

Role of Money Power in Elections

¹G.N. Ray

I congratulate the Kerala Journalists' Union for organizing a Seminar on "Role of Money Power in Elections" at Palakkad. "Money is power, freedom, a cushion, the root of all evil, the sum of blessings". – (Carl Sandburg). Although spoken in lighter vein that "money, money money; brighter than sunshine and sweeter than honey" or "Silver key opens every door" these sayings are based on practical wisdom experienced over the ages. Human weakness for riches and wealth more often than not yields against moral and ethical values and temptation or lure for unaccounted and unexpected wealth gets better hand. Softening one's morale and inducing him to depart from discharging onerous duties and responsibilities on being lured or bribed by money power always creates problems in the administration and commercial dealings. But when it interferes with the election process for electing a popular government on the basis of uninterfered and free and fair election by the electorate, it becomes a matter of serious concern.

In a representative democracy, the model followed by India, elections are the only method through which the people's representatives may be elected to the legislature and provide to the country the political executive or the Council of Ministers to rule the country duly supported by the rein checks of the opposition. The election process therefore assumes vital importance in the progress of the country. The responsibility to ensure the purity and impartiality of the electoral process is not only of the government, the Election Commission and the political parties but also of every individual and institution and the media as the fourth pillar of this democratic edifice,

¹ Inaugural address by Hon'ble Justice G.N. Ray at Seminar on 'Role of Money Power in Elections' on 8th August, 2009 organised by Kerala Journalists' Union, Palakkad, Kerala

shoulders not just the responsibility but the duty to keep the electoral process independent of any influencing factor or force. The right of every citizen to participate in government through fair and free election is well settled under international human rights law. Article 21 of the Universal Declaration of Human Rights (UN General Assembly Resolution 217A (III), adopted on 10 December 1948) is the most cited source. Other numerous international agencies also recognize the electoral rights of the citizen in a democracy. Article 21 states,

1. everyone has the right to take part in government of his country, directly or through freely chosen representatives...
2. the will of the people shall be the basis of the authority of government, this will, shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

The International Covenant on Civil and Political Rights, a legally binding treaty ratified by 148 states, as well as the three main regional human rights instruments – the African Charter on Human and People’s rights (adopted 26 June 1981, in force 21st October 1986), the American Convention on Human Rights (Adopted 22nd November 1969, in force 18th July 1978) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Adopted 4th November 1950, in force 3rd September 1953) – all guarantee electoral rights.

The same instruments also guarantee the right to freedom of expression and the right of the public to receive information and the right of the media to impart information. Article 19 of the International Covenant of Civil and Political Rights (ICCPR) guarantee freedom of expression in the following terms:-

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

Our country, looked with esteem as the world's largest democracy, has recently witnessed general elections to the 15th Lok Sabha. The striking feature of this election was aptly described by the Prime Minister Dr. Manmohan Singh when he strongly expressed his concern over the use of money and muscle power in elections. Speaking in Parliament on the last day of the first session of the 15th Lok Sabha, he said , " The growing use of money power in elections, muscle power, these are developments which need to be tackled, if we have to maintain the health of our democratic polity."

It is no more a secret that money power wins over elections. The 'National Election Watch' a coalition of 1,200 civil society organizations working across the country has come out with a perceptive and incisive analysis of the 15th Lok Sabha. It has emphasised on the role which money has played during the elections.

P. Sainath in an article has highlighted these facts:

1. If you are worth Rs.50 million, you are 75 times more likely to win the elections to the Lok Sabha than if you are worth under Rs.1 million.
2. Twenty – three out of 64 cabinet ministers' assets fall in the Rs.50 million plus category.
3. The 543 MPs of the current Lok Sabha are worth Rs.80 billion.

The former Chief Election Commissioner N. Gopalaswamy confessed recently in Chennai that Election Commission has been able to contain the role of muscle power in elections but it could do nothing to contain the role of money power in elections.

Elections are foundation stone of any democracy. As the democracies in the modern times are mainly representative in character, they are shaped by the method of election. India has adopted the representative system of democracy. Besides, universal adult franchise, free, fair and periodic elections; independent election machinery is prominent among the features of Indian democracy. The conduct of free and fair elections depends much upon the performance of the three elements. These three elements are independent electoral machinery; the political parties or candidates; and the people/or the electorate.

It is no more a secret that media coverage of elections today does not focus on real issues affecting millions of people and instead is led by sensationalism and glamour. Since the first election things have dramatically changed and so have media reporting of elections. We tend to forget the real and basic ethics of election coverage.

In the age of globalisation, media is being increasingly governed by market forces somewhat removed from social issues. The question as to whether or not in this race of marketism and profit making, journalism today is losing its credibility, needs to be addressed carefully and dispassionately. Apparently, oblivious to the fact that the vast majority of people are still below the poverty line, large segments of the society still remain illiterate, extreme maldistribution of nation's

wealth is widening the rift between vulgar affluence and abject poverty, large sections of the media seem to be keen in focusing on trivial issues concerning the so-called 'Page-3 Persons' for increasing circulation and earning higher profits instead of addressing serious issues for eradicating social and political evils and bringing transparency in the administration of the country to lead the nation for balanced and healthy growth.

It is sad that media which is supposed to highlight the drawbacks of marketism is being swayed by it. Journalists are working on package. Editors are being marginalised and many have allowed devaluation of the dignity of the high and respected office of an editor. Gone are the days when a newspaper was known by its editor. Today, journalism has become more a profession and service than a mission and news content has become secondary to advertising and entertainment content. Fortunately, news agencies are not affected by this evil and generation of news remains their primary goal.

It will be relevant to advert to some of the findings made by 'Centre for Media Studies' which has been doing excellent work of studies and research in media functioning in India. One of such studies and research by CMS has revealed a disturbing phenomenon about money power controlling the election process.

According to a survey by the Centre for Media Studies (CMS), the month long general election beginning April 16 will witness an outlay of something like 100 billion rupees (two billion dollars).

Of that total, about 20 billion rupees will be spent by the national Election Commission and state government on organizing the actual polling, which be held in five stages and requires a mammoth security operation.

The rest will be spent by official parties and individual candidates, with the CMS estimating that as much as 20 billion rupees

has been earmarked for “unofficial” cash purchases of individual votes on the even of balloting.

Shri S. Narayan, a former finance secretary, said he expected actual election spending to be “four or five times” that of the 100 billion rupees estimated by the CMS. “Perhaps this will be the election that will see an all-India display of money power as never before”, Narayan said in a recent newspaper column.

A citizen group consisting of eminent media personalities like Mr. Prabhash Joshi and others observed the media trends during the General Elections 2009 and expressed deep concern about the blatant misuse of print and electronic media by political parties and candidates and also about the media which allowed itself to be abused by them. The group deplored that the distinction between news, views and political campaigning or advertisement is no longer clear. The group opined that the use of ‘advertisement’ in small font size is not sufficient. Some news papers did not even care to put that also.

It does not require any emphasis that for electing a suitable and effective democratic government, a free and fair poll is a must and such process can not brook any compromise. Unfortunately, a matter of serious concern and of far reaching consequences which has surfaced in this year’s parliamentary election is “paid news syndrome”. It is all the more regrettable that the finger of accusation is more on the print media particularly on the regional news papers.

The “paid news” syndrome, is perhaps the worst form of ‘misinformation’ or even ‘disinformation’ when the gullible public is led to believe the ‘truth’ of the glorified achievements and promises of some of the contestants in the election on the basis of newspaper reports. It is heartening that in some cases Electoral Officers had

issued directions to the District collectors and presiding officers in the state to take necessary action for the inclusion of expenditure incurred towards "paid news" articles published in the various daily newspapers, in the candidates' election expenditure.

In March 2009, the Election Commission has banned surrogate advertisements on the imitative of Nawanshahr based NGO 'HELP' that had used the Right to Information Act to find out the extent of the use of surrogate advertisements in elections and the action taken thereon. Following the ban all political parties were directed to mention "advertisement" in all advertisements given in the electioneering. In May, the ROs across Punjab had started adding advertisement value to the expenditure account of the candidates.

The Press Council of India has also received representations regarding alleged payments taken/received by media during Lok Sabha elections conducted in April/May this year for coverage relating to candidates. The council also received the representation from a group of Senior Journalists, Ss/Shri Prabhash Joshi, Kuldip Nayyar, B.G. Verghese, Ajit Bhattacharjee, Shri Harivansh, Chief Editor of Prabhat Khabar and Shri Achyutanand Mishra, Vice Chancellor, Makhanlal Chaturvedi Patrakarita Vishwavidyalaya, Bhopal. I also attended the seminar organized by the Andhra Pradesh Academy/APUWJ at Hyderabad. Another seminar was organised by the Makhanlal Chaturvedi University at Delhi on these developments.

Shri S.K. Pandey, President, Delhi Union of Journalist vide his telegram, e-mail and fax letter dated 10.6.2009 has expressed concern on the reports of increasing money power being pumped in the media in a variety of ways which is unethical. Shri Pandey termed it as an infringement on the journalist freedom to report freely. He has alleged

that such act of the media to be tantamount to unfair and unethical practices. He further alleged that select journalists were being targetted for espousing ethical reporting and avoiding articles serving the purpose of select mainstream political parties. According to him, all these were reports of massive flow of funds to select newspapers through advertisements and promised advertisements by way of bailouts to fight recession. He submitted that they issued a press release dated 6.6.2009 expressing their concern over the reports of massive flow of funds from political parties to select newspapers and news channels to influence the just concluded Lok Sabha elections and urged the Press Council to act upon it to lay bare facts about the matter.

The Council also received a resolution dated 13.5.2009 passed by the Andhra Pradesh Union of Working Journalists, Hyderabad expressing concern over the role played by large section of media during the just concluded election 2009. The resolution stated that not only did the media indulge in unprofessional, immoral and unethical practices but also cheated the readers by publishing of propaganda material of the contesting candidates or political parties as "news" in the news columns with dateline and credit line under the guise of packages, scheme and contracts and collecting money by resorting to unethical practice. It has been further stated in the resolution that while it is legitimate business practice for the media houses to accept advertisements, it is improper to use the news space/time slots for pecuniary gain and such practices lower down the credibility of the media.

Shri P. Kodanda Rama Rao contesting candidate Loksatta Party, Warangal West Constituency has also drawn the attention of the Council towards the surrogate advertisements issued by contesting candidates of various political parties in Telugu newspaper during

election period. Shri Rao has forwarded a statement showing the total values of such surrogate advertisements issued by three candidates in Warangal West District. Shri Rao has also forwarded a copy each of the complaint dated 12.5.2009 of Choudhary Vidya Sagar Rao, former Union Minister which is addressed to the Chairman, Press Council of India, complaint dated 13.5.2009 of Dr. Jai Prakash Narayan and others of Lok Satta Party, the news report dated 13.5.2009 of Deccan Herald and the views of Professor Madabhushi Sridhar on the issue.

Ms. Suman Gupta, Hon'ble Member, Press Council of India vide her letter dated 20.7.2009 has furnished a copy of the report on news monitoring aggregation and analysis of media reporting during the 15th Lok Sabha elections 2009 in Lucknow issued by National Alliance of People's Movement (NAPM) and Lok Rajniti Manch.

The Council has also received nine more complaints including the complaint of Smt. Sumitra Mahajan, M.P. on this issue.

During the Council Meeting held on June, 9,2009 at New Delhi, the Council expressed serious concern over this phenomenon of paid news and felt that the paid news could cause a double jeopardy to the Indian democracy through influence on the Press functioning and on the free and fair election process.

The members of the Press Council debated the matter at length and noted that as a public utility service, the press exercises its right to know. The press thus functions as a repository of the public trust to convey to it correct and true information when such information is being presented as news content. This was distinct from the opinion conveyed through articles and editorials which the writer expressly claimed and presented as his own. There was thus an urgent need to protect the public's right to information so that the public is not misled in deciding the selection quotient of the candidates in the fray. Another opinion that was put forth was that the reason behind this

phenomenon of paid news was the limit on election expenditure of the candidates which conversely led to fall in advertisement revenue for the press and prompted both the parties to choose an alternative that was dangerous for the election process. One of the members informed of the threat to the press freedom from the power now vested in District Authority during election time to issue notice to the press to explain the source and basis of a given report.

The council felt that in pursuance of the mandate given to the Council by the Parliament it was incumbent upon this statutory authority to examine the matter in all its dimension through studies and debates to maintain the faith of public in the media and make appropriate recommendations for precautionary measures before the next election process. The members were requested for their inputs for preparation of discussion paper. It was also decided to constitute a Committee comprising of S/Shri Pranjoy Guha Thakurta and Sreenivas Reddy and some members to be co-opted from the media for examination of the matter.

There has been paradigm shift in media functioning in India. In the fast changing media scenario when ethics of journalism have taken a back seat, journalists need to be more scientific, authentic, truthful, positive and rational. The right of the newspaper to have its own political beliefs is not a matter of debate. However, the newspapers which profess to inform the people, are under an obligation to convey to the public fair and accurate reporting on public issues and policies, more so when the process of election having far reaching consequence on the preservation of democratic value and governance of the country, is in operation.

I am confident that deliberations to be made in today's seminar will not only focus on the malady of 'paid news syndrome' but will also indicate ways and means and steps required to be taken to eradicate the problem as far as practicable.

Namaskar
