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“News media cannot be restored without a strategy to deal with these external factors and internal compulsions. Party Politics and elections have become more determining and deterring the standing of news media. Conflict of interest, quid pro quo, paid news are no longer hidden. The new trends are maneuverer, manipulative, and pronounced. Instead of succumbing to these trends, news media should set their course and position themselves.”

Opinion

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About CMS Transparency

The CMS Transparency team focuses on issues of good governance, raising awareness about the Right to Information Act (RTI) and empowering citizens to benefit from the legislation. CMS Transparency has been providing significant database and momentum to create responsive governance systems in our country.

The team will continue to establish links with civil society groups and design campaigns for RTI to further social objectives like transparency in elections, exposing corruption and improving civic services.

"I am happy to note that Centre for Media Studies (CMS) has been carrying out the exceptional good work in various areas having substantial public interest. One of their initiatives is the study on corruption in the country in particular in certain geographical areas or on a theme."

K. V. Chowdary, Central Vigilance Commissioner, Central Vigilance Commission (2015)



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How could we see a respite in fake news phenomena in 2021

Dr. N. Bhaskara Rao

With the unfolding of manipulations that go into Ratings once again at the end of 2020, it is a compulsion in 2021 that news media finds ways of restoring their credibility individually and together. Is such a respite possible for news media without taking conscious initiatives? These should also help to restore their features as the Fourth Estate. This depends on how inclusive and reflective news media will be in their scope of coverage and contents. But They also need to be seen as having such concerns and credentials.

The general impression that media are under the clutches of the owners is not unfounded as Editor Girilal Jain had indicated thirty years ago that news media is also in the grip of advertising and market research which was amply quantified these days. It's too obvious now the way the rating scandal is reminding with new evidence and the ways the fake and planted news are unleashing. Fake and planted news together also determine the scope, direction, and priorities of media. These have become the competitive compulsions for the trend to fall into fixed roles. These continue to be the susceptibilities. With fake and planted news becoming far more tactical, news media should be even more sensitive and determined to be objective, inclusive, and reflective. Such efforts are far more critical now.

News media cannot be restored without a strategy to deal with these external factors and internal compulsions. Party

Politics and elections have become more determining and deterring the standing of news media. Conflict of interest, quid pro quo, paid news are no longer hidden.

The new trends are maneuverer, manipulative, and pronounced. Instead of succumbing to these trends, news media should set their course and position themselves. A few strategic initiatives are suggested here based on my insights into these matters over half a century. (yes, since the First National Readership Survey(NRS) of early 1970-72)

In my 2019 book, “the TRP Trick-how tv in India was hijacked” (Vistara), and earlier in another book, “unleashing the power of news channels”, I brought out the susceptibility of ratings by TAM earlier and BARC now with specific examples in the previous decade and yet the race continued as if it is more the merrier. I cautioned of perils of Readership surveys too writing in Vidura magazine (1975) soon after I brought out the first NRS. But what saved some from going with the wind was my exclusive report of media trends than in Hindi states. (1978-79) which made the regional Hindi dailies carve out a course of their own without falling into larger competitive compulsions (with the example of the Eenadu Model with district editions as a turning point). Now



I brought out the susceptibility of ratings by TAM earlier and BARC now with specific examples in the previous decade and yet the race continued as if it is more the merrier

the phenomena of fake and planted news and quid pro quo culture compel news media to carve out a course with a series of conscious measures.

Strategic initiatives

First, individuals responsible for coverage and contents need to be identified every time and their credentials should be evident (instead of one person, either as anchor or editor). The news media should not be seen as a solo enterprise! The Team idea should be evident.

Second, the old practice of source identity should be indicated with references for most stories. Also, the time reference (when) for the contents individually should be evident.

Third, revive and reposition the ombudsman idea with visibility and tenure. It should not be a mere announcement of one high profile individual but a team of at least three of independent standing. Their annual report should be in the public domain.

They should come out as and when coverage is raging in public.

Fourth, space for readers, viewers, and listeners should be evident and this feature, like the good old “letter to the editor” or “opinions”, should stand out as an interactive forum more than as grievance redressal.

Fifth, why should news media resist RTI. They have everything to gain by adopting ‘Voluntarily’.

Their power goes up to that extent. It is even better they pre-empt certain matters in a sue motto way.

Certain business and patent-related information are already allowed exemption from RTI. Each could adopt transparency with own ground rules.

Sixth, on contentious issues in particular the news media should present or reflect different viewpoints and should avoid being seen as one-sided. This fundamental principle should also apply in particular when a majoritarian rule is visible. When news media is seen as of a political party or certain interests, inclusive coverage of another point of view benefits even more.

Seventh, news media need not shy to put forward a position or stand on certain issues, in support or against or as advocacy. But should explain or share the logic with the public.

News media should be conscious that the perception of the general public is that news media tend to be under the influence of govt, or the ruling party or corporates or the advertisers and do to reflect otherwise as often.

Eighth, news media should invariably give proper source identity while reporting research and survey findings, in particular. FactCheck should be evident. Of late news media have been referring to known and unknown research outfits from anywhere and without indicating the basis for the coverage, instead of merely sourcing to a social media site like Facebook.

Ninth, it is better for credibility that news media especially TV and digital media indicate who the owners or main investors are and who is responsible for the contents and coverage aspects at least once a year. The newspapers are already doing for years under an Act.

Tenth, news media individually take a cause and concern for coverage in a proactive way and pursue it in its own way reflecting popular underdog feelings and follow it up. This issue could be different every quarter or year.

These ten suggestions are given only as examples. Together these initiatives help

The space for readers, viewers, and listeners should be evident and this feature, like the good old “letter to the editor” or “opinions”, should stand out as an interactive forum more than as grievance redressal

Citizen activism is the best bet in such a situation to cope and counter the trends threatening the very stature. Such a “Talkback culture” is good for the news media as much

neutralise implications including fake and plant news.

If seriously practiced in an ongoing way these will bestow credibility of news media together and individually. But all this is not possible unless individual news media restrain falling into divisive and lampooning rhetoric of political party leaders.

The mechanisms in vogue have not addressed the threats or insulated news media from the perils of the market.

For example, the Press Council of India over the years has made no difference to any of these concerns to do with fake, planted news, or quid pro quo. Ombudsman hardly ever been seriously given chance. Times of India's experiment thirty years ago with justice P N Bhagavati remained short-lived. More recently NDTV announcement with eminent jurist Fali S Narimen did not even take off. Earlier, HMTV's initiative by Dr Ramachandra Murthy did make some difference with Varadachari as the ombudsman. Consumer Grievance Redressal Council for some reason never seriously took up news coverage as they do with advertisements. Professional groups hardly ever seized the vacuum in this regard. Journalist Unions and the like

were too busy fighting for sustenance and survival matters. Social audit have never been pursued neither by the news media as a proactive initiative or citizen groups.

Citizen activism is the best bet in such a situation to cope and counter the trends threatening the very stature. Such a “Talkback culture” is good for the news media as much. In 1976-79 only Doordarshan then took letters from viewers seriously and change program schedules. News media should seek the assistance of academics to support reliable data and periodic analysis of trends. Media literacy is as important for children and even for adults.

This sensitises readers and viewers how much or to what extent they should take on the face value of what they read or see. They should realise why or what is being hyped or fake or planted, this is not only during times of election campaigns but even otherwise. The school curriculum at a high school level should have a lesson with examples and followed up with workshops.

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Fake News and Citizen Rights to Know

A Comparative Analysis on Readers Generated Narrative

Prof. Umesh Arya

Babu Vishnurao Pararkar in 1925 said, “Tomorrow’s newspapers would be glossy, colorful, of good quality with high circulation published by rich people. But newspapers would be without soul, Editor would be much subservient to the proprietors and anyone who talks of nationalism would be termed as depraved mentality”.

Alvin Toffler in 1980 said, “Societies pass through three waves: first wave (agriculture), the second wave (Industrial) characterized by mass production, mass communication, etc, third wave (information) manifesting demassification, diversity, knowledge-based production.”

However, none of the scholars could ever be pointed at the new monster riding on the wave of information overload i.e. Fake News or Misinformation prevalent in the modern age of journalism.

The Collins dictionary named “fake news” as the word of the year in 2017. The ‘fake news’ crescendo zoomed steadily since 2018. A Google search on the ‘fake news’ query showed 5 million results in 2018 in contrast to August 2020 when a similar search threw 90.1 million results. Fake news variants like ‘misinformation’ had the results around 40.32 million whereas the combined search of all siblings i.e. ‘fake news’ OR ‘disinformation’ OR ‘misinformation’ returned 130 million results. The same search for the news stories on Google news showed up with 115 million results. This exponential rise in the results primes the fake news for the journalists, readers and the public discussions. A new and appreciable practice of ‘comments by the readers’ on news stories has gained popularity of late. The clamour for readers’ feedback has sharpened over the years. Goodman (2013)

reported that the World Association of newspapers published a detailed report on ‘best practices’ for the media organisations for handling user comments. Hence, a research study seems imperative on these two fronts – media and readers.

Fake news is in the currency as regards the latest trend in news media. Al-Rodhan (2017) reported that the profusion of fake news in the post-truth age can do irreparable damage to society and fake news will only harm society. Safo (n.d.) observed that the effects of ‘fake news can have detrimental consequences for the country and its democratic process since the entire political and democratic process is based on reliable information’. Similarly, according to MIT research, false political news reached more people faster and deeper than other categories of information (Dizikes, 2018).

Agenda setting theory - For the media coverage aspect, the present study borrows heavily from the agenda-setting theory propounded by Maxell McCombs and Donald Shaw (1977) which states that the mass news media have a large influence on the readers by their choice of what stories to be considered newsworthy and how much prominence and space be allocated to them. For readers generated narrative, the study is based on reverse agenda-setting which says that “journalists may be responding to actual or perceived public interests and thus the public agenda could be seen as preceding and influencing the media agenda” (McCombs, 2004).

Keywords - Fake news; mis information; citizen rights; reader narrative; media coverage; readers’ comments.

Research Methodology – For news coverage, a random search (‘fake news’ and rights in the title: URL) was conducted on the Google search engine for news links originating from India. Google news services were also used for the same purpose for India-specific news. For readers, the news comments were aggregated from the online news articles on fake news. The corpus method of content analysis was employed on the media news (12790 words) and readers’ comments (11452 words). “A corpus is defined as a body of texts, utterances, or other specimens considered more or less representative of a language, and usually rendered in a machine-readable format” (Peng, Cambria, & Hussain, 2017). The textual analysis was done for various aspects of the texts collected for the study.

Data analysis - A general textual characteristic of the corpus data of fake news and readers’ comments is described below.

Table-1

	Media coverage	Reader’ comments
Total words	12790	11452
Unique words	2978	560
Textual richness	23%	5%
Average words per sentence	23.2	23.3

The reader’s corpus had less rich text density (5%) than media (23%) for the obvious reasons of newsmen’s proficiency with the language. The readers, understandably, used more repetitive words as the focus here was on venting their steam out rather than news sense, grammar, style etc.

Distinctive Words

Each corpus file had a few distinctive words which were in a statistically significant way in one corpus than other. The media coverage had the words like report, twitter, Facebook, fact, post, high, Trump, accounts, left etc. The readers’ corpus had the words like ago, reply, dalit, woman, unknown, TRP, SC, misuses and

don. However, it would be more interesting to know the context in which these words are used.

Table-2

Media coverage	Reader’ comments
Report	Ago
Twitter	Reply
Facebook	Dalit
Fact	Woman
Post	Unknown
High	TRP
Trump	SC
Accounts	Misuses
Left	Don

The frequency of words is “ways of the most basic way” to describe the attitude or discourse of a corpus (Baker, 2010). “Frequency can be an indicator of markedness” (ibid). It is clear from the table that words like fake, news, media, India were the top common words in both

Top words

Table-3

Media coverage		Reader’ comments	
Words	Frequency	Words	Frequency
News	206	News	244
Fake	165	Fake	226
Media	110	Media	171
Social	46	Dalit	54
Right	39	Press	54
People	36	Read	44
Information	35	Act	36
Like	35	Allowed	36
India	33	Check	36
Report	28	India	36

the corpora but surprisingly, media was mentioning more (39) about the rights than readers did (10). However, it may be a limitation here as we are symbolising the rights by the very word. The readers instead used words like Dalit, press, read, act, check, etc. Further analysis showed that readers were questioning the rights of the reporters even when the news was

fake and also why was it right to withdraw the rules of accreditation for the journalists when the news was fake. On the media side, “rights” words were used only thrice among “right” (39). One was related to the “media’s importance as the finest link between democracy and people’s rights”. The other ones were relating to the media’s roles in shaping opinions and the fundamental rights which democracy offers to the people. The third one was relating to publishing ethics and respecting content rights. Hence, nowhere the discourse mentions the rights of readers. Table 4 shows the context of ‘right’.

Out of the 32 eligible instances of the word “right” only 6 related to the fake news and the people’s right to news and only one directly mentioned the right to “know as a fundamental part of article 19”. Other instances of ‘right’ were related to the fundamental right to privacy, right-wing Hindu groups determined to spread fake news. A few instances questioned the “whether the harms of platforms circulating fake news outweigh the right to a free and unbridled media?”. Media coverage mentioned the people’s negative reaction to “withdraw new rules on journalist’s accreditation and fake news”. The “right-wing ideology” was the target for media who mentioned the shareholding of one famous person in the news portal OpIndia. One instance mentioned Gauri Lankesh, the murdered left-wing writer believing that the right-

wing is mostly responsible for the “lies factories” active in the country and the sharing of the Rajiv Gandhi’s statue demolition by commies (communists) in Tripura. BBC’s research study was also quoted as “nationalism is the main driving force behind the fake news and right-wing is more organised in pushing these stories”. Only two news items raised the question of whether any news outlet would accept publicly that they entertain only left-leaning ideas and not the right-wing, and the other one criticizing certain publications who claim to stay neutral but no publish anything which is Pro BJP or Pro right wing. One news had a satisfactory tone in mentioning that a few years back there was none to debunk the fake news but of late, many fact-checkers are on the job. Another news mentioned the fundamental ‘right’ of the people to choose the candidate and the need to stay on the ‘right’ side of the law. Most of the readers’ comments had the amalgamation of many issues bundled together in a paragraph, e.g. *“Fake news for TRP, fake articles to get publicity, fake degrees to get better jobs, fake promises made by politicians & bureaucrats to please voters. We all know how a piece of false or misleading information or even rumours can brutally destroy the harmony of any nation. It spreads like a devastating fireball, which if not controlled can cause great destruction or damage. We live in a world where fictions are fast turned & presented as facts, and we take them at face value.”*

Table 3 – A snapshot of the “right” word used on context.

Social media platforms like WhatsApp circulating fake news outweigh the	right	to a free and unbridled media? Credit: Unsplash By Ajay
do the harms of platforms circulating fake news outweigh the	right	to a free and unbridled media? The media has changed
judgement, the Supreme Court held that citizens have a fundamental	right	to privacy. The very thought of a government being able
communications between two persons flies in face of such a	right	.The governments attempt to enforce WhatsApp to comply with its
billion people cannot be the way forward. Getting the news	right	:Here's how fact-checking websites bust fake news By Maithili
has shock value, but something about it doesn't quite sit	right	?That's where fact-checking websites come in. They inform readers
get to the bottom of the truth Getting the news	right	:Here's how fact-checking websites bust fake news Around 2014
it, if it is what it seems. Why it was	right	to withdraw new rules on journalist accreditation and fake news
Press Informations Bureau), there were three broad problems with this.	right	vs Wrong: Arundhati Roy, Mohandas Pai funding fake news busters
from Roys trust and Mohandas Pai is a shareholder in	right	leaning OpIndia Topics Arundhati Roy While the narendra Modi government
the country, the media reported. Macron, who beat the far-	right	Marine Le Pen to win 2017's election, said he
occasion, the story was debunked, but didn't deter the Hindu	right	wing publication from gaining more readers or pressing on with
occasion, the story was debunked, but didn't deter the Hindu	right	wing publication from gaining more readers or pressing on with
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erson and blad<<nailina his ooonents_The oetitioner further submits that	right	to know is an intearal oart of Article 19 and

Chart-1: - sentiments expressed by media coverage

Ash chart-1 and Chart-2 show the sentiment on “fake news” by media was largely negative (43%) and a very small percentage of positivity (27%) whereas the sentiment expressed by readers was largely neutral (55.6%), negative (27%) and least positive (17.3%).

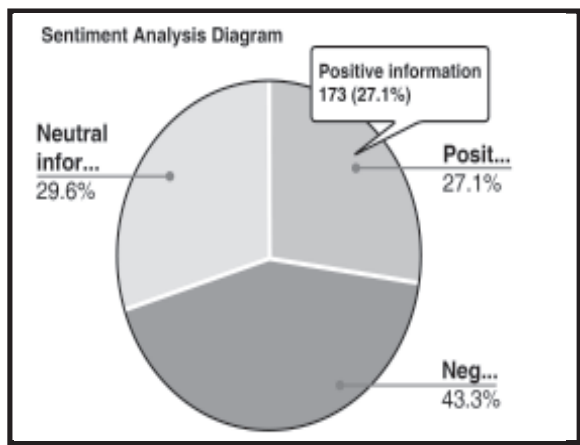
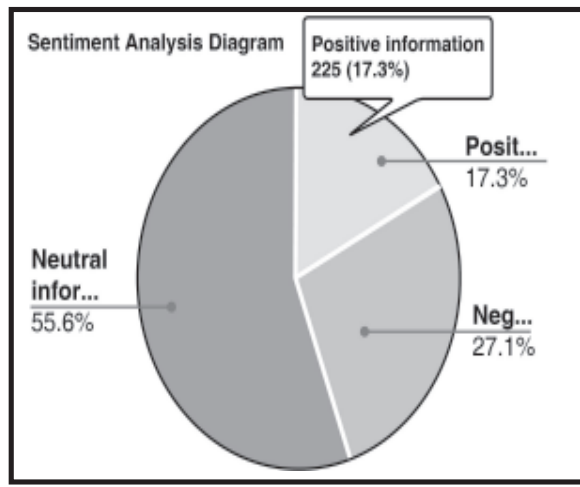


Chart-2: - sentiment expressed by readers' comments

Conclusion – This small study doesn't claim to be an encompassing one but it surely represents a segment of the sentiments expressed by media and the readers. It emerged that the media coverage of fake news is more inclusive and activist-oriented than the readers. Media published on a wide range of issues



relating to fake news whereas readers only linearly expressed opinions. The more neutral sentiment of the comments from readers was an unexpected finding.

The comments had a discrete organisation in contrast with media's coverage that was a focussed one having high text richness. Thus in a way, media coverage seems more conducive to the sensitizing and debunking of the fake news than activists' remarks on such news stories. However, there is a rider here as most news organisations moderate their comments and chances of 'muted moderation' of comments cannot be ruled out here. However, still, the feedback medium served as a newfound medium to vent the anger of the readers and it can be regarded as a watershed development in the zero feedback culture prevalent in the fourth estate.

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The Communication Dis-Order in Networked Society Era

Sudhir K Rinten

After the advent of the computer-mediated world, the communication order witnessed a great 'virtual' and 'democratic participatory' communication to deal with the needs of communication in the given environment. The changing ecology of the new communication order was affecting the participants of the process to a great extent. A shift from audiences to users was visible in all walks of life and communication. Users were participating in this phenomenon with zeal and a feeling of association with these new networked as well as virtual societies. The social media platforms were the new wings to fly in the open sky of the communication order. In layman's terms, these new social media platforms democratized the power of content creation. Those who were not able to leave their impressions in the mainstream media were more enthusiastic and 'rough-and-ready' without proper media literacy. These changes introduced a new 'media ecology' in the world, where communication affects perception, human values, and the relation between communities. This new ecosystem language along with the technology mediates and creates a new environment of communication. It has revolutionized the genre, mode practices, and acceptance. If we look at statistics of major social media platforms and their users (table-1) we will be able to identify their reach and impact on society in the contemporary networked world.

Impact of social media

In a country like India, where the digital divide is comparatively high; here too these ecological changes of communication are more than visible. The impact of social media on youth is a proven fact. This may be comparatively high in urban areas, but an expansion of the

digital infrastructure and the availability of handheld smartphones have a definite impact on the digital participation of rural India also. Increasing digital penetrations narrate this story well. The digital communication environment is expanding along with its prospects and consequences. Societies are very much a part of digital communications.

It has observed a boom in the year 2020, under the influences of COVID-19. As per reports of the Internet and Mobile Association of India (IAMAI), there are over 504 million internet users inside the nation. It has been found in various studies that even usual traffic over social networking sites in India is much higher compared to other countries. Facebook stands the leader amongst all such platforms. These platforms also follow their expansion policies to pull users towards their platform. These platforms use numerous complex algorithms to analyze the users' choices, interests, and orientations to make them more addicted to the content on these platforms. It has been found that excessive use of this kind of content creates a narcissistic approach among users. The impact of such communication order affects not only the message designing approach but also affects the individual perception, cognition and behavior. The recent example of an experienced lady journalist, who was phished with a job offer at Harvard University. This attack was so created a brilliant façade that affected the journalist so much that she started pretending to be an associate professor in that University, only to later find out that everything she believed was too good to be true.

These social networking sites have adopted new media technologies to build a favorable ecosystem for their expansion. It is important to understand their modus operandi in this phenomenon. They

provide online sites and services that host, organise, and circulate users generated content; that they do not produce (most of them). The users are the producers and consumers both. The platforms collect large amounts of data about the interests and behaviors of their users. They share their user-based analysis of those with the advertisers and engage in curating ads for specific individuals; this activity is called micro-targeting. With the input of that kind, advertisers may influence their target audiences at large. After getting such information and technical expertise, about which common publics or their target audiences are not aware the advertiser is becoming an influencer in the model of the hypodermic needle theory. The message communicated is penetrated in the user's mind without any alternative thought. With the advent of technologies like Bots, deep fakes, and blockchains, the communication ecosystem creates a proximal environment for any individual, where they receive information in a manner that will be perceived without fail. Their feedbacks are also gathered from the patterns of communication to design future communication.

Manipulation of content

The use of Artificial Intelligence (AI) has added value not only to the process of communication but also has given a new dimension to the control of the communication ecosystem. Such a strengthened control system creates a fortuitous of manipulations. Such controls and manipulations were recorded in the past on various occasions of importance. During the U.S. elections in 2016 content of social media platforms were found manipulated and Russia was held responsible for the same. Even Twitter accepted the creation of 50000 bot-operated accounts on its platform that churned out great amounts of disinformation among the voters.

Apart from syndicated disinformation, these platforms are known for the communication of fake narratives by the users also. The instantaneity of these

platforms has affected the hyper connected environment. Where messages reach quickly and virally throughout the world. They have complete command over this new communication order of the world. This communication order was perceived and adopted with a notion of 'democratic participatory media' is reflected as a 'medium of disinformation' at large. Time and again, it has been observed that these platforms are a proven medium of disinformation. This has been substantiated in so many instances by the various authorities and agencies, though the affected world considers them as situational use of the medium rather than the questioning on the communication order and the modus operandi of the platforms. These platforms are a big influence on contemporary communication order. The 'capitol episode' was considered to be an outcome of the said communication order and also accepted by the American society, authorities and platforms as well. Resultantly, they suspended the accounts of President Trump, in anticipation of further communication from his end on the platforms. It seems correct at the end of service providers to prevent unpleasant situations arises due to communication, but it raised certain big questions over communication order and its control. This incident proved the supremacy of the 'control' over so-called 'democratic participatory communication'. It reflects the supremacy of the syndicate of the communication platforms. They have all the data of the participants; they have all the control and they will allow for those whom they wish to.

New media communication order

Do we think what for this the new media communication order was? Do they think in the same manner for the rest of the world? Do they allow users to communicate freely? Or they have a different agenda for the countries where they are operating. All such questions are a blot over their much-boasted transparent and 'free flow of

Table -1 Global social networks ranked by number of users 2020	
Most popular social networks worldwide as of October 2020, ranked by number of active users (in millions)	
Facebook	2,701
YouTube*	2,000
WhatsApp	2,000
Facebook Messenger*	1,300
Weixin / WeChat	1,206
Instagram **	1,158
TikTok	689
QQ	648
Douyin	600
Sina Weibo	523
QZone	517
Snapchat**	433
Reddit	430
Kuaishou	430
Pinterest	416
Telegram	400
Twitter**	353
Quora	300
Note- *Platforms have not published updated user figures in the past 12 months, figures may be out of date and less reliable	
**These platforms do not publish MAU data, user figures from third-party reports	
Source: Statistica.com	

communication' model. The involvement of artificial intelligence and the other technological data gathering tools have made them the boss of the communication order, where a flow of communication is highly confined to the whims and fancies of the service providers. After the suspension of the account of President Trump, the statement released by Twitter is of greater importance in this regard, where they claim by themselves that their public interest framework exists to enable the public to hear from elected officials and world leaders directly. It is built on the principle that the people have a right to hold power to the account in the open. Further, in the same statement, they emphasize that these accounts also not above their rules and they will continue to be transparent around their policies and their enforcement. It connotes to me directing like 'My platform - My rules'. Their statement is contradictory in itself; it's the people that have the 'rights to hold powers' but certainly under 'our rules', it is the main concern of my discussion. The communication order is very much confines to the so-called 'rules' of the service provider. The concept of gatekeeping was there in all sorts of the medium from the beginning, but they were

clear in the concept of informing after gathering it. They were criticized for their participatory negligence. The new communication order was perceived to be more democratic, more participatory and networked-based on their choices. They were considered to be more authentic and more transparent. These were the only concerns for the new communication order. It was accepted due to these characteristics' despite its several threats over indigenous privacy and the absence of understanding of multicultural communication lingo. Now the cat is out of the box. The contemporary Global Communication Order, through these platforms, is completely in the hands of several platforms, that are governed by IT giants. If the world's socio-cultural-political order is to keep in order, the policymakers should rethink the policies related to the communication order. Otherwise, the control over communication order will come out as a great threat to the socio-cultural-political order of the contemporary world.

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The TRP Scam: Old Controversy, New Chaos

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This article is taken from the book. 'The TRP Trick' published in 2019 by Vistara in which the writer brought out the susceptibility of ratings by TAM and BARC with specific examples. These excerpts are evident that TRP manipulation is an old phenomenon, which if not controlled, media will lose its credibility.

The regulator, particularly where the guidelines were set by regulator, should have the responsibility to periodically review to what extent its guidelines are being followed. Only then does the idea of regulation makes a difference. Or, the regulator should entrust the responsibility of review to an altogether independent professional with no conflict of interest and commercial interest, who can periodically do a validation exercise.

TRAI lacks any practice

TRAI's mandate includes ensuring implementation of licensing conditions as well as guidelines issued by TRAI/Ministry. TRAI could have tracked why there was such delay by BARC in coming up with the rating service and what kind of understanding it had with TAM, including in managing meters in the field and also with other outsourced agencies (like Hansa, which undertakes other media studies periodically and also offers its own consultancy to channels).¹⁹

Even more pertinent for BARC is to go beyond *reach* aspect, as in the present methodology. There should be efforts to include *actual viewership* aspects and then provide for *impact study* even once in two years as an obligation by channels

themselves or by independent professional bodies.

BARC contribution

BARC has been in full operation for over three years now (Oct 2018). Has BARC made any difference in the content strategies and programming priorities of channels, including the subscribing channels? Because, more than three fourth of BARC revenue is from channels. BARC has not been able to offer any argument in that context (November 2017). There is no evidence so far that its *impressions* are any more revealing and reliable than the ratings of earlier times. The number of subscribing television groups remained 130, having nearly 550 channels between them. Despite this, advertising agencies and advertisers have been the main catalysts of ratings, even though income from advertising amounts to only 20 percent of BARC's revenue. In fact, it was because of support of IBF's contribution (as of November 2017) and a Rs 145 crore loan of Yes Bank that BARC could keep up with its progress .

(That Yes Bank is a major advertiser on Republic TV channel is a different issue). Also, because BARC had increased subscriptions by well over 50 percent in the last two years, how could BARC have

Whether BARC is a viable service even after three years needs to be seen, since there are no proposals to ensure credibility of its figures

sustained itself without such a loan? Whether BARC is a viable service even after three years needs to be seen, since there are no proposals to ensure credibility of its figures.

Although the joint venture between BARC and TAM was for 'meter management', the CEO of BARC Partho Dasgupta rejected the idea that there existed (in November 2017) any such arrangement on ground. In fact, Dasgupta strongly denied any 'operational link' with TAM (in a meeting on November 17, 2017 in Mumbai).

As an enterprise, rating viewership is unlikely to be viable for the next couple of years, notwithstanding BARC's sincere efforts to do the same ratings better than before. As an independent body, BARC could revamp and reposition beyond meter-based weekly ratings. It could truly boost the power of the Indian subcontinent and be an ally of social change as well.

Conflict of Interest

In December 2016, the *Mint* daily carried a news story of alleged tampering of rating by manipulating use of TV in metered TV households.⁷ A more detailed news story, which was widely talked about was Professor Padmaja Shaw's article in the *Hoot*, a leading Web magazine.⁸ "BARC India's new rating system proves to be vulnerable to tampering by TV households, just as the earlier TAM was 'the story screamed. She referred to 30 sting operations on how the meter was manipulated, with some details. This explosive article is reproduced here. In the wake of this expose, BARC suspended only three channels that too for only for four weeks. It could not take on more channels as a Hyderabad Court had restrained any such punitive action.⁹

Had the rating agency (TAM) been told to bring to the attention of the concerned public all cases of anomalies and

manipulations could have been avoided much earlier.¹⁰ On the contrary, certain disregard was alleged, including by NDTV. What is equally curious was that Doordarshan despite being the worst effected channel, neither Prasar Bharati nor the I&B Ministry were concerned or ready to do something about it. It was also this author's provocative meeting with the then Minister that made the Prasar Bharati CEO to call a senior AC Nielson functionary from Singapore to a meeting in which this author too was invited.

BARC's insensitivity to competitive compulsions become obvious when it showed just-launched Republic channel on the top of ratings with 53 per cent 'viewership' (*instead of impressions*) for the very first week of launch.¹¹ All other English news channels noted this as a result of 'distortion', malpractice and manipulation of the new ratings service. In fact, News Broadcasters Association (NBA)¹² went to the extent of issuing a public statement accusing BARC of releasing 'inflated and corrupt data for Republic TV'.

India Today even threatened to exit from BARC ratings and its Council. This case brought back the old suspicions and revived doubts about independence of the new agency offering the ratings (BARC). The Republic channel had taken competition to new height (or to a low level?) by prominently advertising ratings and repeatedly in a day. BARC should be appreciated for constituting a three-members committee with Judge Mudgal and an expert, Paritosh Joshi, to go into allegations and accusations of misuse and manipulation of TRPs. But nothing further has been heard about the deliberations of this committee (2018).

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COVID-19 Pandemic: Challenge for Health and Right (to) Information

Alok Srivastava

CCOVID-19 pandemic has been a catastrophe and flabbergasted humankind like never before. The pandemic and subsequent lockdown, since early 2020, had put the lives of billions off the track across the socio, economic spheres. Health-related needs other than COVID-19 had taken a backseat for few months. With the initiation of un-lockdown, the 'other' health issues other than COVID-19 morbidity was also given priority by health institutions and providers. However, many precious lives were lost or affected by the disease conditions during the pandemic period due to lack of immediate attention, as would have been possible otherwise in 'normal' days.

In India, providing good health facilities to meet the health needs of the population has always been a matter of great concern for policy makers. COVID-19 pandemic has kind of set an alarm for the policy makers and key stakeholders to prepare on war-footing to improve the health infrastructure in India, at the earliest possible. How early is a question, one may ponder upon before any such pandemic, if it occurs in the future? Along with the health infrastructure, which is critical for an efficient supply side of the health needs, another important component for proper and timely use of these infrastructures is 'information dissemination' about the health services, their availability, and accessibility.

Infodemic

During the period when COVID-19 was spreading in a manner of geometric

progression across the country, in particular, the need for correct and timely sharing of information was much anticipated by the general population. Unfortunately, lack of information or sharing of incorrect and fake information did a lot of damage in controlling the spread of COVID-19. Initially, almost every day a new symptom of COVID-19 came into notice along with the suggested precautions to be taken. Unfortunately, unofficial and unreliable sources were more prompt than official handles of social media tools to circulate the misinformation and created a panic among the general population, particularly those who were marginalized, vulnerable, and could not distinguish between true and fake information due to lack of scientific aptitude. Besides, lack of strict regulatory norms for social media agencies, nonsensical news got spread at a much faster pace and did more damage, which otherwise could have been averted, to some extent.

Many times misinformation led to unrest-like situations within the community on one hand and the other, it instigated certain community members to become adamant to defy the instructions given by the authorities and administration. Simple information related to practicing COVID Appropriate Behaviour (CAB), was discussed and deliberated at length for benefit of none. Not wearing a mask was considered as a 'manly act' or not practicing social distancing and moving in groups was another such action, which led to blame game among different sections of the

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society, right from the political parties to the people having faith in a different religion or belonging to different social groups. Social media tools along with electronic media, particularly TV channels became over-enthusiastic to show and share the mishappenings related to the COVID -19 pandemic and subsequent lockdown rather than playing a more responsible role of alerting and informing the administration to take control of the situation and minimize or avert the damage. One of the challenges with social media tools is that every user has the authority and (mis) power to script, edit and share any 'story' they want to 'plant'.

While misinformation hampered the expected safe practices by the community, it had a greater impact on the livelihood of marginalized people. Domestic help was discontinued from work not to safeguard them from the pandemic but with the thought of they being the 'carrier' of COVID-19. Similarly, vegetable vendors were seen with doubt and potential carriers of the virus, even if all precautions had been taken by them. Due to lack of information, people from low-income strata started assuming and identifying COVID-19 as a disease of the rich and elite class, who are not much into physical labour. Discrimination of one another without looking for accurate information from reliable sources made people suffer both economically and psychologically. The social isolation stemming from such prejudices also led to misinformation, or worse, a lack of information. Furthermore, stigma increases the likelihood of preventing potentially infected persons from seeking immediate care, hiding the symptoms, or evading treatment.

The lockdown and economic activities

The lockdown had its adverse impact on the livelihoods of millions of workforce and their families, particularly children and women, which as a result has put

these families in further poor or severely poor health categories. Some of the situations faced during lockdown included non-availability of non-COVID health services; no money to pay for health services in private facilities or purchase medicines; non-availability of transportation facility to visit a health centre, among others. The poor purchasing power and non-availability of food items other than food grains must have led to a lack of nutritive diets for families and children, in particular. The foodgrains were available to the majority of the population, as it was provided by the central and state governments free of cost during the lockdown. At the same time, it is pertinent to mention that this would not have been sufficient to meet the nutritive needs of children as well as other members of the family. Some likely changes in vital health indicators one may see in coming months include a rise in anemic cases due to lack of availability of nutritive diets or lifestyle disorders due to limited movement and physical exercise during lockdown and non-availability of medical care for non-COVID medical needs.

Since last many years, strong advocacy is being done to consider the Right to Health as one of the fundamental rights of citizens in India. No doubt the prevailing situation due to COVID-19 had shown the need to have a better health infrastructure in every village of the country, not to mention each town and district headquarters should be equipped with 24*7 health facilities to handle such situation in an efficient manner. One may argue that even countries with better health care facilities saw a large number of fatalities due to COVID-19 but this could not be an excuse for not providing basic health services to every citizen of this country, as a right. The current period would have been the appropriate time for the policy makers to make the Right to Health a reality!

On the economic front, which has its repercussions on the social including health life of every individual, it is feared

that the loss of a job, lack of employment opportunities and, livelihoods might have forced many among the workforce and their families further down the poverty line. This in turn may have led to the households putting the health needs of family members, and particularly those of female members of the family low in the priority needs of their households. The other scenario would be that due to limited earning opportunities, the poor households, in the case that decides to meet their health needs, would be required to spend more proportion of their total earning on healthcare.

Need good health infrastructure

The *National Health Policy 2017* also recognizes the need to upgrade the health infrastructure and availability of health personnel in the right proportion to our population. It states, “Excellent health care system needs to be in place to ensure effective implementation of the health rights at the grassroots level. Right to health cannot be perceived unless the basic health infrastructure like doctor-patient ratio, patient-bed ratio, nurses-patient ratio, etc. are near or above threshold levels and uniformly spread-out across the geographical frontiers of the country.” However, the findings of *NITI Aayog’s Health Index 2019* do not present a very encouraging picture and expect a lot to be done particularly in larger states. The Health Index mentions the decline in the overall Health Index score for five out of eight socio-economically backward states referred to as empowered action group (EAG) states namely, Bihar, Uttar Pradesh, Uttarakhand, Madhya Pradesh, and Odisha due to deterioration in performance on several indicators.

One of the key factors towards ensuring the Right to Health would be to improve the budget spending on health. The Indian

government spends a meagre 3.5% of its total gross domestic product (GDP) on health almost consistently since 2006. This percentage is approximately half of the overall world GDP spent on health systems by WHO member states, as well as the average current health expenditure on health by BRICS nations, both standing at 6.3% (*Global Health Observatory Data Repository, WHO*).

To some extent, the Central government scheme, Ayushman Bharat as a national health protection mission that is now operational in most of the states, do provide health security to poor households as they can avail health services even in private facilities.

Role of communication strategy

However, the communication strategy and in-flow of updated and correct information will have a far more important role to play in ensuring efficient and effective use of health facilities and services, during the vaccination phase and thereafter. Lack of awareness or ignorance about the health facilities, services, dos and don’ts related to any disease and lifestyle is no longer acceptable. On part of the population, it is their responsibility to keep themselves abreast with correct information. On the government part, the government must make people aware by addressing the health concerns and issues which the population is unaware about. Ignoring the real challenges will not be of much help if the government is concerned about improving public health in the country. In short, neither ignorance (on part of the population) nor ignoring (on part of the policy makers) will do good to public health in India.

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Will the Right to Information Act Become the Right to Denial of Information Act?

Shailesh Gandhi

One of the best transparency laws was promulgated by Parliament but is now threatened by judicial interpretations which are not in consonance with the law.

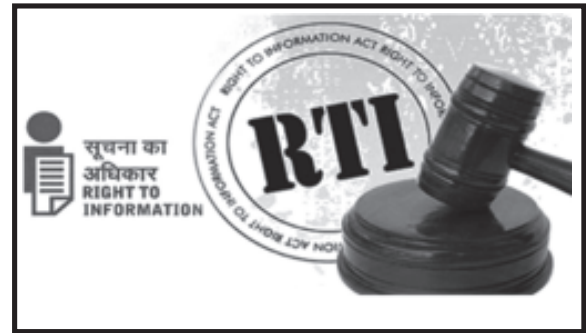
One of the best transparency laws promulgated by Parliament is now threatened by judicial decisions and interpretations which are not in consonance with the law and would weaken it. If more importance is given to exemptions and widening the Act's scope, it would be a sad regression for democracy, writes former Central Information Commissioner **SHAILESH GANDHI**.

The Supreme Court of India has consistently held from 1975 to 2005 that the Right to Information (RTI) is a fundamental right of citizens. In 2005, Parliament enacted one of the best transparency laws in the world. However, certain decisions and pronouncements of the courts in the last decade could weaken this powerful fundamental right. These should be discussed by RTI users and legal fraternity.

Challenging information commission decisions

The law provides for no appeals against the decisions of the Commission. However, these decisions are being challenged in High Courts through writ petitions by many public authorities to deny information to citizens. In most of these cases, a stay is obtained *ex-parte*.

At times, Commissions have been stopped from even investigating matters before them. These cases die down as most



of the applicants are unable to pursue them effectively in courts for lack of resources.

There is a need for the Court to examine *prima facie* whether the grounds fall in the writ jurisdiction of a court or any irreparable harm would befall the public authority if a stay is not given.

The Supreme Court has stated many times that an essential requirement for any judicial, quasi-judicial or administrative order is that reasons must be provided.

Stays given by High Court to public authorities preventing disclosure of information must necessarily give reasons for it and how the petition falls in the writ jurisdiction of the court.

In a democracy, citizens are the rulers of the government and are thus, owners of all the information on public records. The law has strong provisions to ensure disclosure of most information and lays down in Section 22 of the RTI Act that its provisions supersede all earlier laws. It

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stipulates that denial of information can only be based on the provisions of Section 8 or 9. Additionally, the onus to justify denial of information is on the Public Information Officer in any appeal proceedings. Denial of information should be rare.

Supreme court judgments

An analysis of judgements of the Supreme Court regarding the RTI Act shows that very few judgments have ordered disclosure of information. A majority of them deny information and expand the scope of the exemptions. Let us take three apex court judgments as an example:

In a democracy, citizens are the rulers of the government and are thus, owners of all the information on public records. The law has strong provisions to ensure disclosure of most information and lays down in Section 22 of the RTI Act that its provisions supersede all earlier laws.

*In *Appeal No. 6454 of 2011*, the Court held: "Some High Courts have held that Section 8 of RTI Act is in the nature of an exception to Section 3 which empowers the citizens with the right to information, which is a derivative from the freedom of speech; and that therefore Section 8 should be construed strictly, literally and narrowly. This may not be the correct approach." I feel that in the earlier approach, exemptions were interpreted narrowly since these abridge a fundamental right of citizens.

Another strong statement in the judgment is:

"Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not

be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties."

Such a severe castigation of citizens exercising a fundamental right was made without any relationship to the case at hand and without any evidence. It would be understandable if it was directed at terrorists.

A study by RAAG Foundation, an NGO, has shown that about 50% of the RTI applications are made as the departments do not discharge their duty under Section 4 of the RTI Act which mandates disclosure of most of the information *suo moto* as per law. Another 25% seek information about the delay in ration cards, the progress of their application for various services, or complaints of illegal activities for which the government departments should have replied. There is no condemnation of the officers who do not do their duty without extracting bribes. This was an unfortunate admonishing of the citizen without any evidence or basis.

* In *Girish Ramchandra Deshpande Vs. Central Information Commission & Ors.* (2013), the Court held that copies of all memos, show cause notices and orders of censure/punishment, assets, income returns, details of gifts received, etc., by a public servant are personal information exempted from disclosure as per Section 8(1) (j) of the RTI Act.

It further states that these are matters between the employee and the employer, without realising that the employer is a citizen, the master of democracy who provides legitimacy to the government. This judgment appears to have no legal reasoning or principle and is based only

Courts must take an active part in expanding the reach and scope of RTI. They must be conscious of the fact that freedom of speech and publishing information all arise from Article 19 (1)(a) and must be treated at par

on concurring with the denial of information by the Information Commission.

An analysis of judgements of the Supreme Court regarding the RTI Act shows that very few judgments have ordered disclosure of information. A majority of them deny information and expand the scope of the exemptions.

The *R.Rajagopal* judgment of the Supreme Court in 1994 clearly lays down that no claim to privacy can be upheld for personal information on public records by public servants. It appears this judgment was not considered by the Court.

In Section 8 (1) (j) there is a proviso “that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person”. There is no mention of this proviso in the judgment and no word that the Court was satisfied that this information would not be provided to Parliament or the state legislature.

*The Supreme Court delivered a judgment in Civil Appeal nos.1966-1967 of 2020 on March 4, 2020, which negates an important provision of the RTI Act. To ensure that other laws and constraints could not be used to deny information to the rulers of democracy, Parliament provided a non-obstante clause in Section 22 which states: “The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

Deviating from the RTI Act

The Supreme Court judgment ruled that court rules which deviate considerably from the RTI Act cannot be held to be inconsistent with the law so long as they

have a provision for providing information! It refused to consider the fact that it would result in imposing conditions not sanctioned by the RTI Act. This has the effect of actually dismantling Section 22.

In *Appeal No. 6454 of 2011*, the Supreme Court said: “The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty.”

Courts must take an active part in expanding the reach and scope of RTI. They must be conscious of the fact that freedom of speech and publishing information all arise from Article 19 (1)(a) and must be treated at par. The first two have been expanded by courts, whereas in 15 years, the right to information has been constricted by judicial pronouncements.

One of the best transparency laws was promulgated by Parliament but is now threatened by judicial interpretations which are not in consonance with the law. If they interpret the RTI Act giving more importance to exemptions and widening its scope, this great law may become “Right to Denial of Information”. This would be a sad regression for democracy.

Civil society and the legal profession have also not woken up to the fact that if the Right to Information is constricted, freedom of speech and publishing will also be subjected to the same constraints.

(Shailesh Gandhi is a former Central Information Commissioner and an RTI activist. The views expressed are personal.)

Newslick, December 09, 2020



Data can be an asset for governance, growth and public welfare

Data is a critical component for measurable and actionable governance and policy perspectives, as well as for triggering innovation and growth

Data is a critical component for measurable and actionable governance and policy perspectives, as well as for triggering innovation and growth. Data to enhance ease of living and efficiency has been addressed through several Government of India initiatives, including the Jan Dhan-Aadhaar-Mobile or JAM trinity, the Open Government Data Platform of India, and the National Judicial Data Grid.

The report by the Committee of Experts on Non-Personal Data Governance Framework, led by the ministry of electronics and information technology (NPD Report), and the Data Empowerment and Protection Architecture (DEPA) paper released by NITI Aayog have built on the concept of data's benefits. Data as a beneficial good is also covered in the Economic Survey 2019, which proposed that data gathered by governments on issues of social interest ought to be democratised in the interest of social welfare, or made a public good. The DEPA paper states how the architecture "flows from the Centre's overarching position that data is primarily an economic good". Its key goal is empowering individuals with control over their personal data, through a robust and dynamic regulatory, legislative, and institutional framework, supported by technology design for secure data-sharing. DEPA involves regulators across banking,

securities, insurance, and pensions — namely, RBI, SEBI, IRDAI, PFRDA and the ministry of finance coming together.

The DEPA platform's availability as a public good allows market players across the financial and technology ecosystems as well as new entrepreneurs to have the chance to leverage and build on this digital platform. As the paper states, the problem is not that companies are benefiting from the data of individuals; the problem is that individuals and small firms do not benefit. The consent process of DEPA merits special mention, since it takes care of many of the potential concerns.

Data, especially non-personal data, is a vital component for elevating transparency and good governance. The NPD Report emphasises its importance from a public good perspective. At the intersection of big data and good governance, access to current big data sets also helps provide opportunities to quickly address issues in new technology-led solutions.

The report lucidly sets out the "why" and to a large extent, the "how" to accomplish maximum benefit, with enough flexibility within, to accommodate and dynamically adjust to the ground realities from the legal, regulatory, and design principle components. When weighing the risks and rewards of using big data sets for good governance, what needs to remain contextual is that adequate protections are being afforded to the community and individuals. The utility of raw/factual data sets comprising anonymised user information data that is collected is also crucial.

The data sharing purpose is extremely relevant for policy on governance. The recommendation that India should specify a new class of data at a national level, namely data of special public interest or high-value datasets, while also progressively identifying other priority sectors is important.

Also insightful is the emphasis on the need for high quality India-relevant data sets in public good sectors to build on Artificial Intelligence and Machine Learning systems. Meta-data-sharing too will spur innovation on an unprecedented scale and also promote and encourage the

development of domestic industry and startups that can scale their data businesses. To ensure optimum governance outcomes, access to and utilisation of big data is going to be key.

This will benefit Indian society from an ease of living perspective. It will also spur the overall achievement of ease of doing business along with world-leading innovation in India. This is what is contemplated by both DEPA and at a more macro-level, the NPD framework. These are important initiatives in this rapidly evolving landscape.

Hindustan Times, January 12, 2021

RTI applicant must disclose interest in seeking info, says Delhi HC

The Delhi high court has held that an RTI applicant seeking information should disclose his/her interest in it to prevent a "roving and fishing enquiry".

Vedas a treasure of principles of good governance, says Ashok Gehlot

Rajasthan Chief Minister Ashok Gehlot said that Vedas are a treasure of principles of good governance and the concept of public welfare state can be conceived by adopting these principles.

Rajasthan Chief Minister Ashok Gehlot on Tuesday said that Vedas are a treasure of principles of good governance and the concept of public welfare state can be conceived by adopting these principles.

He said that the government will further the work for preserving Vedic education and it will leave no stone unturned to propagate Deva-Vani Sanskrit. Gehlot was addressing a virtual Ved Sammelan

organised on "National Vedic Discourse for Public Welfare State and Good Governance" at the chief minister's residence on the occasion of National Youth Day.

The chief minister inaugurated a portal based on the Vedic Heritage and Manuscript Research Institute, Rajasthan Sanskrit Academy and a poster carrying the message of "save water, save daughter, teach everyone, save environment".

The deeper the Vedas are studied, the stronger is the resolve for good governance, he said in a statement. Recalling Swami Vivekananda, Gehlot said that he played an important role in establishing the importance of Vedic culture in the world and his message for humanity and world peace is equally relevant today.

Business Standard, January 13, 2021

CMS Media Fellows on Energy Efficient Buildings for the Year 2020



Amit Baijnath Garg
Rajasthan Patrika
Jaipur, Rajasthan



Lachmi Deb Roy
Outlook Magazine
New Delhi



Mukesh Rawat
India Today
New Delhi



Jasjeev Singh Gandhiok
The Times of India
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