UNIT- IV: RIGHTS OF JOURNALISTS

Unit Structure

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1.1. Learning objectives

After going through this unit you will be able to:

- discuss the role of the Press Council of India
- identify the Ethics of Journalism.
- explain who is a 'working journalist'
- Know the service conditions of service of working journalist and non-journalist newspaper employees under provisions of legislation
- Know the objectives of establishing the Prasar Bharati Corporation
- Know about the establishment of a Broadcasting Council

1.2. Introduction

The Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955 was enacted keeping in view some welfare measures for the working journalists, while the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 was enacted keeping in mind the establishment of an autonomous Broadcasting Corporation. You will be introduced to the role of the Press Council of India and the evolution

of Ethical Code of Conduct for journalist up to development its universal principles.

In this unit you will learn about various welfare measures which are provided in the Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955 along with the administrative machinery under the Act. You will also learn about the objectives of the Prasar Bharati and the composition and functions of the Broadcasting Council.

In the next block we will broadly discuss the ethics and journalistic conduct in detail.

4. 3. Press Council of India

Press Council is a mechanism for the Press to regulate itself. The idea 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 secure 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 defiled by unprofessional conduct, a way must exist to check and control it. But,the control by Government or official authorities may prove destructive of this freedom.

Therefore, the best way is to let the peers of the profession, assisted by a few learned persons to regulate it through a properly structured representative 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 a search for it resulted in the setting up of the 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, Australia and New Zealand. Today, the Press Councils or similar other media bodies are in place in more than four dozen nations.

The Press Council of India was first set up in the year 1966 by the Parliament on the recommendations of the First Press Commission with the object of preserving the freedom of the press and of maintaining and improving the standards of press in India. The present Council functions under the Press Council Act 1978. It is a statutory, quasi judicial body which acts as a watchdog of the press. It adjudicates the complaints against and by the press for violation of ethics and for violation of the freedom of the press respectively.

The Press Council is headed by a Chairman, who has been, by convention, been a retired judge of the Supreme Court of India. The Chairman is nominated by a Committee consisting of Chairman of Council of States (Rajya Sabha), the Speaker of the House of the People (Lok Sabha), and a person elected from amongst the Members of the Press Council. The Council consists of 28 other members of whom 20 represent the press and are nominated by the press organisations/news agencies recognised and notified by the Council as all India bodies of categories such as editors, working journalists and owners and managers of newspaper, 5 members are nominated from the two houses of Parliament and 3 represent cultural, literary and legal fields as nominees of the Sahitya Academy, University Grants Commission and the Bar Council of India. The members serve on the Council for a term of three years.

The Council is funded by revenue collected by it as fee levied on the registered newspapers in the country on the basis of their circulation. No fee is levied on newspapers with circulation less than 5000 copies. The deficit is made good by way of grant by the Central Government, through Ministry of Information and Broadcasting.

It is one of the most important bodies that sustain democracy as it has supreme power in regards to the media ensuring that freedom of speech is maintained. The Press Council deliberates on the complaints received either by the press or against the press. It may either warn or censure the errant journalists on finding them guilty. The Council is empowered to make observation in respect of conduct of any authority including the Government. If it is considered necessary, it can warn, admonish or censure the newspaper, news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist. The Press Council of India is protected by the constitution and its actions may not be questioned unless it is proved

to be in violation of the constitution which makes it an exceedingly powerful body. Notwithstanding the fact that a substantial part of its funds is augmented from the Government, it has full functional autonomy and is independent of Government control in the discharge of its statutory responsibilities.

4.3.1. Ethics of Journalism

Ethics are norms for conduct that distinguish between an acceptable and unacceptable behavior. It is concerned with what is right or wrong, good or bad, fair or unfair, responsible or irresponsible, obligatory or permissible, praiseworthy or blameworthy. Ethics and standards of journalism comprise the principles of ethics and of good practice as applicable to the specific challenges faced by the professional journalists. Historically and currently, these set of ethical standards are widely known to journalists as their professional “code of ethics”. In recent years it has almost become a norm that most renowned professional journalism associations and individual print, broadcast, and online news organisations have come out with their own set of basic codes on ethics to serve the society. The fundamental objectives of these ethical codes 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. These universally recognised norms are expected to apply with due discernment and adaptation to the varying circumstance of each case which definitely will help the journalists to self-regulate their conduct.

The recent flurry of code writing suggests that editors and the news staff are taking issues of ethics seriously. The process of drafting and redrafting and debating and implementing the codes has good therapeutic value in and of itself. Even better, newspapers with clearly enunciated principles and stated values, combined with strong ethical decision-making skills, can better serve their readers and the public interest. Therein lies an essential connection to credibility. Codes of ethics can help newsroom staffers make sound decisions and build journalistic credibility in respect of many ethical problems they may encounter in their professional enlargement.

There are various organisations and associations world over related to journalists and most of these associations have their own set of code of ethics. The principles of Journalistic codes of ethics of these national and international associations are designed as guides through numerous difficulties to assist journalists in dealing with ethical dilemmas. The codes and canons provide the journalists a framework for self-monitoring and self-correction as they pursue professional assignments. In India we have Editor's Charter, 1953 adopted by All India Newspaper Editor's Conference (AINEC), AINEC Code of Ethics, 1968 to cover communal incidents, Press Council Code, 1954, Press Council Code on Communal Matters, 1969, National Integration Council (NIC) Code, 1962 and Parliamentary Code of Ethics, 1976 adopted by Rajya Sabha for journalists and newspapers regarding their social and moral responsibility. While various existing codes have some differences, most share common elements and these include the principles of — truthfulness, accuracy, objectivity, impartiality, dignity, fairness, public accountability and humanity — as these apply to the acquisition of newsworthy information. Let us explain these principles in detail:

Truthfulness:

This principle extends from honesty, good faith, and sincerity of a journalist in general, to the fact or reality in particular. However, truthfulness may conflict with many other values. Salacious details of the lives of public figures is a central content element in many media. This type of publication is not necessarily justified simply because the information is true. Journalists need to keep in mind that Privacy is also a right. Revelation of military secrets and other sensitive government information may be contrary to the public interest, even if it is true. Photo journalists who cover war and disasters confront situations which may shock the sensitivities of their audiences. For example, human remains are rarely screened. The ethical issue is how far should one risk shocking an audience's sensitivities in order to correctly and fully report the truth.

Accuracy:

Accuracy is much more than simply making sure you quote someone correctly or spell their name right. It also means that journalists put their words and opinions in the proper context. It means that you report on people

and events as truthfully as possible. Journalists should not tidy up what happened to fit neatly into whatever angle you or your editor might want the story to take. It means, the report is not tainted by whatever personal feelings a journalist might have about the selected subject or people.

Objectivity:

Journalists and the public often tend to identify objectivity in its absence. Objectivity is a significant principle of journalistic professionalism, especially in the United Kingdom and United States. Journalistic objectivity can refer to fairness, disinterestedness, factuality, and nonpartisanship, but most often it encompasses all of these qualities.

Impartiality:

The journalistic principle of impartiality holds that decisions should be based on objective criteria, rather than on the basis of bias, prejudice, or preferring the benefit to one person over another for improper reasons.

Fairness:

Journalists should be careful about the fact that reporting about an incident is made objectively and that it is free from political influence or personal favouritism. They should see whatever they are writing should be fair to the people written about. The portrayal of thoughts and words should be fair and should not be adulterated in some way or the other. The journalist should himself feel comfortable reading his own story to the people involved. One of the biggest compliments a journalist can receive is being called tough but fair by someone he has written about in an uncomplimentary way.

Public Accountability:

With the principle of public accountability come such as answerability, responsibility, blameworthiness, liability and other terms associated with the expectation of account-giving. Public accountability of journalists means the obligation of journalist to explain and report publicly, fully and fairly, before and after the fact, how they are carrying out responsibilities that affect the public in important ways.

Their report about an incident should validate their fairness and completeness. In a way journalists have an obligation to explain and to justify his or her reporting.

Dignity:

The dignity of the people a journalist writes about is very important. So is the dignity of readers and newspaper. That does not mean that someone is not an aggressive journalist, but it means that he does not take cheap shots. Most hard-hitting stories are strengthened when the reporter shows respect toward the people or institutions under examination.

Humanity:

It is the principle of being humane. In the movie *Absence of Malice* there is a great scene where a wise old city editor talks about being a reporter. He says that he knows how to report the news and how not to hurt people, but he doesn't know how to do both at the same time. The best journalism usually hurts someone, often without meaning to do so. Humanity means not hurting the innocent or those who have no idea what they are getting into when they talk to a reporter. Good journalists have a special responsibility when it comes to the common masses.

The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Ethics form the foundation on which is built the basic social contract that has to exist between the credible journalist and the public he or she serves. The stronger that foundation, the stronger are the ties between writer and reader. But that strong foundation is rarely obvious to the reader, or for that matter to the writer. Ethics almost always remains in the background, usually becoming evident only when there is a problem.



CHECK YOUR PROGRESS – A

1. What is a Press Council?
2. Who heads the Press Council of India?
3. What are the fundamental objectives of these ethical codes of journalism?

4. What are the universally common principles of Code of Conduct of Journalism?
5. In which year was the first Press Council was set up in India?
   (a) 1966 (b) 1967 (c) 1977 (d) 1978
6. Which of the following organisation does not have a nominee in the Press Council of India
   (a) Sahitya Academy (b)University Grants Commission
   (c) Sangeet Natak Academy (d) Bar Council of India

4.4. Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955

The Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955 provides some welfare measures for the regulation of certain service conditions of the working journalists and other persons employed in newspaper establishments. A "working journalist" under the provision of the Act means a person whose principal avocation is that of a journalist and who is employed as such, either whole-time or part-time, in, or in relation to, one or more newspaper establishment] and includes an editor, a leader- writer, news-editor, sub-editor, feature-writer, copy-tester, reporter, correspondent, cartoonist, news-photographer and proof-reader; but it does not include any such person who is employed mainly in a managerial or administrative capacity or employed in a supervisory capacity.

The First Press Commission found that the payments received by the journalists were not at all satisfactory. The Commission felt it necessary to fix a minimum wage for journalist employees and made recommendations relating to the minimum wage to be paid to them. The Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955 made the Industrial Disputes Act, 1947 applicable to working journalists. The Act also made the Industrial Employment (Standing Orders) Act, 1946 and the Employees Provident Fund Act, 1952 applicable in every newspaper establishment employing twenty or more employees. However, the main provisions of the Act are mainly related to:

- Special provisions in respect of certain cases of retrenchment.
- Payment of gratuity.
- Hours of work.
- Leave and earned leave on full wages.
- Fixing or revision of rates of wages in respect of working journalists.
- Enforcement of the recommendations of the wage fixation machinery like wage boards and wage tribunals.
- Employees Provident Fund
- Recovery of money due from employer

Administrative Machinery under the Act:

Under the provisions of the Act the Central Government as and when necessary shall constitute separate Wage Board to fix or revise the rates of wages for working journalists and other newspaper employees. After receipt of the recommendations of the Board, the Central Government is empowered to make an order in terms of recommendations and this order becomes applicable on the class of newspaper establishments for which the Board has recommended.

The Wage Board for working journalists shall consist of two persons representing employers in relation to newspaper establishments, two persons representing working journalists and three independent persons, one of whom shall be a person who is or has been a Judge of High Court or the Supreme Court and who shall be appointed by that Government as the Chairman. The Wage Board for non-journalist newspaper employees shall consist of two persons representing employers in relation to newspaper establishment, two persons representing non-journalist newspaper employees and three independent persons, one of whom shall be a person who is or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by that Government as the Chairman.

All the Assistant Labour Commissioners of the Labour Department have been appointed Inspectors for carrying out the enforcement work under the Act for their respective districts. Deputy Labour Commissioners have been authorised for the recovery of the amount due to the newspaper employees under the provisions of the Act. The amount can be recovered by the issue of a certificate for the amount to the Collector for recovery of the amount as arrears of land revenue.

Penalty:

If any employer contravenes any of the provisions of the Act, he shall be punishable with fine which may extend to two hundred rupees. If the offence is committed for second time, the fine may extend to five hundred rupees.

4.5. Prasar Bharati (Broadcasting Corporation of India) Act, 1990

In India, it was felt in the late 1980s that media should be under the control of the public as distinct from the Government. It should be operated by a public statutory corporation or corporations, as the case may be, whose constitution and composition must be such as to ensure its/their impartiality in political, economic and social matters and on all other public issues. Prasar Bharati (Broadcasting Corporation of India) Act, 1990 came into force from 15th of September, 1997. The Prasar Bharati Act provides for establishment of an autonomous Broadcasting Corporation of India, to be known as Prasar Bharati, to define its composition, functions and powers and related matters. The Act states that it shall be the primary duty of the Corporation to organize and conduct public broadcasting services to inform, educate and entertain the public and to ensure a balanced development of broadcasting on radio and television.

The Act provides for the grant of autonomy to electronic media, namely, All India Radio and Doordarshan, which were earlier working as independent media units under the Ministry of Information & Broadcasting. The intention is that the Corporation shall function as a genuinely autonomous body with are innovative, dynamic and flexible approach and with a high degree of credibility. Further, the Corporation as an autonomous body shall function in a democratic manner enriching our democratic traditions and institutions, being responsible to the people and the Parliament of India and keeping in mind the different traditions, languages and cultures of the country and various sections of the society. The major objectives of the Prasar Bharati Corporation as laid down in the Prasar Bharati Act, 1990 are as follows:

– To uphold the unity and integrity of the country and the values enshrined in the Constitution;

- To promote national integration;
- To safeguard the citizens rights to be informed on all matters of public interest by presenting a fair and balanced flow of information;
- To pay special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health & family welfare and science & technology;
- To create awareness about women's issues and take special steps to protect the interests of children, aged and other vulnerable sections of the society;
- To provide adequate coverage to diverse cultures, sports and games and youth affairs;
- To promote social justice, safeguarding the rights of the working classes, minorities and tribal communities;
- To promote research and expand broadcasting facilities & development in the broadcast technology.

A comprehensive review of the Act undertaken in 1991 had brought into focus certain operational difficulties that were likely to arise particularly in the area of the personnel policy and manpower employment, issue of Government directions to the Corporation, etc. The Act provides for the establishment of a Broadcasting Council consisting of a President and fourteen other Members appointed by the President of India. This Council will ensure the citizen's right to be informed freely, truthfully and objectively. The Broadcasting Council will consider complaints about programmes broadcast by the Corporation in this context and render suitable advice to the Prasar Bharati.

The Act provides for the transfer to the Corporations of properties and funds which are vested in the Central Government for the purposes of Akashvani and Doordarshan. The Act also provides for the transfer of employees of Akashvani and Doordarshan to the Corporation and other ancillary matters and the establishment of Recruitment Boards for recommending the appointment of officers and other employees of the Corporation.



CHECK YOUR PROGRESS - B

1. Who is a “working journalist”?
2. Which Act is made applicable to working journalists by the Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955 made the Industrial Disputes Act, 1947?
3. Which two Acts are applicable in every newspaper establishment employing twenty or more employees by the Working Journalists and other Newspaper Employes (Conditions of Services and MiscellaneousProvision)Act,1955made the Industrial Disputes Act,1947?
4. Broadcasting Corporation of India was established under which act?
5. Which body considers complains about programmes broadcast by the Corporation.
6. Choose the correct answer: Prasar Bharati is an autonomous body.
   (a) Yes (b) No

4.6. Let us sum up

In this unit you have been introduced to the Press Council of India, Ethical Code of Conduct for journalists, Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955 and its welfare measures for working journalists. Under the provisions of the Act a “working journalist” means a person whose principal avocation is that of a journalist. The Act provides that the Central Government as and when necessary shall constitute separate Wage Board to fix or revise rates of wages for working journalist and other newspaper employees.

Press Council is a mechanism for the Press to regulate itself. The Press Council of India was first set up in the year 1966. The present Council functions under the Press Council Act 1978. Ethics are norms for conduct

that distinguish between an acceptable and unacceptable behavior. While various existing codes of conduct of journalism of different organisations have some differences, most of them share common elements and these include the principles of — truthfulness, accuracy, objectivity, impartiality, dignity, fairness, public accountability and humanity.

You are also introduced to the Prasar Bharati (Broadcasting Corporation of India) Act, 1990. The Act came into force from 15th of September, 1997. The Prasar Bharati Act provides for establishment of an autonomous Broadcasting Corporation of India, to be known as Prasar Bharati to define its composition, functions and powers and related matters. Prasar Bharati Corporation as laid down in the Prasar Bharati Act, 1990 has some objectives keeping in view the diversity in various fields in India.



4.7. Answers to check your progress

A.

1. Press Council is a mechanism for the Press to regulate itself. The best way to regulate the press is to let the peers of the profession, assisted by a few learned persons, regulate it through a properly structured representative impartial machinery. Hence, the Press Council.

2. The Press Council is headed by a Chairman, who has by convention, been a retired judge of the Supreme Court of India.

3. The fundamental objectives of the ethical codes 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.

4. These are the principles of — truthfulness, accuracy, objectivity, impartiality, dignity, fairness, public accountability and humanity.

5. (a) 1966

6. (c) Sangeet Natak Academy

B.

1. A “working journalist” under the provision of the Act means a person whose principal avocation is that of a journalist and who is employed as

such, either whole-time or part-time, in, or in relation to, one or more newspaper establishment] and it includes an editor, a leader, writer, news-editor, sub-editor, feature-writer, copy-tester, reporter, correspondent, cartoonist, news-photographer and proof-reader; but it does not include any such person who is employed mainly in a managerial or administrative capacity or employed in a supervisory capacity.

2. Industrial Disputes Act, 1947.

3. Industrial Employment (Standing Orders) Act, 1946 and the Employees Provident Fund Act, 1952.

4. Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

5. Broadcasting Council.

6. (a) Yes.



4.8. Further Readings

- **Vir Bala Aggarwal:** ***Essentials of Practical Journalism***
- **Durga Das Basu : L*aw of the Press***
- **Universal Publication:** ***Press, Media and Telecommunication Law***



4.9. Possible questions

1. Write briefly about the role and constitution of the Press Council of India.
2. Describe the common principles of the Code of Conduct of Journalists?
3. What are the main provisions of the Working Journalists and Other Newspaper Employees (Conditions of Services & Miscellaneous Provision) Act, 1955? Write about the administrative machinery under the Act.
4. Explain the main objectives of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.