news like influencing voting patterns, shaping public policy and even threatening democracy.

Section 4 of the *Competition Act 2002* talks about the abuse of dominant position, the section starts with "*No enterprise shall abuse its dominant position*". Further under Section 4(2) provides for how to identify abuse of dominance if an enterprise is said to be in a dominant position, it talks about predatory pricing, limiting the production of goods, restricting technical development, denial of market access and using of dominance market to enter into other relevant markets. The various conditions to be taken into consideration by *Competition Commission of India* (CCI) determine dominant position includes market share, structure, size, resource available, economic power, importance of competitors etc.

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<sup>56</sup> Eli M. Noam, "Who Owns The World's Media? Media Concentration and Ownership around the World" Oxford University Press 2016, P.

<sup>57</sup> The Competition Act, 2002 (12 of 2003)

But everything boils down to the intension of the act mentioned section 18 and as well as the preamble of the act, that the main purpose is ensuring fair competition. But poorly this entirely stands on economic grounds as the end effect must be in protection of the welfare of the consumers.

In order to uphold dominance there must be abuse without abuse there cannot be dominance, this is what being upheld in many of the cases relating to abuse of dominance. In the Supreme Court judgement of 2018 in *Tata Power Delhi Distribution Limited v. Competition Commission of India*<sup>58</sup>, the ICC observed that there was no abuse of dominance just because there harm to the consumers. The same goes with the Schott Glass case where the COMPAT found that harm or likely harm means that buyers suffer competitive disadvantages. The problem is that the court must take into account of anticompetitive effects caused on the customs and not just price effect.

When we look at the study of *Times Group's The Times of India* falls under clearly is in Abuse of Dominance under section 4 of the *Competition Act*. But intension of the act revolves mainly around economic welfare of the consumers and as well as in India is a linguistically diverse country which has tremendously amount newspaper titles in way many different languages, but unfortunately the cry of abuse of dominance cannot be taken as the consumers are not economically harmed. Instead of general laws for monopoly regulation there is a need for specific laws regulating mass media concentration like seen in other pseudo democratic countries of US and UK.

#### CROSS-MEDIA OWNERSHIP AND VERTICAL INTEGRATION.

Cross-media ownership<sup>59</sup> referees to ownership by only one organization which controls or has interest in more than one mass medium of communication, such as inclusion of both broadcasting companies like that of television and radio broadcasting and print media of magazines and newspapers. Vertical integration<sup>60</sup> relates to combination of two or more companies integrated in different levels. Like if same company owns or purchases manufacturers, suppliers or distributors. Cross-media ownership threatens plurality of news

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<sup>58</sup> CCI Case No. 20 of 2017

<sup>59</sup> Oxford References <<https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095650104>>

<sup>60</sup> Oxford References

<<https://www.oxfordreference.com/search?q=vertical+integration&searchBtn=Search&isQuickSearch=true>>  
accessed August 2021

and the owners own and influence different spaces of media market to use it as an instrument of propaganda.

To know how cross-media ownership and vertical Integration works in the Indian media markets, let us look into how five of the India's leading news houses<sup>61</sup> like *News Nation*, *India TV*, *VDTV*, *News24* and *Network18* are either owned or indebted to *Mukesh Ambani* and *Mahendra Nahata*, the richest Indian owning Reliance Industries and his associate. Including *Abhey Oswal*, the three of them have hundreds of crores of rupees in controlling up-to 70% of the news media landscape.

*Shinano Retail and Vishvapradhan Commercial Private Limited* (VCPL) are the main Troy wholly owned *Reliance* subsidiaries, even their directors are employees of Reliance. The first channel of *Network18* was acquired by Reliance Industries Limited (RIL) in May 2014 for a huge amount of Rs. 4,000/- crores owning 75% stake, in which *Shinano* is their promoter group and shareholder. Further in January 2018, TV18 Broadcast owned by *Mukesh Ambani* increased shareholdings in *Viacon18* media through Joint Ventures and currently holds 50%.<sup>62</sup>

Coming to dilution of ownership in *NDTV* co-founded by *Prannoy Roy* and *Radhika Roy*, during 2009-10 they had taken a loan of Rs 400 crores from VPCL through an agreement giving VCPL the right to convert the loan effectively getting complete ownership even after the period of loan. This share portion was sold to *Eminent Networks* owned by *Nahata*, directly owning 29.18% stake of *NDTV*. This is how the *Roy's* looking the ownership of India's liberal news channel founded by them.<sup>63</sup>

*Eminent Network* also features on the accounts of *News24* which is a 24 hours Hindi news channel and *E24 Glamour* which is an entertainment channel as both owned by *Anuradha Prasad*. *Eminent* has lent out a loan of Rs. 12.5 Crores to *News24* in March 2014 indirectly lent by *Nahata* and even *E24 Glamour* is indebted to *Eminent*. The same indirect influence of RIL also extends to *News Nation* also a 24 hour Hindi news channel, indirectly owned by *Oswal*.<sup>64</sup>

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<sup>61</sup> Sohail Khan, "Who Controls Indian news Medias?", Medium , (5 December 2018)

<sup>62</sup> Ibid 61

<sup>63</sup> Ibid 61

<sup>64</sup> Ibid 61

The problems emerging from such cross-media ownership is the tightly netted structure also having deep bonding with the political spectrum. *Indira Sharma* is a RSS member, then student leader of *ABVP*, *BJP*'s student wing; now close aid of *BJP*. *News24* and *E24 Glamour* are owned by *Prasad* married to congress leader, sister of *BJP*'s *Ravi Shankar Prasad*, who was then the telecom minister. The *NDTV Roys* have close connection to *The Communist Party of India* leader *Brinda Karat*, *Radhika Roy*'s brother. *News Nation* is controlled by *Abhey Oswal* who is connected to *Naveen Jindal*, an industrialist and congress leader. This problem will not be solved because the *Ministry of Information & Broadcast*, *Ministry of Finance* and *Ministry of corporate affairs* was all headed by then Late *Arun Jaitley* and now too it's a close circle which favours good relationship among media and media owners.<sup>65</sup>

When one looks at the definition of the word "Market" used in the *Companies Act 2002* which is defined in the definition clause of section 2, section (2) (r) defines "Relevant market" refers to 'relevant product market'<sup>66</sup> referring to competition area for the supply of goods or services or demand which is homogenous and distinguished from neighbouring area and "relevant product market"<sup>67</sup> means those product or services which are interchangeable or substitutable by the consumers because the product is similar. This definition of 'market' as defined by the act is too narrow and it does not take into consideration the cross media market or the entity having influence in different fields. This type of definition of market is useful in other consumer goods but not cross media market where the outcome plays a different role on the general public. This very definition is up held by the *Competition Commission of India* through judgements.

The *Competition Commission of India* while deciding of collective dominance in *Royal Energy vs. IOCL, BPCL & HPCL*<sup>68</sup> in 2012 dealing with three oil companies accused of infringing the provisions of the act, the commission held that there was no dominance because these entities are separate independent legal entity acting as individual capacity and cannot form a group. If this position is taken then all the companies indirectly owned by the *Reliance India Limited* would be considered as separate entities acting independently without

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<sup>65</sup> Ibid 61

<sup>66</sup> The competition Act 2002, section (2) (s)

<sup>67</sup> The competition Act 2002, section (2) (t)

<sup>68</sup> MRTTP Case No. 1/28 (C-97/2009/DGIR)

the Commission looking into the degree of influence from outcome of cross-media concentrated ownership.

The Indian market being competitive is not true, though there are over 880 TV channels including 380 news channels as of 31<sup>st</sup> march 2018<sup>69</sup> showing the diversity of market, but when one looks at the concentration of ownership behind these entire news channel the market is indeed narrow. When the definition of ‘market’ itself is narrowly defined by the act, they the CCI cannot rule on dominance as the market gives diversity of opinion at the same rate without harming the consumers. There is no law India which regulates cross-media ownerships.

#### LAW SUPPORTS MONOPOLY.

When it comes to mass-media of radio broadcast, the radio sector “*All India radio*” (AIR) is state controlled and has exclusive monopoly over airing of news and further is it the largest broadcaster spread to the remotest places in India reaching crores of people broadcasting in variety of language covering different socio-economic groups. Majority of Indians get their information relating to news solely from news broadcast by the AIR. But the state only provides private FM radio stations with license only to air entertainment content only and is banned from airing news.<sup>70</sup> Therefore the state controlled AIR has complete monopoly of mass-media news.

On January 2017 an amended guidance<sup>71</sup> relating to *Community Radio Stations* (CRS) was issued by *The Ministry of Information & Broadcasting*. These radio stations are solely organised by local communities. The amended guidelines put forth rules regarding licence along with other thing gave exclusive rights to broadcast news only to the state run All India Radio.

In the issued guidelines allows limited advertisement which is restricted to only seven minutes in an hour of broadcasting and other local events and employment opportunities. Further the rules states the classification categories of non-news news and current affairs. As of 26<sup>th</sup> July 2021 there are about 329 community radio stations operated in India.<sup>72</sup> Every

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<sup>69</sup> Media Ownership Monitor, “who owns the media in India?” (31 May 2019.)

<sup>70</sup> Ibid 69

<sup>71</sup> Harveen Ahluwalia, “Govt amends policy guidelines for community radio stations” Mint, (23 January 2017)

<sup>72</sup> Ministry of Information & Broadcasting, *Community Radio Stations*  
<<https://mib.gov.in/sites/default/files/List%20of%20operational%20CRS%20in%20India%20as%20on%2026.07.2021.pdf>> accessed August 2021

year thousands of applications are received by the ministry, almost all of the applications are rejected and hardly few get selected. Mostly the government rejects application citing security concerns.<sup>73</sup>

What the government is doing here is, indirectly kind of blanked ban of community owing radio broadcasting channels. There is an upfront ban on broadcasting of news by the CSR, what the government implies is that news can be only broadcasted by companies which are processed, stating economic reasons. Even community ownership of TV channels are banned, communities cannot freely own radio or TV broadcast, it is highly restricted only private companies allowed to do so. This situation is almost intentionally by the state to concentrate monopoly either in itself or in the hands of few private players so that their propaganda machine is totally intact in the modern democratic framework.

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<sup>73</sup> Ministry of Information & Broadcasting, Broadcasting Documents.  
<[https://mib.gov.in/all\\_broadcasting\\_documents?term\\_node\\_tid\\_depth=4156](https://mib.gov.in/all_broadcasting_documents?term_node_tid_depth=4156)> accessed August 2021



## FILLING THE GAP

India is an overly legislated country, we have multiple conflicting laws for each and every thing, we have laws to arrest for post in social media, we got laws to arrest a person even before they crack a joke and the list goes on. Even if the legislature is sitting once in a blue moon, it is passing bills, enacting laws in a lightning speed without debate to either protect the interests of the dominant private companies or to safeguard the interests of the elite powerful ruling class. But when it comes to checking of monopoly of mass-media houses, it intentionally looks the other way because it is its propaganda machine influencing public behaviour so to secure their place in top of the pyramid.

The laws in India relating to regulation of concentration of mass media ownership is fragmented having no single codified law and largely ineffective because archaic laws made in the 19<sup>th</sup> century British raj is still in use to regulate the laws in the 21<sup>st</sup> century democratic India. These results in small circle of powerful companies dominate the mass-media landscape in India, having such huge powers that they could anytime topple the democratic structure of the country. Of course India is the biggest market for media in the world having thousands of print publications of daily newspapers, magazines, hundreds of TV channels and tens of radio broadcasting stations, but this number does not translate into diversity of views given the nature of the Indian subcontinent because the ownership is concentrated leading to instrument of propaganda.

The *Competition Act 2002* is the law in India to regulate the abuse of dominance. But this law is a general law applicable to all kinds of market monopolies. Due to the unique structure of mass media ownership monopoly, the act utterly fails to identify the effects of such monopolies. There is no specific law in India which deals with horizontal monopoly, no laws to regulate cross-media ownership and laws fails to regulate vertical integration. The rules made by self-regulating bodies News Broadcasters Association (NBA), Indian Broadcasting Foundation (IBF) and finally the BARC are ineffective to regulate the market concentration.

Mass media monopoly cannot be equated to other types of market monopolies, there is a need to enact special laws which deals with mass media and concentrated ownership like

how other liberal democratic countries such as UK & US has enacted laws to regulate ownership monopoly and to bring about plurality of narration.

We have seen the horizontal monopoly of the *Times Group* and its bestselling daily English Newspaper *The Times of India*, *The Economic Times* and owning 40 other print media in circulation grabbing a huge part of the print media market. The Hindi language market is captured by *Dinik Jafraj*, *Amar Ujala*, *Hindustan* and *Dainik Bhaskar* capturing about 76.45% readership. Even the regional language market where one dominant newspaper captures more than fifty percent of the market.

The *Competition Act 2002* is a general law which regulates monopoly in the market, not specifically designed to regulate mass media ownership, because to uphold abuse of dominance it should be shown the effect of harm to the consumers and this is what the law says and the courts upheld. Over that if there is diversity of players in the market then there cannot be dominance if economic welfare of the consumers is protected. All these loopholes make it impossible for those mass media companies to be held for abuse of dominance.

This type of monopoly could be regulated to curtail the dominance if Indian laws was similar to the UK Parliament's The National Cross-Media ownership rules which provides for preventive rule on newspapers not to operate or hold shares beyond 20% of market circulation or the licence will be cancelled and this also includes holding 20% more interest in the national level operator. Secondly the law gives power to Secretary of States to investigate the content of presentation of news, diversity of free expression in variety of taste in local and national level. Further the UK laws also mandates political parties, religious parties and advertising companies not to hold any medium of broadcasting directly or indirectly, in fact this must be strictly implemented in India. If the above said law was implemented in India then print media such as *The Times of India* or any other newspaper could not dominate the print market more than 20%. On the whole it is better to enact separate laws to regulate mass media how the UK has enacted.

Coming to the cross-media ownership maze created by *Reliance India Limited* owned by the billionaire *Mukesh Ambani* and how they tricked and made news channels of *News Nation*, *NDTV*, *India TV*, *News24* and *Network18* indebted to them. Even the dilution of ownership as in the case of *NDTV*. This created a situation where one owner influence in many spheres, attracting bonds with political parties due to concentration.

The problem lies in the *Competition Act 2002* and the commission which has to regulate the market competition sees all these entities as different units and fails to see the same owner behind the veil. Even the vertical integration when Reliance India Limited took over *Network18* was well within the legal framework of the Competition law which only ensures competition by checking the entry barriers and media pluralism. Though there are hundreds of news channels, the law sees it as diverse and failing to look at the concentrated ownership. India does not have any law regulating cross media ownership.

One of the best legal frameworks we have seen regarding the USA's cross-media ownership rules by the Federal Communications Commission which places restriction on:

- Ownership in a single market relating to multiple TV broadcasting station.
- Ownership of broadcast stations reaching certain percentage of population.
- Even the single cable operator is restricted from broadcasting beyond certain percentage of population and even the percentage of channel the operator carries.
- Ownership of two or more top television networks.

If the above said laws are implemented in the Indian mass-media market, it can effectively regulate the problem of cross-media ownership. In the case of Reliance India Limited have cross-media ownership in many national level news channels, if the above said law is implemented in India, then they would be barred from having ownership of multiple TV broadcasting stations, there would be percentage cap on the population reach. Even the cable TV operator will be forced to provide diversity of channels to consumers. On the whole India needs a separate laws regulating cross-media ownership.

When it comes to state's monopoly over news broadcast by the All India Radio can easily regulated by The Competition Act 2002 is applicable to all enterprises including Government run public entities excluding the activities mentioned in Section 2(h) of the act relating to sovereign functions of the state like currency, defence, energy and space.

## CONCLUSION

Weimar Republic, the Germany's first democratic experience from 1919 AD gave them the taste of freedom of media and association. Their newspaper being the mass-media tool flourished with 2,483 daily and weekly titles capturing 65 million, an environment of liberalism. This did not last long as the free press propagated the *Adolf Hitler's* idea of National Socialists, with the help of mass-media the Nazis ascended to power over democratic Germany in 1933. This is the time that the Nazis started controlling newspaper indirectly controlling people's minds. The Nazis did not nationalise any of Germany's newspapers, they just bullied all publishers' criticising Fuhrer by their Editors Law *Schriftleitergesetz*. *The Minister of People's Enlightenment and Propaganda, Joseph Goebbels* propagated all kinds of fake news. It just took five years to take complete dominance of the mass-media and the mind control of the whole Germany. This lead to systematic extermination of Jews. Adolf Hitler was successful in turning a Democratic Weimar Republic into a Fascist Nazi Germany with the help of mass-media propaganda machine till his defeat in the II World War. The people of Germany paid the heavy price of war due to fantasy of few men.<sup>74</sup>

Today's India is swimming in difficult waters, the highest level of toxic ideologies are propagated in the name of free speech, the mass-media propaganda machine is rushing ahead to amplify the message. The influencing of public opinion by few men in power can in any time turn a democratic nation into an authoritarian regime. One of the solutions to save a democratic India into turning into fascist country is be legally regulating mass-media from falling in hands of few people and to break the propaganda machine used to destroy the structure of the country.

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<sup>74</sup> Manish Tewari, "Media and Fascists: Lessons of History" Deccan Chronicles, 15 September 2019

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