



PRESS COUNCIL OF INDIA

COUNTRY REPORT

WAPC EXECUTIVE COUNCIL MEETING

JULY, 2009

ISTANBUL (TURKEY)

GENERAL

Press Council of India is a statutory quasi-judicial authority mandated by the Parliament to preserve the freedom of the press and maintain and improve the standards of newspapers and the news agencies in India. It is an autonomous body with equal quasi-judicial authority over the authorities and the press persons. For the discharge of the above objects, the Council functions through a Chairman and 28 members. While the Chairman has by convention been a retired judge of the Supreme Court of India, of the 28 members, 20 represent various segments of the Press and eight representing the readers' interest, are nominees of the two Houses of Parliament and premier literary and legal bodies of the country i.e. University Grants Commission, Bar Council of India and Sahitya Academy. The Council has its own funds for performance of its functions under Act that comprises of the fee collected by it from newspapers and other receipts and grants from the Central Government. The Council is presently chaired by Hon'ble Mr. Justice G. N. Ray.

The Council discharges its functions primarily through adjudications on complaint cases received by it, either against the Press for violation of journalistic ethics or by the Press for interference with its freedom. Where the Council is satisfied, after inquiry, that a newspaper or a news agency has offended against

the standards of journalistic ethics or public taste or that an editor or working journalist has committed any professional misconduct, the Council may warn, admonish or censure them or disapprove of their conduct. The Council is also empowered to make such observations as it may think fit in respect of the conduct of any authority, including Government, for interfering with the freedom of the press. The decisions of the Council are final and cannot be questioned in any court of law.

Since this meeting is being held after a gap of two year the present report covers the period from 2007-2009. Between April 1, 2007-March 31, 2009, a total of 1404 complaints were instituted in the Council. Of these, 305 complaints were by the Press against authorities of the Government for violation of press freedom and 1099 complaints were directed against the press for breach of journalistic ethics. 2828 matters were in hand at the beginning of this period. Of these, the Council adjudicated 264 cases, while 898 cases were disposed of without inquiry in exercise of the statutory authority expressly vested in Chairman of the Council.

- **Advisory Functions**

In its advisory capacity the Council provided the Government and other authorities with its views on: -

1. Publication of report or photographs of juveniles in newspapers.
2. Obscenity in Print and Electronic media.
3. Campaign of Products by the liquor companies in newspapers.
4. Ethics in Governance.
5. Petition regarding misuse of Right to Freedom of Speech and Expression by the print and electronic media and the need to restrict under Article 19 (2) of the Constitution.
6. Status of Women in Print Media.
7. Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005.
8. Empowerment of the Press Council of India and proposal to bring Electronic Media under Press Council's jurisdiction.

9. Private Member's Bill 2007 on Consumer Goods (publication of Price with Advertisement) introduced in the Council of States (Upper House).
10. Draft National Policy on Criminal Justice.
11. Growth of Print Media in Liberalized Economy
12. Opinion on Exit polls during Election Process: Examination of the Representation of the People (Second Amendment) Bill-2008.
13. Guidelines on caution against overseas employment advertisements.
14. Strategies for Speedy Economic Development and Empowerment of Women.
15. Implementation of the provisions of UN Convention on Rights of Persons with Disabilities (UNCRPD).

- **Suo motu Cognizance**

The Council took *suo motu* cognizance of the incidents of violation against mediapersons and threats to press freedom in the following cases:

1. Persistent threats to professional journalists from militant's organisation in the Indian State of Manipur.
2. Arrest of Chandigarh-based Principal Correspondent of Indian Express reportedly following his news report on a complaint against Police Officer before the Punjab State Human Rights Commission.
3. Arrest of some journalists of the State of Madhya Pradesh reportedly on the directions of the State Education Minister.
4. Blockading of The Statesman House by hawkers affiliated to CITU the obstruction of the supply of copies of The Statesman and Dainik Statesman (Bengali).
5. Incident of lathi-charge on the journalists of print as well as electronic media at Jehanabad (Bihar) on 15th November 2005 after the Naxalites attack.
6. Order issued by Government of Andhra Pradesh, (an Indian State) restricting press functioning in the State.
7. Harassment of Journalist on the basis of the news report published by *Jansatta* in its issue dated 21.4.2008.

8. Attack on the offices of Andhra Jyoti on the basis of news report published in *The Hindu* issue dated 27.5.2008.
9. Sedition and treason charges against *The Times of India*, Ahmedabad (Gujrat, an Indian State) by the City Police Commissioner on the basis of the news items published in *The Hindu* and *The Indian Express* dated 2.6.2008 and *The Times of India*, dated 3.6.2008. (Since sub-judice)
10. Attack on *Loksatta* Editor's Home on basis of news published by *The Hindustan Times*, *The Indian Express* and *The Hindu* dated 6.6.2008.
11. Attack on the editorial office of a Nepali Daily *Hamro Prajashakti*, Gangtok, Sikkim as per the Press Release dated 5.7.2008 issued by the Sikkim Pradesh Congress Committee, Gangtok.
12. Attack on the media freedom in Jammu & Kashmir Indian State on the basis of a news report published by *The Indian Express*, New Delhi issue dated 3.9.2008.
13. Bid to attack *The Hindu* office in Coimbatore on the basis of a news item published by *The Hindu* in its issue dated 14.10.2008.
14. Killing of journalists in Assam and Manipur, Indian States
15. An SOS, subversion of Press Freedom in Mangalore and Udupi on the basis of complaint filed by Editor-in-Chief, *Karavali Ale*, Mangalore. Report by the Council in this regard has been forwarded to the concerned State Government for necessary action at their end.

Reports

The Council came out with the studies and the reports on important matters which have nexus with the preservation of the freedom of the Press and maintenance of its standards. Various Sub Committees were constituted to undertake the studies which came out with their Reports.

- Report dated July 27.7.2007 of the Sub Committee on Working Journalist Act *vis-à-vis* Appointment of Journalists on Contract.
- Report dated October 4-5, 2007 of the Sub Committee on the Problems of Small and Medium Newspapers.

- Report dated October 4-5, 2007 of the Assessment Committee on violation of the Freedom of Press in North-East.

Updation of Norms of Journalistic Conduct

The Press Council of India under the mandate of Section 13(2) (b) of the Press Council Act, 1978 is to build up a set of guidelines to facilitate the functioning of the Media. While these norms are regularly built up on the basis of case law, some subjects specific guidelines are also drawn up in pursuance of Order of Hon'ble Court of Juvenile, Thiruvananthapuram (Kerala, an Indian State) in a writ petition no. CMP 52/2008 filed by National Network of Positive People objecting to an incident relating to visual screened by the media of two children afflicted with HIV/AIDS, the Council in consultations with the representatives of UNAIDS and activists in the field has updated the guidelines drawn up in 1993 on HIV/AIDS and the Media. The Council while adopting these guidelines proposed their wide dissemination with translation in other languages to facilitate better understanding of the issue in state by regional and local media.

Guidelines have also been drawn upon often criticized “Trial by Media and on Photo Journalism.”

In its efforts to take justice to the doorstep, the Council held its sittings at Guwahati, Nagpur, Chennai and Goa where the hearing into the cases of the region saved the litigants the travel to Delhi to mitigate their grievance.

- During the period, two Research projects in collaboration with Makhanlal Chaturvedi National University of Journalism and Mass Communication and Centre for Media Studies were undertaken/pursued:

1. Pursuant to the workshop on March 3, 2008 on ‘Standardization of Media Education’ organized by the Press Council of India jointly with Makhanlal Chaturvedi National University of Journalism and Mass Communication, a Core Committee has been set up which comprises of nominees of prominent institutions in the field of media industry, media education, professional media bodies and academic institutions to draw a common minimum framework of Journalism and Mass Communication Education

- in India. The areas of focus are curriculum, faculty, infrastructure, training programmes and validation of media teaching institute.
2. 'State of Newspaper Scene 2007' Report detailing the trends in newspaper journalism during the relevant period, was submitted by Centre of Media Studies, New Delhi. The report has been adopted by the Council in its meeting held on October 14, 2008 and is available on the website of the Council.
- In its efforts to encourage debates on media matters, the Council organized/participated in discussions in various parts of the country as per Annexure 'A'

- **Opinion of the Council on Contempt Proceedings vis a vis Truth as a Defence for Media**

On the matter of Contempt proceedings against an English newspaper viz Mid-Day before High Court of Delhi and the conviction of its journalists, the Council observed that the Courts are expected to be more sensitive to the duties and functions of the press and before taking any view the courts are expected to consider whether the criticism *per se* has undermined the functioning of the Court in the estimation of the public by demeaning the judges presiding in the law courts. It also observed that in a democratic set up all institutions are open to bonafide critical evaluation of their functioning and such bonafide criticism in public interest would only strengthen the quality of functioning. Eminent judges and jurists had indicated that dignity of the court would be maintained more by restraint and magnanimity. The Council had therefore, supported before the Parliamentary Committee, the proposal to accept truth as a defence in any contempt proceedings against the Media and truth forming the basis of the media information had now been protected under the amended provisions of the Contempt of Courts Act. Therefore, media information based on truth and published in the public interest would constitute defense in a contempt proceedings. It however, felt that such publication should not be accompanied by publicity, which was excessive.

- **Opinion on Indian Media and General Elections, 2009.**

The election process is the back-bone of our democratic system. The public has, therefore, a right to know through the medium of the press all public acts of the public functionaries engaged in the election process.

The Council in wake of General Election issued advisories with a view to allow the media, free and unrestricted access to places of election and to sensitize the authorities over their relationship with media during General Elections.

Further, while the Press Council of India did not suggest ban on pre-poll opinion surveys, it cautioned the print media against allowing its forum to be used for distorting and manipulation of election process by publishing *inter-alia* poll surveys indiscriminately. It had also strongly advised against exit poll surveys in the event of staggered date of voting so as to allow voters to exercise their right uninfluenced by extraneous considerations. The Election Commission of India also issued an advisory banning exit polls.

The Council expressed serious concern over the covert emergence in the form of “paid news” syndrome during the recently concluded election. This is perhaps the worst form of ‘misinformation’ or even ‘disinformation’ when the gullible public is led to believe the ‘truth’ of the glorified achievements and promises. It is heartening that the Election authorities at various levels had instructed all the District Collectors and Presiding Officers in the states to take necessary action for the inclusion of expenditure incurred towards “paid news” articles published in the various daily newspapers, in the candidates’ election expenditure.

The experience of the Press Council of India clearly demonstrates that an authority assured of its freedom and independence by statute can successfully function as a watch dog over the self regulation by the fourth estate and by virtue of legal sanction behind its action/adjudication, it can ensure that the press discharges its expected duties and responsibilities towards the public and the society at large.
