

REPORTING EMERGENCY SITUATIONS: RIGHTS AND RESPONSIBILITIES OF MEDIA

***by Justice G.N. Ray**

It is indeed a great privilege to inaugurate the workshop on "Reporting Emergency Situations: Rights and Responsibilities of Media" being jointly organized by Editor's Guild of India and Press Council of India.

Human race cannot avoid conflicts and emergency situations. From time immemorial mankind has faced internal and external conflicts; be it natural calamities or disasters, war and the current phenomenon- terrorism. Emergency situations arise from a wide variety of man made and natural events ranging from domestic disturbances and terrorist strikes to nuclear power accidents and air crashes and earthquakes, hurricanes Tsunami etc. Modern mass media has successfully established itself as the most important channel/means for timely communication of information about emergency situations.

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In such situations, the media may function in different ways;

- 1) Relay news through their own independent reporting.
- 2) Serve as a conduit for emergency information from official sources.

In regard to the role the media plays in emergency situations, let us examine how the journalists view themselves – as gatekeeper, objective observers, or reporters of events. No one can deny that through their reporting the journalists render a public service, but does media tend to insist on control over selection and presentation of content?

Peter Ford in “What About Disasters TV Crews Miss?” has rightly observed that Television can almost make or break a crisis by deciding how to play it.

The media is capable to “create” an event, to aid in rescue operations, to alleviate or to exacerbate an emergency situation, to prejudice the outcome of an event, and to exaggerate or sensationalize news or relay it as it unfolds. Media plays the role of jury and the judge.

In current scenario, the media faces significant challenges in defining their role and responsibilities. The role of the media has to be gauged, with the twin duty to give instantaneous global news in the context of vortex of alternative views leading to complex situations and to strike a balance between people’s right to know on the one side and national security and social ethics on the other.

In emergency situations, media needs to restrain from sensational, exploitative and melodramatic reporting. The recent terrorist attack in Mumbai is a case in point. While the print media by and large is to be applauded for its clear and positive reporting, the electronic media by virtue of its ability for on-the-spot reporting carved a first ever niche with itself for live coverage. The disadvantages however soon came to the fore and have led to debates at various fora. In an article published in the Hindu on 2.1.2009 Chitra Padmanabhan has aptly indicted that "That is why it is somewhat unnerving to think that what we earmark as news and information and 'reality' could be television's flight of fantasy extracting the seed of emotion from a human dilemma and converting to spectacle to be viewed vicariously and not with concern. The debate generated around the television coverage of the Mumbai attack is a watershed in a sense, for it has prompted reflection in some quarters. Time will tell whether the television camera corrects its retreat from journalistic conventions or tilts completely towards the hyper mould of the reality show, adding to it aspects of film at will for untold entertainment. The frame of reality was never so tenuous".

It is not possible to frame straight jacket guidelines for media reporting during insurgency and emergency situations. The reporters must be alive to their duties and responsibilities by keeping in mind that such reporting maintains the delicate balancing between the need to inform the people about the events and also not to affect the

security of the nation by reporting matters sensitive for operational reasons. It will be only proper if the reporters are sensitized, and trained appropriately. I for one, as the Chairman of the Press Council, shall always advocate and lend support to the concept of self regulation over any state attempt at regulation.

It will be appropriate to recall that during the panel discussion on 'The Media and Terrorism: Friends or Foes' (international summit held on March 8-11 2005) the panelists were divided on the issue. While some argued that the journalists' only obligation was towards the reader, others stressed that it was important to deny the terrorists the 'oxygen of publicity'. Before discussing the role of the media in reporting terrorism, we must know what can be termed as 'terrorism'. The US department of State defines 'terrorism' to be 'premeditated politically-motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.

The United Nations defined in 1992: **"An anxiety – inspiring method of repeated violent action, employed by (semi) – clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby in contrast to assassination – the direct targets of violence are not the main targets"**. This is commonly accepted academic definition.

Terrorism is a criminal act that influences an audience beyond the immediate victim. The strategy of terrorist is to commit acts of

violence that draws the attention of the local populace, the government, and the world to their cause. The terrorists plan their attacks to obtain the greatest publicity, choosing targets that symbolize what they oppose. Thus the need to ensure that the journalist do not become a tool in the hands of the terrorists by giving them the desired publicity.

Different countries have tackled the issue differently. In **Australia**, laws have been introduced to protect national security against terrorism. The Anti – Terrorism Act, introduced in 2005, went even further by reintroducing the crime of sedition and expanding its potential use in Australia. The Australian Press Council in its 2007 Report, 'State of the News Print Media in Australia' was of the opinion by stating that Australia's sedition laws allow the government to restrict freedom of the press beyond what is necessary to combat terrorism. Even while the country has no specific media code that covers the ethical issues of reporting terrorism, Australian media supports for self-regulation. Noting that the public has a right to information on matters of public concern and to have the facts communicated to them, the Press Council of Australia felt that the best way to ensure that important information is disseminated to the public in a crisis situation is to establish relationship between media persons and the government officials and to provide media organizations with open and timely access to information so that they are not forced to rely on informal sources in order to establish the facts.

In United Kingdom, the British Broadcasting Corporation (BBC) has an exemplary set of reportage guidelines for 'War, Terror and Emergency'. BBC guidelines call for proper terror lexicon, avoidance of the term 'terrorist' and use of words which specifically describe the perpetrator such as "bomber", "attacker", "gunman", and not "kidnapper", "insurgent, and "militant" instead. Since the attacks on the London Underground in July 2005, reporters are exhorted not to play with the emotions of the audiences by reporting on events in a sensational manner.

All UK broadcast services are under a duty not to broadcast anything that could incite or encourage crime.

United States of America: - The USA PATRIOT (United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act instituted after 9/11 gives overriding powers to the Government and broad terms of this power mean that it can be used against practically anyone criticizing the US Administration's approach to combating terror.

Canada :- Canada's Article Ten of the Radio and television News Directors Association(RTNDA) of Canada's Code of Ethics says reporting of criminal activities, such as hostage takings, will be done in a fashion that does not knowingly endanger lives, hamper attempts by authorities to conclude the events, offer comfort and support or provide information to the perpetrator(s). RTNDA members will not contact either the victim(s) or the perpetrator of a criminal activity during the course of the event, with the purpose of

conducting an interview for broadcast. Canada's national public broadcaster, the Canadian Broadcasting Corporation (CBC)'s Journalistic Standards and Practices say that "CBC journalists must ensure that any action they take will not further endanger the lives of hostage's release. They must guard against being used or manipulated by the terrorists/hostage takers".

Reacting on media's role in Mumbai attack, Rajya Sabha Committee on Petitions has said in its report, "The live footage shown by television channels could have been used as free intelligence input by the perpetrators sitting far away, who allegedly guided the attackers through satellite mobile phone." The channels failed to self regulate. The Committee further said. "Self-regulation is an ideal situation, but it may not be effective to regulate the media, particularly in the scenario of growing competition among the channels for supremacy in business of rating." The Committee asked the government to put in place Broadcasting Regulatory Authority under an Act of Parliament.

In the wake of criticism of the role of the media, especially the electronic media, India's broadcasting bodies have brought out easy to recall self-regulatory guidelines:-

Dos & Don'ts

- Don'ts give live coverage of hostage crises
- Block information that may help terrorists
- Don't disclose details of hostages; withhold sensitive information on rescue operations.
- Avoid unnecessary repetition of archival footage which may agitate the minds of viewers

However, not much satisfied with the voluntary media code adopted by News Broadcasters Association (NBA), the Government is working out mechanism to supply 'authorized footage' for broadcast during crisis management towards ensuring 'careful coverage' not hampering rescue and counter operations.

The I & B ministry proposes to issue guidelines to all state governments and central ministries on providing information to the media during incidents like the Mumbai terror attack. The guidelines will cover incidents of terror, communal riots, hijacking, hostage situations and incidents that are perceived to be a threat to national security. The guidelines will also specify the role of the Press Information Bureau during crisis situations. The guidelines, being prepared in consultation with the Cabinet Secretariat and the Ministry of External Affairs, will also prescribe the do's and don'ts for providing information. The main concern behind this whole exercise is that contrary views should not emerge in the media.

Though the aim of the government action and the media industry's concept of self-regulation, is the same, the government proposal of "authorized video footage." has attracted severe criticism from the media fraternity on the ground that pre-censored footage will erode media credibility. While voicing their concern against '*government interference*' the broadcasters too agree that live coverage should not either compromise the national security and the lives of the people and there should be guidelines for such crisis. Since national crisis could also be a riot situation or a natural calamity, if channels are forced to telecast authorized footage, shortcomings may never come to light.

A prominent journalist has recently remarked in one of his editorials, 'we do not need censorship from the very people who failed us during the crisis. Give them these powers and they will fail the free society even more spectacularly.'

It is, however, heartening to note as widely reported in the Press that the Hon'ble Prime Minister, now also in charge of the Information and Broadcasting Ministry, has declared that without proper consultation with all the stake holders no hasty decision would be taken before finalizing Cable Television Net Work Rules.

Proceeding on the premise that for the state as well as the media, the ultimate concern is the national interest, it is necessary to

sit across the board and arrive at a mutually agreed strategy. The setting up a Media Commission is a long felt need and the Government will do well in taking urgent step in this direction so that various aspects of media functioning with rapid changes taking place world wide are addressed by experts with indepth studies.

2. Reporting Disaster, Natural Calamities

Coming to the subject reserved for the 2nd session, it may be stated that from time immemorial, human civilization has faced both natural and man made disasters in one form or the other. The earliest reference to it can perhaps be the deluge faced in the times of Noah and from his ark we may draw the lessons for preparedness for meeting the nature's fury, being an ancient account of 'disaster management'.

The concern over preparedness to face disaster is not new. Way back in 1950s, the first Prime Minister Pandit Nehru had personally taken up the issue with all the Chief Ministers of the country and his observation is as relevant today as it was then and I quote "Indeed, every calamity is a challenge to our nationhood.....and a nation is ultimately judged by the way the challenge is accepted."

Information is the basis of all the activities of the individuals and the society. It will be appropriate to address the following questions:-

When the individual, society, country or the mankind is faced with disaster, whether natural or man made, can the media come to the rescue or minimize the damage in any way? What role media should play at such crisis? What are the guidelines, which media should follow?

It is said that a free press and electronic media are the best guarantee against disaster. The media plays a critical role in shaping peoples' responses in times of crises. Therefore, it has a great preventive role in informing and preparing people against all calamities.

The media today has at their disposal potent methods and instruments that can educate and enable the people in performing their duty to the nation effectively, intelligently and specially in times of crisis.

The management agencies need to partner the media in bringing awareness, education and opinion building for increased recognition of the potentiality of disaster management to save human lives and protect property.

The two can work together to provide relevant training to reporters and field personnel to enhance both disaster preparedness and relief efforts. Media is not there just to report. It is a vital link between the scene of disaster and the rest of the world. Information is vital form of aid in itself.

The under-reporting and non-reporting can as well harm the situation. Media must evolve their own ethics, guidelines and strategies for covering disasters and balancing the public's right to know with the right to privacy and human dignity.

3. Reporting versus Individual Rights

It is necessary to understand what constitutes Human Rights. Basic human right would constitute the right of every individual to his fundamental freedom without distinction as to race, sex, language or religion. The horrors of the IInd world war had led to an awareness about the connection between the respect for 'human rights' and 'peace' and ensured that the United Nation promised such rights as 'universal rights'. Yet the two world wars were only a precursor of the times to come. Since then many wars have been fought not only between nation and nation but also between human and human. The ill-conceived notions of a misguided few have unleashed terror on innocent and unsuspecting civilians and the media has more often than not played into the hands of these insurgents, or terrorists or militants, as one may like to call them, by affording them a platform to stage their act in full view of the world audience. It is axiomatic that "any search for a unified theory of terror would be futile because there is no single well spring of its diverse instances around the globe" (anon.). While each militant's belief has arisen out of a variety

of backgrounds, terrorism primarily nestles in the bed of socio economic deprivation.

Speaking as the Chairman of the Press Council, it would be appropriate for me to refer to the reports of this statutory authority into the crisis that the nation faced in the 1990s in the State of Punjab and Jammu and Kashmir. When militancy was at its peak in these two states, the credibility of the media and threats to their free functioning also came to the fore. In that context, the Council also considered the reports of human rights violation by the Army and the para military forces in Kashmir.

The Press Council in its report of 1991 cautioned that it would not be desirable to shut out the point of view of the militants completely as the people in a democratic society have a right to know what the militants stand for and the basis of their arguments, but there is a point beyond which the state cannot abdicate. While it counselled the press to exercise due caution in disseminating the press notes of the militant groups, equal emphasis was laid on the need for the press to be vigilant against official plants to maintain its credibility. Soon thereafter in Kashmir, human rights excesses by army and the para military forces had invited international concern and criticism. The role and the plight of the press also came under scanner. The Council found that the threat to the freedom of the press in Kashmir came primarily from the climate of fear that the militants had generated and caused the media to abandon there

post. It was felt that the newspapers must be willing to accept the risks that go with their profession. Experienced hands should be posted who would report all sides and aspects of events fairly and objectively. The result of inquiry into the report of human rights excesses were astonishing. It was found that while some excesses had indeed taken place, been enquired into and processed, the most serious instances were without any foundation. Clearly, the psychological warfare by terrorists, orchestrating human rights violation needs careful, unbiased and thorough investigation to sift the chaff from the grain.

The Press Council of India also examined the issue of Press functioning in North Eastern States where persistent insurgent activities made it difficult for free functioning of Media. The Press Council has issued guide lines in such situations. Since hard realities to be faced by the Media in ever changing scenario of emergency situations cannot be encompassed by any rigid and fixed guidelines the reporters and media persons need to be effectively sensitized and trained to cope with emergency keeping in mind to ensure the paramount interest which will best serve the society at large and the nation in particular in a delicate situation. If the orientation of mindset for 'Bahujana Hitaya and Bahujana Sukhaya" (for the welfare of many and for will being of many) is exercised judiciously, dispassionately and with the appropriate sensitivity, by remaining conscions that the role of a media person is more a mission than a

profession, lots of evil emanating from inappropriate reporting can be avoided.

I would like to caution the media against the glorification of the terrorist as a celebrity and exploitation of the experiences of people affected by their acts. This is perhaps violation of the human rights by the media at its worst.

I would also like to end by quoting Mahatma Gandhi who can be counted as the foremost upholder of human rights, of freedom of expression and of non-violence: -

"Cowardice and ahimsa do not get together any more than fire and water. True non- violence does not mean that we remain non-violent before the strong and use force on the weak."

Namaskar.
