

Sharing of Good Practices with Newly Established Press Councils: A Special Roundtable

(Speech delivered by the Hon'ble Chairman Mr. Justice C.K. Prasad, at the World Press Freedom Day 2017, Jakarta, Indonesia, on 2nd May, 2017)

I am honoured to be a part of today's function. UNESCO has declared third of May as the World Press Freedom Day. All those countries who value democracy celebrate it. India is the world's largest and most vibrant democracy, which values the press freedom and I am privileged to be a part of this celebration.

Journalists are the crusader of truth. The profession does not have the power of politics, it lacks the influence of bureaucracy and salary does not match with the corporate sectors. It is the desire to become the agent of change that drives people to journalism. It is through them that all of us enjoy our right to be informed. In the process, journalists come in conflict with the wrongdoers, who tend to harm them. For these reasons it is essential to create a body, which can be entrusted with the task of preserving the freedom of media. With this view in mind the Press Council of India was set up by an Act of Parliament in the year 1966 with the task to promote the freedom of the press and independence of newspapers, news agencies and journalists by raising the standards of journalism and keeping under review any development which may interfere with the free flow and dissemination of information. It also monitors any development such as concentration of ownership of newspapers and news agencies which may affect the independence of the press. The Press Council of India is conferred with the power of prescribing code of ethics for maintaining high standards in journalism and foster sense of responsibility and public service among those engaged in the profession of journalism in India.

For such a body to be effective it needs to be independent and this can only be possible when in the selection of the Chairman and Members of the Council, the State authorities have no role to play. It should be done by a

collegium of independent persons. It is widely accepted that financial dependency can cripple anybody, if one has no financial independence; it has no place in decision making process related to difficult and important issues. Therefore, one can look into India's model. The composition of the Press Council of India comprises of a Chairman and twenty eight members. Out of the twenty eight members, twenty represent various segments of the Press and eight oversee the readers' interest and they come from the two Houses of Parliament and the premier literary and legal bodies of the Country. The Chairman, by convention has always been a sitting or a retired Judge of the Supreme Court of India.

The independence of this body is not only reflected in its composition but is also financially independent which shields it from any external influence. The Council has its own fund for performance of its functions under the Press Council of India Act.

For daily operation and management of the Press Council, it needs a Secretariat and to make the Press Council relevant it is imperative that the employees of the Secretariat are appointed by the Council. This has been achieved by our Council. Our permanent Secretariat is located in Delhi with the sanctioned strength of eighty employees, including the Chairman, the Secretary, and other officers and staffs, who are appointed by the Council and their discipline and control vests with the Council.

The Press Council of India is a quasi-judicial autonomous authority that has been mandated by the Parliament to preserve the freedom of the press and maintain and improve the standards of the newspapers and news agencies in India. Neither the Government, nor any outside agency or authority can interfere with the functioning of the Press Council. Indeed, the statute itself empowers the Council to make observations against the conduct of any

authority including the Government. The Press Council Act also confers upon it the power to, conduct *suo-motu* studies and express its opinion with regard to any bill, legislation, law or other matters touching the Press and convey its opinion to the Government or the persons concerned.

The Press Council of India has the power to take *suo-muto* cognizance of incidents of any form of violent act perpetrated against journalists or media persons or whenever the freedom of press is at peril. The Press Council has the authority to constitute Special Committee(s) of its members to make an on-the-spot inquiry concerning any matter or incident related to the freedom of Press.

Handling of complaints is one of the important functions of the Council. For its smooth handling it is necessary that complaints are divided and registered separately. In India, it is under two broad categories i.e., by the Press and against the Press. Complaints of impediments in news collection or harassment to the journalists by the authorities or the individuals are registered under the heading 'by the Press'. The complaints of untruthful or defamatory writing and blackmailing or extortion by the members of the Press are registered with the heading 'against the Press'.

All of us believe that justice delayed is justice denied and therefore it is necessary that time limit be fixed for disposal of disputes. To achieve this, the Council may draw the Calendar in advance. This is needed more in a multi-member body which consist of wise and successful men from different walks of life. As I told you, ours is a 29 member's body and as the Chairman of the Council, the most difficult task for me was to fix the dates of the Council's meeting. In order to meet the difficulty, the Council decided to draw a calendar of events well in advance before the beginning of the next year. This practice has considerably improved our functioning. Ladies and gentlemen, I am proud to say that we have started disposing off Complaints in less than six months.

Credibility of an Institution largely depends upon its capacity to withstand outside pressure and for that it needs to be insulated from the influence of stakeholders. Media being the sentinel of truth it is but natural that they come in conflict with authorities in pursuit of truth. I have said on a large number of occasions that conflict between media and authorities serves the cause of democracy; in fact it is healthy for democracy. Therefore, I commend that the law which provides for Constitution of the Council must not give any role in selection of its member to the authorities or groups whose issues come up for consideration before the Council. It goes to the credit of the law makers in India, that the State authorities have not been given any role in selection of the members of the Council.

In India, the Chairman is appointed on the recommendation of a collegium consisting of Vice President, the Speaker of the Lok Sabha and a nominee of the Council itself. Amongst thirteen working journalists, six represent the Editors, seven are working journalists, and two persons represent the big, medium and small newspapers and one the news agency. In their selection also the Government has no role to play. They have to be from the Associations of working journalists recognised by the Council. One member each come from the UGC, Sahitya Academy and Bar Council of India, besides five Members of the Parliament, three representing the Lok Sabha (House of the People) selected by the Speaker and two from Rajya Sabha (Council of States) nominated by its Chairman are other members of the Council. In their selection also Government has no role.

As I have mentioned earlier if a body is not financially sound and independent it cannot play lasting role and therefore it needs to be ensured that every Press Councils must have financial independence. In this connection it is worth mentioning India's Press Council model. In my country, every registered newspapers and magazines are required to pay fee annually to the Council

depending upon their circulation. This is perennial source of revenue for the Press Council of India. Ladies and gentlemen I commend for its consideration by other Press Councils.

Ladies and Gentlemen, I would like to share one of my observation, that you must be aware of too, few international organisations are involved in ranking nations according to the freedom of press permitted in respective nations and unfortunately, India is not placed in a very good position in that index, and to add up this year in 2017, India has slipped three places from 133rd to 136th in World Press Freedom Index published globally by the Reporters Without Borders. I am sorry to mention that I have some doubts on the authenticity and credibility of the reports and the basis on which the ranking is done and also the methodology used to rank the nations as I believe India has the most vibrant press. Hence to inquire, I have tried communicating with the South Asian office of the organisation several times to learn about their methods of ranking and had expressed my willingness to share how Press Council of India is working to preserve the freedom of press, however, till date we have not received any response from Reporters Without Borders. It must be noted that some of the reports published by them do not present all sides of the matter and most importantly when India does have an autonomous body for the protection and preservation of freedom of press, then atleast RWB should have consulted such an organization as part of good research.

To conclude I would say it is never an easy task to uphold the freedom of press and maintain a standard of good journalism, especially in a huge and diversely populated country like India. However the mechanism that the Press Council of India has adopted in dealing with the complaints or any incidents of violence on the media persons have been largely successful and have yielded positive results. With the help of the Journalistic community which is part of the Council, the Council has been able to discharge its duties and responsibilities

with utmost dedication and competence. Today journalism is digital and mobile. The traditional ink and paper journalism is on the wane and the way out. Social media is fast replacing the traditional media and its reach is beyond the frontiers of the country, perhaps more than the newspapers. But nobody is responsible for its contents. It is therefore suggested that some regulatory regime is to be devised to oversee the new media also, i.e., the digital media. The Council is working with the Govt. of India on certain critical issues and one of them is to bring the electronic media and digital media within the purview of the Council and hence make the Press Council as Media Council of India. The Press council of India conducts several conferences and seminars on the issues related to media and how media can be used in a positive way by citizens so as to contribute towards nation building and for raising social awareness on safety of journalists. Last year the topic which we chose for commemorating the Golden Jubilee Year of establishment of the Council was “Challenges faced by Journalists while reporting from Conflict Areas”. This helped us understand the difficulties faced by journalist while reporting from conflict zones.

With these words, I would like to thank you all for your patience and on behalf of the Press Council of India and my colleagues I would like to thank the organizers for inviting me to this event which has been a learning experience.

Thank you