Role of Media in Preventing and Combating Corruption

Ms. Charu Srivastava
(Assistant Professor)
College of Legal Studies, University of Petroleum and Energy Studies

Abstract: Anti-corruption movement going on in India will go into the history books. This decade will bring a revolution against corruption and black money. But the question remains if India can get rid of corruption through this heavy wave of anti-corruption movement. The fight against corruption is required to be analyzed from several dimensions. Institutional reform in the form of legislation and regulators is one, but the success of any reform depends upon how people of a country respond to its democratic nature.

Reform of any kind will only be successful when it gets embedded in the culture. Corrupt practices have become institutional practices. However we the people of India also do not raise our voice against such practice because of two reasons one because it benefits oneself and other is that one is not affected directly. We do not understand that corruption is a social, political, economic problem.

However media plays a significant role in raising our voice in unveiling corrupt practices, empowering citizens to fight against corruption. Media acts as a watchdog and monitors the working of various private and government institutions and lends us voice to an extensive kind of perceptions and arguments. This is how media marks a change in culture which influences practices and norms and which in turn stimulates policy-making and lawmaking transformations.

Media fights corruptions by several ways like Investigative Journalism, RTI, by conducting sting operations, holding public debates, opinion polls etc. However Media is also not free from political interference since it does not in some cases act as a guardian of oppressed class and puts forward the defense of elite class only trying to cover up because of the monetary gains involved. Therefore it is very important that print media, social media etc understand their duties and responsibilities for safeguarding human rights in a democratic and civil society and similarly elite class and political parties respect media autonomy and do not influence or abuse their power in manipulating the true stories. This can be achieved when media is put under some control, rules and regulation.

This paper explores the role of media against corruption in India by elucidating the achievements by the media, and evaluating various challenges and the future vision. Further suggestions will be made to enhance the role of media in the anti-corruption battle in the country. Primarily this paper argues that the media has a significant role to play to fight against the crusade of corruption. Hence has a positive and hopeful future provided media is independent from the external factors such as interference from public and private sector. Certainly the long dark tunnel of corruption can be lighted by anti-corruption campaign by civil society and media covering and investigating the same. Role of media against corruption can be analyzed by critically analyzing freedom of speech and expression and right to information and independence of media.

In this paper the author argues that Corruption is deeply rooted caricatures of human society, which impacts socio economic rights of citizens of the country. It is the responsibility of citizen of India including media to fight against corruption which ultimately kicks the freedom of
expression, independence of media and right to information. Media is one of the strongest weapons to fight corruption. 

Because of Media several scams have been pushed into limelight such as VYAPAM scam, 3G scam, COLGATE Scam, HAWALA Scam etc. Before discussing the subject of the paper the author will clarify the concept of corruption, level of corruption existing in India and concept of freedom of expression and right to information.

Keywords: Corruption, Media, social transformation, legislative reforms, Investigative Journalism, scams, sting operations, public debates, opinion polls, culture change.

CORRUPTION AND LEVEL OF CORRUPTION IN INDIA

Corruption in public life is a threat to national interest. World Bank has described corruption1 as an abuse of administrative or public powers to achieve personal gains. Corruption not only endangers the national security but also weakens the strength of country and tarnishes the nation pride. It creates obstacle in the economic development, hinders the smooth availability of basic amenities for common man and discourages research and development.

Other definition is given by the U.N. Development Program which is: “the misuse of public power, office or authority for private benefit—through bribery, extortion, influence peddling, nepotism, fraud, speed money or embezzlement.” The term corruption has its origins in the Latin term corruptus, meaning “spoiled, broken or destroyed.”

Further Arvind Jain (2001, 73) observes that: “While it may appear to be a semantic issue, how corruption is defined actually ends up determining what gets modelled and measured.” Similarly, Toke Aidt (2003, F623) remarks that “the definition of the concept determines what gets modelled and what empiricists look for in the data.”

Corruption is not only confined to public sector but to private sector also. Corruption not only involves monetary gains but also selfish motives. Corruption is now calculated on the basis of individual gain or loss and not on the basis of morality hence the concept of corruption has itself been corrupted.

Why the people of India are discontented by the Government, reason is obvious; we the people of India are deprived of the basic amenities of life and the corruption is the biggest factor involved. There are several schemes implemented by Government of India from time to time but the benefit received from these schemes is negligible. Going by facts2 several thousand scams such as Bofors Payoff Scandal (1986), Raj Kumar Sen at 3G Scam (1990) against the former Bihar chief minister and senior politicians and bureaucrats, the Animal Husbandry Scandal (1991) involving 115 senior politicians and bureaucrats, the Animal Husbandry Scam (1990) against the former Bihar chief minister and many others involving a kickback of Rs. 133 crore, the">

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1 Available at http://www1.worldbank.org/publicsector/anticorrupt/corrupt.n+cor02.htm
2 U.N. Development Program, Mgmt. Dev. & Governance Div., Fighting Corruption to Improve Governance, at 6 (Nov. 13, 1998); cf. TRANSPARENCY INT’L, GLOBAL CORRUPTION REPORT 2007: CORRUPTION IN JUDICIAL SYSTEMS xxi (Dana Rodríguez & Linda Ehrichs eds., 2007) (identifying corruption as “the abuse of entrusted power for private gain”); Richard North, Corruption: Stopping the Rot, BBC ON AIR, Aug. 2003, at 10 (“Corruption is about the giving and seeking of favours, it is about buying political influence, taking kickbacks, bribing officials.”)
3 For more details see Geoffrey M. Hodgson & Shuxia Jiang, The Economics of Corruption and the Corruption of Economics: An Institutionalist Perspective, 41 J. ECON. ISSUES 1043, 1044 (2007). Available at http://www.geoffrey-hodgson.info/user/image/instcorruption.pdf He writes Transparency International data for 2005 suggest that corruption is “rampant” in more than 70 countries. These include populous and fast-growing economies such as China and India, which account for a large and rapidly increasing share of the global economy. Recent empirical studies indicate that corruption has a negative effect on economic performance (Shleifer and Vishny 1993; Mauro 1995; Aidt 2003; Jain 2001; Pelligrini and Gerlagh 2004). The World Bank (1997) has identified corruption as “the single greatest obstacle to economic and social development.”
5 Avialable at Crime and Corruption in Indian Economy By Raj Kumar Sen at https://books.google.co.in/books?id=Kg12ZvxqA3IC&pg=PA101&lpg=PA101&dq=politi"cians+involves+in+corruption+scam&source=bl&ots=hmnAccWAcF&sig=7PPfY7nSla2D6bNT979rd3I3bUkhf-en&s=X&ved=0CFoQ6AEwCw oVChMi_TV4Jm+4xwVGLmOCHe2pVw4L#.v=enonepage&q=&f=politicians%20involves%20in%20corruption%20scam#f=se also The Bofors Payoff Scandal (1986) in-volving kickback of Rs. 64 crore, the Havala Scandal (1991) involving 115 senior politicians and bureaucrats, the Animal Husbandry Scam (1990) against the former Bihar chief minister and many others involving a kick-back of Rs. 133 crore, the
crores of rupees had been allocated in different five year plans for the development of vulnerable section of the society. However the situation has not changed.

Significant amount of money allocated had been illegally pocketed by the people in power. Because of such practices which have become so much prevalent in every part of the country it has become hard to trust Government.

One such impact can be seen on tribal, there activities have increased by leaps and bounds in several states due to massive corruption existing in the political system.

Corruption discourages foreign countries to start their operation in India. In the world of globalization where technology transfer and collaboration is the crucial factor for the economic as well as social growth it is important for our political system or any private system to be transparent and free from corruption for the growth of country and nation pride.

The support which such corrupted people get is immeasurable, even commercialized political and NGO associations also support for their own profit making. They demolish the common plight of morality and deteriorate the structure of society. India stand 85th out of 175 countries as far as corruption is concerned as per Transparency international’s Corruption Perceptions Index (CPI)⁶. Unfortunately it includes both political and bureaucratic corruptions. As per the Index and Analysis it seems corruption is the biggest challenge which poses several other challenges which are the effects of corruption such as poverty, illiteracy, malnutrition, farmers suicide, unemployment, lack of infrastructure, safety issues etc.

India’s acrimonious reality of corruption is because of want of accountability and transparency on the part of Government. Government is required to have an honest commitment to take concrete actions. Poor score in survey like this shows a weak and ineffective leadership, posing challenges to economy and democracy both. A report was issued by Transparency International which warned India with respect to having stronger law enforcement mechanism, corruption watchdogs and for the protection of whistleblowers.⁷

Such surveys gives a clear picture that society should be given enough protection of law to resist corruption which is requiring a more inclusive approach to fight corruption. As per survey conducted by Transparency international’s Corruption Perceptions Index, following is the date with respect to the ranking of India since 1995:

The Corruption Perceptions Index ranks countries and territories based on how corrupt their public sector is perceived to be. A country or territory’s score indicates the perceived level of public sector corruption on a scale of 0 (highly corrupt) to 100 (very clean). A country or territory’s rank indicates its position relative to the other countries and territories in the index. This year's index includes 175 countries and territories.

See “ASIA PACIFIC: GROWING ECONOMIES, GROWING CORRUPTION” available at http://blog.transparency.org/2014/12/03/asiapacific-growing-economies-growing-corruption/

With respect to Asia pacific countries, Out of the 28 Asia Pacific countries in the index, which account for nearly 61 per cent of the world’s population, the majority lag behind in their efforts in fighting corruption in the public sector, with 18 scoring less than 40 out of 100 (on a scale where 0 is highly corrupt and 100 very clean). The Corruption Perceptions Index measures corruption in the public sector, which is accountable to the government. The persistent low scores ask a critical question to the leadership of Asian countries, which have full control of the conduct of its public services. For China and India, two countries where new leadership are pursuing anti-corruption drives, the index is a harsh reality check.


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6 THE 2014 CORRUPTION PERCEPTIONS INDEX MEASURES THE PERCEIVED LEVELS OF PUBLIC SECTOR CORRUPTION IN 175 COUNTRIES AND

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Telecommunication Department Scam (1996) in which Rs. 3.5 crore were found in cash in the house of a Central Minis-ter besides jewellery, NSCs, FDRs etc., worth millions of rupees when he was in London for medical treatment, Bitumen Scam in Bihar (1996) in-involving Rs. 100 crore, JMM Scandal (1993) involving four MPs of Jharkhand Mukti Morcha and three MPs of the Janata Party for receiving Rs. 40 lakh each, the Indian Bank Scam (1991-95) resulting in a loss of Rs. 2,358 crore to the public sector bank, the Cement Scandal (1982) involving the chief minister of Maharashatra, the Plot Scandal (1988-89) involving another chief minister of Maharashtra, the Securities Scandal in Maharashtra (1992) involving a former Prime Minister for receiving Rs. one crore, the Sugar Scandal (1994) involving a Union Minister, which cost the country about Rs. 650 crore, the Treasury Fraud Scandal in As-sam (1995) involving Rs. 200 crore, and more than three dozen scams against a former chief minister of Tamil Nadu including the land scandal. Incidentally, this leader successfully blackmail the BJP-led government in Delhi during 1996-98. Available at http://www.yourarticlelibrary.com/essay/political-corruption-and-scandals-in-india/39354/
## Year | Score of India | No. of Countries | Country at the top | Ranking of India
--- | --- | --- | --- | ---
1995 | 2/10 | 41 | New Zealand | -
1996 | 2/10 | 54 | New Zealand | -
1997 | 2/10 | 52 | Denmark | -
1998 | 2.9/10 | 100 | Denmark | 69
1999 | 2.8/10 | 100 | Finland | 72
2000 | 2.8/10 | 100 | Finland | 69
2001 | 2.7/10 | 100 | Finland | 69
2002 | 2.8/10 | 100 | Finland | 71
2003 | 2.8/10 | 100 | Finland | 70
2004 | 2.8/10 | 100 | Finland | 90
2005 | 2.9/10 | 100 | Iceland | 88
2006 | 3.3/10 | 100 | Iceland | 70
2007 | 3.5/10 | 100 | Finland | 72
2008 | 3.4 | 110 | Denmark | 70
2009 | 3.4/10 | 110 | New Zealand | 85
2010 | 3.3/10 | 178 | Denmark | 87
2011 | 3.1/10 | 182 | New Zealand | 95
2012 | 36/100 | 174 | Denmark | 94
2013 | 36/100 | 177 | Denmark | 94
2014 | 38/100 | 175 | Denmark | 85

Looking at the facts and figures it can be said that India has for the last 20 years been consistent with its corruption policy which is followed dedicatedly by public sectors and private sector as well. Further the potential losses suffered by the Indian economy (according to reported corruption cases in the media from October 2011 to September 2012 stands at INR364 billion. This excludes some large scams such as 2G, the Commonwealth Games and mining.8

However the Federation of Indian Chambers of Commerce and Industry (FICCI), in its endeavor to promote good governance, has initiated a high-powered – Inclusive Governance Council (IGC) that will act as an umbrella body to address issues of governance. The prime objectives of this council include promoting integrity, creating shared value, strengthening the regulatory mechanism in India and familiarizing and raising awareness on laws such as the US Foreign Corrupt Practices on Indian businesses.9

### FREEDOM OF EXPRESSION, RIGHT TO INFORMATION AND FREEDOM OF MEDIA

As rightly said by Mahatma Gandhi “One of the objects of a newspaper is to understand the popular feeling and give expression to it, another is to arouse among the people certain desirable sentiments, and the third is the fearlessness to expose popular defects.”

In India hardly a day passes without reading, watching about corruption in the government. It impacts healthcare, millions of children are deprived of education at the elementary level let alone higher education10,

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9 Ibid

10 Education has become a business. Recent VYAPAM SCAMS which speaks much about corruption in the education center where students got admission in Medical by giving hefty amount of money. This scam is relating to admission and recruitment involving politicians, senior officials and
transports system and roads are ramshackle. The public voice is ignored; fund allocated for different scheme is spend by government as they like. One can continuously witness the deal between government and capitalist rich private sector which benefits them and not the common man who deteriorate in miserable deprivation and socio economic inequality.

I. Freedom of speech and expression

Freedom of speech and expression is an important right enshrined under international and regional human rights instruments dealing with civil and political rights. Within the United Nations human rights system, it is exemplified in three major treaties embraced under the umbrellas of the International organization: the Universal Declaration of Human Rights (“UDHR”)\textsuperscript{11}, The International Covenant on Civil and Political Rights (“ICCPR”),\textsuperscript{12} and The U.N. Convention on the Rights of the Child (“CRC”).\textsuperscript{13}

The term freedom of speech and expression connotes the freedom to “seek, receive and impart information and ideas through any media and regardless of frontiers.”\textsuperscript{14} Further the right to information can be interpreted in Art 19 of UDHR as right to access (seek and receive) information including information held by government.\textsuperscript{15}

Most of the International and regional human rights document define the concept which seeks, receives and impart information and ideas of all kinds through any mode be it in writing, oral, in print, through internet or any art form.\textsuperscript{16} Thus it can be said that the article connotes the right to seek information, the right to receive information and the right to impart information and ideas of all forms.

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\textsubscript{15} The Declaration combines the freedom of expression and opinion, that is one can hold opinion without being interfered by anyone.

Corresponding to the articles mentioned in International Documents, Constitution of India under Article 19 talks about freedom of speech and expression which has been interpreted as including freedom of press. In state of UP v. Rajnarain\(^{17}\), Justice Mathew, people of India have a right to know every public act, this right is derived from the concept of freedom of speech.

In India Express Newspaper and others. V, Union of India\(^{18}\), the court emphasized that the freedom of press and information are vital for the realization of human rights\(^3\) and relied upon article 19 of UDHR. The heart of journalism has to be in public interest and sting operation serve it, most of the times.

Right to freedom of speech and expression is not an absolute right it is subject to certain limitations, however there is no consensus as to what constitutes reasonable restrictions. Banning of critical books on religion or practice\(^{20}\), arresting people who write critical comments about Ministers on Social Media, killing of cartoonists, attacks by followers of a particular community on persons who write critical things are some of the instances which shuns the conscious of public about their rights and freedom.

II. The Right to Information

For a vibrant democracy it is important that its citizens are well informed. Access to information facilitates active participation. Right to information is the right of every citizen to access information held by or under the control of public authorities, can thus be an effective tool for ushering in good governance. The right to information implies right to access to information, held by anyone including public sector.\(^{20}\) This right is encompassed under freedom of speech and expression as well as an independent right. The right to freedom of expression, the right to information implies the freedom to “seek, receive and impart information of all kinds, regardless of frontiers.”\(^{21}\)

In India Right to Information (RTI) is an anti-corruption weapon passed in the year 2005. It is a process to secure access to the information and upholds transparency and accountability in governance. The Act strikes at the practice followed by government and public functionaries that ‘confidentiality is the rule and disclosure is an exception’. The Act aims to ensure openness in functioning and transparency at all levels, centre, state and local bodies.

A meeting was held by a London based organisation which brought together a group of high-level U.N. and other officials, civil society, academicians, experts in International human rights. The meeting produced set of principles governing the progressive interpretation of international law and standards, acceptable state practice, and general principles of law recognized by the international community known as Camden Principles on the Freedom of Expression and Equality (“Camden Principles”).\(^{22}\) These principles require that the state be responsible for the protecting the right to information, which includes accessing information held by public officials.

III. The Freedom of the Media

The media is considered as the fourth estate of democracy. Various International human rights instruments guarantee the freedom of media as well. Within the purview of the UDHR, the ICCPR and the CRC, the freedom of the media is implied under the freedom of expression. Camden Principles also recognizes the role of media as “‘address as

\(^{17}\) 1975 AIR 865

\(^{18}\) 1986 AIR 515

\(^{19}\) Banning of Books of Salman Rushdie

\(^{20}\) See Johannesburg Principles, (access to information is important “to monitor the conduct of their government and to participate fully in a democratic society”)

\(^{21}\) See ICCPR

far as possible issues of concern to all groups in society.”

In India the Press Council of India regulates the ethics of the print. Article 19(1) (a) of the Indian constitution, the citizens of India have been given the right to freedom of speech and expression. However the opinion can only be formed when a person is well informed. Public authorities can be evaluated only when citizens can ask for information which is with them. Judiciary has the contempt of Court provisions and legislature have been given parliamentary privileges. In such environment it becomes difficult for the media to go into deep.

IV. The Interface between Freedom of Expression Which Includes Freedom Of Press And Right To Information

Freedom of press is interpreted under Freedom of speech and expression under the Constitution of India. However it is not free from limitations, freedom of speech has to take into consideration legal policies, defamation laws, censorship etc. If the freedom of press is muffled with protective laws, the media cannot function effectively to fight corruption. But to draw a line between exposing the corruption and falsehood is difficult.

The exercise of the two is not absolute the paradox is that the objective of freedom of expression, right to information conflicts with the protective laws such as censorship laws. It possess a challenge to balance the need to ensure enjoyment of freedom and need to limit the enjoyment of these rights to meet the common good.

However various International documents provide justifiable restrictions that must be met before restricting the right. UDHR provides that the enjoyment of rights “shall be subject only to such limitations as are determined by law [to secure] due recognition and respect for the rights and freedoms of others and [to meet] the just requirements of morality, public order and the general welfare in a democratic society.” Similarly the ICCPR imposes conditions for the enjoyment of the right, and additionally prohibits “propaganda for war” and “advocacy of hatred that constitutes incitement to discrimination, hostility or violence.”

Further the Johannesburg Principles provides that that “[n]o restriction on freedom of expression or information on the ground of national security may be imposed unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest.” Therefore it can be said that the peaceful exercise of freedom of speech and expression cannot threaten the national security or penalized. Further burden is on government to prove that restriction is valid. Validity of restriction depends whether the restriction has a legitimate national security interest or not.

As per Johannesburg principles state cannot deny access to all information. It can only protect some information from being disclosed based on national security. The principles provide that the information shall not be denied disclosure if it does not actually harm and is not likely to harm a legitimate national security interest or if the public interest in knowing outweighs the harm from disclosure. It is important here to highlight that public interest in knowing the information is significant consideration.

ROLE OF MEDIA IN ANTI CORRUPTION BATTLE

Media fights corruption by conducting debates, investigative journalism, RTI, sting operation, Opinion Polls. One of the obstacles in the field of investigative journalism is getting access to the official information. Freedom of press is sine qua non of a true democracy. And media is the fourth pillar of government, which should not be derogated except as per the law. The public officials, judiciary etc try to hide subjects which cannot be put under the limitations of right to information. Few journalists endangering their lives have tried

23 See Camden Principles
24 See UDHR and ICCPR
25 See Johannesburg Principles
to investigate but later on either murdered, assaulted, threatened etc\(^2^6\)

The right to information encourages every citizen to be more questioning about the functioning of the public sector and acts as a powerful tool to check their working. Before right to information act, the people had to depend upon rumors, leaks and other sources to gain information, but now the Act empower to ask for information from the knowledgeable source. With the help of this Act transparency in public sector can be achieved. With respect to private sector, the Act is not effective because its prime focus is on public sector and only in few limited cases private sector can be asked for the information. This discrimination again poses a challenge because it is not only the public sector which is corrupt there are many private companies etc which are also corrupt including NGOs.

Under section 19(1) (a) of the Indian constitution, the citizens of India have been given the right to freedom of speech and expression. But without access to information, this right was incomplete. Right to receive and right to impart information have been held to be a part of freedom of speech and expression guaranteed by sub-clause (a) of clause (1) of Article 19 of the Constitution subject of course to the reasonable restrictions, if any, that may be placed on such right in terms of and to the extent permitted by clause (2) of the said Article.

In Secretary, Ministry of I & B, Government of India v Cricket Association of Bengal\(^2^7\) that: “The freedom of speech and expression includes right to acquire information and to disseminate it. Freedom of speech and expression is necessary, for self-expression which is an important means of free conscience and self-fulfillment. It enables people to contribute to debates on social and moral issues. It is the best way to find a truest model of anything, since it is only through it that the widest possible range of ideas can circulate. It is the only vehicle of political discourse so essential to democracy. Equally important is the role it plays in facilitating artistic and scholarly endeavors of all sorts. The right to communicate, therefore, includes right to communicate through any media that is available whether print or electronic or audio-visual such as advertisement, movie, article, speech, etc. That is why freedom of speech and expression includes freedom of the press. The freedom of the press in turn includes right to circulate and also to determine the volume of such circulation. This freedom includes the freedom to communicate or circulate one’s opinion without interference to as large a population in the country, as well as abroad, as is possible to reach.”

In ‘The Cricket Association of Bengal’ case, it was held that the right to impart and receive information from electronic media is a part of the right to freedom of speech and expression. Further in Bennett Coleman, the right to information was held to be included within the right to freedom of speech and expression guaranteed by Article19 (1) (a).

The positive side of media is that Exposure of corrupt practices by individuals and institutions be it public or private acts as a deterrent for potential corruption and also restricts the possibilities of corruption. However working of media is influenced by so many factors such as ineffectiveness of Right to Information Act. Access to information still remains a challenge. As per of the report by Center for Policy research Implementation of Right to Information Act is under threat. Lack of trained people to impart information, poor record keeping, delay in giving adequate information, lack of expertise to decide information that can be given and information that cannot be.

Another struggle for Media is Political interference. As per report by ----- India stands 140 among 197 countries ……… It is clearly evident from the latest election campaign for Prime Ministerial candidates, that Media has been used for advertising which is known as Paid news. In Paid news phenomenon news is passed off as advertisements. Several instances of physical attacks were also made against persons who were critical about Prime ministers

\(^{2^6}\) Recent Vyapam scam, where Akshay Singh died after conducting interview in Vyapam Scam.

\(^{2^7}\) \(((1995) 2\) SCC 161)
candidature. One Muslim man was killed in Pune, Goa etc for posting critical comments on Prime Minister Mr. Narendra Modi.

But Corruption in media has also been exposed from time to time. The tape recording of corporate lobbyist Nira Radia and two popular faces of media Burkha Dutt and Vir Sanghvi have blotted the ethics of journalism. To believe that media is a pillar of democracy if such journalists themselves are involved in corrupt practices is neither sound for democracy nor for journalism.

Ownership of Media in the hand of capitalist class who are close to Ministers is also one of the menace of corruption for instances Soon after recent Prime Ministerial election Reliance Industries Limited, India’s largest privately owned corporate led by Mukesh Ambani took over ownership of one of India’s biggest Media , the Network 18 groups. The Economic and Political weekly remarked this takeover as a threat to freedom of Expression.

Media is a vocation which requires credibility, once people lose faith over the media be it print, television it can never regain the reputation of a trusted source. Role of Media should be in the interest of the society. Their operations should not unnecessarily cause interference in the privacy of a common man as well as Government officials.

Media should be neutral to every person; no discrimination should be made between common man and elite class. Media should act as a mirror of the society and not as a distorted mirror which reflects what has been told to them by the powerful people. Media imparts information to the public with respect to various issues emerging in society like corruption, women related issues, crimes etc.

Journalism should always be in public interest therefore any operation undertaken by them should be in public interest. A demarcation has to be made between those operations which invade privacy and those which expose corruption existing in various organizations be it public or private.

Sting operation involves deception therefore one should be careful about the result because if innocent is lured to commit a crime which he did not intend to then it’s a threat to honesty and if a habitual is caught red handed then it serves a good purpose. Investigative journalism or undercover journalism has good and bad impacts.

Journalism raises issues related to law and ethics. But their operations themselves include deception so now the question arises whether deception is legitimate when the aim is to tell the truth or can journalists use false identities to gain access to information. The primary concern is to what extent the media should go and to what extent the person should be informed.

Sting operation are basically undertaken to scrutinize the working of government and to see whether the acts are in favor of public order or not. It makes government accountable and responsible. However sometimes sting operations are conducted to make money and increase the TRP of TV news channels which is not considered as a positive operation but unnecessarily invades the privacy of public.

Sting operation may be legal entrapment or illegal entrapment. Legitimate trap will be one where for example bribe has been demanded by a person and other person goes to the police and caught him red handed. Other can be termed as illegal entrapment where the person has not actually demanded the bribe but is suspected to be corrupt, just to see his reaction he is offered some money, if he takes he will be caught and then it will be illegitimate trap. Such acts without authorized by act of parliament are offence however validity of sting operations in India is not settled.

The problem with sting operation is that any liberty which is not kept under limits can lead to disorder. Sensationalized journalism is a threat to privacy. Once reputation is exposed to media, his right to life with dignity is ruined. The ethical conundrum is whether you can hold someone...
liable for a crime that he would not have committed if not encouraged.

Law is required to lay down limitations on the power of Media to interrupt in private life and such illegitimate traps. However for unwanted invasion in life, a person can file a suit of defamation under torts and IPS as well depending upon the gravity of the situation. They have remedy before CS or HC also for violation of Art 19(2) which provides for freedom from interference from Media.

The principle of informed citizenry is also to be preserved. Media if politically influences creates a credibility gap between them and their viewers, readers etc. Those who do not show news in favour of politician and private sector, Journalists are frequently assassinated, intimidated and harassed from goons and agents of corrupt politician and private sector. Certain media organisations including newspaper lean towards the government and some oppose. Those who oppose are met with the accusation of being unprofessional media.

Media’s fight against corruption is motivated by money making motive, which is clear from various instances where publishing companies or television media do not show the truth behind a corruption scam. Higher the profile of a person be he a government person or private higher the marketing done by media.

There are several criticism attached to the working of media such as media coverage is sometimes too superficial. They are interested in boosting their circulation and TRP rather than performing their duty towards the society. Lack of awareness about the law and procedure also leads to complexity which media does not understand because they are not experts in substantive law and procedural of law. Further they are also vulnerable to corrupt practices.

There is a concept called paid news phenomenon which is also unfair because media then does not work for national interest but for profit making. Media is also extensively used for advertising election candidates. Crores of rupees are spent on advertising for election. Further because of competition in media, to cover a story before any other news channel covers, they forget their ethics and cross the boundaries of ethics.

However it would not be wrong to mention that some challenges are due to structural, social and organizational constraints. Other strains are poor salaries, lack of training, and of course fear of journalism that if they show all that have been discovered by them then they may lose access to sources coming from anyone who is from the government or common man who might be threatened. Press Council of India do not have power to punish, their powers are only limited to giving recommendations.

However several instances prove that media although not free from some practices still plays an active role in combating corruption. With the help of Right to Information media has exposed many illegal activities, for instance in due to illegal production and sale of the local alcohol, Jharkhand had to suffer a loss of millions in just two years on the production and sales tax. Surprisingly, the officials were quite on this issue. Dayanand Roy of Prabhat Khabar Institute of Media Studies filed RTI application and got the matter exposed. It was revealed that the revenue collected in 2001-02 was Rs.16 crores that went down by ten times in the next years. This became exclusive news for page one of Prabhat Khabar.

Manu journalists have died, assaulted, threatened during investigative journalism. Recent is the controversy of VYAPAM scam in which Akshay Singh, an investigative journalist with a private Aaj Tak, died a mysterious death soon after he had interviewed the parents of a girl who was found dead after her name figured in the massive admission and recruitment scandal Vyapam is one of the scam where media has played an active role in covering the entire corruption scam which lead to the Supreme court to order investigation by CBI.

29 See Report ”Workshop on Corruption and the media’s role” at the 9th International Anti-Corruption Conference (IACC) , Durban.
30 Available at www.prabhatkhabar.com/news/ranchi/
31 Available at http://www.ndtv.com/india
32 For more details of the people who dies in the scam refer to http://www.thenewsminute.com/article/exhaustive-
Further recently in June, 2015 Jagendra Singh, was burnt alive with 60 percent of his body covered with burns. Mr. Singh, who had been working in the Hindi news media for 15 years, had written several Facebook posts in recent months accusing Mr. Verma of involvement in illegal activities. His fear for his own safety was apparent, and he said that he had been attacked by the minister’s loyalists before. But his posts were not taken seriously and he died.

According to the study by International news safety Institute. Most of the reporters out of 134 who died were investigating against crime and corruption. According to the Press Council of India (PCI), 79 journalists were murdered in the country the past 25 years.

Similarly Sandeep Kothari was murdered in Madhya Pradesh who exposed mining mafia. This case indicated the nexus between criminals, politicians and policemen who get such journalists killed for exposing corruption. This nexus has also killed so many RTI activist since 2005 since the Right to Information act has been enforced.

Looking at the condition SC has rightly asked the Press Council of India to suggest guidelines for journalists’ safety. Media industry, journalists’ organizations and the government should join hands to ensure social security for journalists to ensure that a slain journalist’s family is not left to fend for itself.

Recently in August, 2015 Chayan Sarkar who wrote about corruption for a Bengali-language daily has been reported missing in the Indian state of West Bengal, according to news reports. Chayan Sarkar’s disappearance comes as a number of journalists have been attacked after reporting on corruption around India. The 50-year-old reporter was shot dead by unidentified attackers on a motorcycle in Bakewar town in Etawah District of U.P. He had written on illegal gambling activities that have the backing of some politicians. The attack on him was apparently in retaliation. As per the facts 41% of journalists killed were covering politics and 29% were covering corruption, which means around 70% of the total journalist killed were covering either politics or corruption. About 15% covered crime. Moreover, 3% lost their lives covering war. The large number of journalists losing their lives while covering politics and corruption, reflect that the laws are not concrete or properly implemented. Many cases lay in abeyance because of the involvement of politician in the corruption cases and hence delay in trials has only

list-deaths-linked-vyapam-scam-who-how-and-when-32003

Available at http://www.nytimes.com/2015/06/12/world/asia/india-journalist-who-linked-official-to-graft-dies.html?_r=0 One of the post read as follows: “Ram Murti Singh Verma can have me killed,” Mr. Singh wrote in a post on May 22. “At this time, politicians, thugs, and police, all are after me. Writing the truth is weighing heavily on my life.” Despite Jagendra Singh naming Verma in his ‘dying declaration’, Chief Minister Akhilesh Yadav has not sacked the accused minister. Having refused to register an FIR for several days, the state police are reluctant to arrest the minister. The complicity of the state appears writ large. Available at http://www.hindustantimes.com/analysis/analysis-on-attack-on-journalists/article1-1361987.aspx

- The hidden world part 2, Part 2 By John Baselmans available at https://books.google.co.in/books?id=YTcCQAQBAJ&pg=PA186&lpg=PA186&dq=journalist+killed+while+investigating+corruption+India&source=bl&ots=61EyUuwVYj&sig=...mWAw88V1nQwic4eQjZ_mNmr6Q&hl=en&sa=X&ved=0CEwQ6AEwCWoVChMI-uS5rYGx4wYFUYOCh0szQ04#v=onepage&q=journalist%20killed%20while%20investigating%20corruption%20India&f=false

- Available at http://www.hindustantimes.com/analysis/analysis-on-attack-on-journalists/article1-1361987.aspx

- Available at https://cpj.org/2015/08/west-bengal-journalist-missing-after-reporting-on.php A few hours before he was reported missing, Sarkar had filed a police report in connection with a recent attack on his home. On July 28, dozens of individuals had thrown stones at Sarkar’s home and threatened him verbally about his reporting, according to Talukdar and news reports. Talukdar said the individuals carried flags affiliated with the All India Trinamool Congress party, which rules in the state. CPJ’s calls to the phone number listed on the website of the Trinamool Congress party were not answered.

- Available at http://www.mapsofindia.com/my-india/india/shooting-the-messenger-attacks-on-journalists-in-recent-past
helped those in power to believe that they can remain above.

In the last few years we have witnessed some of the biggest and most talked about scams in India. We come across numerous corruption scams that are unearthed, and covered by Media effectively such as Indian Coal Allocation Scam – 2012 – Size 1.86 L Crore,38 undercover operation carried out by Bofors, The Fodder Scam – 1990s – 1,000 Crore, The Hawala Scandal – 1990-91 – 100 Crore 42 Commonwealth Games Scam – 2010 – 70,000 Crore 43 Particularly in Commonwealth scam, it started with a series of expose done by Times Now which openly showed how public money was used to serve corruption. After that several other media channels started exposing one or the other thing. But matters got worse when real picture of Games Village was shown across the Globe and by channels like “BBC World”.44

Tehelka is another media source which exposed many corrupt practices 2G Spectrum Scam by investigative journalism and sting operations. In 2001, Tehelka did its first major sting investigation called "Operation West End"45. They filming how they bribed several defence officials and politicians from the then-ruling NDA-led (National Democratic Alliance) Indian government, posing as arms dealers. Based on their footing many officials resigned and sentenced. However Tehelka have been criticized severely about its ethics. It has been accused of having close connection with Congress party of India. They were also accused of favouring some companies.

Their sting operation tool has influences other media organizations of the country. Tejpal, the founder of Tehelka called it "greatest tool of journalistic investigation and exposure" and that it was for public interest. Media has also been criticized for imposing their half-baked moral judgements on the audience. Media shapes the opinion of people, therefore it is very important for them not to showcase the news in such a manner that it victimizes an innocent person.

In Cash for queries Scam, Delhi High Court in September 2010 upheld the legality of sting operation conducted by journalist Anuradha Bahal & Suhasine in 2005 to expose corruption in UP. Delhi police charged journalist for seeking to bribe MPs. Issue was whether any citizen of country carry such operation i.e. offer bribe to public officer. Court said intention of the journalist is to be seen.46

38 This scam was with respect to the allocation of nation’s coal deposit to PSU’s and private companies without resorting to competitive bidding, by the Government of India under the previous government rule i.e. Congress
39 The process of allocating unified access service licenses
40 The land managed by Wakf board, a Muslim charitable trust, is typically donated to underprivileged and poor people of Muslim community. However, the report alleged that nearly 50 percent of the land owned by Wakf board was misappropriated by Politicians and Board members in conjunction with real estate mafia at fraction of actual land cost
41 The Bofors scandal is known as the hallmark of Indian corruption. The Bofors scam was a major corruption scandal in India in the 1980s; when the then PM Rajiv Gandhi and several others including a powerful NRI family named the Hindujas, were accused of receiving kickbacks from Bofors AB for winning a bid to supply India’s 155 mm field howitzer
42 The Hawala case to the tune of $18 million bribery scandal, which came in the open in 1996, involved payments allegedly received by country’s leading politicians through hawala brokers. From the list of those accused also included Lal Krishna Advani who was then the Leader of Opposition.
43 It is estimated that out of Rs. 70000 crore spent on the Games, only half the said amount was spent on Indian sportspersons. The Central Vigilance Commission, involved in probing the alleged corruption in various Commonwealth Games-related projects, has found discrepancies in tenders – like payment to non-existent parties, will-ful delays in execution of contracts, over-inflated price and bungling in purchase of equipment through tendering – and misappropriation of funds.
44 Available at http://trak.in/tags/business/2010/09/27/medias-stand-against-commonwealth-games-good-or-bad-media-monday/
Media has made strong influence which can be seen with analyzing BOFORS Scam when Rajeev Gandhi was accused, this scandal led to Gandhi’s defeat in next election. It was an advent of new form of journalism, than previously employed by magazines.

Sting operations have exposed how environment Minister Dilip Singh received bribe from an Australian firm for mining rights in Chhattisgarh. This case was looked into by RBI, Journalists argued that Media acts as whistleblower and hence cannot be prosecuted. However CBI argued that even journalist may be prosecuted when active inducement is done to commit crime or other vested interest and not just public interest. Court said Media should take prior permission before conducting such operations. However contrasting view was made by Justice Katju, he said Sting operations are just means to achieve an end.

Supreme court has expressed its opinion with respect to validity of sting operations, in few cases they have analyzed that if fraud is involved then such operations as evidences are inadmissible however if the evidences are compelling than they are admissible irrespectively of the methods. Courts follow general standard employed and disregard evidences obtained by luring. In Bharadwaj Media v. State, court said larger public interest is to be seen.

CONCLUSION & SUGGESTIONS

After analysing the role of Media and corruption it can be said that Media plays and has the potential to play significant role in combating corruption. It can be used as a tool in exposing corruption by conducting various operations following the ethics and morality principle, thereby exposing fraudulent practices in Government, private sector, NGO, and other civil society organisations.

There is a direct nexus between right to information, informed citizen and good and corruption free nation. The right to information enables the citizen to gather information about the functioning of government. Good governance facilitates the government in working efficiently, effectively and transparently. It also voices the opinion of common man by conducting various discussions over news channel, publishing several articles, editorial etc. It acts as a custodian of human rights by highlighting various corruption issues be it the latest VYAPAM SCAM which took lives of so many people, 3G SCAM, COLGATE SCAM etc.

Media patriotism is to be inculcated in the journalists. Media has become commercial in nature which affects its performance. It takes package for covering political leader and parties. There are few basic principles which are to be followed by journalists- neutrality, truthfulness, fairness and the public interest To make sure that media plays an important role it is advised that the freedom of speech and expression must be protected especially in cases of journalist where they are exposing any corruption scam.

Another is Journalist should be given proper protection when they expose corruption in government sector or private sector under whistle-blower Act, or any other special Act which gives them special protection prior to covering to covering of scam and post coverage of scam. Journalist should themselves be morally and ethically strong so that they themselves do not become corrupt and manipulate the facts to protect the corrupt.

To improve investigative journalism, journalists should be given proper training to combat corruption effectively It is important for media to be independent from any kind of political interference and function effectively; the legal system should be such that it cannot be misused. Cases which involve media as party should be settled by special courts, so that media organizations are not discouraged by several lawsuits which may be filed against them when they conduct several operations or print anything against politician etc. Basically fear of publishers and editors of being sued by costly lawsuits should be tackled.

Conditions which are conducive for the working of the media should be inculcated in the culture of society. Print media should reflect the voice of a common man against corruption and should also raise awareness about their rights and mechanisms so that public can take appropriate action against corrupt people. Public opinion must
be guarded by media by not accepting bribes and inappropriate hospitality and showing what the truth is which is in favour of national interest. Investigative journalism should be encouraged by providing them with the resources to support reporting. Strategy to train and develop investigative journalists should be undertaken to fight corruption in the next millennium.

The objective of media should be to act as watchdog of society. Poor working conditions and remuneration of journalists are the issues which are to be addressed, because this could impede the effective working of media as a class. Reporting should be made with the aim of raising awareness amongst the people so that opinion of citizen becomes stronger and can fight effectively against corruption. Need strong laws to restrict corrupt practices like janlokpal, ombudsman, right to recall, right to reject, referendums on core issues, fast track courts where media is involved as one of the parties. In case of a dilemma journalist should be careful about how far they should get close to the politician or corrupt person in order not to compromise with their work so as not to be influenced by inappropriate hospitality. They should adhere to their code of ethics.

Ownership of the medium (television, social, print, radio etc.) is one of the crucial factor which determines the credibility of media. What if the ownership of the media lies with any politician or any influential person having interest in various corruption scams there is a possibility that this could assist or retard progress of anti-corruption efforts. It is important to make sure that power of media is used for national interest because media shapes the opinion of people against corruption and fraud and those who are involved in corruption. So they should make sure that they do not out of malice or influence put allegation against an innocent and do not interfere in private life of people.

Freedom of speech and expression and access to every kind of information for journalists and members enables the media to bring to the front fraud practised to aid corruption. Protection of journalists from potential threat to their life is another important factor which facilitates effective journalism. Environment should enable journalist to operate freely. However if journalism is carried on without following the code of ethics and flouting the ethics then there should be a body constituted who could impose penalties, impose fines etc. and in serious malpractice revoke the press card of the journalist.

Media coverage of corruption should be of reasonable standard so as not to hamper the investigation which is going on with respect to the scam. Media and corruption fighters should work hand in hand to facilitate each other’s work effectively. Other steps will include extensive research on the corruption by the journalist with respect to the scam and how much corruption costs the local economy, so that they can categories those corruption scams which are required to be covered extensively as compared to other. Media organisations should employ experts in the area of law, economics, commerce, accounting etc. to have strong evidences to cover corruption.