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UNPROFESSIONAL AND UNETHICAL JOURNALISM AS A FORM OF PRIVILEGED CLASS DEVIANCE: A CRITICAL ANALYSIS OF THE ROLE OF THE PRESS COUNCIL OF INDIA

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ABSTRACT

The Indian press occupies a paradoxical position in constitutional democracy: it is simultaneously the self-styled "Fourth Estate", a watchdog against the abuse of power, and, increasingly, a site of the very deviance it claims to expose. This article argues that unprofessional and unethical journalism in India manifesting as paid news, trial by media, communally coloured reportage, fabricated stories, and privacy invasions is best understood not as episodic misconduct by errant individuals, but as a structural pattern of privileged class deviance analogous to white-collar crime. Drawing on Edwin Sutherland's foundational insight that persons of respectability and high social status commit crimes in the course of their occupation, the article extends this framework to media professionals and media houses, who enjoy constitutional protection, social prestige, and economic power, yet remain largely insulated from meaningful sanction. The article undertakes a critical, doctrinal examination of the Press Council of India (PCI) established under the Press Council Act, 1978 as the principal statutory mechanism for regulating press conduct, and demonstrates that its advisory-only character, its narrow jurisdiction confined to print media, its dependence on the very industry it is meant to regulate, and its complete want of punitive teeth render it structurally incapable of checking privileged deviance within the press. The article situates this critique within comparative press-regulation models, surveys judicial and legislative responses to media excess, and concludes with proposals for institutional reform aimed at closing the accountability gap between the power the press exercises and the responsibility it is made to bear.

Keywords: *Press Council of India, media ethics, white-collar crime, privileged class deviance, paid news, trial by media, press regulation, freedom of the press*

1. INTRODUCTION

The press in India has historically been valorised as the fourth pillar of democracy, a role earned through its participation in the freedom struggle and reinforced by Article 19(1)(a) of the Constitution, which guarantees freedom of speech and expression and has been judicially read to encompass freedom of the press. Yet the same institution that is entrusted with holding power to account has, over the last three decades of media liberalisation, cross-media ownership, and hyper-competitive twenty-four-hour news cycles, developed its own well-documented pathologies: paid news arrangements that convert editorial space into a covert commodity, television "trials" that pre-empt courts of law, communally selective reportage, and a general erosion of verification standards in the pursuit of speed and sensation.

This article proceeds from the premise that these patterns of misconduct are not adequately captured by conventional narratives of "bad apples" or occasional lapses in editorial judgment. Instead, it argues that unethical journalism in India exhibits the defining features of what criminology terms privileged class deviance: it is committed by actors of considerable social standing, in the course of a legitimate and socially valorised occupation, is facilitated by the very prestige and access that the occupation confers, and largely escapes the ordinary consequences legal, professional, or reputational that would attach to comparable misconduct by less privileged actors.

The article's second concern is institutional: if unethical journalism is a form of privileged deviance, what does the principal regulatory body constituted to address it actually do, and can it do so effectively? The Press Council of India, established under the Press Council Act, 1978, as a successor to the First Press Commission's 1954 recommendation, is often cited as India's answer to the problem of press accountability. This article interrogates that claim. It examines the Council's composition, its statutory powers, and its actual record of adjudication, and argues that the Council exemplifies a wider phenomenon identified in the criminology of privileged deviance: the capture and neutralisation of regulatory mechanisms by the very class of actors they are meant to police.

The analysis proceeds in eleven further parts. Part 2 develops the theoretical framework of privileged class deviance and its applicability to journalism. Part 3 outlines the constitutional and ethical foundations of the journalistic profession in India. Part 4 sets out the institutional architecture of the Press Council. Part 5 catalogues the principal manifestations of unprofessional and unethical journalism. Part 6 illustrates these patterns through prominent episodes in Indian media history. Part 7 offers a critical analysis of the Council's structural incapacity. Part 8 reconnects this incapacity to the theory of privileged deviance. Part 9 draws

comparative lessons from other jurisdictions. Part 10 surveys judicial and legislative interventions. Part 11 proposes reforms, and Part 12 concludes.

2. THEORETICAL FRAMEWORK: UNDERSTANDING PRIVILEGED CLASS DEVIANCE

2.1 Sutherland's White-Collar Crime and Its Descendants

The concept of privileged class deviance traces its intellectual lineage to Edwin H. Sutherland's 1939 formulation of "white-collar crime", defined as crime committed by a person of respectability and high social status in the course of his occupation. Sutherland's central contribution was to displace the then-dominant criminological assumption that crime was concentrated among the economically deprived, and to demonstrate instead that persons of considerable social and economic standing routinely violate laws and norms in ways that cause diffuse but substantial social harm, while facing markedly lower rates of detection, prosecution, and punishment than conventional offenders.

Subsequent criminological scholarship has refined and extended this insight in several directions relevant to the present inquiry. First, scholars have distinguished occupational crime, committed by individuals for personal gain in the course of otherwise legitimate employment, from organisational or corporate crime, committed by or on behalf of an organisation to advance its collective interests. Both forms are visible in Indian journalism: the individual journalist who accepts inducements for favourable coverage, and the media organisation that institutionalises paid news as a business practice. Second, scholars such as Edelhertz have emphasised that white-collar deviance is characterised by concealment, guile, and the abuse of trust rather than physical force, a description that maps closely onto practices such as undisclosed sponsored content and manufactured "expert" commentary. Third, and most significant for this article, criminologists have observed that the social status of the offender itself operates as a shield: respectability generates a presumption of legitimacy that delays scrutiny, and the offender's command of institutional resources legal counsel, public relations capacity, and access to the very media through which reputational damage is normally inflicted allows the effects of exposure to be minimised or deflected.

2.2 The Press as a Privileged Institution

Applying this framework to journalism requires establishing two propositions: that journalists and media proprietors constitute a class enjoying structural privilege, and that this privilege operates to facilitate and shield deviant conduct rather than merely to enable

legitimate professional activity.

As to the first proposition, Indian journalism, particularly at the level of national television and metropolitan print media, is populated disproportionately by individuals drawn from educated, urban, and socio-economically advantaged backgrounds. Ownership of major media houses is concentrated among a small number of corporate and political families, many with cross-holdings in unrelated industries subject to government regulation, creating structural incentives for favourable coverage of regulators and political patrons. Journalists further enjoy a constitutionally reinforced social status: the description of the press as the "fourth estate" and "watchdog of democracy" confers a presumption of public-interest motivation that is rarely extended to other occupational groups exercising comparable influence over public perception.

As to the second proposition, this privilege operates in at least three ways to facilitate deviance. First, informational asymmetry: journalists control the very apparatus through which allegations against them would otherwise be publicised, giving the profession an inbuilt capacity for self-protection that ordinary offenders lack. Second, source dependency: government agencies, corporations, and public figures require continuing access to journalists and are correspondingly reluctant to pursue formal complaints that could jeopardise that access. Third, regulatory capture: as developed in Part 7 below, the principal regulatory body for the press is substantially staffed and influenced by the press itself, reproducing at the institutional level the very privilege that enables individual deviance. It is this triad informational control, source dependency, and regulatory capture that this article contends transforms ordinary lapses in editorial judgment into a durable pattern of privileged class deviance.

3. JOURNALISM ETHICS AND PROFESSIONAL STANDARDS IN INDIA

3.1 Constitutional Foundations of Press Freedom

The Indian Constitution does not expressly guarantee freedom of the press as a distinct right; rather, the Supreme Court has consistently held that press freedom is implicit within the guarantee of freedom of speech and expression under Article 19(1)(a). This judicial construction, dating to the Constitution's early years, was accompanied from the outset by a recognition that the freedom is not absolute and is subject to the reasonable restrictions enumerated in Article 19(2), including restrictions in the interest of the sovereignty and integrity of India, public order, decency, morality, contempt of court, defamation, and incitement to an offence.

This constitutional structure creates an inherent tension that is central to the present

inquiry: the press derives its privileged position from a right framed in terms of the citizen's freedom of expression, yet exercises that right through concentrated institutional actor's media corporations and professional journalists whose conduct is qualitatively different from that of the individual citizen the right was originally conceived to protect. The absence of a free-standing, differentiated constitutional or statutory regime for press accountability, distinct from the general law of defamation and contempt, has left considerable space for self-regulation, a space that this article argues has been inadequately filled.

3.2 Codes of Ethics and Professional Norms

In the absence of a comprehensive statutory code, journalistic ethics in India are governed principally by norms promulgated by the Press Council itself under its Norms of Journalistic Conduct, periodically revised, which address matters such as accuracy, fairness, the right of reply, caution in imputing motives, restraint in the identification of victims of sexual offences, and restrictions on the acceptance of gifts and inducements. These norms are supplemented by internal codes of individual media organisations and by the code of ethics for broadcasters administered by the News Broadcasting and Digital Standards Authority, a self-regulatory body for private television news channels that operates entirely outside the statutory framework of the Press Council Act.

The proliferation of overlapping, voluntary, and non-statutory codes is itself symptomatic of the regulatory fragmentation that this article identifies as a structural enabler of privileged deviance. A journalist or broadcaster who transgresses the Press Council's norms answers, at most, to a body with no jurisdiction over electronic media; a television anchor who transgresses NBDSA's code answers to a body that the anchor's own employer helped to establish and fund. The multiplicity of codes creates an illusion of comprehensive ethical governance while leaving substantial gaps in actual enforceability gaps that are examined in detail in Parts 5 through 7.

4. THE PRESS COUNCIL OF INDIA: INSTITUTIONAL FRAMEWORK

4.1 Historical Genesis

The idea of a statutory press council in India originated with the First Press Commission of 1954, which recommended the creation of an independent body to preserve press freedom while ensuring that the press maintained high professional standards. Parliament gave effect to this recommendation through the Press Council Act, 1965, establishing the first Press Council of India. This original Council was dissolved during the Emergency of 1975–

1977, a period during which the press itself was subjected to pervasive pre-censorship an episode frequently invoked in Indian press historiography as the paradigmatic instance of the state, rather than the market, threatening press freedom. Following the restoration of democratic government, Parliament re-enacted the Press Council Act, 1978, under which the present Council was constituted and continues to function.

4.2 Composition and Structure

The Council is chaired by a person who has held the office of a Judge of the Supreme Court or the Chief Justice of a High Court, a design intended to confer judicial independence upon its proceedings. The remaining membership, however, is dominated by nominees of the very industry the Council regulates: working journalists nominated by recognised journalists' associations, editors nominated by press associations and news agencies, and management representatives nominated by owners' associations together constitute a substantial majority of the Council's twenty-eight non-chair members, with a smaller number of nominees representing Parliament, the University Grants Commission, and the Sahitya Academy. This compositional design examined critically in Part 7.2 below means that the body adjudicating complaints against the press is constituted, in overwhelming majority, by persons professionally and financially embedded within the press.

4.3 Statutory Powers and Functions

Section 13 of the Press Council Act, 1978, vests the Council with the object of preserving the freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India. Its enumerated functions include helping newspapers maintain their independence, building a code of conduct for journalists in consonance with high professional standards, keeping under review any development likely to restrict the supply of news, encouraging the growth of a sense of responsibility among the public towards the press, and reviewing developments likely to restrict the flow of news of public interest.

Critically, the Council's remedial powers, set out principally in Sections 14 and 15, are limited to censuring, admonishing, or warning the newspaper, news agency, editor, or journalist concerned, and directing the publication of a particular contradiction, reply, or correction, or of the Council's own decision. The Act expressly excludes any power to award compensation to a complainant, and, critically, the Council possesses no power to suspend, revoke, or otherwise sanction the operating licence or registration of any publication, nor to impose any fine or other pecuniary or custodial consequence. Its decisions are final in the

limited sense that no further appeal lies within the statutory scheme, but they are wholly unenforceable in the ordinary coercive sense associated with regulatory or judicial orders.

4.4 Procedural Mechanism for Complaints

A complaint may be lodged with the Council by an aggrieved individual, an association, or, in respect of certain matters, Suo moto by the Council itself. The Council's Inquiry Committee examines the complaint, may call for comments from the newspaper or journalist concerned, and reports to the Council, which then adjudicates. This process, while procedurally fair on paper, is in practice marked by considerable delay in complaints frequently take years to reach adjudication, by which time the underlying news cycle, and often the reputational harm to the complainant, has been overtaken by subsequent events, rendering even a favourable finding of limited practical value to the complainant.

5. MANIFESTATIONS OF UNPROFESSIONAL AND UNETHICAL JOURNALISM

5.1 Paid News and Private Treaties

Perhaps the most extensively documented instance of privileged deviance in Indian journalism is the phenomenon of "paid news" the publication of news or analysis in exchange for consideration, monetary or otherwise, without disclosure to the reader that the content is, in substance, a paid advertisement. The Press Council's own 2010 sub-committee report on paid news, prepared in the aftermath of widespread reporting of the practice during the 2009 general elections, documented systematic arrangements between candidates and media houses under which favourable coverage and, in some instances, coverage critical of a rival candidate was published in exchange for payment, often channelled through informal or off-the-books arrangements that left no auditable trail.

A related but organisationally distinct practice is that of "private treaties", under which media companies acquired equity stakes in companies whose products or activities they subsequently covered, creating an structural conflict of interest between the media house's role as an objective reporter and its financial interest as a shareholder. Both practices exemplify organisational, rather than merely individual, deviance: they are embedded in the business model of the media house rather than attributable to a single errant journalist, and they generate revenue that accrues to the organisation as a whole, distributing the incentive to conceal the practice across the entire editorial hierarchy.

5.2 Trial by Media

"Media trial" refers to the practice of television and, increasingly, digital media conducting a parallel, adversarial investigation and adjudication of a pending criminal matter, often through repeated broadcast of unverified allegations, reconstructions, and studio panels that pronounce on an accused person's guilt before the conclusion of, or even before the commencement of, a formal trial. Indian courts have repeatedly cautioned against this practice on the ground that it prejudices the right to a fair trial guaranteed under Article 21, contaminates the pool of potential witnesses and jurors of public opinion, and, in cases of eventual acquittal, leaves the wrongly accused person permanently and irreparably stigmatised despite judicial vindication.

5.3 Sensationalism and TRP-Driven Reporting

The migration of Indian television news to a subscription and advertising model driven by Television Rating Points (TRP) has been widely linked to a documented decline in verification standards and a corresponding rise in sensationalised, emotionally charged, and often misleading framing of news events. The 2020 revelation of an alleged TRP manipulation scheme, in which certain channels were accused of artificially inflating viewership figures through inducements to households possessing rating meters, illustrates the extent to which commercial pressure has come to override editorial independence, converting the newsroom into an instrument for the manufacture of audience attention rather than the verification of fact.

5.4 Fake News and Misinformation

The proliferation of digital and social media has generated a distinct but related category of deviance: the publication of fabricated or unverified content, frequently amplified through establishment media before verification, particularly during periods of communal tension, elections, or national security incidents. Established media houses have on numerous documented occasions broadcast doctored images, misattributed footage, or unverified claims sourced from social media, subsequently retracted if at all with markedly less prominence than the original publication, a pattern that compounds rather than corrects the initial harm.

5.5 Invasion of Privacy

Indian media coverage of matters such as celebrity deaths, sexual assault complaints, and family disputes has repeatedly raised concerns regarding the invasion of privacy of persons who are not public figures in any meaningful sense, or who are entitled to specific statutory

protection, such as the prohibition on disclosure of the identity of victims of sexual offences under Section 72 of the Bharatiya Nyaya Sanhita, 2023 (the successor provision to Section 228A of the erstwhile Indian Penal Code). The Supreme Court's recognition of a constitutionally protected right to privacy has sharpened, without fully resolving, the tension between this right and the press's claim to report matters of undefined "public interest".

5.6 Communal and Identity-Based Bias

Multiple independent content-analysis studies of Indian news coverage have documented patterns of disproportionate or prejudicial framing of incidents involving religious or caste minorities, including the selective use of communal identifiers in crime reporting, asymmetric coverage of violence depending on the identity of perpetrators and victims, and the amplification of unverified communal narratives during periods of civil unrest. Such reporting, beyond breaching the Press Council's own norms on communal harmony, carries the potential to incite further violence, converting a professional lapse into conduct with direct public-order and, in extreme cases, criminal-law consequences.

5.7 Corporate Capture and Conflict of Interest

Finally, the concentration of media ownership among a small number of business conglomerates with substantial interests in sectors subject to government regulation telecommunications, infrastructure, energy, and finance has generated well-documented concerns regarding self-censorship on matters affecting the parent conglomerate's regulatory interests, and regarding favourable coverage of political actors capable of affecting those interests. This form of deviance is the most structurally embedded of all those catalogued here, since it requires no individual act of misconduct but operates instead through the silent, cumulative shaping of editorial priorities.

6. CASE ILLUSTRATIONS

The 2010 leak of recorded telephone conversations between corporate lobbyist Nira Radia and a number of prominent journalists and politicians, widely reported as the "Radia tapes" controversy, offered a rare and unusually direct window into the informal channels through which corporate interests, journalists, and political actors negotiated ministerial appointments and favourable coverage. The episode is frequently cited in Indian media scholarship as the clearest evidentiary instance of the informal, concealed, trust-abusing character that criminological theory attributes to white-collar deviance: the conduct in question

was conducted entirely outside public view, was detected only through an unrelated law-enforcement wiretap, and would in the ordinary course never have come to light through the press's own systems of internal accountability.

The extensive television coverage of the 2008 investigation into the murder of teenager Aarushi Talwar, and of her father Dr Rajesh Talwar, is widely cited as a paradigmatic instance of trial by media, with continuous, often speculative broadcast coverage constructing a narrative of parental guilt that proceeded, and arguably prejudiced, the formal investigation and trial; the eventual acquittal of the accused by the Allahabad High Court in 2017 came after years during which the family's reputation had already been comprehensively and, on the court's own findings, wrongly destroyed in the court of public opinion.

More recently, the 2020 death of actor Sushant Singh Rajput generated a sustained multi-month cycle of television coverage characterised by extensive, unverified speculation regarding the involvement of third parties, the conduct of parallel "investigations" by news anchors, and the widescale identification and vilification of individuals subsequently found by investigating agencies to bear no culpability, illustrating the capacity of trial-by-media practices to inflict serious and often irreversible reputational harm irrespective of eventual legal outcome.

The Press Council's 2010 report on paid news during the 2009 general elections documented specific instances, drawn from its own sub-committee's investigation, in which candidates in state assembly elections purchased what amounted to advertising space designed to appear as independent editorial content, without any accompanying disclosure to readers conduct that the Council itself characterised as a profound betrayal of journalistic ethics, notwithstanding its inability to impose any consequence beyond the naming of the concerned publications in its report.

7. THE PRESS COUNCIL AS A "TOOTHLESS TIGER": A CRITICAL ANALYSIS

7.1 Absence of Punitive Power

The single most frequently voiced criticism of the Press Council, echoed in successive parliamentary committee reports and academic commentary, is its complete want of coercive or punitive authority. A Council able only to censure, admonish, or direct publication of its own findings operates, in practical effect, as a body of moral suasion rather than a regulator in any conventional sense. Where the offending publication is a large media house with the

institutional capacity to bury an adverse Council finding on an inside page, or to omit its publication altogether an omission for which the Act itself, notwithstanding a nominal direction to publish, provides no independently enforceable sanction the deterrent value of an adverse finding approaches zero. This absence of a credible sanction is, on the analytical framework developed in Part 2, precisely the mechanism through which privilege converts into a durable pattern of deviance: the offending class faces no meaningful cost commensurate with the harm caused.

7.2 Compositional Bias and the Self-Regulation Paradox

The Council's composition, described in Part 4.2, embeds a structural conflict of interest at the heart of the adjudicatory process. A body in which working journalists, editors, and media owners together constitute a clear majority of the membership is, definitionally, a body in which the regulated class substantially regulates itself. This is not merely a theoretical concern: empirical reviews of the Council's own case outcomes have observed a marked reluctance to issue adverse findings against major, well-resourced media houses, and a corresponding tendency for the Council's more forceful interventions to be directed at smaller, less influential publications with correspondingly less capacity to resist scrutiny. This pattern reproduces, at the level of the regulatory institution, the very privilege-based immunity from consequence that the underlying theory of privileged class deviance predicts.

7.3 Procedural Delay and Under-Resourcing

The Council operates with a modest secretariat and budget relative to the scale of the industry it is tasked with overseeing, a mismatch that has been repeatedly flagged in parliamentary standing committee reviews of the Ministry of Information and Broadcasting's grants to the Council. The consequence is chronic delay: complaints frequently take upward of two to three years to reach final adjudication, a timeline wholly incompatible with the twenty-four-hour news cycle in which the underlying harm is inflicted and, in most cases, substantially complete within days. A regulatory mechanism that adjudicates years after the event addresses, at best, the historical record; it does nothing to prevent, interrupt, or mitigate the harm as it occurs.

7.4 The Jurisdictional Gap

Perhaps most significantly for the contemporary Indian media landscape, the Press Council Act, 1978, confines the Council's jurisdiction to newspapers and news agencies that

is, to print media. Television, which has for over two decades been the dominant medium through which the phenomena catalogued in Part 5 trial by media, sensationalism, and communal bias are principally propagated, falls entirely outside the Council's statutory remit. Television news is instead subject only to the voluntary, self-constituted, and industry-funded regime of the News Broadcasting and Digital Standards Authority, a body that, whatever its individual merits, possesses no statutory basis, no security of tenure for its members independent of the industry body that funds it, and no power exceeding that of the Press Council itself. Digital-only news platforms and social media, meanwhile, remain almost entirely outside any dedicated press-accountability framework, governed at most by the general provisions of the Information Technology Act, 2000, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which address a narrower category of harms and were themselves the subject of ongoing constitutional challenge before various High Courts. The result is a regulatory architecture calibrated to the print-dominant media landscape of 1978, applied where it applies at all to a media ecosystem it was never designed to address.

8. REGULATORY CAPTURE AS PRIVILEGED CLASS DEVIANCE

The preceding analysis permits a more general theoretical claim: the incapacity of the Press Council is not an accidental or merely technical design flaw, but is itself an instance at the institutional rather than individual level of the phenomenon the article set out to describe. Criminological literature on regulatory capture has long observed that industries subject to potential regulation frequently succeed, whether through direct influence over rule-making, control of the regulator's composition, or simple resource asymmetry, in shaping the regulatory apparatus in ways that minimise its capacity to constrain them. The Press Council exhibits each of these features: its composition was legislatively designed to include a majority of industry nominees; its budget and institutional capacity have remained persistently inadequate relative to the scale of the industry; and its jurisdiction has never been extended, across nearly five decades and multiple waves of media-technology change, to the electronic and digital media that now dominate the public information ecosystem.

Understood this way, the persistence of an ineffective Press Council across nearly half a century, notwithstanding repeated parliamentary and judicial acknowledgment of its inadequacy, is best explained not as legislative oversight but as a stable equilibrium actively favourable to the privileged class it purports to regulate. The absence of punitive power spares the industry the cost of compliance; the compositional dominance of industry nominees ensures

that even the Council's limited moral authority is exercised sparingly against powerful actors; and the confinement of jurisdiction to a declining medium ensures that the industry's most influential and most frequently criticised segment television news remains entirely outside the Council's reach. Each of these features, individually defensible as a product of historical drafting choices, together constitute a textbook illustration of what criminologists term the institutionalisation of impunity for privileged offenders.

9. COMPARATIVE PERSPECTIVE

The trajectory of press regulation in the United Kingdom offers an instructive comparative contrast. The phone-hacking scandal involving the now-defunct News of the World, which culminated in the 2011–2012 Leveson Inquiry into the culture, practices, and ethics of the press, exposed patterns of unlawful and unethical conduct unauthorised interception of communications, payments to police officers for information, and systemic invasion of privacy that bear a close structural resemblance to the categories of deviance catalogued in Part 5 of this article. The Leveson Inquiry's central recommendation, that press self-regulation be underpinned by a statutory verification mechanism capable of imposing binding standards and awarding compensation, led to the establishment of the Independent Press Standards Organisation (IPSO), which, unlike the Press Council of India, possesses the power to require the payment of compensation to complainants of up to one million pounds sterling and to mandate the prominence and placement of corrections.

Even IPSO, however, remains a voluntary body from which the largest UK newspaper groups may in principle withdraw, and it has itself been criticised including by the rival, Leveson-compliant regulator IMPRESS as insufficiently independent of the industry it regulates, illustrating that the compositional and capture-related concerns identified in Part 7.2 of this article are not unique to the Indian context, but represent a recurring structural challenge in any jurisdiction that relies substantially on industry self-regulation. Nonetheless, the comparative gap in remedial power compensation versus mere censure remains instructive, and is developed further in the reform proposals in Part 11.

Other jurisdictions illustrate alternative models. Germany's Presserat, like the Press Council of India, is a voluntary self-regulatory body without statutory compensation power, but operates within a legal culture where general civil remedies for defamation and privacy invasion are comparatively robust and swiftly enforced, partially compensating for the Presserat's own institutional limitations: a compensating mechanism that, as discussed in Part 10, remains comparatively underdeveloped and slow-moving in the Indian civil justice system.

10. JUDICIAL AND LEGISLATIVE RESPONSES

In the continued absence of an effective statutory press regulator with jurisdiction over electronic media, the burden of checking media excess in India has fallen substantially upon the constitutional courts, exercising jurisdiction under Articles 32 and 226, and upon the ordinary civil and criminal law of defamation and contempt. The Supreme Court's recognition, in its landmark privacy jurisprudence, of a constitutionally protected zone of personal privacy has provided complainants with a doctrinal basis independent of the Press Council framework, though the practical utility of this right remains constrained by the time and cost of civil litigation.

The Court has on multiple occasions issued specific guidelines constraining media coverage of matters sub judice, cautioning trial courts and investigating agencies against media briefings that risk contaminating the fairness of a pending trial, and has emphasised that the postponement of publication, rather than an outright prohibition, is the ordinarily proportionate remedy where publication would prejudice a fair trial. The law of criminal contempt under the Contempt of Courts Act, 1971, similarly provides a residual mechanism for restraining publications that interfere with the due administration of justice, although prosecutions for contempt arising from media coverage remain comparatively rare in practice.

On the legislative front, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, introduced for the first time a tiered, government-administered grievance and self-regulatory structure specifically applicable to digital news publishers and OTT platforms, including a requirement for publishers to appoint grievance officers and to subscribe to a self-regulatory body overseen by an Inter-Departmental Committee with the ultimate power to block content. While this framework extends regulatory reach to digital publishers left wholly unaddressed by the 1978 Act, it has attracted its own controversy, including constitutional challenges on grounds of executive overreach and chilling effects on press freedom, illustrating the difficulty of designing a regime that closes the accountability gap identified in this article without simultaneously threatening the constitutional value the accountability gap exists to protect.

11. REFORM PROPOSALS

First, and most fundamentally, the jurisdiction of a reconstituted press regulatory body should be extended to encompass television and digital news media alongside print, on a media-neutral basis reflecting the realities of contemporary news consumption, rather than the

print-centric assumptions of 1978.

Second, the compositional dominance of industry nominees should be reduced, with a majority of members drawn from the judiciary, academia, and civil society, so as to break the self-regulatory paradox identified in Part 7.2, while preserving a meaningful, non-dominant voice for working journalists to ensure the body retains professional credibility and does not itself become an instrument of executive overreach.

Third, the Council's remedial powers should be expanded, following the comparative example of IPSO, to include the power to direct the payment of compensation to complainants in cases of proven ethical violation, and the power to mandate the placement and prominence of corrections in a manner proportionate to the prominence of the original publication, subject to appropriate procedural safeguards and a right of appeal to ensure such powers are not misused to suppress legitimate reporting.

Fourth, the Council's procedural timelines should be statutorily fixed, with a requirement for interim observations within a defined short period, so as to restore some correspondence between the pace of adjudication and the pace of the harm it is meant to address.

Fifth, mandatory disclosure requirements for sponsored and paid content, enforceable through the reconstituted Council's compensation power, would directly target the paid-news phenomenon documented in Part 5.1, converting a covert practice into, at minimum, a transparent one that readers can discount accordingly.

Sixth, any expansion of regulatory power must be accompanied by robust structural independence from the executive, given the legitimate concern illustrated by the ongoing controversy surrounding the 2021 IT Rules that an empowered regulator could as easily become an instrument of government censorship as of professional accountability. The reforms proposed here are directed at strengthening peer- and judiciary-anchored accountability, not executive control, precisely so as to avoid trading one form of privilege-driven impunity for another.

12. CONCLUSION

This article has argued that the recurring pattern of unprofessional and unethical conduct within the Indian press paid news, trial by media, sensationalism, misinformation, privacy invasion, communal bias, and corporate capture is properly analysed through the criminological lens of privileged class deviance: conduct committed by persons of social respectability and institutional power, in the course of an otherwise legitimate and socially

valued occupation, that causes diffuse but substantial public harm while largely evading meaningful sanction. The Press Council of India, examined here as the principal statutory institution charged with addressing this deviance, was found to be structurally incapable of doing so: its want of punitive power, its industry-dominated composition, its chronic under-resourcing, and, most critically, its jurisdictional confinement to a declining print medium together constitute not a series of unconnected drafting oversights but a coherent, if unintended, architecture of impunity.

The comparative and doctrinal survey undertaken in Parts 9 and 10 demonstrates that meaningful reform extending jurisdiction across media, rebalancing institutional composition, and introducing proportionate remedial powers including compensation is neither unprecedented nor beyond the capacity of the Indian legislative process, but that any such reform must be designed with equal vigilance against the opposite risk: that an empowered regulator becomes a vehicle for executive control over a press whose independence remains, notwithstanding its documented failings, indispensable to constitutional democracy. The task, in short, is not to weaken the press, but to ensure that the privilege it enjoys is finally matched by a commensurate and enforceable accountability.

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