

Press Council of India as a Self-regulatory Body

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Autonomy in journalism signifies, firstly, freedom of expression, i.e., the freedom to hold opinion and their circulation through printed words and secondly, evaluation and regulation of journalist' performance only by professional peers. Self-regulatory body is an important attribute for achieving autonomy in a profession. To achieve professional autonomy in any profession, the best way would be to let peers of the profession regulate it through a properly constituted impartial body. In journalism the task of regulator has been assigned to the Press Council of India. In the present endeavor an attempt has been made to evaluate the role of the PCI as a self-regulatory body. In view of the definition of self-regulatory body like Medical Council of India and Bar Council of India, the self-regulatory bodies in medical and legal professions respectively, in the present analysis it was found that PCI cannot be described as a self-regulatory body of journalism and the press. Moreover, due to its limited powers it has not been very effective in enforcing a code of conduct in journalism. It has been called a 'paper tiger with rubber teeth'. Even journalists are not in favour of making PCI more powerful.

[**Keywords** : Professional autonomy, Code of conduct, Press Council of India]

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CONTEMPORARY SOCIAL SCIENCES, Vol. 30, No. 2 (April-June), 2021
Peer Reviewed, Indexed & Refereed International Research Journal

1. Professional Autonomy in Journalism

Autonomy of the press relates to their freedom of selection and treatment of news and their expression without any intervention from anyone including, Government, proprietor of the newspaper organization or any other outside agency/force. Their professional behavior, therefore, must be examined by their fellow journalists. Autonomy in journalism signifies, firstly, freedom of expression, i.e., the freedom to hold opinion and their circulation through printed words and secondly, evaluation and regulation of journalist' performance only by professional peers. The rationale for professional autonomy in any profession, in the views of Freidson and Rhea (1965), is technical competence, and in the opinion of Larson (1977), norm of altruism. Journalists claim that they should be given full freedom to impart their duties and serve the public interest. Professional autonomy is the core attribute of a profession (Hughes, 1971). Journalists have talked a lot about the autonomy of journalists (Ayyanger, 1970; Noorani, 1971; Mankekar, 1978; Sarkar, 1984).

The Constitution of India does not directly provide for the freedom of the press. The freedom of the press/mass media is derived from the fundamental rights. Article 19 of the Constitution guarantees the freedom of speech and expression to all citizens of India. Freedom of the press is included in it, without any specific mention for the press. However, it has been widely debated whether it is desirable to make specific mention of the freedom of the press in the Constitution.

2. Code of Conduct

Developing a code of conduct has been described as one of the major steps in the development of a profession by advocates of processual approach in the studies of profession (Wilensky, 1964; Caplow, 1970; Ritzer, 1972). It is through a properly evolved and strictly enforced code of conduct, that a profession will be self-regulated. Section 13 (2) (b) of the Press Council Act 1978, assigns the Press Council the task to 'build up' a code of conduct for the press, in accordance with the high professional standards, to guide the journalists and the press. In 1992, PCI issued 'A Guide to Journalistic Ethics' providing, in details, the professional ethics to journalists and the press. The Press Council evolved a very exhaustive Professional Ethics for journalists in 1996, entitled 'Norms of Journalistic Conduct'.

The ethic was subsequently revised in the edition of 2010 and in the recent edition of 2019 (<https://presscouncil.nic.in>).

The Press Council has evolved a code of ethics for journalists, case by case, providing guidelines on the following :

1. Communal Writings.
2. Defamation.
3. Investigative Reporting.
4. Obscenity and Bad Taste.
5. Right to Privacy.
6. Right to Reply.
7. Pre-publication Verification.
8. Threats to Press Freedom.
9. Advertisement and Press Freedom.
10. Impropriety and Press Freedom.

Recently, The Ministry of Information and Broadcasting has issued new code of ethics for digital media on the lines of code of conduct evolved by the PCI, known as 'Information Technology Rules 2021'.

However, the empirical studies (Sharma, 1990; Verma, 2009) have indicated that most of the journalists in the press even do not know about these ethics. Due to limited powers of the PCI, the enforcement of the code of conduct has not been very effective.

3. The Press Council of India

Self-regulatory body is a crucial attribute for achieving autonomy. To achieve professional autonomy in any profession, the best way would be to let peers of the profession regulate it through a properly constituted impartial body. Professions like Medical and Legal professions have self-regulatory body to enforce professional code of conduct and discipline among its members like Medical Council of India and Bar Council of India, respectively. As these Councils have members only from their own profession, these are defined as self-regulatory bodies of the profession. In journalism the task of regulator has been assigned to the Press Council of India. The Press Council Act was promulgated on 4th July 1966 with the first objective of protecting freedom of the press. The Council functioned till 1st January 1976, when during emergency it was abolished by the

Press Council Repeal Act 1976. The Council was reinstated in March 1977, when emergency was lifted. Every year on 16th November, National Press Day is celebrated to commemorate the establishment of the Press Council of India. National Press Day is perceived as the symbol of a free and responsible press in India.

4. Objectives/Aims of the Press Council of India

The Press Council aimed 'to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism'. The Press Council of India was established with twin purposes, firstly, preserving the freedom of the press and secondly, maintaining and improving the standards of newspapers and journalism in India.

The Aims of the Press Council of India may be summed-up as follows :

1. To preserve the freedom of the press.
2. To maintain and improve the standards of newspapers and news agencies in India.
3. To help the newspapers in maintaining their independence.
4. To build a code of conduct for journalists and news agencies.
5. To work for maintaining a high standard of public taste and foster a sense of responsible reporting among citizens.
6. To review and assure the free flow of news and information.

5. Composition of The Press Council of India

The Press Council of India has been constituted under the PCI Act of 1978. Under the Act, The Council consists of 28 members, besides Chairman. The first chairman of PCI was a judge of the Supreme Court, Justice J. R. Mudholkar.

The membership of the Council is as follows :

1. Chairman.
2. Two members from the Rajya Sabha.
3. Three members from the Lok Sabha.
4. Seven members from the working journalists.
5. Six members from the editors of newspapers.
6. Three members with specializes knowledge on public life.

7. One member from news agency.
8. Six members from newspapers management.

It is important to note here that, unlike Medical Council of India and Bar Council of India, the Press Council is not constituted by the members of journalism profession only. Under section 5 of the Act, the Council consists of a chairperson who is always a judge of the supreme court. Out of the total 28 members only 13 (7 working journalists and 6 editors of newspapers) are journalists i.e., the members from the profession. Remaining members include representatives of the newspapers' management, news agencies, and members of parliament.

Since members of the Council are nominated, on various occasions allegations of partiality in selection of the members have been made. Therefore, its true representativeness is questionable. The three members with specialized knowledge on public life are now selected from Bar Council of India, UGC and Sahitya Academy. The nominating committee is empowered to review any objection raised in nomination of members. A totally non-subjective procedure has been now evolved, leaving no room for Government interference for selection/nomination of members.

In view of the above-mentioned membership structure, the Press Council of India cannot be defined as a self-regulatory body of the profession of journalism as it is comprised of a majority of the members from outside the profession. It may be submitted that journalists are governed not only by professionals/journalists but by non-journalists also.

6. Powers of the Press Council of India

The Press Council of India accepts complaints from the public and the press, in matters relating to the breach of code of conduct by journalists or newspaper organizations. The Council can investigate and issue a notice for the same. The Council may issue summon to witness and take evidence under oath. It may demand the copies of public records. The Council can 'warn, admonish, censure or disapprove' those it finds guilty. However, neither, it has the powers to enforce its rulings, nor impose any penalty on journalists and publications. The decisions of the Council are final and cannot be challenged in court of law. But at the same time, they are also not binding on the guilty, and, therefore, PCI acts as a moral watchdog for the press.

Besides, examining the complaints, PCI has conducted a number of studies on matters concerning the press and issues of social importance like, Ayodhya Report (1990), Report on Aids and the Media (1993), Defence Report (1993), J & K Report (1994), Portrayal of Women in Media (1996), Problems of Small and Medium Newspapers (1996) etc.

7. Limitations of the Powers of the Press Council of India

It is important to note, that The Press Council has extremely limited powers in enforcing its decisions. It has no right to penalize journalists and newspapers and news agencies for neglecting and violating the prescribed code of ethics. Under the section 14 of the Press Council Act 1978, the Council has been authorized to hold an enquiry on receipt of a complaint against an editor or journalist for offending against the standards of journalistic ethics or any professional misconduct. The decision of the council under subsection (1) or (2), as the case may be, shall be final and shall not be questioned in any court of law. However, the decisions of the council are not judicial pronouncements, and therefore, cannot impose any punishment on offending journalist. The judgement of the council is important only in exposing the offender.

The powers of the Council, therefore, are insufficient in strictly enforcing professional ethics. Its effectiveness depends on its moral authority rather than on any statutory sanctions (Ghosh, 1973). The Press Council of India has been therefore, called as 'Paper Tiger with rubber teeth' as a vague and powerless body (Sarkar, 1984). Most of the journalists are not in favour of increasing the powers of the Council. "The Press Council is not a court of law and should not be converted into one. It is a court of honor and should exert its moral authority" (Sarkar, 1984 : 200). From the above views, it may be submitted that the Press Council has extremely limited role in enforcing the declared code of conduct and norm of altruism in journalism.

Despite, its limited powers, PCI has been continuously making efforts to ensure free and fair flow of news. In 2010, the Press Council of India conducted a study of the widespread practice of 'paid news' in Indian press. The report of the study published in July 2010,

confirmed that paid news is a pervasive, structured and highly organized practice in Indian newspapers. It is a frequent practice that news space and favourable coverage is exchanged for money. Council observed, “paid news is a complex phenomenon and has acquired different forms over the last six decades (1950 - 2010). It ranges from accepting gifts on various occasions, foreign and domestic junkets (trips), various monetary and non-monetary benefits, besides direct payment of money”. Another form of paid news that has been brought to the notice of the Press Council of India by the Security and Exchange Board of India (SEBI), is in the form of ‘private treaties’ between media companies and corporate entities. Private treaty is a formal agreement between the media company and another non-media company in which the latter transfers certain shares of the company to the former in lieu of advertisement space and favourable coverage. The study found substantial evidence of corrupt practices and collusion between the Indian media, various politicians, and political parties. PCI stated that newspapers should not carry articles that report “enmity or hatred between people on the ground of religion, race, caste, community or language”, and refrain from critical statements on “personal character and conduct of a political candidate”, refuse financial or indirect forms of compensation for political coverage among other voluntary guidelines (<https://en.wikipedia.org>).

Surubhi (2015), in her article entitled, ‘Press Council of India : A Critical Analyses’, observed that “Things would not get better until and unless PCI is entrusted with the power to levy fines. Mere censuring is too adject and hopeless.” Like BCI and MCI, PCI may be given power to issue licenses to journalists. The license of journalists found guilty, may be confiscated. If this is done “proper journalistic code of conduct would be maintained” (<http://docs.manupatra.in>). Noorani (2009) has also analyzed the effectiveness of the PCI in his article, entitled ‘The Press Council: An Expensive Irrelevance’ (<https://jstor.org>).

Recently, on 28 August 2020, the Press Council of India issued an advisory to the press. It stated, “Press Council of India advises the media to adhere to the norms of journalistic conduct in covering cases under investigation” in reference to the coverage of Sushant Singh Rajput’s death. The Council also advised press, not to carry out its own ‘parallel trial’. The Council held that, “The media should not

narrate the story in a manner so as to induce the general public to believe in the complicity of the person indicted. Publishing information based on gossip about the line of investigation by the official agencies on the crime committed is not desirable. It is not advisable to vigorously report crime related issues on a day-to-day basis and comment on the evidence without ascertaining the factual matrix. Such reporting brings under pressure in the course of fair investigation and trial". The Press Council also advised the press to refrain from giving, "excessive publicity" to the "victim, witness, suspects and accused" (<https://www.newindianexpress.com>). The prescribed code of conduct for journalists, prohibits publication of stories of suicide. The press has been advised to not to make frequent repetitions of such stories in the public interest.

A citizen is entirely dependent on the press for the quality, proportion and extent of his news. If the newspaper industry is concentrated in a few hands, the chance of an idea antagonistic to the idea of the owners getting access to the market becomes very remote. Neha (2020) in her article entitled, 'The Legal Environment for the Media in India-Note on the Press Council of India', submits that, "The assumption in a democratic set-up is that the freedom of the press will produce a sufficiently diverse Press not only to satisfy the public interest by throwing up a broad spectrum of views but also to fulfil the individual interest by enabling virtually everyone with a distinctive opinion to find some place to express it" ([https://sol por.org](https://solpor.org)).

8. Conclusion

From the above analysis, it may be concluded that the Press Council of India cannot be defined as a self-regulatory body of journalism profession, as representation of journalists is in minority (13) and majority (15) of its members are non-journalists. A self-regulatory body of a profession is constituted by the members of the profession only as is the case of Medical Council of India and Bar Council of India. Besides, the PCI has extremely limited powers for enforcing a code of conduct, evolved for the press and in ensuring a free and fair flow of news. It has been called 'Paper tiger with rubber teeth'. Journalists themselves are not in favour of increasing the powers of the Council. However, PCI has been continuously playing the role of a moral watchdog, for protecting the interests of the press

and the public by updating the professional code of conduct, examining the complaints received against the press and conducting studies of the important social and national issues, reported in the press.

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