

Role of the Press Council in changing times

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Mass Communication

The Press Council as an institution suffers from two handicaps wherever it is in existence – ignorance about its jurisdiction and functioning, and misunderstanding of its role. It is, therefore, first necessary to understand clearly the genesis of the very concept of the Press Council.

Ever since the Press came on the scene in Europe in the seventeenth century it attracted restrictions from the authorities, since its first appearance itself, though in the form of leaflets, among other things, exposed the wrong-doings of the monarchy, the aristocracy and the clergy. The leaflets – the ancestors of the present newspapers – became popular as they contained alacrious matter about the high and the mighty. This brought pre-censorship, imprisonment of publishers and writers, confiscation of printed material and also of the printing presses. This period was followed by the era of libertarianism and individualism – the Renaissance in Europe. The individual was placed at the centre of the stage and freedom of the individual became the new religion. It is this gospel which led to the concept of the free Press for the first time. The Blackstonian theory of no pre-censorship leaving the individual to face the risk of post-publication trial by the Court for his wrong action, if any, prevailed and rightly so. For, instead of a bureaucrat applying his unilateral and arbitrary scissor to the material, even before it saw the light of the day, the material could be examined in court and the court could arrive at its decision after hearing arguments from both sides.

But the libertarianism which was promoted by this theory of individualism did not take much time to degenerate into licentiousness. Blackmailing, sensationalisation of events, yellow journalism became rampant. This gave rise to the theory of social responsibility. If the freedom was to be employed by the Press, since it performed a social service, it had also to discharge its responsibility towards the society in turn. The responsible section of the society as well as in the Press felt that some kind of mechanism was necessary to enforce the social responsibility. But having had the earlier experience of the repressive and suppressive mechanism of the State, there was a legitimate aversion to the restrictions and repressive apparatus of the State. The search for a suitable machinery to enforce the social responsibility led to the eventual emergence of Press Council and the internal ombudsman. The first Press Council was established in 1916 in Sweden which has always been known as the most liberal nation.

The Swedish example was later followed

referred to it by the government; and (h) to discharge any other function in furtherance of the objectives of the Council.

It is also entrusted with the task of adjudicating complaints against the Press for violation of ethics and so also by the Press against authorities for encroachment on the freedom of the Press.

The Council's composition is also ideal and independent of government. It has a Chairman and 28 members. Its Chairman is selected by an independent three-member Committee consisting of the Vice-President of India, the Speaker of the Lok Sabha and one member nominated by the members of the Council. Out of 28 members, the majority, namely 20, belong to the Press – six are owners, six editors, seven non-editor journalists and one represents news agencies. They are nominated by their respective organisations. The remaining eight are representatives of the people and of professional institutions. Five are Members of Parliament – two of Rajya Sabha nominated by the Chairman of Rajya Sabha, three of Lok Sabha nominated by the Speaker. Out of the remaining three, one is the nominee of the Bar Council of India, one of the University Grants Commission and one of the Sahitya Academy. The Act itself gives power to the Council to make observations against the authorities, which the Council does time and again when there is an encroachment by them on the freedom of the Press. The very fact that during the civil emergency of 1975-77, the Press Council Act was repealed and the council was abolished, shows that the government felt and was feeling the heat from the Council's decisions against it.

The role of the Press Council remains the same and should, according to me, remain the same. It need not change. However, the situation in which it is operating is changing. It appears that some private owners of the Press are labouring under a grave misunderstanding that the Press is an exclusive preserve for them and no other ownerships structure has a right to enter the domain of the Press. According to them, the constitutional guarantee of the freedom of the Press is given only to them as a special class of citizens. What is worse, it appears that according to them the Press Council is also established to preserve and promote their interests only and neither the editor nor the non-editor journalists nor the people have anything to do with the Council.

Democracy, as we know, is a government of, by and for the people. The "people" here means well-informed people and not media-manipulated people. Democra-

by some other countries. Today, we have one-third of the nations of the world which are members of the United Nations which have a free Press. Out of that about 35 to 40 countries alone have Press Councils. Not all Press Councils are statutory bodies. Many of them are voluntary bodies composed of only publishers; some of publishers and editors; some of publishers, editors and representatives of the people while some are exclusively of the people's representatives. Not all discharge the same functions. A majority of them investigate complaints only against the Press and do not take cognisance of complaints against the authorities for their encroachment on the freedom of the Press. The procedures followed in hearing the complaint and the penalties imposed also vary. Some, including the British Complaints Commission, do not give personal hearing to the parties. On receipt of the complaints, they only call for explanation from the other side and decide on the basis of the material on record. Some others, in addition, also give personal hearing to the parties and the hearing is public, unlike others. Some like the Swedish Press Council impose penalties of fine while others impose the maximum penalty of censure.

The Philosophy behind the establishment of the Press Council is that it should be a self-regulating internal mechanism ordinarily of the peers in the profession with the representatives of the public, the readers also having a say in the matter, since freedom of the Press is essentially the freedom of the people to be informed adequately and accurately on matters having a bearing on public interest.

It is in this light that we may examine the composition, jurisdiction and functions of our Press Council. Recently, when the Pakistan Government came out with a proposal for a Press Council in that country, the journalists demanded a statute like the Press Council of India Act as an ideal enactment. This is because the arrangement envisaged under our enactment has the advantages both of a voluntary body and a statutory mechanism. It is a unique piece of legislation. But as it happens, in course of time, even good things get perverted and unfortunately, today, even our own arrangement is sought to be perverted, as I shall explain to you shortly.

The object of our Press Council, as incorporated in Section 13 of our Act, is to preserve and promote freedom of the Press and to maintain and improve the standards of the newspapers and news agencies. To implement this object, certain functions have been entrusted to the Council. They include (a) to help newspapers and news agencies to maintain their independence; (b) the raising of the standards of the newspapers and inculcating in the persons connected with the Press a sense of duty and responsibility as citizens. For this purpose to prepare a code of professional ethics; (c) to monitor any development which may prevent or obstruct the free flow of information; (d) to monitor developments which may lead to the concentration of the ownership of newspapers; (e) to monitor foreign funding of newspapers; (f) to promote a proper functional relationship between different classes of persons engaged in the production and publication of the newspapers or in news agencies; (g) to give advisory opinion to the Central Government on any media-related matter which may be

cy is also a government by debate and discussion and not by the arbitrary decisions of a few individuals. The debate and discussion presumes availability of diverse information from plural sources and not from one source only. Restricting information to one source is nothing short of regimentalisation of information as in dictatorship or an authoritarian regime.

That is why plurality both in number and nature of the media establishment is needed to ensure real democracy. The trust running newspapers where the trustees are independent and not affiliated to any political, social or religious group or business, the cooperative societies and companies of journalists or the journalists owning their newspapers are healthy outfits of the media for a healthy democratic regime.

We have some internationally known newspapers in countries like Japan, France and the USA run by the journalists. Even in our own country, a Hindi daily, *J Morcha*, has been run by a cooperative society of journalists successfully for the last 40 years. It is one of the very few newspapers which has stood firm against the government throughout, and even the emergency of 1975-77, when most of the newspapers crawled before the government. Incidentally, it is one of the few newspapers again where the awards of journalists' Wage Board are always fulfilled and without any hassles and timelag.

Our Constitution, our general law and our Press Council Act does not make a distinction between private owners and other owners. In fact, one of the members of our Council is the president of a cooperative society which is running a newspaper and he has come to the Council in that capacity. The INS also has trusts and cooperative society owners as its members and it cannot make any distinction between owners and owners, as its Constitution stands today. I am, therefore, surprised that the present controversy which at all have been raised. There is no logic nor sense involved in it. It is for people to find out why such meaningless controversy should have been raised and the allegations of bias against Press Council and its Chairman should have been made just because the Chairman speaks in favour of cooperative structure of ownership as well, and a contract system of the employment of journalists as it tends to compromise the independence of journalists.

The Press Council has to act in the interest of all categories of owners and functionaries of the Press. That is the date of the Press Council Act. To ignore some and act only in favour of others, the private owners want it to do, betray that mandate and convert the Council into the Private Owners' Council. It is the duty of the Press Council and people to resist such attempt at all. The institution is meant for the people to preserve and promote their right to receive full and truthful information on matters of public interest. It is not for promoting the interest of any particular constituent of the Press.

The above is the Professor P.P. Memorial Lecture, delivered by the Chairman, Press Council of India (New November 10, 1998). The lecture was organised by the University Journalists Society of East Punjab