

# Freedom of the press and the Press Council

Journalism  
1-2-87  
Muhammad

## Abdul Hameed Chhappra

The author is the President, Pakistan Federal Union of Journalists

**T**WO HUNDRED years ago when Edmund Burke, the great Irish born British Parliamentarian sitting in the House of Commons and seeing the pressmen taking down notes of the Parliamentary proceedings referred to the press as fourth Estate, it was obvious to everyone that the press has become the fourth most important organ in Britain, next to the King, the Lords (members of the upper house) and the Commons (members of the lower house, directly elected by the people).

Ever since that time and even perhaps earlier, the reaction to the great influence the press wielded was being felt around the world, as the press was playing a decisive role in the formation of public opinion in most matters.

At the same time, on the other hand, the emergence of unlimited governmental power in various states also led to a reaction, so much so, that within a short time of the enactment of the United States Constitution, its very first amendment mandated that the states shall not abridge the freedom of the speech and the freedom of the press and both these freedoms are not merely interconnected and inter-dependent but are also preferred freedoms on which the true functioning of the democratic state is based.

There arose therefore the beginning of a movement one geared to regulate the all-powerful press with its limitless power which could not merely influence the birth of a particular government but also use the same power for its destruction and the other to foster, preserve and protect the freedom of the press as a controlling weapon to resist or lessen the ever-growing and all encompassing power of the modern state.

The freedom of the press as all of us know is not an absolute freedom because there is nothing called unfettered freedom for the reason that what is unfettered is uncontrollable and therefore is the surest way to undermine the rule of law and the security and stability of the very State which is called upon to ensure the freedoms including freedom of the

enjoins all organs of the government to respect and enhance those freedoms and not to abridge or restrict such freedoms save in the interest of racial and religious harmony or in relation to the parliamentary privileges, contempt of court, defamation or incitement to commit offences.

The fundamental objective of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. Towards this end, the Press is expected to conduct itself in keeping with certain norms of professionalism universally recognised.

The Press should refrain from publication of inaccurate, baseless, graceless, misleading and distorted material. All sides of the core issue or subject should be reported. Unjustified rumours and surmises should not be set forth as facts. In other words accuracy and fairness should be ensured.

Press Council is a mechanism for the press to regulate itself. The raison d'être of this unique institution is rooted in the concept that in a democratic society the Press needs at once to be free and responsible.

If the Press is to function effectively as the watchdog of public interest, it must have a secured freedom of expression, unfettered and unhindered by any authority, organised bodies or individuals. But, this claim to press freedom has legitimacy only if it is exercised with a due sense of responsibility. The press must, therefore, scrupulously adhere to the accepted norms of journalistic ethics and maintain high standards of professional conduct.

Where the norms are breached and the freedom is abused by the unprofessional conduct, a way must exist to check and control it. The control by government or official authorities may prove destructive of the freedom. Hence, the best way is to let the peers of the profession, assisted by discerning laymen to regulate it through properly structured, representative and impartial machinery. Hence, the Press Council.

A need for such a mechanism has been felt for a long time both by the authorities as well as the press itself all over the world, and search for it resulted in setting up

the Speaker of the House of People (Lok Sabha) and a person elected by the members of the Council.

Out of 28 members, twenty are representatives of the Press, including one representative of the news agencies. Of the nineteen representatives, six are editors, seven are non-editor journalists and two each represent owners of the big, small and medium newspapers. Three members belong to the category of persons having special knowledge or practical experience in respect of education and science, law and literature and culture and of whom one is nominated by University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy. The representative body of the working journalists Indian Federation of Working Journalists (IFWJ) (counterpart of Pakistan Federal Union of Journalists (PFUJ) has representation on PCI. Five members are from Parliament — three are nominated by the Speaker of the Lok Sabha and two by the Chairman of Rajya Sabha. The term of the members and the Chairman is three (3) years, who can be re-nominated for another term of three years.

The twin objects of the Press Council are "to preserve the freedom of the Press" and "to maintain and improve the standards of newspapers and news agencies in India". Newspapers according to the Indian Press Act means any printed periodical work containing public or comment on public news.

In furtherance of the above objects, the Council may perform, among others, the following functions:— to help newspapers, news agencies and journalists in accordance with high professional standards; to ensure on the part of newspapers, news agencies and journalists, maintenance of high standards of public taste and foster a sense of both the rights and the responsibilities of citizenship; to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance; to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in the news agencies; to concern itself with the development such as concentration of or other aspects of ownership of newspapers and news agencies

As regards complaints by Press, the Council has jurisdiction to consider complaints against government or other authority. In such complaints, the Council may make such observations as may think fit, in any of its discussions or reports, respecting conduct of any authority, including the government. The provisions of the Council (PCI) final and Act provides that it shall not be questioned in court of law.

In cases of matters of public importance, bearing on its statutory responsibilities, the Council may suo moto take cognizance and institute special inquiries

**I**T IS felt all over the world if punitive powers are instituted in a press council, it will destroy the character of the Council as an internal mechanism of Press, but will also embroil innumerable court cases defeating the very objective of the statute by not only making the remedy costly and dilatory but also constituting the court for the Council. The remedy in that case be worse than the disease. Therefore the main objective of the Press Council to provide a speedy, inexpensive and anticipatory justice will be frustrated.

The PCI has over the years set up a code of ethics for newspapers, news agencies, journalists in conformity with high standards of journalism. It has drawn up for financial journalists ethical guidelines have been drawn up for financial journalists to check corrupt practices, also for pre-poll and exit polls to ensure unbiased and uninfluenced independent voting.

The main function of the Press Council of India is to consider and adjudicate complaints by against the Press. Any person feeling aggrieved about anything done which is likely to interfere with the independence and freedom of the Press, may approach the Council. Similar person aggrieved by any publication or non-publication in newspaper or journal, may also complain with the Council. A breach of the recognised canons of the journalistic ethics and public good taste.

A complaint lodged with Press Council is first, examined by the Secretariat of the Council and is put up before the Council. If the Chairman finds that there are no sufficient grounds

amendment mandated that the states shall not abridge the freedom of the speech and the freedom of the press and both these freedoms are not merely interconnected and inter-dependent but are also preferred freedoms on which the true functioning of the democratic state is based.

There arose therefore the beginning of a movement one geared to regulate the all-powerful press with its limitless power which could not merely influence the birth of a particular government but also use the same power for its destruction and the other to foster, preserve and protect the freedom of the press as a controlling weapon to resist or lessen the ever-growing and all encompassing power of the modern state.

The freedom of the press as all of us know is not an absolute freedom because there is nothing called unfettered freedom for the reason that what is unfettered is uncontrollable and therefore is the surest way to undermine the rule of law and the security and stability of the very State which is called upon to ensure the freedoms including freedom of the press.

No civilised society can last or survive if the power of the press is used to defame, criminally or otherwise its citizens including the pressmen and consequently the freedom of the press does not cover the right to make libellous statements and ruin the reputations of peace-loving and law-abiding citizens who have in no way caused any mischief to society.

Quite naturally, the first legal restriction vis-a-vis freedom of the press is that the dignity and reputation of a person are valued, properties of an individual should not be permitted to be attacked in the exercise of the freedom of the press.

It is needless to state that laws regarding libel action and rules governing criminal defamation are applicable in most countries and provide the basic safeguards to prevent the press or its reporters and publishers from committing libel and slander.

Secondly, as in many other States, in Pakistan, the freedom of the speech and expression which includes publication is enshrined as a fundamental right guaranteed by the Constitution which also

If the Press is to function effectively as the watchdog of public interest, it must have a secured freedom of expression, unfettered and unhindered by any authority, organised bodies or individuals. But, this claim to press freedom has legitimacy only if it is exercised with a due sense of responsibility. The press must, therefore, scrupulously adhere to the accepted norms of journalistic ethics and maintain high standards of professional conduct.

Where the norms are breached and the freedom is abused by the unprofessional conduct, a way must exist to check and control it. The control by government or official authorities may prove destructive of the freedom. Hence, the best way is to let the peers of the profession, assisted by discerning laymen to regulate it through properly structured, representative and impartial machinery. Hence, the Press Council.

A need for such a mechanism has been felt for a long time both by the authorities as well as the press itself all over the world, and search for it resulted in setting up of first Press Council known as the Court of Honour for the Press in Sweden in 1916. The idea gained quick acceptance in other Scandinavian countries, and later in other parts of Europe, Canada, Asia, Africa, Australia and New Zealand. Among the SAARC member countries Bangladesh, Sri Lanka, Nepal and India already have Press Councils. Today, Press Councils or similar other bodies are functioning in more than four dozen nations.

**T**HE FIRST Press Council in India was set up in 1966, on the recommendation of the First Press Commission, under the Press Council Act, 1965. The 1965 Act was, however, repealed in 1975 during the Emergency, and the Press Council was abolished. The Act was re-enacted in 1978, more or less in the same terms, and the present Press Council was constituted under it in 1979.

The Press Council of India (PCI) has, besides the Chairman, 28 members. The Chairman is, by convention, a retired judge of the Supreme Court of India, who is nominated by the Committee consisting of Chairman of the Council of States (Rajya Sabha),

“to maintain and improve the standards of newspapers and news agencies in India”. Newspapers according to the Indian Press Act means any printed periodical work containing public or comment on public news.

In furtherance of the above objects, the Council may perform, among others, the following functions:-” to help newspapers, news agencies and journalists in accordance with high professional standards; to ensure on the part of newspapers, news agencies and journalists, maintenance of high standards of public taste and foster a sense of both the rights and the responsibilities of citizenship; to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance; to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in the news agencies; to concern itself with the development such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press.

These apart, the Act also confers an advisory role on the Council which can undertake studies and express its opinion in regard to any Bill, Legislation, Law or other matter touching the Press and convey its opinion to the government or the persons concerned. Though the Press Council of India does not have punitive powers, but it wields a weighty moral authority. In complaints against the Press where the Council has reason to believe that a newspaper or a news agency has offended against the standards of the journalists ethics of public taste, or that an editor or a journalist has committed any professional misconduct, it may, for reasons to be recorded in writing, warn, admonish, or censure the newspaper, the news agency, the editor or the journalist, or disapprove the conduct of the editor or the journalist. In appropriate cases the Council may direct the respondent to publish the contradiction/reply or rejoinder of the aggrieved person or to publish the substance of the decision of the Council.

up a code of ethics for newspapers, news agencies and journalists in conformity with the high standards of journalism. Special ethical guidelines have been drawn up for financial journalism to check corrupt practices, and also for pre-poll and exit polls surveys published in the Press to ensure uninfluenced and independent voting.

The main function of the Press Council of India is to consider and adjudicate complaints by and against the Press. Any person feeling aggrieved about anything done which is likely to impair or interfere with the independence and freedom of the Press, may approach the Council. Similarly, a person aggrieved by any publication or non-publication in any newspaper or journal, may lodge a complain with the Council for breach of the recognised cannons of the journalistic ethics and public good taste.

A complaint lodged with the Press Council is first, examined by the Secretariat of the Council and is put up before the Chairman. If the Chairman finds that there are no sufficient ground for inquiry or it is beyond the jurisdiction of the Council or it is too trivial to be inquired into, or it is settled by the parties, he summarily disposes it of. If Chairman finds there are sufficient grounds for inquiry, it is marked to one of the standing inquiry committees for inquiry and time bound show-cause notice is issued to the respondent newspaper/editor or journalist/authority.

Press Council of India is perhaps the only statutory institution in the world, with the power to make observations on the conduct of authorities including government when they interfere with the freedom of the Press.

By its very composition and character and the nature of functions, the Council is an independent authority. Autonomy is essence of its functioning. Over the years it has emerged as a conscience-keeper and

It is high time Pakistan to follow itself to some so accept the resp to society.