

# Paid News in the Indian Media: A deep-rooted malaise

Dr. Surbhi Dahiya and Sachin Arya

**Abstract-** *In the context of the strengthening perception on growing incidents of paid news, this study makes an attempt to analyze the various nuances of paid news. This research paper tracks down the blurring boundaries between news, advertisements/advertorials and highlights the efforts made by individuals and representatives of organizations who have painstakingly chronicled the selling of editorial space for money, especially during elections. This paper particularly attempts to inform the reader(s) about the modus- operandi of paid news in India and examine the impacts of the phenomenon of paid news on the goals of media as a profession and as an industry. The researcher has also compiled the responses of the Indian media, civil society and the state on the new phenomenon of paid news. This study is based both on primary and secondary data. News reports in various newspapers/websites on the subject have been cited in order to understand the phenomenon of paid news in the Indian media. The views/comments of relevant organizations, deliberations in seminars and conferences have been added to assess the institutional responses in India towards paid news.*

**Key Words:** Paid news, Indian media, commercialization

## Introduction

News is meant to be objective, fair and unbiased – this is what sets apart such information and opinion from advertisements that are paid for by corporate entities, governments, organizations or individuals. What happens when the distinction between news and advertisements starts blurring, when advertisements double up as news that have been paid for, or when 'news' is published in favour of a particular politician by selling editorial spaces? In such situations, the reader or the viewer can hardly distinguish between news reports and advertisements/advertorials.

Of late, the emerging dominant trends in the media industry especially profit prioritization has its impacts on the goal of the media. Under the driving influence of commodification of news, editorial contents are being sold like other commodities. This commercialization of the media content in India is manifested in the phenomenon of paid news, having far-reaching implications. Making profit its priority forces the media to compromise on its primary goal of providing information on events of public importance in a fair, objective and unbiased way, thus diluting its social mission, thereby it ends up in lowering its credibility and hence the

societal support for its freedom.

## What is paid news?

The term is used to describe a situation where a newspaper/television channel or media house signs a deal with an individual candidate, agrees to publish a combination of advertisement and laudatory news items about the candidate, assures him/her a fixed quantum of coverage and, for an additional fee agrees to run a negative campaign against or completely black out his/her rivals. Sometimes such 'packages' are offered to a party.

The deception that such 'paid news' involves takes place at three distinct levels:

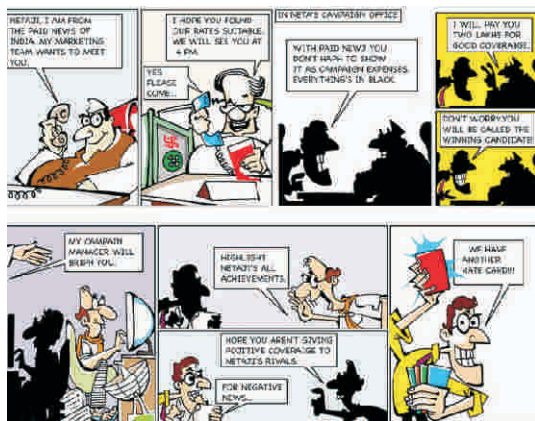
- 1) The reader or the viewer is deceived into believing that what is essentially an advertisement is in fact, independently produced news content.
- 2) Moreover, candidates contesting elections do not disclose the true expenditure incurred on campaigning thereby violating the Conduct of Election Rules, 1961, which have been framed by, and are meant to be enforced by, the Election Commission of India under the Representation of the People Act, 1951.
- 3) The concerned newspapers and television channels usually receive funds for 'paid news' in

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cash and do not disclose such earnings in their company balance sheets or official statements of accounts. Thus, by not accounting for the money received from candidates, the concerned media company or its representatives are violating the provisions of the Companies Act, 1956 as well as the Income Tax Act, 1961, among other laws.

### Modus-operandi:



Tanmoy Chakraborty, *OUTLOOK*, December 21, 2009

The entire operation is done secretly. This malpractice has become widespread and now cuts across newspapers and television channels, small and large, in different languages and located in various parts of the country. What is worse, these illegal operations have become 'organized' and involve advertising agencies and public relation firms, besides journalists, managers and owners of media companies. Marketing executives use the services of journalists – willingly or otherwise – to gain access to political personalities. So-called 'rate cards' or 'packages' are distributed that often include rates for publication of news items that not merely praise particular candidates but also criticize their political opponents. Candidates who do not go along with such 'extortionist' practices on the part of media organizations are denied coverage.

Sections of the media in India have willy-nilly become participants and players in such practices

that contribute to the growing use of money power in politics which undermines democratic processes and norms – while hypocritically pretending to occupy high moral ground. This has not merely undermined democracy in India but also tarnished the country's reputation as foreign newspapers have started writing about, and commenting adversely on such abhorrent practices.

In the area of political 'paid news', given the illegal and clandestine nature of such malpractices, it is not easy to find the clinching evidence that pins responsibility for such practices on particular persons and organizations. There is however, a huge volume of circumstantial evidence that point towards the growing use of the media for publishing 'paid news' which is form of electoral malpractices. Identical articles with photographs and headlines have appeared in competing publications carrying bylines of different authors around the same time praising candidates' claiming that both are likely to win election. Nowhere is there any indication that the publication of such 'news' reports has entailed financial transaction or has been sponsored by certain individuals or political parties.

### How editorial space was compromised by political 'paid news':

Innumerable complimentary 'news' reports and features articles on representatives of political parties, including candidates who have been contesting elections, have appeared in newspapers and broadcast on television channels across the country in the run-up to the April-May, 2009 Lok Sabha elections as well as the September-October, 2009 elections to the state assemblies of Maharashtra and Haryana. No disclosure was made before such 'news' was printed or broadcast, that money had changed hands between the concerned candidate or political party to which he/she belongs and the owners/representatives of media organizations.

Such malpractices have destroyed the credibility

of the media itself and are, therefore, detrimental to its own long-term interests. It needs to be noted in this context that so long as journalists (in particular, those who work in rural areas) are paid poverty wages or are expected to earn their livelihood by doubling up as advertising agents working on commissions, such malpractices would go unabated.

### **The 'Medianet' and 'Private Treaties' phenomenon:**

In pursuing its quest for profits, it can be argued that certain media organizations have sacrificed good old journalistic practices and ethical norms. Individual transgressions – reporters and correspondents being offered cash and other incentives, namely paid-for junkets at home or abroad in return for favourable reports on a company or on an individual – were, until recently, considered more of an aberration than a norm. News that was published in such a manner was suspect because of the fawning manner in which events/persons were described while the reports gave an impression of being objective and fair. The byline of the journalist was stated upfront. Over the years such individual transgressions have become institutionalized.

Politics, however, is just one part of the growing 'paid content' menace. The practice is more rampant among advertisers, who are ever anxious to catch consumers off guard. “And what better way of breaking into their mind space than disguising their brand messages as news, which is more credible and convincing than raw advertising,” says Santosh Desai, managing director and CEO, Future Brands, the custodian of various brands owned by the country's largest retailer Future Group, according to a report.

No points for guessing that such content is priced at a premium, ranging from 10 % to 100%, vis-à-vis regular ad rates and media owners, some driven by their ambition to grow bigger and others by fear of extinction, have taken the route with no qualms of conscience. The result has been the emergence of practices such as private treaties. Launched by Bennett, Coleman and Co. Ltd. (BCCL) in 2002, the practice – which

involved deals with potential advertisers, who could not afford expensive mainstream advertising, in return for equity shares in their companies – was initially disparaged by rivals but in the last two years, several of them have joined the bandwagon. Shiv Kumar, CEO, Times Private Treaties, says his clients get no undue editorial coverage in any of the BCCL publications, but there have been reports in the past with some evidence to prove that such clients wield influence outside the advertising space as well.

Desai, whose company is a private treaty client of BCCL, says the bigger issue is not whether private treaty clients manage to trespass into the editorial space. “The operative factor for me is that when news space is up for sale – and we all know that it is through private treaties or other arrangements – there will be buyers for it, especially, when it serves their needs.”

Meanwhile, according to Shiv Kumar, who heads BCCL's private treaties division, “the business is going strong” and in the past when the economic downturn was at its peak and advertising spends had been drastically cut by most companies, he managed to sign 30 to 40 new clients.

“The other arrangements” that Desai refers to, include businesses such as Optimal Media Solutions (OMS), again floated by BCCL. OMS, as evident by the name, provides media solutions other than regular advertising to companies and also runs a public relations division, Medianet. Some of the solutions provided by OMS include displaying promotional contents as part of editorial content. At least two Mumbai-based leading companies admitted that they have been using the service. When asked if a more than a year-long series of articles on its premium skin care brand Olay in *Delhi Times*, the city supplement of *The Times of India*, was part of its paid marketing campaign, a spokesperson for Proctor & Gamble, India said: “It is well known. It is paid for. .It is a marketing initiative. .”

**Reports on “paid news”:**

The phenomenon of paid news has received public attention and has prompted a debate at various platforms. Some of the deliberations on paid news are reproduced here which would help the reader(s) make informed judgments on the emerging phenomenon.

**Press Council of India on Paid News:**

In July 2009, the watchdog of the print media industry, PCI, constituted a two member sub-committee to examine the paid news phenomenon. After considering written and oral representations made by over a hundred people over a period of more than six months, a report running into roughly 36,000 words was presented to the Council. The report of the sub-committee mentioned scores of instances of paid news, named names and detailed the phenomenon, before making several diverse proposals that could curb malpractices in the media.

The events that followed the submission of the PCI sub-committee's report in April, 2010, need to be recounted. The Council's then Chairman Justice G.N. Ray appointed a "drafting committee" which prepared a shorter report (running into roughly 3,600 words or a tenth of the length of the sub-committee's report) that, by and large, contained the concluding observations and recommendations of the sub-committee. On 31 July that year, the Council decided by a show of hands of the members present and voting that the full report of the sub-committee would not be appended with the report that would be presented to the Ministry of Information & Broadcasting.

The voting process itself left much to be desired. No formal record of it was made and no votes for or against were recorded. Twenty four of the thirty members in the PCI (including its chairman and secretary) attended the 31 July meeting – making it one of the most attended meetings of the Council. Twelve members opposed the sub-committee's report being attached to the final report, and three abstained. Only nine members of the PCI, less than a third, voted in favour of the proposition. The result was that the 36,000 word indictment of the corrupt

practices of a section of the Indian media contained in the sub-committee's report was sought to be reduced to a footnote, as a document for 'reference'.

**Discussion of 'Paid news' in Parliament:**

On March 5, 2010, the Rajya Sabha took up a discussion on paid news on the basis of a calling attention motion moved by Sitaram Yechuri of the Communist Party of India –Marxist, in which the Union Minister of Information and Broadcasting Ambika Soni and the Leader of the Opposition in the Rajya Sabha, Arun Jaitley of the BJP participated. Here are excerpts from their speeches.

Yechuri stated paid news was “not merely a serious matter influencing the functioning of a free press, but it is an issue that also concerns the future of parliamentary democracy in India”. He added: “The health of our democratic system rests on the inviolable principle of sovereignty being vested with the people. The people's representatives, through the legislative bodies, exercise vigilance on the government or the executive thereby making it accountable to the people. The sovereignty of the people, therefore, is established through this system and this inviolability is crucially dependent upon unbiased information and the proper news that the people receive. So, the role of the Fourth Estate or the media has always been very crucial in disseminating unbiased information to the people and helps them understand the policies that are involved in governance as also to decide as to who would be capable of effective governance in the country. So, this is an issue that not only affects the media or the Fourth Estate but it also affects the future of parliamentary democracy in our country....providing access to unbiased, unfiltered and objective news or information is the role that media is supposed to play. This comes under very severe strain with the emergence of the paid news syndrome.”

“...A serious effort needs to be made to ensure probity and accountability on the part of media houses. As per reports, the size of the 'paid news'

market in Andhra Pradesh in the elections in 2009 alone was over Rs 1,000 crore (this is a very gross underestimation). In Maharashtra, which is the cradle of 'paid news', the size of the market has reached a figure of some thousands of crores. It was for this reason that I said on some other occasion that elections in India are the single largest stimulus for the economy.”

Jaitley said: “Today, 'paid news' is passed on to the viewer/reader without even mentioning that this is just another form of 'advertisement' and is nothing more than propaganda; and if the gullible viewer or reader is asked to absolve that, that affects the human mind. When we grow in terms of economy, let us not forget that while *industries can shape the economy of the country, media will shape the human mind*. Therefore, those who are in a position to pay more for this adulterated information are shaping the human minds in this country accordingly. No student of constitutional law will ever tell you that 'paid news' is free speech. At best, it could be trade, it could be business, and, therefore, the government has to take this out of the arena of free speech and put it in the arena of business or trade, all in public interest, rather than leaving it in the hands of the toothless wonder called the Press Council of India.

“The world over, regulators have now started a new system. Prosecutions take years and years and nobody is scared of them and so the regulators hear these matters and deterrent penalties are imposed. Look at the competition law. If somebody is accused of cartelization, the penalty will be ten times the volume of business. So, it may be Rs 50 crore or Rs 100 crore. In the case of media organizations, you need not be so harsh; it could be lesser. But certainly, it has to be a deterrent penalty. In the case of (a) candidate, it has to be an offence under election laws of the world.... (The phrase) 'corrupt practice' must be amended in the Representation of the People Act and this should be a ground for setting aside the election and disqualifying the candidate and if parties indulge in this...there must be action against this.

Soni stated: “In recent months, there have been a number of media reports that sections of the print and electronic media have received monetary considerations for publishing or broadcasting news in favour of particular individuals or organizations or corporate entities, what is essentially 'advertisements' disguised as 'news'. This has been commonly referred to as the 'paid news syndrome'. It has been reported that the owners of some media organizations have financial relationships, including shareholdings, with advertisers.

Further, cases have been reported wherein identical articles with photographs and headlines have appeared in competing publications carrying bylines of different authors or sometimes even without bylines, around the same time. On the same page of specific newspapers, articles have been printed during elections, projecting rival candidates, both as winning candidates! While it is widely agreed that it is not easy to find proof for such malpractices, there exists strong circumstantial evidence.

“This phenomenon of 'paid news' is therefore, a serious matter as it influences the functioning of a free press. *The media acts as a repository of public trust for conveying correct and true information to the people.*

However, when paid information is presented as news content, it could mislead the public and thereby hamper their judgement to form a correct opinion.

Thus, there is no denying the fact that there is an urgent need to protect the right of citizens to correct and unbiased information. It is important that all sections of society should introspect on this issue as it has wide-ranging implications for our democratic structure.”

#### **Parliamentary Committee Acknowledges the 'Paid News' Problem:**

On May 6, 2013, the Parliamentary Standing Committee on Information Technology headed by Rao Inderjit Singh released a report dedicated

to 'paid news'. The 136-page report largely repeats what has been already stated by various observers of the 'paid news' phenomenon. Nevertheless, the document is valuable and progressive as it is a consensus document in which elected representatives have explicitly acknowledged the problem and urges the Ministry of Information and Broadcasting to earnestly begin working towards a solution.

#### **Deliberations on 'Paid news' at seminars and conferences held:**

- 1- In his inaugural address at a workshop on "Parliament and Media" that was held on November 4, 2009 at the Parliament House Annexe, New Delhi, the Vice President of India and Chairman, Rajya Sabha, Hamid Ansari said that the explosive growth in the media in the country had highlighted the fact that the Fourth Estate is the only one among the pillars of democracy that has an identifiable commercial and explicitly for-profit persona. He said that while the primary professional duty of media organizations is to their readership to keep them informed and apprised with news, views and ideas, the commercial logic brings in a new set of stakeholders in the form of the shareholders of these companies.

"These developments have brought into focus new considerations that guide professional media decisions. Today, the demands of professional journalists are carefully balanced with the interests of owners and stakeholders of media companies and their cross media interests. The interplay of these conflicting demands is evident and subject of public debate."

- 2- Speaking at a seminar organized by the Press Council of India on November 16, 2009, at Hyderabad to commemorate the National Press Day, the Chief Minister

of Andhra Pradesh Shri K. Rosaiah referred to the "paid news" phenomenon and said "a dangerous tendency that has been gaining ground is the resort to what is described as paid coverage especially during elections". He added: "Advertisements paid for in cash by different parties or candidates are being published or telecast, camouflaged as news and features. Sections of the media guilty of such practices are undermining democracy either wittingly or unwittingly. A candidate with immense money power can create an illusion through media that he is winning and influence voting behavior since people are given to bet on a winning horse."

The Chief Minister further said: "I would not be true to myself, the people of the country and Press Council of India if I do not draw the attention to the growing nexus between journalists on one hand and politicians, businessmen and other celebrities on the other, I am told there is a price for everything. And it is a win-win situation for both sides." Turning to the Chairman of the Press Council of India, Justice G.N. Ray, who was presiding over the seminar, he said: "I appeal to the Press Council of India to arrest such media aberrations since any government intervention in media freedom will be a remedy worse than the disease."

- 3- At a seminar organized by the Editors' Guild of India, the Indian Women's Press Corps, the Press Association and others on "paid news" in New Delhi on March 13, 2010, leaders of the Congress, the BJP and the CPI-M condemned the malpractice of "paid news" and suggested that the Representation of the People Act be amended to declare "paid news" as an "electoral malpractice". Leader of Opposition in the Lok Sabha Sushma Swaraj (BJP), CPI-M general

secretary Prakash Karat and Congress spokesperson Shri Manish Tewari called for steps to check the malpractice of “paid news”, which had been widely witnessed in the run-up to the fifteenth general elections held in 2009.

Karat said that self-regulation by media would not be enough to solve the problem and hence suggested that “paid news” be declared an electoral malpractice. He also said that “the Election Commission cannot take any action unless the Representation of the People Act is amended.” He added that “if existing laws do not allow this, then suitable changes can be made” while noting that the model code of conduct for elections does not cover the problem. He said that a major hurdle in checking the “paid news” syndrome was that there was no record of money exchanged in the deal. Those who paid money should also be held accountable, he said. Karat's suggestion of declaring “paid news” as an electoral malpractice was supported by Swaraj and Tewari.

Swaraj said that in her own constituency of Vidisha in Madhya Pradesh, her own media officials had told her how they had been offered a “package of up to Rs one crore by a media organization” to publish “news” in her favour and print her campaign photographs. “I rejected them all,” she said, adding that this phenomenon had become institutionalized over the years.

Tewari said that there was a need to address the “contradiction between freedom of press and the freedom of the owner of press”. Stressing self-regulation for the media, he also called for giving statutory basis to the model code of conduct for elections and said that he too would provide details to the Election Commission of India if asked for.

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Election Commissioner S.Y. Quraishi, who was also present at the seminar, said the Election Commission only had powers when elections were taking place when it could “roar like a tiger”. It was up to legislators to use their power to halt the menace. He promised that the Commission would augment its own machinery, but pointed out that only circumstantial evidence had been put forth so far. There was no transactional evidence that would hold up to legal scrutiny, he said, adding that no political party had made a formal written complaint to the Election Commission as yet.

- 4- To mark World Press Freedom Day on May 3, 2010, the United Nations Information Centre, in association with the Rai Foundation and India International Centre, organized a panel discussion titled: Press Freedom: Fettered by Paid News?

A distinguished panel of editors and media analysts discussed the phenomenon of 'paid news' and its implications. The panelists included B.G. Verghese, N. Bhaskara Rao, Sumit Chakravartty, Pankaj Pachauri, Pamela Philipose. The discussion was moderated by R. Sukumar, Editor, *MINT*.

The discussion began with the participants setting out the problem. All

of them acknowledged that the phenomenon of paid news had been around for a long time but had now been “institutionalized”. Some felt that the recent recession had helped trigger the paid news process.

Vergheese observed that in the 1990s, when the press was 'de-regulated', it saw a surge in advertising, resulting in increased competition, a proliferation of newspaper editions, and the weakening of editorial control. Pachauri also felt that increased competition and low profitability had led to a spurt in paid news'.

Bhaskara Rao, however, argued that paid news had nothing to do with global economic ups and downs, nor was it a recent phenomenon.

Philipose said 'paid news' was part of a trend in which the media had narrowed its focus to the top two quintiles of the population. The distinction between reader and consumer had been erased, she added.

All agreed on the need for enforceable norms and standards, although they differed on the nature and extent of regulation. Vergheese suggested the Press Council of India be given more teeth, i.e. contempt powers and the power to summon. Chakravartty said that self-regulation would not be adequate and that laws were required to deal with the problem. He stressed, however, that while 'paid news' violated electoral laws, company law and the Income Tax Act, any complaint made under such laws would have to withstand legal scrutiny.

Pachauri suggested that publications could consider having a 'paid news' section so that its readers would not be misled. He also favoured regulation by a government body with judicial powers.

Transparency, he remarked, would have to be 'enforced'. Philipose, on the other hand, felt that self-regulation 'should be the norm', and that while she was not against external regulation, it would need a 'thinking' regulator, one that would take into account the nuances of regulating something as varied and complex as the Indian media.

#### **Observations:**

The concept of “paid news” introduced by some lecherous news organization has put the Indian media in a very peculiar and embarrassing situation. Except some, Indian media organizations are devoid of any form of social responsibility. It is perhaps no surprise that there exists a sophisticated persuasion industry, spanning politics, business, sports and entertainment, which aims to use the media as brand battle ground – to shine a politician's image right before an election, to provide publicity for a movie – and do it sneakily, pretending to be straight piece of news.

There is an entire range of such insidious practices, from private treaties to advertisements in return for buying up newspapers and inflating circulation, besides more complex kinds of implications – impacting both reportorial and editorial fronts. For too long, much of the mainstream media in India has gotten away with prissy exhortations to transparency, responsibility and ethics even as their own marketing departments are busy shelling.

To be fair, many newspapers and TV news networks have instituted a set of norms, but they need to be held to their word. Sections of the media that are complicit in this selling might feel clever about the way it swells their coffers, but are oblivious to the way it imperils their foundations.

At a time when media outlets are staving off the avalanche of amateur content and trying to convince the world how desperately it needs them – that journalism is a vital tool for public



trust, a must for a full throated democracy – this is exactly the kind of practice that punctures the grand talk.

The politician is smart and knows that the freedom of the press in India is not specifically mandated or guaranteed, either by the constitution or any specific laws.

Though the phenomenon of widespread practice of “paid news” has been verbally confirmed and vindicated by politicians and campaign managers of political parties, there is no recorded documentation that would firmly establish that there has been exchange of money between media houses/advertisement agents/journalists and politicians/political parties. The problem in establishing the practice of “paid news” is simply one of obtaining hard proof or conclusive evidence. However, the huge amount of circumstantial evidence that has been painstakingly gathered by a few well-meaning journalist(s), like P. Sainath, goes a very long way in establishing the fact that the pernicious practice of “paid news” has become widespread across media (both print and electronic, English and non-English languages) in different parts of the country.

The basic ethos of our society are being weakened, step by step, by striking the hammer at the very remarkable institutions which uphold our much acclaimed Indian culture. Our media is on the verge of sabotaging the trust reposed by the citizens of India. What is the way out when so-called guardian of democracy fails completely?

**Suggestions:**

a) *Disclosure practice:* This should happen at two levels. One, news media must state any conflict of interests in the course of news coverage and presentation. Two, the media should also disclose their own ethical code or standards. They should indicate the responsible person for such disclosures periodically, like the reader's editor, ombudsman or a panel of internal and external experts. The disclosures should also be of revenues, linkages with other industries and corporates, and shareholding in other media.

b) *Redressal arrangements:* Complaints about any aspect of media operations have positive implications – for content. There should be some provision for readers and viewers to “write back” or “talk back” and for an explanation in turn by person responsible in the news media.

The Reader's Editor of *The Hindu* has set a good precedent in taking note of complaints and explaining wherever necessary. News media should promote such arrangement so that readers and viewers are aware of it.

c) *Dependence on ratings/rankings:* They are by corporate instruments, not editorial ones. Discussions on the pros and cons of this syndrome need to be encouraged and promoted so that more reliable and relevant criteria can be evolved in such a way that the credibility of the news media is retained.

d) *Media watch:* Academic bodies, independent research agencies and civil society groups should be encouraged to monitor media contents and articulate their views from time to time. Several such media watch groups are needed in the country.

e) Governments media campaigns, other than on specific occasions, should be discouraged six months before elections.

f) It should be mandatory for all candidates/political parties to fully disclose their equity stakes and/or financial interests in newspapers/television channels on which news about their candidates/parties as well as interviews with candidates and/or representatives of the political parties are published or broadcast. If a candidate is being interviewed or given positive publicity on a particular newspaper/television channel, the association (financial or otherwise) of the candidate with the newspaper/television channel if any must be disclosed to the reader/viewer.

g) Section 123 of the Representation of the People Act, 1951, should be amended by Parliament to make the practice of paying for

All these initiatives would, to an extent, curb the phenomenon of “paid news”.

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