



सत्यमेव जयते



# Norms of Journalistic Conduct

Edition 2019

**Press Council of India**  
**NORMS OF JOURNALISTIC CONDUCT**



सत्यमेव जयते



**2019**

## **PRESS COUNCIL OF INDIA**

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# Preface

Journalists are to keep their personal feeling out of their reporting, they should write, what they know not what they think and give all sides a chance to be heard. Five Ws. Who, What, When, Where and Why should guide them. The Press is held as the fourth state but its potentiality as the fourth pillar of democracy was realised only after independence.

The Press is a mass communicator, representative of the people and voice of the voiceless which has achieved the position of a natural ally of the society for its existence, projection and well-being.

In pursuit of its role, however, the journalists have to follow a code of conduct and it is the obligation of the Press Council of India to build up a code of conduct in accordance with its high professional standard. To achieve this, the 2019 edition of Norms of Journalistic Conduct based on the adjudications by the council is being presented with the hope that it shall guide all those who are involved in the dissemination of news.

I hope and trust the readers will find this 2019 edition of Norms of Journalistic Conduct as useful and informative.

**Justice Chandramauli Kumar Prasad**  
Chairman  
Press Council of India



# **NORMS OF JOURNALIST CONDUCT**

## **Part A: Principles and Ethics**

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. To this end, the Press is expected to conduct itself in keeping with certain norms of professionalism, universally recognised. The norms enunciated below and other specific guidelines appended thereafter, when applied with due discernment and adaptation to the varying circumstance of each case, will help the journalist to self-regulate his or her conduct.

### **1. Accuracy and Fairness**

- i) The Press shall eschew publication of inaccurate, baseless, graceless, misleading or distorted material. All sides of the core issue or subject should be reported. Unjustified rumours and surmises should not be set forth as facts.
- ii) It is incumbent for newspapers to play a positive role in response to rumours affecting the credibility of financial institutions having public interface.
- iii) While it is the duty of the press to expose the wrong doings that come to their notice, such reports need to be backed by irrefutable facts and evidences.

- iv) Newspaper should bear in mind that their duty is to collect the news and place it in perspective but not to create news.
- v) Whenever any news is published on the basis of an FIR and is critical of the reputation of any person or body, the newspaper/journals must clearly state in the same news report that the report was only on the basis of the FIR and that veracity of the version of the FIR has got to be decided by the Court. The newspaper should also publish the version of the affected party.
- vi) The newspaper should not mis-construe or misquote the statements given by leader. The statements quoted in editorial should project the true spirit of what is being tried to be conveyed by them.
- vii) Articles which analyse and interpret the history on the basis of contemporaneous events cannot be said to be unethical.
- viii) When a newspaper is following a story on a person and carries series of report on the issue associated with him, it ought to publish the news of his exoneration with same prominence as that of series of previous reports.
- ix) The newspaper is liable for damaging effects of publishing alarming/sensational heading of news story based on Study having no established credentials.

- x) Gossip reaches a localized few, a newspaper report reaches lakhs and therefore a more onerous responsibility devolves on the Press towards the society.
- xi) Media must overcome the tendency of trivialization of information and build credibility in the society so as to win the confidence of the readers.
- xii) Freedom of speech does not give right to newspapers to write about an institution or individual untrue facts even in a lighter note.
- xiii) An error attributing historically incorrect remarks of grave nature to an individual(s) shall not be made.

## **2. Advertisements**

- i) Commercial advertisements are information as much as social, economic or political information. What is more, advertisements shape attitude and ways of life at least as much as other kinds of information and comment. Journalistic propriety demands that advertisements must be clearly distinguishable from news content carried in the newspaper.
- ii) No advertisement shall be published, which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor and other intoxicants.

- iii) Newspaper shall not publish advertisements, which have a tendency to malign or hurt the religious sentiments of any community or section of society.
- iv) Advertisements which offend the provisions of the Drugs and Magical Remedies (Objectionable Advertisement) Act as amended in 2002, or any other statute should be rejected.
- v) Newspapers should not publish an advertisement containing anything which is unlawful or illegal, or is contrary to public decency, good taste or to journalistic ethics or propriety.
- vi) Journalistic propriety demands that advertisements must be clearly distinguishable from editorial matter carried in the newspaper. Newspapers while publishing advertisements should specify the amount received by them. The rationale behind this is that advertisements should be charged at rates usually chargeable by a newspaper since payment of more than the normal rates would amount to a subsidy to the paper.
- vii) Publication of dummy or lifted advertisements that have neither been paid for, nor authorised by the advertisers, constitute breach of journalistic ethics especially when the paper raises a bill in respect of such advertisements.

- viii) Deliberate failure to publish an advertisement in all the copies of a newspaper offends against the standards of journalistic ethics and constitutes gross professional misconduct.
- ix) There should be total co-ordination and communication between the advertisement department and the editorial department of a newspaper in the matter of considering the legality propriety or otherwise of an advertisement received for publication.
- x) The editors should insist on their right to have the final say in the acceptance or rejection of advertisements, specially those which border on or cross the line between decency and obscenity.
- xi) Newspapers to carry caution notice with matrimonial advertisements carrying following text\* “Readers are advised to make appropriate thorough inquiries before acting upon any advertisement. This newspaper does not vouch or subscribe to claim and representation made by the advertiser regarding the particulars of status, age, income of the bride/bridegroom”.
- xii) An editor shall be responsible for all matters, including advertisements published in the

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\* The Hon'ble High Court of Delhi in connection with FAO No 65/1998 of Smt. Harjeet Kaur Vs. Shri Surinder Pal Singh directed the Press Council of India to instruct the newspaper to publish classified/ matrimonial advertisement by advising them to alongside publish the said Caution Notice in their newspapers.

newspaper. If responsibility is disclaimed, this shall be explicitly stated beforehand.

- xiii) Tele-friendship advertisements carried by newspapers across the country inviting general public to dial the given number for ‘entertaining’ talk and offering suggestive tele-talk tend to pollute adolescent minds and promote immoral cultural ethos. The Press should refuse to accept such advertisements.
- xiv) Classified advertisements of health and physical fitness services using undignified languages, indicative of covert soliciting, are violative of law as well as ethics. The newspaper should adopt a mechanism for vetting such an advertisement to ensure that the soliciting advertisements are not carried.
- xv) Advertisements of contraceptive and supply of brand item attaching to the advertisement is not very ethical, given the social milieu and the traditional values held dear in our country. A newspaper has a sacred duty to educate people about precautionary measures to avoid AIDS and exhibit greater far sight in accepting advertisement even though issued by social welfare organisation.
- xvi) Employment News which is trusted as a purveyor of authentic news on government jobs should be more careful in accepting advertisements of only bonafide private bodies.

- xvii) While accepting advertisements of educational institutes newspapers may ensure that such advertisements carry the mandatory statement that the concerned institutes are recognized under the relevant enactments of law.
- xviii) Advertisements play extremely vital role in shaping the values and concerns of the present day society and as more and more lenient view is taken of what is not the norm, the speedier may be acceptability of such matters in 'public perception' but at what cost is the essential point for consideration. It should be borne in mind that in the race to be globally relevant we do not leave behind the values that have earned India the unique place it enjoys globally on moral and ethical plane.
- xix) Publication of an advertisement for adoption of an unborn child is not only illegal but also unethical. The paper should duly scrutinize advertisements before publishing them.
- xx) The newspaper cannot be held responsible for publication of an advertisement given by the advertisement agency related to legal dispute on behalf of its client.
- xxi) All material published as an advertisement or promotional feature clearly so identified for the benefit of the public at large.

- xxii) The newspapers and periodicals should scrutinize the advertisement inputs from ethical as well as legal angles in view of the editor's responsibility for all contents including advertisement, under Section 7 of PRB Act, 1867. Revenue generation alone cannot and should not be the sole aim of the Press, juxtaposed much larger public responsibility.
- xxiii) Publication seeking Kidney from willing altruistic donor is not to be made.\*
- xxiv) Journalists/Editors shall disclose the identity of advertiser or the person at whose instance advertisement is published.
- xxv) Newspaper shall not publish any advertisement intending to pass on as news using names and photographs of Hon'ble President and Prime Minister of India.
- xxvi) Newspaper(s) while publishing **Advertisement/ Advertorials** similar to news, shall be printed with a Heading "**Advertisement/Advertorials**" in bold letters with the font size equal to sub headings appearing in the page.

### 3. **Astrological Prediction**

The promotion of astrological prediction and superstitious practices is likely to produce an unsettling effect on the minds of the readers, and is thus undesirable. The editors

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\*High Court of Kerala order dated 24.11.2017 in W.P. No. 33801/2017

of general interest dailies and periodicals who believe in promoting a scientific temper and in combating superstition and fatalism, should avoid publication of astrological predictions. Readers who are interested in the subject of astrology can turn to specialized publications on the subject.

#### **4. Caste, Religion or Community References**

- i) In general, the caste identification of a person or a particular class should be avoided, particularly when in the context it conveys a sense or attributes a conduct or practice derogatory to that caste.
- ii) Newspapers are advised against the use of word 'Harijan' which has been objected to by some, and shall use the word Schedule Caste as per Article 341.\*
- iii) An accused or a victim shall not be described by his caste or community when the same does not have anything to do with the offence or the crime and plays no part either in the identification of any accused or proceeding, if there be any.
- iv) Newspaper should not publish any fictional literature distorting and portraying the religious or well known characters in an adverse light offending the susceptibilities of large sections of society who hold those characters in high

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\* Modified keeping in view of provision of Constitution of India, 1950

esteem, invested with attributes of the virtuous and lofty.

- (v) Commercial exploitation of the name of prophets, seers or deities is repugnant to journalistic ethics and good taste.
- vi) It is the duty of the newspaper to ensure that the tone, spirit and language of a write up is not objectionable, provocative, against the unity and integrity of the country, spirit of the constitution, seditious and inflammatory in nature or designed to promote communal disharmony. It should also not attempt to promote balkanisation of the country.
- vii) One of the jobs of the journalists is also to bring forth to the public notice the plight of the weaker sections of society. They are the watchdogs on behalf of the society of its weaker sections.
- viii) While the changing norms of society have to be kept in mind, newspaper should also take due care in avoiding publication which may hurt sentiments of general public particularly on the occasion of days holding special significance.
- ix) To maintain communal harmony and bind the social fabric of the country, press ought to be more careful while publishing names of any organization and alleging their involvement in terrorist activities.

- x) Plea of technical error to defend provocative and out of context statement are inadmissible and constitute irresponsible journalism.
- xi) Caricature of a deity to depict a political scenario at relevant time cannot be said to be objectionable.
- xii) A news item published on the basis of book may not be in tune with general belief of the members of religious organization but on this ground alone the news item cannot be termed as illegal and unethical.
- xiii) The domain of ethics is much larger than law and ethicality of an action needs to be judged from a common man's point of view. The newspaper, therefore, may not publish matter that could portray the religious characters in an adverse light or offend the religious susceptibilities of large section of society who hold those characters, invested with attributes of the virtuous and lofty in high esteem.
- xiv) The press is expected to use its power to promote and contribute in maintaining communal harmony.
- xv) The fabric of a community is very delicate. The newspapers and periodicals should be sensitive in use of words with different connotation at different places and in different languages.
- xvi) The word/expression "Dalit" shall not be used to provoke or demean a community.

## **5. Caution Against Defamatory Writings**

- i) Newspaper should not publish anything which is manifestly defamatory or libellous against any individual/organisation unless after due care and verification, there is sufficient reason/evidence to believe that it is true and its publication will be for public good.
- ii) Truth is no defence for publishing derogatory, scurrilous and defamatory material against a private citizen where no public interest is involved.
- iii) No personal remarks which may be considered or construed to be derogatory in nature against a dead person should be published except in rare cases of public interest, as the dead person cannot possibly contradict or deny those remarks.
- iv) The Press has a duty, discretion and right to serve the public interest by drawing reader's attention to citizens of doubtful antecedents and of questionable character but as responsible journalists they should observe due restraint and caution in hazarding their own opinion or conclusion in branding these persons as 'cheats' or 'killers' etc. The cardinal principle being that the guilt of a person should be established by proof of facts alleged and not by proof of the bad character of the accused. In the zest to

expose, the Press should not exceed the limits of ethical caution and fair comment.

- v) The Press shall not rely on objectionable past behaviour of a citizen to provide the background for adverse comments with reference to fresh action of that person. If public good requires such reference, the Press should make pre-publication inquiries from the authorities concerned about the follow up action, if any, in regard to earlier adverse actions.
- vi) Where the impugned publication is manifestly injurious to the reputation of the complainant, the onus shall be on the respondent to show that it was true or to establish that it constituted fair comment made in good faith and for public good.
- (vii) Newspapers cannot claim privilege or licence to malign a person or body claiming special protection or immunity on the plea of having published the item as a satire under special columns such as '*gossip*', '*parody*' etc.
- (viii) Publication of defamatory news by one paper does not give licence to others to publish news/information reproducing or repeating the same. The fact of publication of similar report by another publication does not bestow the status of accuracy on the charges.

- (ix) It is necessary that the press realise its responsibility to the society due to the unique position enjoyed by it in being able to interact directly with the citizenry and utilize its advantageous position for the betterment of the society and the advancement of the country rather than indulging in giving credence to rumours and sensationalism. It is also necessary that the press, particularly the small local press, learn to appreciate the clear distinction between matters of 'public interest' and 'those in public interest'. While gossips and social dealings may be found to be of interest by the public but they serve no public purpose or interest and the press should scrupulously avoid wasting its precious space on such matters.
- (x) Insertion of out-of-context, uncalled for and irrelevant statements likely to malign a person or an organisation must be eschewed.
- (xi) Even while a newspaper has the liberty or even duty to report political developments, that reporting may not be with angularity. Freedom of Press does not give licence to a newspaper to malign a political leader or mar his future political prospects by publishing fake and defamatory writings.
- (xii) It must be remembered by the Press that the freedom of speech and expression enshrined in the democratic set up and enjoyed by the fourth estate also casts on it a responsibility. The

newspapers are not expected to use it as a tool by itself creating evidence and later using the evidence to make false propaganda in its own journal.

- (xiii) The Press deserves accolades for bringing to light the inducements offered to influence their reporting and such exposure will not amount to defamation.
- (xiv) **Locus Standi** In cases involving personal allegations /criticism, only the concerned person enjoying the *locus standi* can move the plaint or claim right to reply. However, a representative organisation of persons attached to an organisation or a sect / group has the *locus standi* to move complaints against a publication directly criticising the conduct of a leader.
- (xv) **Public Interest and Public Bodies** As a custodian of public interest, the Press has a right to highlight cases of corruption and irregularities in public bodies but such material should be based on irrefutable evidence and published after due inquiries and verification from the concerned source and after obtaining the version of the person/authority being commented upon. Newspapers should refrain from barbed, stinging and pungent language and ironical/satirical style of comment. The attempt of the press should be to so shake up the institutions as to improve their working, not to destroy them

or the public confidence in their working or demoralize the workforce. A corresponding duty of course devolves on them to ensure that in doing so they present a fair and balanced report, uninfluenced by any extraneous consideration. The Press as a custodian of public interest and a protector of its rights is also expected to bring correct information to its notice so that it is able to correctly judge those to whom it has entrusted the responsibility of running the country.

- (xvi) The media and the authorities are two very important pillars of our democracy and for the government to function successfully in public interest a press as responsible as watchful is an essential pre-requisite.

#### **6. a) Caution in Criticising Judicial Acts**

- i) Excepting where the court sits ‘in-camera’ or directs otherwise, it is open to a newspaper to report pending judicial proceedings, in a fair, accurate and reasonable manner. But it shall not publish anything:-
- which, in its direct and immediate effect, creates a substantial risk of obstructing, impeding or prejudicing seriously the due administration of justice; or
  - is in the nature of a running commentary or debate, or records the paper’s own findings conjectures, reflection or comments on

issues, sub-judice and which may amount to abrogation to the newspaper the functions of the court; or

- regarding the personal character of the accused standing trial on a charge of committing a crime.

- ii) Newspaper shall not as a matter of caution, publish or comment on evidence collected as a result of investigative journalism, when, after the accused is arrested and charged, the court becomes seized of the case: Nor should they reveal, comment upon or evaluate a confession allegedly made by the accused.
- iii) While newspapers may, in the public interest, make reasonable criticism of a judicial act or the judgement of a court for public good; they shall not cast scurrilous aspersions on, or impute improper motives, or personal bias to the judge. Nor shall they scandalise the court or the judiciary as a whole, or make personal allegations of lack of ability or integrity against a judge.
- iv) Newspaper shall, as a matter of caution, avoid unfair and unwarranted criticism which, by innuendo, attributes to a judge extraneous consideration for performing an act in due course of his/her judicial functions, even if such criticism does not strictly amount to criminal Contempt of Court.

## **6. b) Reporting News Pertaining to Court Proceedings**

- i) Before publishing a news item about court proceedings, it will be appropriate for the correspondent and editor to ascertain its genuineness, correctness and authenticity from the records so that the concerned person can be held guilty and accountable for furnishing incorrect facts or wrong information about the court proceedings.
- ii) When proceedings of the Courts are held in public view in which the reporters of the newspaper are also present, it is not necessary for the newspaper to obtain the certified copy of Order before publication of the news.
- iii) Observations of a Court during hearing are often an attempt to solicit information, and not a part of records/Orders. Thus, there is need for a reporter to understand the difference to report correctly.
- iv) The media should not carry names of legal practitioners or name of the judges concerned, who dealt with particular cases.
- v) In the matter of interpretation of a court's judgments, a newspaper is expected to act reasonably and not quote selectively. They are also expected to clearly identify the selection so made.

## **7. Confidence to be Respected**

If information is received from a confidential source, the confidence should be respected. The journalist cannot be compelled by the Press Council to disclose such source; but it shall not be regarded as a breach of journalistic ethics if the source is voluntarily disclosed in proceedings before the Council by the journalist who considers it necessary to repel effectively a charge against him/her. This rule requiring a newspaper not to publish matters disclosed to it in confidence, is not applicable where:

- i) consent of the source is subsequently obtained;  
or
- ii) the editor clarifies by way of an appropriate footnote that since the publication of certain matters were in the public interest, the information in question was being published although it had been made 'off the record'.

## **8. Conjecture, Comment and Fact**

- i) Newspaper should not pass on or elevate conjecture, speculation or comment as a statement of fact. All these categories should be distinctly identified.
- ii) Cartoons and caricatures depicting good humour are to be placed in a special category of news that enjoy more liberal attitude.
- iii) Though satire is an accepted form of literary writing, defamatory statement should not be carried in disguise.

- iv) Expression such as ‘incompetent’ or ‘impotent’ need to be read in the context of a political commentary, to determine the offensiveness.

## **9. Corrections**

- i) When any factual error or mistake is detected or confirmed, the newspaper should *suo-motu* publish the correction promptly with due prominence and with apology or expression of regrets in a case of serious lapse.
- ii) The correction and apology or expression of regrets shall be published in the same edition of newspapers with due prominence.

## **10. Covering Communal Disputes/Clashes**

- i) News, views or comments relating to communal or religious disputes/clashes shall be published after proper verification of facts and presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to communal harmony, amity and peace. Sensational, provocative and alarming headlines are to be avoided. Acts of communal violence or vandalism shall be reported in a manner as may not undermine the people’s confidence in the law and order machinery of the State. Giving community-wise figures of the victims of communal riot, or writing about the incident in a style which is likely to inflame passions, aggravate the tension, or accentuate the

strained relations between the communities/religious groups concerned, or which has a potential to exacerbate the trouble, shall be avoided.

- ii) Journalists and columnists owe a very special responsibility to their country in promoting communal peace and amity. Their writings are not a mere reflection of their own feelings but help to large extent in moulding the feelings and sentiments of the society at large. It is therefore, of utmost importance that they use their pen with circumspection and restrain.
- iii) The role of media in such situations (Gujarat Carnage/Crisis) is to be peacemakers and not abettors, to be troubleshooters and not troublemakers. Let the media play their noble role of promoting peace and harmony among the people in the present crisis in Gujarat. Any trend to disrupt the same either directly or indirectly would be an anti-national act. There is a greater moral responsibility on the media to do their best to build up the national solidarity and to re-cement the communal harmony at all levels remembering the noble role they had played during the pre-independence days.
- iv) The media, as a chronicle of tomorrow's history, owes an undeniable duty to the future to record events as simple untailed facts. The analysis of the events and opinion thereon are a different genre altogether. The treatment of the two also

thus has necessarily to be different. In times of crisis, facts unadorned and simply put, with due care and restraint, cannot be reasonably objected to in a democracy. However, a heavy responsibility devolves on the author of opinion articles. The author has to ensure that not only are his or her analysis free from any personal preferences, prejudices or notions, but also they are based on verified, accurate and established facts and do not tend to foment disharmony or enmity between castes, communities and races.

- v) While the role and responsibility of the media in breaking down communal fences and promoting harmony and national interest should not be undermined, it is also essential to allow the citizens their freedom of speech. The Press of India has necessarily to judge and balance the two.

## **11. Criticism of Public Figures/Music Reviews**

- i) An actor or singer who appears on a public stage submits his performance to the judgement of public and as such the critics' comments having proximate nexus with the merits of artists performance cannot be held to be defamatory. However, the critics should refrain from writing anything, which could, be construed as remotely casting cloud on the artist's personal credibility.
- ii) An author cannot question the critical review of a book, unless it is actuated by malafide simply because some of the editors and scholars have

commended the book, would not mean that other critiques have no right to express a contrary view.

- iii) A critique constitutes the view of author and large reproduction from the book directly relevant to the critique cannot be held as violative of the copyright.

## **12. Editors' Discretion**

- i) In the matter of writing an editorial, the editor enjoys a good deal of latitude and discretion. It is for him to choose the subject and it is also for him to use such language as he considers appropriate, provided that in writing the editorial he doesn't transgress the law and violate the norms of journalism and editorial comments, views published in the newspaper are couched in sober, dignified and socially acceptable language.
- ii) Selection of the material for publication as reports/articles/letters lies within the discretion of an editor. It is his duty to see that on a controversial issue of public interest all views are given equal prominence so that the people can form their independent opinion in the matter.
- iii) The editor should not publish the news report/article if his mind is in doubt about the truth of the news report/article. If the veracity of any part of the news report/article is in doubt, that portion should be omitted and rest be published provided

the editor is satisfied that the remainder is substantially true and its publication will be for public benefit.

- iv) It is a prerogative of editor to decide prominence of news it deserves in newspaper.
- v) Bearing in the mind the clear distinction between a 'news report' and 'an opinion article', the Editor has a liberty to edit an article but this liberty cannot be extended so as to delete the vital part or core contents of the article without seeking permission of the author, which may distort the intent, purpose and meaning behind the article.
- vi) Headline's should be carefully drawn adjudged against their instant impact on the readers.
- vii) Editor is responsible for all facts printed in newspaper(s).

### **13. Foreign Relations**

Media plays a very important role in moulding public opinion and developing better understanding between countries. Objective reporting so as not to jeopardise friendly bilateral relations is therefore desirable.

### **14. Fraudulent Activities**

Defrauding the public by closing down a publication subsequent to collection of subscription is unethical on the part of management of the paper/periodical/magazine. If the closure is inevitable, the subscription amount due should be returned to the subscribers.

## **15. Gender Based Reporting**

Press should play a vital role in removing the age-old gender biases and even unilateral description as the news item could contribute to continuation of such bias to retard social balances and development.

## **16. Glorification/Encouragement of Social Evils to be Eschewed**

Newspapers shall not allow their columns to be misused for writings which have a tendency to encourage or glorify social evils like Sati Pratha or ostentatious celebrations.

## **17. Headlines:**

- i) In general and particularly in the context of communal disputes or clashes:
  - a. Provocative and sensational headlines are to be avoided;
  - b. Headings must reflect and justify the matter printed under them;
  - c. Headings containing allegations made in statements should either identify the body or the source making it or at least carry quotation marks.
- ii) Headlines of an article/news story or news item attributes certain act on part of a person. while choosing the headline the paper should take care that they reflect the text of the report.

## **18. HIV/AIDS and the Media – DO’S and DONT’S**

### **DO’S**

- i) Media must inform and educate the people, not alarm or scare them.
- ii) Be objective, factual and sensitive.
- iii) Keep abreast with changing realities of fast-evolving infection.
- iv) Use appropriate language and terminology that is non-stigmatising.
- v) Ensure headlines are accurate and balanced.
- vi) Be responsible; give all sides of the picture, using voices of people living with HIV and AIDS (PLHIVs).
- vii) Dispel misconceptions about prevention and transmission.
- viii) Debunk myths about miracle cures and unscientific claims of protection from infection.
- ix) Highlight positive stories without underplaying seriousness of the issue.
- x) Uphold confidentiality of infected people, their families and associates.
- xi) Ensure photographs do not breach their confidentiality.
- xii) Ensure photo captions are accurate.

- xiii) Ensure gender sensitive reporting and avoid stereotyping.
- xiv) Obtain data from authorised sources as inaccurate reports have adverse impact on morale and increase stigma.
- xv) Journalists are responsible for ensuring interviewees understand repercussions of revelations/identification.
- xvi) Ensure informed consent, in written form wherever possible.
- xvii) Balance coverage of a negative story like HIV-related suicide or incidence of discrimination by including contacts of helplines/counselling centres.
- xviii) Broaden reportage to examine impact of infection on economic, business, political and development issues.
- xix) When in doubt contact the local network of positive people or state AIDS control society or existing terminology guidelines for clarification.
- xx) Ensure questions are not deeply personal or accusatory.
- xxi) Show PLHIVs in a positive light by portraying them as individuals instead of 'victims'.

## **DONT'S**

- i) Don't sensationalise the story.
- ii) Don't make value judgements that seek to blame PLHIVs.
- iii) Don't use terms like 'scourge' to describe the infection or describe PLHIVs as AIDS carrier, prostitute, drug addict, AIDS patient/victim/sufferer.
- iv) Don't focus needlessly on how a PLHIV was infected.
- v) Don't identify children infected and affected by HIV and AIDS by name or through a photograph even with consent.
- vi) Don't use hidden cameras.
- vii) Avoid alarmist reports and images of the sick and dying that convey a sense of gloom, helplessness and isolation.
- viii) Don't use skull, crossbones, snakes or such visuals as graphics.
- ix) Avoid references to caste, gender or sexual orientation.
- x) Don't reinforce stereotypes about sexual minorities including those who are Lesbian, Gay, Bisexual or Transgender (LGBT).

- xi) Don't portray infected persons as victims, culprits or objects of pity.
- xii) Don't promote misleading advertisements related to HIV, STIs, skin diseases, tuberculosis and other opportunistic infections .
- xiii) Don't breach the confidentiality of those opting for voluntary testing.

## **19. Illegal Reproduction**

- i) The Press shall not reproduce in any form offending portions or excerpts from a proscribed book.
- ii) The newspaper should give due credit to the Photographer whose photo work has been published by the newspaper.

## **20. Internal Disputes**

### **(a) Management-Editor Relationship**

- i) There is a well-recognised distinction between the editor and the journalists on the one hand and the Manager, the Executive or the Administrator on the other, whatever the nomenclature that they may carry in a particular newspaper establishment. The duties and responsibilities of the editor and the management differ and whatever the co-ordination may be required to efficiently manage the establishment to bring out the journal, the

functions of the two are separate and have to be kept as such.

Once the owner lays down the policy of the newspaper for general guidance, neither he nor anybody on his behalf can interfere with the day to day functioning of the editor and the journalistic staff working under him.

It is well established that the freedom of the press is essentially the freedom of the people to be informed accurately and adequately on all issues, problems, events and developments. In discharge of the editorial functions the editor is supreme and superior even to the owner.

The independence of the newspaper is essentially the independence of the editor from all internal and external restrictions. Unless the editor enjoys this freedom he will be unable to discharge his primary duty which is to the people and without such freedom, he can be held responsible in law for all that appears in the newspaper.

In the running of the newspaper, the managerial, administrative or business side of the newspaper has to be kept independent of its editorial side and should not be allowed to encroach upon or interfere with the editorial section. This precaution is to be taken even when the owner and the editor is the same. The

proprietor must not allow his business interests and considerations to either dominate or interfere with the newspapers obligation to the people.

That is why there is also an obligation on the management to select a person as the editor who is competent and bears integrity of character and independence of mind.

The successful working of any arrangement in the ultimate analysis would depend on mutual understanding, cooperation and goodwill between the management, the editor, editorial journalist staff and all those who are faithfully working in the production of a paper.

If the co-ordination between the different departments including the editorial is effected by the Brand Management without in any way interfering with the freedom of the editor to include or exclude news or views, the length or details as well as their language and the place where they are to be published, and the prominence with which they should appear, there may not be much grievance that such co-ordination is in violation of the freedom of the editor. However, if the choice of the editor with regard to selection of material in any manner is sought to be interfered with, it is undoubtedly an unwarranted encroachment on the said freedom.

(ii) The editor under no circumstances can be asked by the proprietor to serve his private interests. To require an editor to cater to the personal interests of the proprietor is not only to demean the office of the editor but also to encroach upon his status as a trustee of the society in respect of the contents of the newspaper. In any country which swears by the freedom and the independence of the press, an attempt by any proprietor of a newspaper to use his editor as his personal agent to promote his private interests and to compel him to act and to write, to serve them is both offensive and reprehensive. Any editor or for that matter any journalist who accepts or condescends to do such jobs not only degrades himself but also the profession of journalism and does not deserve the calling. He betrays the trust the society keeps in him for furnishing fair, objective and comprehensive news and views.

**(b) Management vis-à-vis Journalist : Functional Relationship**

Direction of the newspaper management to the reporter to perform administrative / commercial side of the duty other than his journalistic duty is an unethical practice and impinges on the independence of journalists, destroying the functional relationship.

**21. Investigative Journalism, its Norms and Parameters**

Investigative reporting has three basic elements:

- i) It has to be the work of the reporter, not of others he is reporting;
- ii) The subject should be of public importance for the reader to know;
- iii) An attempt is being made to hide the truth from the people.

The first norm follows as a necessary corollary from:

- (a) That the investigative reporter should, as a rule, base his story on facts investigated, detected and verified by himself and not on hearsay or on derivative evidence collected by a third party, not checked up from direct, authentic sources by the reporter himself.
- (b) There being a conflict between the factors which require openness and those which necessitate secrecy, the investigative journalist should strike and maintain in his report a proper balance between openness on the one hand and secrecy on the other, placing the public good above everything.
- (c) The investigative journalist should resist the temptation of quickies or quick gains conjured up from half-baked incomplete, doubtful facts, not fully checked up and verified from authentic sources by the reporter himself.

- (d) Imaginary facts, or ferreting out or conjecturing the non-existent should be scrupulously avoided. Facts, facts and yet more facts are vital and they should be checked and cross-checked whenever possible until the moment the paper goes to Press.
- (e) The newspaper must adopt strict standards of fairness and accuracy of facts. Findings should be presented in an objective manner, without exaggerating or distorting, that would stand up in a court of law, if necessary.
- (f) The reporter must not approach the matter or the issue under investigation, in a manner as though he were the prosecutor or counsel for the prosecution. The reporter's approach should be fair, accurate and balanced. All facts properly checked up, both for and against the core issues, should be distinctly and separately stated, free from any one-sided inferences or unfair comments. The tone and tenor of the report and its language should be sober, decent and dignified, and not needlessly offensive, barbed, derisive or castigatory, particularly while commenting on the version of the person whose alleged activity or misconduct is being investigated. Nor should the investigative reporter conduct the proceedings and pronounce his verdict of guilt or innocence against the person

whose alleged criminal acts and conduct were investigated, in a manner as if he were a court trying the accused.

- (g) In all proceedings including the investigation, presentation and publication of the report, the investigative journalist newspaper should be guided by the paramount principle of criminal jurisprudence, that a person is innocent unless the offence alleged against him is proved beyond doubt by independent, reliable evidence.
- (h) The private life, even of a public figure, is his own. Exposition or invasion of his personal privacy or private life is not permissible unless there is clear evidence that the wrongdoings in question have a reasonable nexus with the misuse of his public position or power and has an adverse impact on public interest.
- (i) Though the legal provisions of Criminal Procedure do not in terms, apply to investigating proceedings by a journalist, the fundamental principles underlying them can be adopted as a guide on grounds of equity, ethics and good conscience.
- (j) To say that the press should not publish any information, till it is officially released would militate against the spirit of investigative

journalism and even to an extent the purpose of journalism.

- k) When any news item affecting somebody's character is proposed to be published in the newspaper on the basis of any CD or other such device then first the authenticity of such evidence should first be ascertained through a forensic expert.

## **22. Letters to Editor**

- i) An editor who decides to open his columns for letters on a controversial subject, is not obliged to publish all the letters received in regard to that subject. He is entitled to select and publish only some of them either in entirety or the gist thereof. However, in exercising this discretion, he must make an honest endeavour to ensure that what is published is not one-sided but represents a fair balance between the views for and against with respect to the principal issue in controversy.
- ii) In the event of rejoinder upon rejoinder being sent by two parties on a controversial subject, the editor has the discretion to decide at which stage to close the continuing column.
- iii) Editor may have a right to edit a 'letter to editor' but such editing should not deviate from the intended view.

### **23. Newspapers May Expose Misuse of Diplomatic Immunity**

The media shall make every possible effort to build bridges of co-operation, friendly relations and better understanding between India and foreign States. At the same time, it is the duty of a newspaper to expose any misuse or undue advantage of the diplomatic immunities.

### **24. Newspapers to Avoid Crass Commercialism**

- i) While newspapers are entitled to ensure, improve or strengthen their financial viability by all legitimate means, the Press shall not engage in crass commercialism or unseemly cut-throat commercial competition with their rivals in a manner repugnant to high professional standards and good taste.
- ii) Predatory price wars/trade competition among newspapers, laced with tones disparaging the products of each other, initiated and carried on in print, assume the colour of unfair 'trade' practice, repugnant to journalistic ethics. The question as when it assumes such an unethical character is one of the fact depending on the circumstances of each case.
- iii) The practice of taking security deposit by an editor from the journalists at the time of their appointment is unethical.

- (iv) The media house must retain its impartiality in functioning as media house and reporting cannot be permitted to become subservient to other business interests which the owner of the media house may have. When such private interest conflict with public duty of such vast magnitude, segregation of the two is not only justified but essential.

## **25. Newspapers to Eschew Suggestive Guilt**

- i) Newspapers should eschew suggestive guilt by association. They should not name or identify the family or relatives or associates of a person convicted or accused of a crime, when they are totally innocent and a reference to them is not relevant to the matter being reported.
- ii) It is contrary to the norms of journalism for a paper to identify itself with and project or promote the case of any one party in the case of any controversy/dispute.

## **26. Non-return of Unsolicited Material**

- i) A paper is not bound to return unsolicited material sent for consideration of publication. However, when the same is accompanied by stamped envelope, the paper should make all efforts to return it.
- ii) Whenever articles from the contributors are published free of remuneration, there must be

an agreement not to pay and the newspaper should follow this practice as a rule.

## **27. Norms for Photo Journalism**

- i) Since a picture or visual presentation of news creates a stronger and more lasting impression on the readers and viewers than mere words, photojournalists and other visual news producers have to be a lot more responsible and careful in the discharge of their duties. They must, therefore, ensure that in keeping with the high standards of journalism, their presentations are always in public interest, fair, accurate, unbiased, sober and decent.

### **DO'S'**

1. Images should be accurate and comprehensive and the subjects be presented in proper context.
2. All subjects should be treated with respect and dignity. Special consideration be given to vulnerable subjects and victims of crime or tragedy be treated compassionately. Private grief be intruded only when the public has an overriding and justifiable interest in sharing or viewing it.
3. While editing a visual, the maintenance of the integrity of the content and context of the photographic images should be ensured. Images should not be manipulated neither should there be addition or alteration in sound in any way

that can mislead viewers or misrepresent subjects.

4. Strive to be unobtrusive and humble in dealing with subjects.
5. The integrity of the photographic moment should be respected.
6. Pictures should not reflect anything that is obscene, vulgar or offensive to good public taste.
7. Strive to ensure that the public's business is conducted in public. Defend the rights of access for all journalists.
8. Strive for total and unrestricted access to subjects and recommend alternatives to shallow or rushed opportunities.
9. Seek a diversity of viewpoints and work to show unpopular or unnoticed points of view.
10. Strive by example and influence to maintain the spirit and high standards expressed in this code. When confronted with situations in which proper action is not clear, seek the counsel of those who exhibit the highest standards of the profession.

## **DONT'S**

1. While photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events.
2. The privacy of an individual should not be intruded or invaded unless it is outweighed by

genuine overriding public interest, not by a prurient or morbid curiosity.

3. While covering terrorist attacks, communal riots or other acts of violence, do not show mangled corpses or such other images as cause revulsion or terror or rouse communal or sectarian passions.
4. Do not get manipulated by staged photo opportunities.
5. Do not accept gifts, favours or compensation from those who might seek to influence the coverage.
6. Avoid political, civic or business involvements or employment that could compromise or appear to compromise their professional independence.
7. No payment or material reward should be made to the sources or subject for information or participation.
8. The work should not reflect any kind of biases.
9. Do not intentionally sabotage the efforts of other journalists.
  - ii) Highlighting gambling menace being ignored by the Police through a photograph of police official standing near a covert gambling den only for symbolic purpose, cannot be considered as unethical or violation of journalistic norms.

- iii) 'Dignity in death' is a principle widely observed in civil society and unless the photographic depiction of such event directly impacts the public interest or purpose, the media would be well advised to avoid it.

## **28. Obscenity and Vulgarity to be Eschewed**

- i) Newspapers/journalists shall not publish anything which is obscene, vulgar or offensive to public good taste.
- ii) Newspapers shall not display advertisements which are vulgar or which, through depiction of a woman in nude or lewd posture, provoke lecherous attention of males as if she herself was a commercial commodity for sale.
- iii) Whether a picture is obscene or not, is to be judged in relation to three tests; namely
  - a) Is it vulgar and indecent?
  - b) Is it a piece of mere pornography?
  - c) Is its publication meant merely to make money by titillating the sex feelings of adolescents and among whom it is intended to circulate? In other words, does it constitute an unwholesome exploitation for commercial gain. Other relevant considerations are whether the picture is relevant to the subject matter of the

magazine. That is to say, whether its publication serves any preponderating social or public purpose, in relation to art, painting, medicine, research or reform of sex.

- iv) A photograph or a painting is a work of art and the artist enjoys artistic liberty in its portrayal. However, it is to be understood that a work of art is enjoyed, judged and appreciated by the connoisseurs. The pages of a newspaper may not be the most appropriate place for such painting.
- v) The globalisation and liberalisation does not give licence to the media to misuse freedom of the press and to lower the values of the society. The media performs a distinct role and public purpose which require it to rise above commercial consideration guiding other industries and businesses. So far as that role is concerned, one of the duties of the media is to preserve and promote our cultural heritage and social values.
- vi) Columns such as ‘Very Personal’ in a newspaper replying to personal queries of the readers must not become grossly offensive presentations, which either outrage public decency or corrupt public moral.
- vii) The attempt of the press should be to ensure coverage that is in keeping with the norms of the society at large and not merely a few. It is also our duty to prevent the degeneration of

culture and standards and press with its reach and impact carries an immense potential in moulding the psyche and thought process of a society.

- viii) The Indian reader is much more mature and able to appreciate good journalism and in the long run, the attempts to copy the west by promoting the ‘so-called popular permissiveness’ may defeat the very aim of the paper to boost circulation.
- ix) The newspaper may expose the instances of immoral activities in public places through its writings but with proper caution of restrained presentation of news or photographic evidence.
- x) The newspapers should take due care of people’s sentiments while publishing articles on sexuality.

## **29. Paid News**

- i) Newspaper should specifically mention “Marketing Initiative” on Supplement/special edition itself to distinguish them from various reports.
- ii) The newspaper should not mis-construe or misquote the statements given by leader. The statements quoted in editorial should project the true spirit of what is being tried to be conveyed by them.
- iii) Columns of news items which largely indicate names of voters on Caste basis and supporters of the candidate of particular political party, such

tenor and manner of presentation of news establish the report to be paid news.

- iv) Political news published in competing newspaper with similar content strongly suggests such reports to be paid news.
- v) Two newspapers publishing same news item verbatim during election days is not accidental and it is evident that such news items have been published for consideration.
- vi) Manner of presentation of a news item that to in a favor of a particular party as also the appeal for voting in a favor of a particular party is suggestive of paid news.
- vii) Projecting a candidate's success in Election who is yet to file a nomination is suggestive of paid news.
- viii) News Reports on Campaign meeting and states enthusiasm because film stars were present cannot be termed as paid news.
- ix) While covering news on election, the newspapers are advised to ensure balance in publishing report/interview of candidates.
- x) During the course of election, subject to conditions laid down by the Election Commission of India, newspapers are free to make an honest assessment of prospects of candidates or the parties and its publication would not be paid news so long it is not

established that consideration passed on for such publication.

**30. Parameters of Right of Press to Comment on Profession**

No newspaper(s)/columnist(s) shall abuse any profession, under the garb of freedom of speech/expression which is guaranteed under the Indian Constitution, since freedom of speech is not absolute.

**31. Parameters of the Right of the Press to Comment on the Acts and Conduct of Public Officials**

- i) So far as the government, local authority and other organs/institutions exercising governmental power are concerned, they cannot bring charge of defamation for reports critical of their acts and conduct relevant to the discharge of their official duties unless the official establishes that the publication was made with reckless disregard for the truth. However, judiciary, which is protected by the power to punish for contempt of court, the Parliament and Legislatures, protected as their privileges are by Articles 105 and 194 respectively of the Constitution of India, represent exception to this rule.
- ii) The central and local bodies are not entitled to bring a civil or criminal action for defamation in respect of article/report criticising their functioning.

- iii) Publication of news or comments/information on public officials conducting investigations should not have a tendency to help the commission of offences or to impede the prevention or detection of offences or prosecution of the guilty. The investigative agency is also under a corresponding obligation not to leak out or disclose such information or indulge in misinformation.
- iv) The Official Secrets Act, 1923 or any other similar enactment or provision having the force of law equally bind the press or media though there is no law empowering the state or its officials to prohibit, or to impose a prior restraint upon the Press/Media.
- v) Those who hold public office and by their own conduct give scope for criticising them, cannot be heard to complain against such criticism.
- vi) Satirical comments, ridiculing and denigrating the first citizen of the country are uncalled for and beyond the call of fair journalistic comment.
- vii) While every journalist has a duty and freedom of critical evaluation of the functioning of public department/personnel, such evaluation has to be based on proper documents and verification.
- viii) It is obligatory on the part of an institution rendering public service to be open to bonafide critical examination of its functioning.

## **32. Paramount National Interest**

- i) Newspapers shall, as a matter of self-regulation, exercise due restraint and caution in presenting any news, comment or information which is likely to jeopardise, endanger or harm the paramount interests of the State and society, or the rights of individuals with respect to which reasonable restrictions may be imposed by law on the right to freedom of speech and expression under clause (2) of Article 19 of the Constitution of India.
- ii) Publication of wrong/incorrect map is a very serious offence. It adversely affects the territorial integrity of the country and warrants prompt and prominent retraction with regrets.
- iii) Though the sources normally used are not to be disclosed, however, in case of serious allegations where matter is related to national interest and security it is incumbent/imperative/mandatory on part of the press to establish the authenticity of information given by the source.
- iv) An article concerning a sensitive issue which can defame a nation cannot be published without thorough verification. Newspaper as well as News Agency should verify the authenticity of the article before its publication.

## **33. Plagiarism**

- i) Using or passing off the writings or ideas of another as one's own, without crediting the source, is an offence against ethics of journalism.

- ii) Violation of copyright also constitutes violation of journalistic norms.
- iii) Printing a reworded article of a writer by the paper without acknowledging his work is unethical.

#### **34. Pre-Publication Verification**

- i) On receipt of a report or article of public interest and benefit containing imputations or comments against a citizen, the editor should check with due care and attention its factual accuracy apart from other authentic sources- with the person or the organisation concerned to elicit his/her or its version, comments or reaction and publish the same alongside with due correction in the report where necessary. In the event of lack or absence of response, a footnote to that effect may be appended to the report.
- ii) Publication of news such as those pertaining to cancellation of examinations or withdrawal of candidates from election should be avoided without proper verification and cross checking.
- iii) A document, which forms a basis of a news report, should be preserved at least for six months.
- iv) Newspaper should carry the Press Release only after establishing its authenticity which should bear the signature of authorized signatory and Departmental seal.

- v) News reports that stem from a gossip or so called roving enquiry affecting the personal character of an individual, are not worthy of publication.
- vi) Personal animosity should not be reflected in a news item. Publishing news without any material even to *prima facie* substantiate the news item with a view to malign a person constitute an act of omission and commission.
- vii) Wrongly attributing historically incorrect remarks of grave nature to a political leader, which have far reaching repercussions without applying due diligence calls for severe action. The publication ought to verify the source of such statement at pre-publication stage.
- viii) Allegations of dowry harassment are subject to scrutiny by court of law and the changes under Section 498-A of an I.P.C. should be reported upon by the media with more sensitivity avoiding publication of photographs of accused. The editor in such cases should also verify the stand of the accused.
- ix) Sacking of an officer over graft charges is a verifiable fact and the newspaper is expected to carry out such verification. Subsequent clarifications cannot mitigate the damage.

### **35. Privacy of Public Figures**

- i) Right to Privacy is an inviolable human right. However, the degree of privacy differs from

person to person and from situation to situation. The public person who functions under public gaze as an emissary/representative of the public cannot expect to be afforded the same degree of privacy as a private person. His acts and conduct as are of public interest ('public interest' being distinct and separate from 'of interest to public') even if conducted in private may be brought to public knowledge through the medium of the press. The press has however, a corresponding duty to ensure that the information about such acts and conduct of public interest of the public person is obtained through fair means, is properly verified and then reported accurately. For obtaining information in respect of acts done or conducted away from public gaze, the press is not expected to use surveillance devices. For obtaining information about private talks and discussion while the press is expected not to badger the public persons, the public persons are also expected to bring more openness in their functioning and co-operate with the press in its duty of informing the public about the acts of their representatives.

- ii) The interviews/articles or arguments pertaining to public persons which border on events that are in public knowledge, if reported correctly, cannot be termed as intrusion into private life. There is a very thin line between public and private life and public persons should not be too thick skinned to criticism.

- iii) Newspapers are allowed latitude in criticising persons who are in seats of power because their conduct discloses public interest provided their criticism is not motivated to gratify private spite of opponent/rival of public figure.
- iv) The family of public figures are not valid journalistic subject, more so if its reporting covers the minors. If “public interest” overrides the minor’s right to privacy it will be proper to seek prior consent of the parents.
- v) When the individual concerned himself or herself reveals facts about private life before a large gathering then the shield of privacy should be deemed to be abandoned by the individual.

### **36. Professional Misconduct**

- i) Blackmailing or extortion of money from people under threat of maligning them through the columns of newspaper amounts to gross violation of journalistic norms.
- ii) The Newspaper should not involve the journalists in collecting advertisements.
- iii) Using the title of some other newspaper by a media house and declining corrective step is unethical and reprehensible.
- iv) Carrying contents materially different from those which the contributor provided to the paper is unethical.

### **37. Professional Rivalry**

Newspaper columns should not be misused by rival newspapers to gratify their private spite against each other out of commercial rivalry.

### **38. Recording Interviews and Phone Conversation**

- i) The Press shall not tape-record anyone's conversation without that person's knowledge or consent, except where the recording is necessary to protect the journalist in a legal action, or for other compelling good reason.
- ii) The Press shall, prior to publication, delete offensive epithets used during such conversation.
- iii) Newspapers are required to give the context in which the statement is made by a political leader, but this does not extend to the liberty of giving it a meaning of their own.

### **39. Reporting on Natural Calamities**

- (i) Facts and data relating to spread of epidemics or natural calamities shall be checked up thoroughly from authentic sources and then published with due restraint in a manner bereft of sensationalism, exaggeration, surmises or unverified facts.
- (ii) Natural or manmade hazards become disasters through acts of commission and omission of the society. Therefore, the disastrous impact can be

minimized by preventive action taken by all the stakeholders including the media.

- (iii) Media should give wide publicity to the do's and don'ts and the potential benefits of disaster mitigation so that the society follows them before, during and after the occurrence of the disasters. People should be detailed on standard guidelines. The issues of children and women which are the most vulnerable groups during and after disaster should be handled carefully by the media.
- (iv) It is necessary to have complete cooperation between the media and all governmental and non governmental agencies. The extent of the coordination and cooperation between them determines the nature, the degree and the scale of the preparedness to prevent or meet the disasters.

#### **40. Reporting Proceedings of Legislature**

The newspapers have a duty to report faithfully the proceedings of either House of Parliament, Legislative Assembly and in this regard the newspapers shall not be liable for any proceedings civil or criminal in any court unless it is proved that reportings have been made with malice. However, the newspapers should not publish any report based on proceedings of a sitting of either House of Parliament or Legislative Assembly or as the case may be either House of the Legislature of a State, which is not open to the media.

## 41. Right of Reply

- i) The newspaper should promptly and with due prominence, publish either in full or with due editing, free of cost, at the instance of the person affected or feeling aggrieved/or concerned by the impugned publication, a contradiction/reply/clarification or rejoinder sent to the editor in the form of a letter or note. If the editor doubts the truth or factual accuracy of the contradiction/reply/clarification or rejoinder, he shall be at liberty to add separately at the end, a brief editorial comment doubting its veracity, but only when this doubt is reasonably founded on unimpeachable documentary or other evidential material in his/her possession. This is a concession which has to be availed of sparingly with due discretion and caution in appropriate cases.
- ii) However, where the reply/contradiction or rejoinder is being published in compliance with the directions of the Press Council, it is permissible to append a brief editorial note to that effect.
- iii) Right of rejoinder cannot be claimed through the medium of Press Conference, as publication/coverage of a news of a conference is within the discretionary powers of an editor.

- iv) Freedom of the Press involves the readers' right to know all sides of an issue of public interest. An editor, therefore, shall not refuse to publish the reply or rejoinder merely on the ground that in his opinion the story published in the newspaper was true. That is an issue to be left to the judgment of the readers. It also does not behove an editor to show contempt towards a reader.
- v) The press has to remember that it is not a prosecutor in any investigation and should be guided by the paramount principle of a person's innocence unless the alleged offence is proved beyond doubt by independent reliable evidence and, therefore, even within the constraint of space, the material facts should find space in the rejoinder so that the public, as the ultimate judge of any matter, is guided by the complete and accurate facts in forming its opinion. The readers' right to know all sides of any issue of public importance is a natural corollary of the freedom enjoyed by the press in a democracy.

## **42. Right to Privacy**

- i) The Press shall not intrude or invade the privacy of an individual, unless outweighed by genuine overriding public interest, not being a prurient or morbid curiosity. So however, that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes

a legitimate subject for comment by the Press and the Media, among others. Special caution is essential in reports likely to stigmatise women.

**Explanation:** Things concerning a person's home, family, religion, health, sexuality, personal life and private affairs are covered by the concept of PRIVACY excepting where any of these impinges upon the public or public interest.

- ii) Caution against Identification: While reporting crime involving rape, abduction or kidnap of women/females or sexual assault on children, or raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs of the victims or other particulars directly or indirectly\* leading to their identity shall not be published.
- iii) Minor children and infants who are the offspring of sexual abuse or 'forcible marriage' or illicit sexual union shall not be identified or photographed.
- iv) Intrusion through photography into moments of personal grief shall be avoided. However, photography of victims of accidents or natural calamity may be in larger public interest.
- v) The newspaper is not expected to turn a blind eye towards the classified advertisements which

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\* Hon'ble Supreme Court of India order dated 2.8.2018 in MA 2069/2018 in WP No. 473/2005.

are *prima-facie* in a violation of Suppression of the Immoral Traffic (Prevention) Act, 1956.

- vi) Due care should be applied by the paper by not disclosing the real names of persons involved in incident affecting personal lives.
- vii) Publishing person's address in a newspaper which has no direct relevance to the news report, is a violation of his right to privacy.
- viii) Publishing photograph of police constable resting in barrack after duty hours, to portray his shirking from duty not only constitute invasion of his privacy but also unethical.

### **43. a) Trial By Media**

#### **Introduction**

The media and judiciary are two vital pillars of democracy and natural allies, one compliments the other towards the goal of a successful democracy. Measures which are necessary for due process of law need to take precedence over freedom of speech. In a conflict between fair trial and freedom of speech, fair trial has to necessarily prevail because any compromise of fair trial for an accused will cause immense harm and defeat justice delivery system. Thus, mediapersons should be duly trained and imparted basic knowledge about functioning of courts and processes of law;

- i) An accused is entitled to the privilege of presumption of being innocent till guilt is pronounced by the Court.

- ii) The media reports should not induce the general public to believe in the complicity of the person indicted as such kind of action brings undue pressure on the course of fair investigation by the police.
- iii) Publishing information based on gossip about the line of investigation by the official agencies on the crime committed gives such publicity to the incident that may facilitate the person who indeed committed the crime to move to safer place.
- iv) It is not always advisable to vigorously report crime related issues on a day to day basis nor to comment on supposed evidence of the crime without ascertaining the factual matrix.
- v) While media's reporting at the investigation stage in a criminal case may ensure a speedy and fair investigation, disclosure of confidential information may also hamper or prejudice investigation. There cannot, therefore, be an unrestricted access to all the details of the investigation.
- vi) Victim, witnesses, suspects and accused should not be given excessive publicity as it is amount to invasion of their privacy rights.
- vii) Identification of witnesses by the newspapers/ media endangers them to come under pressure from both, the accused or his associates as well

as investigative agencies. Thus, media should not identify the witnesses as they may turn hostile succumbing to the pressure.

- viii) The suspect's picture should not be shown as it may create a problem during 'identification parades' conducted under the Code of Criminal Procedure for identifying the accused.
- ix) The media is not expected to conduct its own parallel trial or foretell the decision putting undue pressure on the judge, the jury or the witnesses or prejudice a party to the proceedings.
- x) The reporting on post trial/hearing often consists of reporting on the decision handed down. But when there is a time lag between the conclusion of the proceedings and the decision, the comments on the concluded proceedings, including discussion on evidence and/or arguments, aimed at influencing the forthcoming decision must be avoided.
- xi) Media having reported an initial trial is advised to follow up the story with publication of final outcome by the court, whenever applicable.

**(b) Guidelines on Sting Operations**

- i) A newspaper proposing to report a sting operation shall obtain a certificate from the person who recorded or produced the same certifying that the operation is genuine and bonafide.

- ii) There must be concurrent record in writing of the various stages of the sting operation.
- iii) Decision to report the sting operation should be taken by the editor after satisfying himself of the public interest of the matter and ensuring that report complies with all legal requirements.
- iv) Sting operation published in print media should be scheduled with an awareness of the likely reader in mind. Great care and sensitivity should be exercised to avoid shocking or offending the reader.

#### **44. Unauthorised Lifting of News**

- i) The practice of lifting news from other newspapers publishing them subsequently as their own, ill-comports the high standards of journalism. To remove its unethicallity the ‘lifting’ newspaper must duly acknowledge the source of the report.
- ii) The position of features articles is different from ‘news’: Feature articles shall not be lifted without permission/ proper acknowledgement.

#### **45. Violence not to be Glorified**

- i) Photo Coverage on Terrorist Attack, Communal Clashes and Accidents. While reporting news with regard to terrorist attacks or communal riots, the media should refrain from publishing/ telecasting pictures of mangled corpses or any

other photographic coverage which may create terror, or revulsion or ignite communal passion among people.

- ii) Newspapers/Journalists shall avoid presenting acts of violence, armed robberies and terrorist activities in a manner that glorifies the perpetrators on their acts, declarations or death in the eyes of the public. Publication of interviews of anti-social elements by the newspapers glorifying the criminals and their activities with the resultant effects are to be avoided.

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## **Part B : Guidelines on Specific Issues**

### **a) Norms for Observance by the Press in the Wake of Communal Disturbances-1969**

Recognising that the Press which enjoys the utmost freedom of expression has a great and vital role to play in educating and moulding public opinion on correct lines, in regard to the need for friendly and harmonious relations between the various communities and religious groups forming the fabric of Indian political life and in mirroring the conscience of the best minds of the country to achieve national solidarity, the Press Council of India considers that this object would be defeated, communal peace and harmony disturbed and national unity disrupted if the Press does not strictly adhere to proper norms and standards in reporting on or commenting on matters which bear on communal relations. Without attempting to be exhaustive, the Council considers the following as offending against journalistic proprieties and ethics:

1. Distortion or exaggeration of facts or incidents in relation to communal matters or giving currency to unverified rumours, suspicions or inferences as if they were facts and base their comments on them.
2. Employment of intemperate or unrestrained language in the presentation of news or views, even as a piece of literary flourish or for the purpose of rhetoric or emphasis.
3. Encouraging or condoning violence even in the face of provocation as a means of obtaining redress of grievances whether the same be genuine or not.

4. While it is the legitimate function of the Press to draw attention to the genuine and legitimate grievances of any community with a view to having the same redressed by all peaceful, legal and legitimate means, it is improper and a breach of journalistic ethics to invent grievances, or to exaggerate real grievances, as these tend to promote communal ill-feeling and accentuate discord.
5. Scurrilous and untrue attacks on communities, or individuals, particularly when this is accompanied by charges attributing misconduct to them as due to their being members of a particular community or caste.
6. Falsely giving a communal colour to incidents which might occur in which members of different communities happen to be involved.
7. Emphasising matters that are not to produce communal hatred or ill-will, or fostering feelings of distrust between communities.
8. Publishing alarming news which are in substance untrue or make provocative comments on such news or even otherwise calculated to embitter relations between different communities or regional or linguistic groups.
9. Exaggerating actual happenings to achieve sensationalism and publication of news which adversely affect communal harmony with banner headlines or in distinctive types.
10. Making disrespectful, derogatory or insulting remarks on or reference to the different religions or faiths of their founders.

## **Guidelines Issued by the Press Council for Observance by the State Governments and the Media in Relation to Communal Disturbances 1991:**

- i. The State Government should take upon themselves the responsibility of keeping a close watch on the communal writings that might spark off tension, destruction and death, and bring them to the notice of the Council;
- ii. The Government may have occasion to take action against erring papers or editors. But it must do so within the bounds of law. If newsmen are arrested, or search and seizure operations become necessary, it would be healthy convention if such developments could be reported to the Press Council within 24 to 48 hours followed by a detailed note within a week;
- iii. Under no circumstances must the authorities resort to vindictive measures like cut in advertisements, cancellation of accreditation, cut in newsprint quota and other facilities;
- iv. Provocative and sensational headlines should be avoided by the Press;
- v. Headings must reflect and justify the matter primed under them;
- vi. Figures of casualties given in headlines should preferably be on the lower side in case or doubt about their exactness and where the numbers reported by various sources differ widely;
- vii. Headings containing allegations made in statements should either identify the person/body making the allegation or, at least, should carry quotation marks;
- viii. News reports should be devoid of comments and value judgement;

- ix. Presentation of news should not be motivated or guided by partisan feelings, nor should it appear to be so;
- x. Language employed in writing the news should be temperate and such as may foster feelings of amity among communities and groups;
- xi. Corrections should be promptly published with due prominence and regrets expressed in serious cases; and
- xii. It will help a great deal if in-service training is given to journalists for inculcation of all these principles.

**Guidelines Issued by the Press Council on January 21-22, 1993 in the Wake of the Ram Janambhoomi - Babri Masjid Dispute**

Guidelines for guarding against the commission of the following journalistic improprieties and unethicities.:

- i. Distortion or exaggeration of facts or incidents in relation to communal matters or giving currency to unverified rumours, suspicions or inferences as if they were facts and base their comment, on them.
- ii. Employment of intemperate or unrestrained language in the presentation of news or views, even as a piece of literary flourish or for the purpose of rhetoric or emphasis.
- iii. Encouraging or condoning violence even in the face of provocation as a means of obtaining redress of grievance whether the same be genuine or not.
- iv. While it is the legitimate function of the Press to draw attention to the genuine and legitimate grievances of any community with a view to having the same

redressed by all peaceful, legal and legitimate means, it is improper and a breach of journalistic ethics to invent grievances, or to exaggerate real grievances, as these tend to promote communal ill-feeling and accentuate discord.

- v. Scurrilous and untrue attacks on communities, or individuals, particularly when this is accompanied by charges attributing misconduct to them as due to their being members of a particular community or caste.
- vi. Falsely giving a communal colour to incidents which might occur in which members of different communities happen to be involved.
- vii. Emphasising matters that are apt to produce communal hatred or ill-will, or fostering feelings of distrust between communities.
- viii. Publishing alarming news which are in substance untrue or make provocative comments on such news or even otherwise calculated to embitter relations between different communities or regional or linguistic groups.
- ix. Exaggerating actual happenings to achieve sensationalism and publication of news which adversely affect communal harmony with banner headlines or distinctive types.
- x. Making disrespectful, derogatory or insulting remarks on or reference to the different religions or faiths of their founders.

## **b) Coverage of Handouts of Militants/ Terrorists - Guiding Principles - 1991- 1992**

Arising out of a complaint against publication of some ULFA handouts/threat notes by a newspaper of Assam, the Press Council has enunciated some general principles for the guidance of the press. These are in tune with the recommendations of the Press Council of India Report on Punjab and Jammu & Kashmir, adopted by the Press Council in January, 1991.

These guiding principles considered by the Council in September 1992, are as follows:

Dictates or “Press Notes” commanding newspapers to publish them, under duress or threats of dire consequence, emanating from elements wedded to violence, constitute “the gravest assault on the freedom of the Press which is one of the surest guarantors of a democratic and plural society”. Generally, such dictates or notes are not newsworthy *per se*. Their publication tends to demoralise the public and to affect adversely public, police and security. The publication not only compromises the freedom and independence of the newspaper concerned, but also constitutes an offence against the standards of journalistic ethics and professional responsibility.

This is not to say that if there is anything newsworthy in a “Press Note” emanating from any source, it should be blacked-out altogether, because ‘self-censorship’ may be “no less dangerous for being insidious”. The essential point is that editors must exercise due caution and circumspection in considering the dissemination of such Press Notes. If the whole of the Note is not pernicious, then it may be edited, its objectionable portions removed and language toned down so that whatever is true, newsworthy gets disseminated in a

balanced manner. However, where the “news” and the objectionable portions are inextricably mixed up, violating the entire warp and woof of the “Press Note”, it will be prudent to withhold its publication altogether.

This is not an easy way out, as the media’s experience of militancy in Punjab has amply demonstrated. More than 50 media personnel have lost their lives in terrorist attacks and ignoring a militant press note can lead and has often led to death of innocent and defenceless media persons. Any show of editorial defence and courage is likely to be seen by defenceless employees of newspapers as exposing them to avoidable dangers. Editors and proprietors under these circumstances have little room for manoeuvres.

A workable expedient that proved useful in Punjab is for the government to be in close touch with newspapers so that objectionable and anti-national press notes from groups swearing by violence could be removed from newspapers before publication. Even though this may be seen as a form of pre-censorship, this arrangement saved lives and spared newspapers from difficult and delicate choices.

There is however a danger of a wilful administration using this process to muzzle the press and misuse its authority under the law to define “objectionable material” on its own terms. Strict procedures must therefore be laid down. Orders passed under any legislation in this regard from time to time in relation to publication of allegedly “objectionable matter” should be subjected to some kind of appellate review so as to curb any propensity to arbitrary action. The principal legislation and rules made thereunder should also be periodically reviewed in the light of changing circumstances. These safeguards should be built into all such press legislation.

### **c) HIV/AIDS and the Media**

The Press Council of India under the mandate of Section 13(2)(b) of the Press Council Act, 1978, has built up a set of guidelines to facilitate the functioning of the Media. Of these, the guidelines on coverage of HIV/AIDS related matter was drawn up in the year 1993.

A writ petition no. CMP 52/2008 was filed by National Network of Positive People before Hon'ble Court of Juvenile, Thiruvananthapuram objecting to an incident relating to visual screened by the media of two children Bensity and Benson and the subsequent false reporting of the demise of Bensity, a child with HIV/AIDS. The Hon'ble Court observed that the Press Council of India should give appropriate direction to the Media while reporting HIV/AIDS by them. In pursuance, of this matter the Council approached the representatives of UNAIDS and activists in the field to update the guidelines on HIV/AIDS reporting as the matter has undergone sea change since 1993. The core group held two workshops on September 18, 2008 and October 10, 2008 to discuss and debate on the guidelines formulated and proposed that these guidelines should be translated into as many languages as possible for the benefit of the journalists at various levels. These guidelines are equally relevant to print as well as electronic media.

#### **Be Objective, Factual and Sensitive**

Journalists must ensure their story is objective, factual and sensitive, more so when they are reporting on HIV and AIDS. They should seek truth and report it in a balanced manner. Journalists should hold all decision makers accountable, from government to the pharmaceutical industry and advocacy groups. They should be engaged with, but not captive to, any interest group.

This means highlighting positive stories where appropriate, without underplaying the fact that HIV and AIDS is a serious issue. Omitting key information because it doesn't fit into the story is a breach of faith. The story must give both sides of the picture. Telling the whole story also means giving it a human face. The voices of people with HIV and AIDS must be heard more strongly and they must include the vulnerable and marginalised people.

The focus should be on facts. Distortion of facts in any manner to make the story salacious and therefore 'more saleable' is unacceptable. Censorship of relevant information too, is unethical.

Accuracy is critical since important personal and policy decisions may be influenced by media reports. In the context of HIV and AIDS, this means that journalists need to be very careful about the scientific and medical details as well as statistics. With the combination of drugs and treatment regimens available known as antiretroviral therapy (ART), people infected with HIV can live for many years before showing any signs of illness. ART is a combination of drugs that reduces the amount of HIV in the body (viral load) by interfering with its replication. ART does not completely destroy the virus or cure the disease. With reduced virus in the body, the immune system can become stronger and fight infection more effectively, resulting in decreased morbidity for the patient. ART has been shown to benefit both adults and children living with HIV and AIDS.

Reporting on HIV and AIDS is complex and sorting through the epidemiological data can be challenging. Whether using data to support a story or reporting on the data itself, the specific data chosen and how they are used, will play a large role in determining what kind of story is told. In addition,

the data is often so complex that there is a risk of misinterpretation. For example, some reporters may use ‘incidence’ and ‘prevalence’ interchangeably even though they represent two different ways of measuring the epidemic. Experts/epidemiologists should be consulted.

### **Ensure Accurate Language and Terminology**

When reporting on HIV and AIDS, language is extremely important. Journalists should be particularly careful to get scientific and statistical information right. They must integrate this with correct terminology. For instance, it is essential to know and make clear the difference between HIV and AIDS. Being a syndrome or a collection of symptoms, AIDS cannot itself be transmitted, nor is there an AIDS virus, nor an AIDS carrier. Similarly, a person either does or does not have AIDS. Since there are no degrees of AIDS, the expression ‘full-blown AIDS’ is meaningless.

With effective treatments now available, HIV infection does not necessarily lead to AIDS. It is important to reflect this in reportage. Since HIV is not synonymous with AIDS, ‘HIV/AIDS’ as a term is no longer considered accurate.

With AIDS not being a singular disease but a syndrome defined by a variety of diseases and cancers, a person does not ‘die of AIDS’. It would instead be accurate to report that he or she died of an HIV-related illness.

Terminology used must be appropriate and non-stigmatising. The media must cross check changes in terminology and language. Terms like ‘scourge’ to describe the infection have been discarded. Other terms like AIDS carrier, prostitute, drug addict, AIDS patient/victim/sufferer also lead to stigma and should not be used.

## **Debunk Myths Related to Prevention of HIV and Miracle Cures**

The press should take care not to promote myths related to prevention and transmission of HIV or to claims that advertise protection from the infection. Nor should it give any credence to traditional cures that have no scientific verification. False hopes are raised by reporting claims around cures. Researchers have been working hard for decades yet there is no known cure for HIV or AIDS although the infection is treatable with a positive impact on the quality of life. The media should include telephone numbers of HIV and AIDS helplines/counselling services.

Advertisements related to HIV, STIs, skin diseases, tuberculosis and other opportunistic infections can be potentially misleading and should be carefully checked.

## **Make Photographs, Illustrations and Cartoons Positive**

Visuals have an immediate impact on audiences and are important to highlight stories. But the use of photographs in HIV and AIDS stories raise a lot of ethical issues. Care should be taken to ensure that photographs do not breach the confidentiality or privacy of infected people and their families.

Avoid photos that promote stereotypes related to HIV and AIDS and those that victimize the infected. Care should be taken to ensure that captions to photographs are factually correct and do not increase stigma.

Illustrations and cartoons also should avoid any negative implications.

## **For Visual Media**

The visual media must deal sensitively and ethically with the identities of those who have HIV and AIDS as well

as their families and associates. Care must be taken during interviews, off-the-record conversations, while taking photographs and recording their stories so that identity is kept confidential.

### **Some Pointers:**

- ☞ Keep the camera away from focusing directly on the face of person/case study. Instead, shoot hands, feet or back of the head ;
- ☞ Shoot in silhouette, keeping the camera behind the subject;
- ☞ Since voice can also be an identifying factor, ask questions softly so that the replies are soft. In most cases, superimposition of subtitles should be used so that the audio does not need to be upped too much;
- ☞ Do not show pictures of the family. These too can lead to identification of the person;
- ☞ Try to keep the location of the shoot ambiguous. For instance, avoid naming the village;
- ☞ Establish the concerned person's journey through a third party's voice whenever possible;
- ☞ An interview should be a one-to-one chat that allows the person to speak. Ensure questions are not deeply personal or accusatory. It should not put the person on the defensive;
- ☞ Hidden cameras should never be used;
- ☞ Try to show people living with HIV in a positive light by portraying them as individuals instead of 'victims';
- ☞ Wherever possible, obtain written consent;

Even with permission, it may be best not to disclose the infected person's identity. The repercussions and pressures of being revealed on TV particularly can be terrible, especially for the family. The stigma gets heightened. In many cases permission to shoot openly is given without understanding the power of the visual media.

The person may feel safe appearing on TV in Delhi, away from their community, not realizing the possibility that their family is watching the story in a village/town far away.

### **For news Desk including Sub-editors and Newsroom Staff**

Special attention must be paid by the news desk and newsroom staff to ensure that the eye-catching headlines reflect the issue accurately and that the story is balanced and free of damaging stereotypes.

### **Uphold Confidentiality and Obtain Informed Consent**

Journalists should not disclose the identity of the person infected with HIV unless they have specific permission to do so. Whenever possible, they should get written consent.

If written consent is not possible, informed consent must be obtained. This means ensuring that people living with HIV and AIDS (PLHIVs) are aware of the implications of their identification.

The moral and professional responsibility of the story should be that of the journalist. Therefore, the journalist must exercise caution and use his/her judgment on how PLHIVs are to be portrayed. To minimize damaging repercussions, it would be best to avoid identification even when written consent is obtained. This can be done by changing names and locations in the story.

## **Avoid Discrimination**

Journalists should avoid references to caste, gender or sexual orientation when reporting HIV and AIDS. Such references entrench existing prejudices against sexual minorities, certain communities or groups already targetted, be the men who have sex with men (MSM), injecting drug users (IDUs), sex workers or migrants.

Sexual minorities includes people who are lesbian, gay, bisexual and transgender (LGBT) and covers men, women and all those who do not identify either as men or women (that is, transgender). Among the transgender are hijras. Hijras are essentially biological born males who do not identify as men and prefer to identify as women.

It is important to understand that MSMs may never identify as homosexual. Therefore, the word MSM is used to denote behaviour only. So it is appropriate to say Oscar Wilde was a gay man and not Oscar was gay.

Sexual minorities are sometimes derisively referred to by terms which reinforce stereotypes about the community. Instead, it would be more appropriate to use terms like sexual minorities, gay man or lesbian. It is not necessary to call them that either as long as one does not stigmatise them.

While information about modes of transmission are important, instead of making value judgements the reports should try to focus on how the infection affects people, their work, their families and the gaps in policy and implementation of HIV programmes. Focusing needlessly on how a person was infected reinforces an attitude that seeks to blame those with HIV or AIDS for being infected.

Care should be taken to ensure that a particular region's language, cultural norms and traditional practices are understood and accurately reported.

## **Ensure Gender Sensitive Reporting**

The media must guard against gender stereotyping. It must not stigmatize HIV positive women. For instance, portraying sex workers and bar girls as being responsible for spreading the infection is common. Instead, stories should explore how the infection makes women particularly vulnerable to different forms of exploitation. Stories must focus on how it is possible to live a productive and reasonably normal life with HIV, about the inherent strength that enables women to shoulder challenges and about the ethical and legal rights of sex workers.

Stories should also focus on the new technology and medication available for prevention of infection from mother to child and the fact that infected women can have children who may be free of the infection.

An example of gender sensitive reportage is the use of PPTCT (**Prevention of Parent to Child Transmission**) instead of PMTCT (**Prevention of Mother to Child Transmission**). This way the report does not hold the mother solely responsible for passing the infection.

## **Ensure Sensitivity on Child-Related Stories**

The identity of children infected and affected by HIV should not be revealed. Nor should their photographs be shown. This includes orphans and children living in orphanages, juvenile homes etc.

International and national laws specifically prohibit publication of any information or photograph that may lead to the identification of these children and violate their rights.

In India, the Juvenile Justice (Care and Protection of Children) Act, 2000 lays down that no report in any newspaper, magazine or visual media regarding a juvenile in need of care

and protection shall disclose the name, address, school or any other particulars that lead to their identification. It also prohibits the publication of any photograph related to the child.

Journalists must also be sensitive to the fact that a child may or may not be aware of her/his HIV status. This fact must be ascertained before the journalist gets into the process of enquiry. This is of prime importance as some questions can be perceived as intrusive or insensitive and can leave a lasting impression on the child.

Keeping that in mind, it is nevertheless important for children to participate in matters that concern them. However, their identities must be protected while sharing their views/stories.

The fact that paediatric doses of ART medication are now available must be widely disseminated.

### **Ensure Balanced and Responsible Coverage**

News organisations should take the initiative to lessen the impact of a ‘negative’ story such as suicide due to HIV-related illness by carrying statements from positive people who have faced the challenge successfully or by giving helpline numbers.

Care should be taken that stories on infected individuals are not sensationalized. The stories should avoid falling into the trap of projecting infected persons as either ‘victims’ or ‘culprits’.

When reporting on specific professional groups such as uniformed services, health professionals etc, care should be taken to obtain data from authorised sources. Inaccurate reports will have an adverse impact on their morale and will also increase stigma. Such reports will also create an impression of lack of confidentiality that will hinder voluntary testing.

## **Ensure Regular Training on HIV and AIDS for Media**

Journalists must keep abreast of the changing realities of this fast-evolving infection. News organizations across the country must actively encourage training workshops and modules on the issue. Journalists should also keep themselves updated on court judgements related to the issue.

HIV is no longer just a health issue. Instead of concentrating on health reporters alone, people at all levels of the news organization should be trained and sensitised on the various dimensions, especially terminology of HIV and AIDS. The infection impacts on the country's development, economics, business and politics. Surveys have shown that with training and sensitization, media reportage on HIV and AIDS, particularly in high-prevalence states, has been relatively more balanced and accurate.

## **Adopt Existing Stylebook or Guidelines on HIV and AIDS Reportage**

News organisations should adopt and widely disseminate existing standardised guidelines and terminology on reporting on HIV and AIDS. This will encourage responsible coverage of the issue.

### **APPENDIX 1**

#### **UNAIDS TERMINOLOGY GUIDELINES**

[www.unaids.org](http://www.unaids.org)

### **APPENDIX 2**

#### **CODE FOR SELF-REGULATION IN ADVERTISING BY THE ADVERTISEMENT STANDARDS COUNCIL OF INDIA (ASCI)**

[www.asci.co.in](http://www.asci.co.in)

## APPENDIX 3

### HIV/AIDS AND THE LAW – A JUDICIAL COLLOQUIUM BY HUMAN RIGHTS LAW NETWORK (HRLN)

www.hrln.org

## CONSENT FORM

I, \_\_\_\_\_ Son/ Daughter of  
\_\_\_\_\_, am a responsible adult / Parent/  
legalguardian of \_\_\_\_\_

Aged \_\_\_\_\_ years, agree that you \_\_\_\_\_

(name of interviewer/photographer) and your photographer/  
cameraman have my permission to record my statement/interview  
and take my photograph for print/audio visual media, on HIV and  
AIDS related issues.

I understand that my statement/interview will not be distorted or  
misused in any way wherever it is used. The photographer will  
also ensure that photographs do not breach my confidentiality or  
that of my family.

You will also ensure that statement/interview taken of  
\_\_\_\_\_ (name of  
interviewee), who is a minor, does not reveal his/her identity in  
any way.

It has also been explained to me in my language  
(\_\_\_\_\_) that there could be a potential fallout of my  
statement that could include stigma and discrimination directed  
towards me, my family members, relatives and friends.

ADDRESS: \_\_\_\_\_

Phone: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

## **d) Financial Journalism – 1996**

The Press Council of India has counselled reporters/ financial journalists/newspaper establishments to refrain from receiving any gifts/grants/concessions/facilities, etc., either in cash or kind which are likely to compromise free and unbiased reporting on financial matters.

1. The Council in its Report has observed that the financial journalists today enjoy considerable influence over readers' minds and, therefore, they owe it to them to present a balanced and objective view of the financial dealings, status and prospects of a company. It observed that some companies are given excessive news coverage in the newspapers/magazines because they have issued advertisements to that print media. Sometimes, adverse reports are published of those companies which do not give advertisements to the newspapers or magazines. Again, when a media is not happy with any company/management for whatever reason, the negative aspects of the company are highlighted, while in the reverse situation, no negative aspects are brought to light. Some companies are also known to give gifts, loans, discounts, preferential shares, etc., to certain financial journalists to receive favourable and positive reports of the companies. At the same time, there is no mechanism for investors' education or for raising public opinion against such unhealthy practices.
2. The Council feeling concerned over the malpractice in the Corporate Sector and after holding detailed deliberations and discussions with the representatives of financial institutions and journalists, has

recommended the guidelines enumerated below for observance by the financial journalists.

- 3) The financial journalists should not accept gifts, loans, trips, discounts, preferential shares or other considerations which compromise or are likely to compromise his position.
- 4) It should be mentioned prominently in the report about any company that the report is based on information given by the company or the financial sponsors of the company.
- 5) When the trips are sponsored for visiting establishments of a company, the author of the report who has availed of the trip must state invariably that the visit was sponsored by the company concerned and that it had also extended the hospitality as the case may be.
- 6) No matter related to the company should be published without verifying the facts from the company and the source of such report should also be disclosed.
- 7) A reporter who exposes a scam or brings out a report for promotion of a good project should be encouraged and awarded.
- 8) A journalist who has financial interests such as share holdings, stock holdings, etc., in a company, should not report on that company.
- 9) The journalist should not use for his own benefit or for the benefit of his relations and friends, information received by him in advance for publication.

- 10) No newspaper owner, editor or anybody connected with a newspaper should use his relations with the newspaper to promote his other business interests.
- 11) Whenever there is an indictment of a particular advertising agency or advertiser by the Advertising Council of India, the newspaper in which the advertisement was published must publish the news of indictment prominently.

## **e) Election Reporting-1996**

- i) General Election is a very important feature of our democracy and it is imperative that the media transmits to the electorate fair and objective reports of the election campaign by the contesting parties. Freedom of the Press depends to a large measure on the Press itself behaving with a sense of responsibility. It is, therefore, necessary to ensure that the media adheres to this principle of fair and objective reporting of the election campaign.

The Press Council has, therefore, formulated the following guidelines to the media for observance during elections:

1. It will be the duty of the Press to give objective reports about elections and the candidates. The newspapers are not expected to indulge in unhealthy election campaigns, exaggerated reports about any candidate/party or incident during the elections. In practice, two or three closely contesting candidates attract all the media attention. While reporting on the actual campaign, a newspaper may not leave out any

important point raised by a candidate and make an attack on his or her opponent.

2. Election campaign along communal or caste lines is banned under the election rules. Hence, the Press should eschew reports which tend to promote feelings of enmity or hatred between people on the ground of religion, race, caste, community or language.
3. The Press should refrain from publishing false or critical statements in regard to the personal character and conduct of any candidate or in relation to the candidature or withdrawal of any candidate or his candidature, to prejudice the prospects of that candidate in the elections. The Press shall not publish unverified allegations against any candidate/party.
4. The Press shall not accept any kind of inducement, financial or otherwise, to project a candidate/party. It shall not accept hospitality or other facilities offered to them by or on behalf of any candidate/party.
5. The Press is not expected to indulge in canvassing of a particular candidate/party. If it does, it shall allow the right of reply to the other candidate/party.
6. The Press shall not accept/publish any advertisement at the cost of public exchequer regarding achievements of a party/ government in power.
7. The Press shall observe all the directions/orders/instructions of the Election Commission/

Returning Officers or Chief Electoral Officer issued from time to time.

**ii) Guidelines on 'Pre-poll' and 'Exit-polls' Survey-1996**

The Press Council of India having considered the question of desirability or otherwise of publication of findings of pre-poll surveys and the purpose served by them is of the view that the newspapers should not allow their forum to be used for distortions and manipulations of the elections and should not allow themselves to be exploited by the interested parties.

The Press Council, therefore, advises that in view of the crucial position occupied by the electoral process in a representative democracy like ours, the newspapers should be on guard against their precious forum being used for distortions and manipulations of the elections. This has become necessary to emphasize today since the print media is sought to be increasingly exploited by the interested individuals and groups to misguide and mislead the unwary voters by subtle and not so subtle propaganda on casteist, religious and ethnic basis as well as by the use of sophisticated means like the alleged pre-poll surveys. While the communal and seditious propaganda is not difficult to detect in many cases, the interested use of the pre-poll survey, sometimes deliberately planted, is not so easy to uncover. The Press Council, therefore, suggests that whenever the newspapers publish pre-poll surveys, they should take care to preface them conspicuously by indicating the institutions which have carried such surveys, the individuals and organisations which have commissioned the surveys, the size and nature of sample selected, the method of selection of the sample for the findings and the possible margin of error in the findings.

1. Further in the event of staggered poll dates, the media is seen to carry exit-poll surveys of the polls already

held. This is likely to influence the voters where the polling is yet to commence. With a view to ensure that the electoral process is kept pure and the voters' minds are not influenced by any external factors, it is necessary that the media does not publish the exit-poll surveys till the last poll is held.

2. The Press Council, therefore, requests the Press to abide by the following guideline in respect of the exit polls:

**Guideline:**

No newspaper shall publish exit-poll surveys, however, genuine they may be, till the last of the polls is over.

**f) Allotment of Houses to Journalists-1996**

Pursuant to the request made to the Press Council of India by the Hon'ble Supreme Court of India *vide* its order dated 19/7/96, the office of the Press Council convened separate meetings on various days with the officials of the Ministry of Urban Affairs and Employment (MUAE) and the Press Information Bureau (PIB) in the Ministry of Information; (i) the representative of the Joint Action Group of Journalists and News Cameramen which had agitated against the retention of the press pool accommodation by some of the present journalist-allottees; and (ii) the journalist occupants. The Council also received representations and suggestions from individual journalists, including journalist occupants. Some of the occupant and non-occupant journalists also met the Chairman of the Council individually and made representation on behalf of the journalists and gave suggestions.

It was noted that the accommodation was given to the journalists since 1957 according to certain guidelines. Those

guidelines were revised from time to time and the latest guidelines are of December 1991. The Council also had the benefit of the draft of a further revision of the guidelines suggested by the P.I.B. to the M.U.A.E.

It was noted that originally, the system of temporarily allotting a fixed number of apartments for journalists started when Shri Sardar Patel was the Minister of Information and Broadcasting. In those days, the income of Indian journalists was such that most of them could hardly afford to stay in New Delhi. While many of the new journalists have to pay for high rent private flats, there is a need for the older journalists to vacate these accommodations in favour of the younger ones with lesser income.

It was further noted that the whole object of giving temporary accommodation to the journalists was to accommodate for some time to those journalists who came from outside Delhi. With that purpose, the government accommodation was being made available to the journalists for a limited purpose of three years and during this period they were expected to find accommodation for themselves and to vacate the government accommodation. For this purpose again, they were during this period of occupation, charged a nominal rent as charged to government servants.

It was also noted that it was not the intention of the government to create any relationship whatsoever between itself and the occupant journalist. The accommodation was to be given as a facility by way of transit accommodation till the journalist found a suitable accommodation for himself/herself within this stipulated period.

This is also borne out by the fact that the Second Press Commission in Chapter V. para 22 of its Report, had

recommended that the “Press should be able to resist not only external pressure but also inducements which would undermine independence from within. Journalist should be on guard against temptation to enjoy favours, whether from government authorities, employers, advertisers or others. Further Chapter VIII, para 49, it recommended that “no further housing facility should be provided to the journalists and existing allotment of the government accommodation in the National Capital and the States should be charged for at non subsidised rates and phased out as the present occupants leave”. The Action Taken Report of the Central Government on the Report of the Second Press Commission submitted to the Parliament record be provided to journalists and in respect of the existing allotments, the rent should be charged at non subsidised rates. This was nearly a decade ago. However, the allotment continued.

### **Taking into Consideration all the above Facts:**

Considering the developments such as that many journalists have continued to occupy the accommodation as if it was given to them permanently since there was no clear stipulation with regard to the duration of occupation, in their allotment orders;

Considering the fact that at present there are only 120 units available for allotment to the journalists under the above facility and that there are a large number of needy journalists in the waiting list;

Considering the fact that the prices and rents of the premises are at present at a higher level;

Considering the present level of income of journalists;

And considering also the fact that there is no reason why the media establishments which are making profits should not provide housing facility for their journalists/news cameramen or pay sufficient house rent in lieu thereof;

The following guidelines for the allotment of accommodation to the accredited correspondents and news-cameramen are suggested:

### **Eligibility Criteria**

1. The accommodation will be given by the government from the press pool only to the accredited journalists and news cameramen. Accredited journalists/news cameramen will mean journalists/news cameramen accredited by the Central Press Accreditation Committee. They will not include: (I) those accredited journalists/news cameramen whose total emoluments exclusive of the conveyance allowance exceed Rs. 15000/-p.m.(II) accredited editors or editor-cum-correspondents: (III) Freelance journalists: (IV) Journalists engaged on contract basis : and (V) accredited correspondents who are not Indian National and /or who do not represent the Indian Media.
2. He/She does not own a house or flat, either as an owner or as a holder of power of attorney, in his/her own name or in the name of the family member or dependent in the National Capital Territory of Delhi, at the time of the allotment of accommodation from the pool.

### **Notes:**

- i) The term 'family' in this context shall have the same meaning as defined in Government of India Supplementary Rule 2.

- ii) The National Capital Territory of Delhi in this context shall besides Delhi, include municipal limits of Ghaziabad, Gurgaon, Noida, Greater Noida, Faridabad, Bahadurgarh and Sahibabad.
  - iii) The transfer of ownership of spouse/sons/daughter and/or its sale to third party within a period of five years prior to the date of application/allotment shall render the applicant ineligible for pool accommodation.
1. The accommodation will be allotted by a Screening Committee (Composition of which is given in para 17) according to seniority and pay limit as mentioned below:

The accredited journalists will be divided in two categories namely: (1) those who are drawing income upto Rs. 7000/- p.m. and (ii) those drawing income between Rs. 7,001/- to Rs. 15,000/- p.m. **The above mentioned limit of emoluments would vary depending upon the recommendations of the Wage Boards of the pay-scale for the category 1A of the working journalists as defined in the Bachawat Award.**

The monthly income would mean emoluments excluding conveyance allowance.

Two separate lists namely, 'List I' and 'List II', of the above categories (i) and (ii) of the journalists respectively would be prepared on the basis of the aforesaid income criteria and according to the seniority on the basis of the date of application for the accommodation.

2. Depending upon the availability, the accommodation will first be given to those in List I according to the seniority. If after satisfying the needs of all the journalists in List I, more units of accommodation are available, they would be given according to seniority to the journalists in List II.
3. The journalists in List I may occupy the accommodation so given for a maximum period of five years but no longer.

Those in List II may occupy the accommodation so given for a maximum period of three years but no longer.

The allottee shall not be eligible for allotment of accommodation from the pool more than once.

4. The allottee shall pay the Government every month the amount of HRA that the allottee receives from his/her employer in addition to the license fee fixed under the Government of India. Director of Estates, New Delhi, Office Memorandum No. 18011/3/95-Pol-III dated 2.7.96. It shall be his/her responsibility to pay all sums due as aforesaid to the government by the 10th of every month. Failure to pay the dues as aforesaid shall make him/her liable to be evicted forthwith.
5. Every allottee shall, on 31<sup>st</sup> March every year, intimate to the Directorate of Estate, Ministry of U.A. & E the details of his emoluments including basic pay, all allowances, including the HRA and particulars of his/her family member/dependent or self having acquired as a holder of power of attorney or otherwise, any

accommodation in the National Capital Territory as defined above.

6. The allottee shall vacate the accommodation within 30 days of the expiry of the period of allotment.

### **Disqualifications to Remain in Occupation**

7. The allotted who acquires accommodation whether as a holder of power of attorney or otherwise in his/her own name or in the name of his/her spouse/family members/dependants, shall immediately but not later than 30 days inform the Directorate of Estate about such acquisition and shall also vacate the government accommodation within a period of two months of the acquisition of the accommodation.
8. The allottee, who voluntarily changes or voluntarily or compulsorily ceased to be in the employment of a media organisation for whatever reason and whose accreditation has not been changed to the new media unit, shall no longer be entitled to retain the government and shall vacate the same within a period of six months from the date of change of the employment.
9. The allottee who has, for any other reasons, will become ineligible for pool accommodation as per these guidelines, shall become liable to be evicted under the Public Premises Act after the expiry of the stipulated grace period laid down herein.
10. If the allottee fails to vacate the Government accommodation allotted to him/her as mentioned in clause 8-11 above, he/she shall be liable to be evicted from the same under the Public Premises Act and shall

also be liable to pay damages as prescribed in the Government of India, Directorate of Estate, New Delhi Office Memorandum No. 18011/3/92-Pol. III dated 30.5.1995 for the period of unauthorised occupation of the premises.

### **Procedure for Allotment of Accommodation**

11. The government shall create a pool for media for the Delhi based accredited correspondents and news cameramen, out of the Central pool of residential accommodation in Delhi. The number of units to be allotted shall be such as may be fixed by the Government in the Ministry of Urban Affairs & Employment from time to time. At present there are 120 units in the media pool.
12. The number of units under the media pool shall remain earmarked for the representatives of the media.
13. The accommodation in the media pool would be of the types IV Special at the maximum.
14. Such Delhi-based accredited journalists/news cameramen, as are desirous of government accommodation from the media pool, shall make an application for the same to the Principal Information Officer or the Press Information Bureau in the Ministry of Information and Broadcasting. The application shall be accompanied by an affidavit stating the following particulars:
  - (a) His/her monthly income as defined in Clause 3 above;
  - (b) The amount of HRA received by him/her from his/her employer;

- (c) Whether he/she has accommodation either as a holder of Power of Attorney or otherwise in his/her own name or in the name of his/her spouse/family members/dependants within the National Capital Territory (NCT) as defined in Note (ii) to clause 2 and;
  - d) Whether he/she has transferred any such residential accommodation whether on Power of Attorney or otherwise to his/her spouse or family member or dependent or to any third party within the National Capital Territory of Delhi, and if so, when.
15. The application for allotment of accommodation out of the media pool shall be processed by a Screening Committee headed by the Secretary to the Government of India, Ministry of Information and Broadcasting and shall consist of the Principal Information Officer of the Press Information Bureau and the Joint Secretary/Additional Secretary (Estate) and Director of Estate, Ministry of Urban Affairs and Employment as its ex-officio members and six accredited journalists to be nominated by the Ministry of Information and Broadcasting.
16. The Screening Committee shall meet at least twice a year. The applications for allotment of accommodation shall be disposed of by the Committee within a period of not more than two months from their receipt.
17. There shall be no discretionary quota for allotment out of the media pool.

## **Saving Provision:**

18. Such allottees as are present in occupation of houses for a period of more than three/five years, as the case may be, and/or have become ineligible on account of any other reason(s) as per these guidelines, shall become liable to vacate the accommodation as follows:
- i) Those who are in regular employment or those who are freelance journalists and not employed on contract-basis and have become ineligible only on account of the expiry of the stipulated period of occupation on the date of coming into operation of these guidelines .....shall become liable to be evicted within a period of three years from the date of coming into operation of these guidelines.
  - ii) Those employed on contract basis and who become ineligible to occupy government accommodation by virtue of these guidelines shall become liable to be evicted within a period of two years from the date of coming into these guidelines.
  - iii) All others who become ineligible to occupy government accommodation on account of any other reason(s) whether in addition to the expiry of the stipulated period of occupation or otherwise, as per these guidelines, shall become liable to be evicted within a period of one year from the date of coming into operation of these guidelines.

During the period of occupation of Government accommodation as in sub-clause (i) to (iii) above, the occupants other than freelance journalists, shall pay license fee plus HRA as per clause (6) **or the damages as per clause (12) above**. The freelance journalist shall pay only license fee for the period of occupation of the accommodation in terms of Government of India, Directorate of Estate, New Delhi; Office Memorandum No. 18011/3/95-Pol III dated 2.7.1996.

After the discussions in the Council meeting held on 25.9.96, the Chairman, Press Council of India suggested the following modification in the guidelines:

- The maximum total emoluments for entitlement of government accommodation is prescribed at present as Rs. 15,000/- per annum in para 3 of the 'Eligibility Criteria'. It may be added there that the above mentioned limit of emoluments would vary depending upon the recommendations of the Wage Boards of the pay-scale for category 1A of the Wage Boards of the pay-scale for category 1A of the working journalists as defined in the Bachawat Award.

Some members of the Council suggested the following modifications:

1. A uniform period of five years may be given for vacating the government premises to all journalists whether they are in regular employment contract employment or whether they are freelance journalists and to that extent clauses (i) and (ii) of para 20 of the guidelines may stand modified. However, the period for vacating the government accommodation by those who have other accommodation in Delhi will remain unchanged.

2. A uniform tenure of five years for occupation of government accommodation once it is allotted, may be given to all the allottees whether the employees fall in list I or list II as mentioned in para 3 under the 'Eligibility Criteria'.

These were forwarded to the Hon'ble Supreme Court of India on 10.7.1996 and were incorporated in the Order of the Hon'ble Supreme Court dated 19.7.1996.

## **g) Guidelines on Undue Favours to Journalists-1988**

The power of the press has prompted the public men through the ages to try to cultivate and curry its favours through overt, and more often than not, covert means.

It is only if the press accepts its responsibility of serving the public interest as an independent observer, informer and educator of people as a watchdog of the interest of the society that it can discharge its true role as a mass communicator. Ultimately the strength of the moral fabric of the press itself shall decide whether or not to be swayed by the inducements and enticements thrown in its way by those in power. The media persons must realise that the burden of whether favours and facilities they receive, whether they are showered on them by the public or the private organisations or the individuals in authority, is ultimate borne by the people. The private organisations recover their costs by adding to the cost of the products and services they sell. The ultimate by allegiance of the press has therefore to be of the people and not to immediate benefactors.

To distinguish between the facilities made available to the members of the fourth estate for due discharge of their professional duties and favours granted with a view to influence them, is not always easy. However, the simple and intelligible demarcation may be a uniform profferment of help to journalists in discharge of their professional duties made within the parameters of well laid down policies, without discrimination from person to person constitutes facility but when it is restricted to any or some individuals or establishments, it becomes a favour.

Based on the report given out by the Council in January 1998 in favour extended to journalists by various authorities over the period 1985 to 1995, the Council has framed the following guidelines for future guidance:

1. Accommodation-houses/flats/land:

The Government is not obliged to provide accommodation to the journalists as it is the responsibility of the newspaper establishment to provide accommodation to their employees. Whenever such a facility is provided to the journalists by the authorities it should be gradually phased out.

Land allotments at concessional rates to the newspaper establishment /individuals for the purpose of installing printing presses should not be a source of undue/illegal enrichment of the allottees.

Therefore, the proposal of allotment of land to newspaper establishment/individuals should be scrutinized by the authorities very carefully. No land should be allotted to newspaper establishments/individuals at concessional rates

if the land is proposed to be put to commercial use as well along with its use for press purpose by the allottees.

2. Allotment of Shares in Companies:

The shares allotted at a special price or given under any quota is a favour.

3. Bus Travel/Rail Travel/Transport:

This is a favour so far as big and medium newspapers are concerned. Further the journalists attached to the newspapers which are in profit have no justification for availing free bus/rail/transport facility. Such costs must be borne by the concerned newspaper. However, in the case of small newspaper this may constitute a facility.

4. Foreign Travel:

Extending the facility of air travel by companies, corporations and airlines is an inducement to write favourably about their products and services. As regards official foreign tours undertaken by the President, the Vice President, the Prime Minister and the External Affairs Minister or any other Minister, only eligible journalist should be nominated for coverage once the newspaper has been selected on the basis of the criteria laid down. The management personnel of the newspapers should not be selected/ nominated for coverage of such tours.

5. Free Air Tickets by Domestic Travel Airlines and Others:

It induces journalists to write favourable reports to commercially promote the airlines and the commercial

enterprise offering such tickets and should not be accepted by the journalists.

6. Cash Disbursement from Chief Minister's Discretionary Fund:

Disbursement of money from the Discretionary Fund of the Chief Minister other than by way of relief to the indignant and helpless journalists encourages unfaithfulness to the mission of journalism and promotes corrupt practices. This could be discouraged by the Chief Ministers.

7. Cash Disbursement Financial Assistance:

The financial assistance, even if given for medical treatment, constitute a favour, unless, medical aid is given under a clear cut policy uniformly applicable to the destitutes or sick persons who cannot afford the medical treatment, and the journalists happens to be one of such beneficiaries. Extending CGHS facility to journalists is illogical since this facility to its employees is the responsibility of the newspaper establishments and should be provided by the authorities.

8-9. Funds for media centres and grants to journalists associations is favour and should be discontinued, unless it is given for promoting the journalistic skills.

10. Gift cheques including those given by the advertisement agencies for publication of material relating to their clients or otherwise is a favour and deserve outright condemnation. The journalists should not accept them.

11. Gifts in any form, irrespective of their value, are to be condemned.

12. Free parking is a favour, if journalist uses this facility for the purpose other than his professional work.

13. Guest Hospitality:

The working journalists, as a rule should not be treated as State Guests. However, when Press teams are invited to a place to discharge their professional duties, making due arrangements for them would be an exception. The stay in government guest houses by accredited journalists, is permissible if it is for discharging professional duties.

14. Import of duty free cameras and computers:

It is the duty of the newspaper establishment to provide cameras/computers to its personnel. Allowing duty free cameras and computers to a particular class of persons by the Government is a favour. However, this facility may be extended to the accredited freelance journalists, small newspapers, provided it is not misused.

15. Insurance Premium:

It is not for the government to pay premium of the insurance of the journalists. The newspaper establishments or the individual concerned should make the payment of the same.

16. Giving jobs to journalist's relatives, for considerations, and other than on merits is an outright attempt to induce and should be curbed.

17. The grant of loans within the ambit of a policy already laid down for all citizens is permissible. But when

the loan is given only to journalists or at reduced rates of interests or when the interest due or the principal amount is waived/written off/condoned, such a practice amounts to undue favour and should be stopped.

18. Nomination on Committees:

In some states the journalists are nominated on some organisations and institutions like Public Service Commission and are also given the status of State Minister or Cabinet Minister, which is a wrong practice. Except for nomination by professional organisations on Committees, which have a quota to represent the various professions, this practice constitutes a favour and should be stopped.

19. Allotting PCO/Fax/Phone booth or centre to a journalist is a favour. This practice should be stopped.

20. Pensionary Benefits:

Since the media is not part of the government, the benefit given only to media persons constitutes a favour when extended by the government.

21. Press Clubs-Donation of Funds:

This practice is prevalent all over the country and funds are being donated lavishly by Chief Ministers/Ministers, political leaders, companies and corporations not only to genuine Press Clubs but also to the Press Clubs of dubious nature. In the latter case it constitutes an attempt to induce the journalists to give favourable reports about the donors. This should be stopped.

22. Prizes:

The practice of giving spurious awards has to be curbed. There are instances of sale of awards and prizes by the racketeers making money out of it. Not only the racketeers but the awardees often contribute towards the value of the prize.

23. Allotment of shops to persons for reasons of their position as journalist is a clear cut favour and should be stopped forthwith.

24. The grant of Accreditation Cards, Government and Public Authority Advertisements according to rules, facility during election meeting, expenses for journalistic conventions, seminars, etc. providing press rooms, inviting press parties, giving publication material, providing for training of journalists do not constitute favours. They are essential facilities offered to journalists for the discharge of their professional duties.

## **h) Right to Privacy - Public Figures and the Press -1998**

The issue has been under heated debate at both national and international level. It appears certain that right to privacy cannot be absolute, yet the media itself has to show self-restraint, and respect the privacy of the public figures. Where there is clash between the public person's privacy and public's right to know about his personal conduct, activities, habits and traits of character, impinging upon or having a bearing on public interest, the former must yield to the latter.

It will, however, be necessary to bear that what is of ‘interest to the public’ is not synonymous with ‘public interest’ and that must be the ultimate test that the journalists must themselves apply in the circumstances of each individual case.

Drawing out of the above, the Council draws up the following guidelines:

“Right to privacy is an inviolable human right. However, the degree of privacy differs from person to person and from situation to situation. The public persons who function under public gaze as an emissary/representative of the public cannot expect to be afforded the same degree of privacy as a private person. His acts and conduct as are of public interest (‘public interest’ being distinct and separate from ‘of interest to the public’) even if conducted in private may be brought to public knowledge through the medium of the press. The press has, however, a corresponding duty to ensure that the information about such acts and conduct of public interest of the public person is obtained through fair means, is properly verified and then reported accurately. For obtaining the information in respect of acts done or conducted away from public gaze, the press is not expected to use surveillance devices. For obtaining information about private talks and discussions, while the press is expected not to badger the public persons, the public persons are also expected to bring more openness in their functioning and co-operate with the press in its duty of informing the public about the acts of their representatives.”

The above broad guidelines emulated in true spirit are certain to strike a balance between the right of the press to have access to information and the public persons’ right to privacy.

**i) Model Guidelines for Publishing Overseas Advertisements in Accordance with Emigration Act 1983**

The Information and Broadcasting Ministry requested the Council to issue guideline for the publishers in wake of advertisements of overseas jobs being published in various newspapers in contravention of Emigration Act, 1983. The Council in consultation with the Protector General of Emigration adopted the following model guidelines:

1. As per the provisions of Section 16 of the Emigration Act, 1983, no employer can recruit any citizen of India for employment in any country or place outside India except (a) through a recruiting agent competent under the Act to make such recruitment, or (b) in accordance with a valid permit issued in this behalf.
2. Section 10 of the Emigration Act, 1983, provides that no recruiting agent shall commence or carry on the business of recruitment of Indian citizens for overseas employment except under and in accordance with the certificate issued by the registering authority, i.e., Protector General of Emigrants in the Ministry of Overseas Indian Affairs.
3. Similarly, a foreign employer or a project exporter can recruit Indian citizens for employment abroad only after obtaining permit from the Indian Mission in the country of employment or the Ministry of Overseas Indian Affairs, New Delhi.

4. It is mandatory for the Registered Recruiting Agents to display their registration certificate number while inserting advertisement for recruitment. Similarly, Foreign Employers and Project Exporters will also have to indicate permit number while inserting advertisements.
5. A copy of the registration certificate in case of recruiting agents and permit letter in case of foreign employers and project exporters may be asked to be attached with the advertisement form as proof of their being genuine persons.
6. All advertisers may be asked to mention the following in their advertisement:
  - a. Registration Certificate Number/Permit Number;
  - b. Full address with Telephone Number, Post Box Number, e-mail address (These could be given in addition to the full address but not as the mode of communication);
  - c. No fee towards processing application or for any other purpose shall be charged from the applicant;
  - d. Name of the Posts/Jobs;
  - e. Number of Position/vacancies in each category; and
  - f. The salary offered to each category of job.

7. In case of any doubt, the publisher may also ask for Copies of Demand Letter and Power of Attorney supposed to have been given by the foreign employer or sponsor to an agent, on the basis of which the said advertisement is being released.
8. Also clarifications may be sought from the Protector General of Emigrants, Ministry of Overseas Indian Affairs, New Delhi or from the eight Offices of the Protector of Emigrants located at Delhi, Mumbai, Chennai, Kolkata, Thiruvananthapuram, Cochin, Chandigarh and Hyderabad.
9. Further, the list of registered recruiting agents can also be seen in the website of the Ministry of Overseas Indian affairs, i.e. <https://moia.gov.in>.

**(j) Study Report - Working Journalists Act vis-à-vis Appointment of Journalists on Contract July 27, 2007**

The Press Council of India having considered the matter of appointment of journalists on contract basis in newspapers establishment on the basis of the report of its Sub-Committee unanimously opines that “All the employees of a newspapers establishment covered within the definition of Working Journalists Act, should be given the protection of the provision of the Act”.

A Sub-Committee to study the Working Journalist Act 1955 *vis-à-vis* appointment of journalists on contract was set

up by the Press Council of India in its meeting held on 9.2.06 at Pune. The Sub-Committee called for views and comments from the notified associations. Out of 15 notices sent, only two i.e. Indian Journalist Union and Indian Newspaper Society responded and some responses were received from Press Councils and similar bodies outside India though most of the bodies informed that they deal only with specific complaints against published material.

At nearly half a dozen meetings held by the Sub-Committee in Delhi, the overwhelming view emerged that contractual employment should be covered under the Working Journalist Act and the terms of appointment should not be disadvantageous to the journalists *vis-à-vis* the minimum wages prescribed in the Act. The Sub-Committee was also of the view that the Working Journalist Act should be implemented in letter and spirit.

The Sub-Committee had the benefit of discussing in a free and frank manner the view expressed by the members and scrutinizing them in detail from a variety of perspectives be it that of newspaper editors/owner or of journalists. The Sub-Committee was unanimous in its opinion that broadly half a dozen suggestions can be made:

1. A reference be inserted in the terms of reference of Wage Board constituted recently for the Working Journalists.
2. Security of tenure of journalists appointed under contract to be ensured under the Working Journalist

and Other Newspaper Employees (Conditions of Service) & Misc. Provisions Act, 1955.

3. Contract employment should not be an “attraction or allurements”.
4. Tendency of “hire and fire” as also change of employment in quick succession should be discouraged and the contract employment should not remain at the whims and fancies of either party.
5. The wages being offered on contract should not be less than the gross wages under the Working Journalist Act.

In its discussions also, the Sub-Committee dwelt at length on fast changing scene in the media world where contractual employment was replacing regular appointment of journalists under the Working Journalist Act. The harsh reality remains that there is absolutely no protection available to those journalists under the Act who have been appointed under the contractual system, a concern voiced time and again by several quarters.

The contractual employment was gradually creating a separate category of journalists, a category which did not enjoy benefits under the Act. Though the journalist under contractual employment often accept hefty pay packets and also get substantial wage increases, their freedom increasingly comes under a cloud of uncertainty as soon as the date for the contract renewal approaches. It is often seen that no sooner than the contractual term nears completion the journalist

comes under pressure to show “results” and the remaining period till the renewal of contract is often laced with uncertainty and fear of an “abrupt transfer” without giving any option or choice of freedom. Several instances were cited before the Sub-Committee which portrayed exploitation of journalists under the contractual system of employment as they were either given a paltry sum every month or shunted out or transferred without citing any reasons of exigencies of the organization.

Though the terms of contract essentially remain an agreement between the employer and the journalist, it is often observed that there is hardly any option or freedom of choice available to those engaged in the profession of gathering, reporting, disseminating or analyzing news. Such a scenario has also raised crucial question relating to the freedom of press and working conditions of journalists. Are journalists to be treated as any other employee in any segment of the industry? Is newspaper publishing a business like any other business or industry?

The Sub-Committee recalled the September 22, 2003 meeting of the Press Council of India at Pune which was chaired by Mr. Justice K. Jayachandra Reddy and had considered the matter of contractual system of appointment of journalists by some newspapers in the country.

At that meeting too, the Council had felt that even though the changing media scene needs to be accepted as a harsh reality, the appointment of journalists on contract basis in place of regular appointment under the Working Journalist

Act could affect their right to express themselves freely without paying heed to the pressures that could be forthcoming from various quarters. Hence, it was necessary that covert as well as overt threats to the freedom of the press be constantly kept in sight. The Council was of unanimous view that while as far as the law existed, the manner of employment was a matter of agreement between the employer and the employee, there was no doubt that the freedom of the press could be in jeopardy in contract system where continuance of service would be at whims of the employer.

It quoted External Affairs Minister, Mr. Pranab Mukherjee's observations at the recently held SAARC Editors Conference in Delhi *viz.*, "In many ways, the media is the torch-bearer of better people-to-people contacts. One sentence from any of you has the potential to reach millions. It can correct a wrong 'it can create an image' it can plant a seed of understanding". Mr. Mukherjee told the conference "if the written word's power has been acknowledged time and again by one and all, is it not in the fitness of things that the hands which wield the pen should do so with freedom, responsibility and without any fear. Such working conditions in the media can only forge a better and healthy relationship between the employer and employee".

The Sub-Committee left it to the collective wisdom of the full Press Council to assess if the situation is any different at present or how it has evolved over the past three or four years.

Its final recommendation supplementing the report read “All the employees of a newspaper establishment covered within the definition of Working Journalists Act, should be given the protection of the provision of the Act”.

Debating over the issue at length in the meeting held on 27.7.07, the Council adopted the final recommendation as its own.

## **k) Guidelines for Protection of Child Rights**

### **Guidelines Drawn up for Reporting on Children:**

- Do not further stigmatize any child; avoid categorisations or descriptions that expose a child to negative reprisals including additional physical or psychological harm, or to lifelong abuse, discrimination or rejection by their local communities.
- Always provide an accurate context for the child’s story or image.
- Always change the name and obscure the visual identity of any child who is identified as:
  - i. A victim of sexual abuse or exploitation,
  - ii. A perpetrator of physical or sexual abuse,
  - iii. HIV positive, or living with AIDS, unless the child, a parent or a guardian gives fully informed consent,

- iv. Charged or convicted of a crime.

In certain circumstances of risk or potential risk of harm or retribution, change the name and obscure the visual identity of any child who is identified as:

- i. A current or former child combatant,
  - ii. An asylum seeker, a refugee or an internal displaced person,
- In certain cases, using a child's identity - their name and/or recognizable image - is in the child's best interests. However, when the child's identity is used, they must still be protected against harm and supported through any stigmatization or reprisals. Some examples of these special cases are:
    - i. When a child initiates contact with the reporter wanting to exercise their right to freedom of expression and their right to have their opinion heard.
    - ii. When a child is part of a sustained programme of activism or social mobilization and wants to be so identified.
    - iii. When a child is engaged in a psychosocial programme and claiming their name and identity is part of their healthy development.
  - Confirm the accuracy of what the child has to say, either with other children or an adult, preferably, with both.

- When in doubt about whether a child is at risk, report on the general situation for children rather than on an individual child, no matter how newsworthy the story.

## **I) Model Accreditation/Advertisements Rules-2014**

1. These Rules formulated by the Press Council of India will serve as the guideline for framing and implementing the Rules of Accreditation of the Central and State Governments. These Model Rules have been framed to ensure accreditation-to cover the news relating to the Central/State Government– is granted and renewed with fairness, transparency, with commitment to freedom of press, and in public interest.

### **2. Definitions:**

- i) **Accreditation:** Recognition granted to Correspondents/Editors of Media organisations (as defined in sub clause iv) to have access to news materials, written and pictorial; to offices and officers of the Government at the Headquarters and other centres for gathering news; access for laws, rules, notifications, press releases, background papers, etc. of the activities of the government; for invitations and admittance without any hindrance to functions, press conferences, statutory events and other activities of the government; facilities in terms of travel, research, documentation, etc. relating to newsgathering. The Accreditation should be

available throughout the country, state, city, district or tehsil, as decided by the Committee.

- ii) **Correspondent:** A working journalist employed by a newspaper, magazine, news agency, television channel, radio organization or news portal, to gather and file news items regularly for the newspaper, magazine, television channel, radio organisation or news portal, as defined in clause 2 (iv) of these rules. The definition of Working Journalist for print media, including newspapers, magazines and news agencies, shall be generally the same as the definition in the Working Journalist Act.
- iii) **Cameramen:** Still and Television cameramen employed by media organisations for taking picture or video-graph news events.
- iv) **Editor:** Editor of a newspaper, magazine, Television Channel, Radio organization, news portal, who is in-charge of news selection and editorial policy of the organization, including Chief Editor, Editor-in-Chief, Managing Editor, Executive Editor, Resident Editor, Content Head.
- v) **Media Organization:** Newspaper, magazine, Television Channels, Radio organization, news portal, recognised by Government of India/State government agencies under relevant laws and rules like PRB Act, Uplinking Guidelines for Television Channels and FM Stations, Prasar Bharti Act, etc.

- (a) **News Media** shall include newspapers, wire service and non wire service news agencies, news feature agencies, electronic media agencies, news portals containing news and comments on public news.
- (b) **Newspaper** shall have the same definition as given in the Press and Registration of Books Act, 1867. A Daily newspaper shall be published on not less than five days in a week; a weekly or Fortnightly newspaper shall have not less than 45 or 22 issues in a year respectively.
- (c) **News Agency** shall be wire and non wire organizations which supply news on a minute-to- minute or daily basis to a number of media organizations, both print and electronic.
- (d) **News Feature Agencies** shall be agencies which supply news and features based on current affairs to newspaper organizations on a weekly or fortnightly basis.
- (e) **Radio Organization** means any media organization which broadcast news bulletins and carries current affairs programmes, including All India Radio which operates under the Prasar Bharti Act.
- (f) **Television Channel** shall have the same meaning as News and Current Affairs Channels permitted under the Guidelines of

the Ministry of Information and Broadcasting. This includes the news channels of Doordarshan operating under the Prasar Bharti Act.

- (g) **Television and Radio news agency** shall be media organization which provides news clips and feeds to Television channels and radio stations.
- (h) **Foreign Newspapers and foreign news agencies** shall be media organisation which fulfil broadly the criteria laid out in clause 2 (b) and 2 (c) respectively.
- (i) **Foreign television channel** shall be media organisation which fulfils broadly the criteria laid out in the Guidelines for News and Current Affairs Channels of the Ministry of Information and Broadcasting.
- (j) **News Portals** are news and current websites which provide continuous news coverage and current affairs features.
- vi) **Accreditation Card:** The PIB or the State Information Department shall issue a photo identity card to all correspondents and editors to whom the accreditation is granted by the Committee, and wherever necessary, the card should have authorization to enter all premises of the Central and State Governments, without any requirement of obtaining visitor pass.

- vii) **Committee:** Committee formed by the Government for considering and sanctioning of Accreditation, and to recommend steps for facilities for news gathering by accredited correspondents and news organisations. State Governments shall form District or Tehsil (Mandal) level Accreditation Committees, subject to local requirements.
3. The Press Accreditation Committee shall be a permanent organisation, whose membership will change every two years. There shall be no discontinuity in the functioning of the Committee and it shall be the responsibility of the Government to ensure that the nomination of fresh members is gazetted before the term of the earlier team expires. In case the Government is unable to nominate the new members, the old Committee will continue until the new Committee is constituted.
4. a) The Press Accreditation Committee shall consist of not less than Nine members, representing various recognised mainstream media organisations at National/State level of Editors, Correspondents, Cameramen and Cartoonists. These organizations must have representative character and fair representation of membership of the category of journalists in the Centre or State.
- b) Every Accreditation Committee formed by the Central or State government shall have a representative of the Press Council of India,

preferably a member who lives in the particular State or the City as the case may be.

- c) No member may continue for more than two consecutive terms.
5. The Director General, Media & Communication shall be the Member-Secretary of the Central Press Accreditation Committee and the Director/Commissioner of Information of a State Government shall be the Member-Secretary of the State level Accreditation Committee. For a Committee at District or Mandal level, the District Information/Public Relations Officer shall be Member-Secretary. The Member-Secretary shall be responsible for convening the meetings of the Committee, scheduling the agenda and for implementing the decisions of the Committee.
6. The Chairman of the Committee shall be a senior journalist, who shall be nominated by the Central or State Government. The Chairman should have minimum 10 years experience as an accredited correspondent to the government concerned, and should be ineligible for a second continuous term.
7. The Committee shall meet once in a quarter or more frequently if considered necessary. The quorum shall be 50 percent of the total membership. A minimum of 15 days notice should be given for meetings, unless the Chairman is satisfied that a meeting should be called at short notice due to extraordinary circumstances. Even then the decisions of such an extra ordinary meeting will have temporary validity, until they are ratified by the Committee meeting called after 15 days notice.

8. The Committee shall admit newspapers, news agencies, magazines, TV channels, Radio organizations, news portals provided, they fulfill the basic criterion of providing contemporaneous news to their readers, subscribers, viewers, listeners as the case may be. They should carry at least 50 per cent its contents as news/comments of general public interest. The decision of the Committee on whether the applicants carry 50 percent of content as news is final. These organisations must be functioning as a news organisation for a period of at least six months before they are eligible for accreditation as an organisation. However, if a publication changes the periodicity of publication but continues to carry minimum 50 percent of contents as news/comments of general public interest, then its admission shall continue. All newspapers and magazines applying for recognition by the Committee shall furnish a No Due Certificate from the Press Council of India.
9. However, if the Committee is unanimously satisfied that a news organisation needs temporary accreditation from the day it starts the operations, then the Committee may grant a small number of accreditations to the applicant organisation, without creating any permanent claim. The admission granted to these organisations will be withdrawn if they cease to function or cease to disseminate contemporaneous news. It is the duty of the organisation to inform the Government if it is being closed down or changes to non-news content.
10. Based on the Circulation of newspapers and magazines, the number of subscribers and turnover of news agencies, the turnover of TV channels and

Radio organisations, the page hits and turnover of news portals, the Committee shall prescribe the number of Editors, Correspondents, Photographers, Cartoonists, Cartographers, TV Cameramen, Radio Executives, etc. who can be accredited to the Government. However if the organisation provides proof of increase/decrease of these criteria, the Committee would correspondingly alter the quota.

11. A minimum of five years experience in a news organisation, which is admitted by the Committee, is required to consider the application of an Editor/Correspondent/Cartoonist/Cartographer or Photographer/TV Cameraman/Radio Executive for accreditation to the Government of India. For accreditation to the State Government at the State or District level, three years experience is minimum requirement.
12. For purpose of accreditation, Editors should be considered as being engaged in newsgathering and should be given accreditation. The Committee shall satisfy itself that the applicant is fully employed in the news organisation by asking for news clippings, video clips, radio clips, etc., apart from employment certificate, a certificate from the Editor that the applicant is engaged in news reporting. The Committee shall not give accreditation to advertising or sales person who put in a claim that they are also correspondents.
13. On its satisfaction that the applicant meets the criterion to be an accredited correspondent, the Committee shall permit grant of accreditation subject to the availability of the quota of the news organisation.

14. The Government will issue the accreditation card to the journalist within a fortnight of the date of approval by the Committee.
15. In case the Committee rejects the application of a media organisation, or a journalist on behalf of a media organisation for accreditation, then the applicant organisation/individual shall be informed the reasons for rejection in writing. The applicant organisation/individual can make amends or place other relevant facts before the Committee for reconsideration. However, the Committee's decision, after such reconsideration, shall be final.
16. The Committee can grant accreditation to senior journalists, who are freelancing, provided they have been accredited correspondents on behalf of news organisations for at least 15 years, provided they show evidence that their main avocation is of journalism and that they are earning their livelihood through journalism.
17. The Committee may grant special accreditation to journalists who have done Long and Distinguished Service as accredited correspondents, provided they are above 58 years of age; are accredited for a minimum period of 15 years; and are actively pursuing journalism at the time of recognition of their service.
18. The Accreditation card issued to Editors, Correspondents, Cartoonists, Cartographers, Photographers, TV Cameramen, Radio Executives, etc. shall be valid for a period of two years. Under the general directions of the Committee, the PIB or

the concerned State Government department shall renew the accreditation of all accredited journalists once in two years, ensuring that the accredited journalist is not deprived of the facility even for a single day.

19. In case a correspondent works for more than one organisation, and requests for additional accreditation, the Committee may decide to grant additional accreditation, after recording the reasons for granting additional accreditation.
20. All Government Ministries, Departments, undertakings and other wings shall provide access and information to accredited journalists, and they shall not discriminate amongst accredited journalists for dissemination of news.
21. The Committee shall withdraw the accreditation, provided:
  - i) The Editor informs the Committee that the journalists has been reassigned within the organisation.
  - ii) The Editor informs the Committee that the news organisation has closed down/or is no longer carrying 50 per cent content as news.
  - iii) The journalist is no longer an employee of the news organisation.
  - iv) If a journalist has been censured at least twice by the Press Council of India for professional misconduct.

- v) If the Committee were to come to the conclusion that the journalist has made gross misuse of the accreditation facility, then he shall be given an opportunity to answer the charges, and the Committee shall record its reasons for withdrawal of accreditation.

**Proviso** As journalists enjoy the protection of the Constitution, the Accreditation Committee shall ensure that the accreditation is not cancelled for any malafide or frivolous reason by the Central or State Government or any politician or official who have a grudge against journalists publishing news which may be unpalatable. No media organisation or journalist shall be deprived of accreditation merely on the ground that he had published what was claimed to be an official secret, or that he has published reports which are unfavourable to the Government or its Ministers or Officials.

22. Apart from considering applications for grant and withdrawal of accreditation by news organisations and journalists, the Committee shall discuss and recommend measures for providing additional facilities to news organisations and journalists to improve the quality of news dissemination.
23. Editors/journalists deputed by editors of newspapers, magazines, news agencies, television and radio organisation, news portals who are accredited by a State Accreditation Committee shall be considered

eligible for accreditation to the Government of India at its headquarters in New Delhi and offices in state capital/s, even though they may not be residing in the National Capital Region, with a view to ensure that the news relating to Government of India is disseminated in all regions and Editors/accredited journalists from all over India have access to Government of India's information and offices.

24. A journalist covering more than one state/cluster of States like North-East shall be eligible to have accreditation in all the states/cluster of State like North-East provided the Editor gives a certificate, justifying the needs for accreditation in more than one state.
25. The Government will put the Rules on the website of the concerned Ministry so that it is available for reference to the news organisations, journalists and the general public. The decisions of the Committee on admission of news organisations/journalists will be put on the notice board soon after the decisions are implemented.

## **m) Model Advertisement Policy Guide - 2014**

### **Introduction:**

Under the statute passed by the Parliament in 1978, the Press Council of India is enjoined upon to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India. This is further supported by clause (e) of section 13 (1) of the Press

Council Act, whereby the Council is required to “keep under review any development likely to restrict the supply and dissemination of news of public interest and importance”. There have been a number of occasions where the Press Council has been called upon to look into the complaints of improper or arbitrary denial of advertisements by various authorities, severely affecting the economic viability of newspapers, particularly of those in the smaller category.

In disposing of these complaints, the Council has often observed that governmental authorities should not single out a newspaper for discriminatory treatment in the matter of release of advertisements on account of its critical writings. Release of advertisements should be done not on an adhoc basis but on the basis of a notified policy formulated on some rationale criteria. Political consideration should not weigh in the issue. Distribution of advertisements should be equitable as far as possible but smaller newspapers which subsist on government advertisement revenue need special consideration of the governmental authorities. While advertisements cannot be claimed by newspapers as a matter of right, they are neither a grant to be released at the whim and discretion of the controlling authority.

Against this background, the Press Council of India has considered the question of formulating basic elements of what may be an advertisement policy for the Central and State Governments to adopt. These model guidelines propose broad principles of uniform applicability governing the release of advertisement by Central and State Government, Union Territory, Administration vis-a-vis their distribution, rate fixation and payment and canalisation.

### Criteria:

- 1) Newspapers registered with the office of the Registrar of Newspapers for India shall be eligible for inclusion in the approved list for release of advertisements.
- 2) Advertisements shall be issued only to such newspapers as have been included in the approved list of Central/State Government for release of advertisements. For preparing the approved list, there should be a Committee with due representatives of officials as well as non-officials from among media personalities. For the purpose of selecting the newspapers for release of advertisements of different kinds, the authorities should be guided by the following criteria:
  - a) Newspapers will be considered as being eligible for advertisement if it has had regular and uninterrupted publication for four months.
  - b) A newspaper seeking advertisement should fulfill the requisite qualification already prescribed by State and Central Government in regard to periodicity and regularity of publication, size of the publication, printing arrangements, editorial and managerial set-up.
  - c) The circulation of a newspaper has a bearing on the extent of advertisement released. The sources from which authenticated circulation figures could be obtained are:
    - i) The Registrar of Newspapers for India;
    - ii) Audit Bureau of Circulation; and

- iii) Chartered Accountant, certifying annual circulation statement,

The Figures obtained through anyone of these sources should be acceptable for determining the circulation of a newspaper to be enlisted and no other party should question the certificate issued by either of the three above.

- d) Payment of bills by the government should be made within a period of 45 to 60 days of the publication of the advertisement. The payment could be made at reasonable prevalent commercial rate, less 20% commission in view of the bulk value of release.

- e) It will be desirable that small newspapers having regional content are given some weightage.

- f) Suitable weightage may also be given to language newspaper/periodicals published from remote areas, such as North-East, tribal belts and hilly region and small paper run by linguistic groups.

- g) As far as possible, organs of political parties should not be unduly patronized by the governmental authorities.

**General:**

A list of newspapers eligible for empanelment should be made a public document available on request. The list

should be periodically sent to the Press Council of India, the RNI and also to the recognised newspaper associations.

All disputes regarding inclusion/non-inclusion/removal from the approved list for release of advertisements should be referred to an independent body which may consist of representatives of the Government and disinterested members of Press from socio-journalistic fields. Alternatively, dispute could be referred to a body created on the pattern of Press & Registration Appellate Board which may consist of the Chairman of the Press Council of India and four other members.

These guidelines are not exhaustive because of the limited nature of the issue involved. They have been prepared with the object to eliminate any possibility of discrimination which may directly or indirectly affect the freedom of the Press.

## **n) Report of the Sub-Committee to Examine the Report of Interlocutors on Media and Media Scenario of Jammu & Kashmir**

Adopted by the Council on 09.10.2017

The topography of the state of Jammu & Kashmir is quite unique: the different natural features and climates of its three regions — Jammu, Kashmir (valley) and Ladakh — make for an interesting study in compatible contrasts. So does its social topography of different cultures, languages and lifestyles of the people of the three regions. The media of the three regions, too, faithfully represent these contrasts. With a

density of 124 persons per square kilometer, according to the population statistics of 2011, Jammu and Kashmir is one of the least densely populated States of the Union of India and ranks 28th among its 35 states and Union territories. The State had a total population of 1,25,48,926 in 2011 with a literacy rate of 68.70 percent.

The report of the special interlocutors on J&K made certain pointed observations in regard to the functioning of the media in the State. The Information Department of the State Government requested the Press Council of India to advise/guide it about the measures required to be taken in respect of the recommendations made by the Report of the Interlocutors, which says :

1. Publishers have alleged that newspapers that do not toe the official line are denied government advertisements. On the other hand, the Government alleges that certain newspapers publish unsubstantiated stories and engage in a vilification campaign. Both these matters need to be investigated by a body like the Press Council of India or the Editors Guild of India.
2. Allegations have also been made to the effect that publishing houses inflate their circulation figures to engage in malpractices.
3. The sources of funding of newspapers are also a matter of unhealthy speculation. A thorough investigation carried out by the Press Council of India can alone settle the issue.

Pursuant to this, the Press Council of India, taking cognizance of the matter, constituted a five-member sub-

committee to examine the Report of the Interlocutors on media and media scenario. The Sub-Committee consists of S/Shri S.N. Sinha, Convenor; G. Sudhakar Nair, Dr. Suman Gupta, Sondeep Shankar and Prakash Dubey. The committee later decided to co-opt Shri C.K. Nayak as its member.

The Sub-Committee also decided to interact with the Interlocutors and prepared a list of veteran journalists related to J&K to discuss the recommendations of the interlocutors. The Sub-Committee also decided to write to the J&K Government, Ministry of Home Affairs, the RNI and the DAVP to provide lists of the State's newspapers against whom they may have received specific complaints of foreign funding/anti-national writings and the action taken thereon with due reasons for such action. The Central and State Governments may also provide details of newspapers which were delisted for advertisements during the past five years.

In the interaction, Shri Dileep Padgaonkar and Prof. Radha Kumar of Interlocutors and a number of journalists working outside J&K gave the detailed background of the newspapers' history and their writings and suggested that the committee should visit all three regions of J&K, that is, the Valley, Jammu and Ladakh, to understand the ground reality and the problems faced by media persons.

The committee visited Kashmir and met various groups of media persons and officials numbering about 300, of the J&K Correspondents Club, Kashmir Working Journalists Association, Working Journalists Association Kashmir, Kashmir Young Journalists Association, Kashmir Photo-journalists Association, News Agencies Association, Kashmir Editors Guild, Jammu and Kashmir Joint Forum of

Newspapers Editors, Jammu Newspaper Guild, Officials of Doordarshan, All India Radio and some senior Journalists. It also met government officials and political leaders, including the Hon'ble Governor Shri N.N. Vohra, Chief Minister Mahbooba Mufti Sayeed, Leader of Opposition Omar Abdullah, Finance Minister Haseeb Darbu, and Information & PR Minister Chowdhary Zulfikar Ali, besides senior MLA Yusuf Tarigami and Gulam Hassan Mir. The Committee also interacted with Director Information and officials of the State Information Department, the General Officer Commanding (GOC), 15 Corps, the IG and other officers of the Central Reserve Police Force (CRPF) and the Director General of the J&K Police.

The committee visited Baramulla in North Kashmir and interacted there with the members of the Baramulla Working Journalists Association and officials. Another meeting was held at Anantnag in South Kashmir with the Anantnag Working Journalists Association. The Committee also went to Jammu and interacted there with members of the Press Club Jammu, the Jammu Newspapers Editors Guild, Jammu Newspapers Association, Jammu Kashmir Press Association, All Jammu Newspaper Editors Association (Regd.), J&K Print Media Welfare Association, Online Portals Delegation, Radio Kashmir Jammu, and senior editors and journalists apart from Information Department officials. The committee also went to meet the journalists in Rajouri & Poonch and interacted with delegations of Print and Electronic Media under the banner of the Press club of Rajouri and Poonch. On the last leg of the interactions, the committee went to meet the Journalists of Leh in Ladakh region.

At all these places, media persons were happy to know that a committee of the Press Council of India had come to see them and learn about their problems. They expressed with gratitude their appreciation of the PCI for sending this team to understand the issues related to the Jammu Kashmir media.

The turmoil in Kashmir has adversely impacted the business in general, which has suffered heavily. The media industry, however, saw a growth out it, but at the heavy cost of reported loss of lives of more than a dozen journalists/media persons. The media's growth has been high during the past two decades, which have seen a big increase in the number of newspapers and periodicals in the State.

The number of government-approved newspapers/periodicals in the State for the release of government advertisements has now increased to as high as 467. The Jammu division accounts for as many as 271 of these, while the Kashmir division has only 196 of these. Ladakh has two publications which are not empanelled. The total number of the State's newspapers/periodicals on the DAVP panel is only 146, of which 58 are from Kashmir and 88 are from Jammu.

The total number of accredited journalists in the State is 265, of whom 130 are in the Jammu Division and 135 in Kashmir. There is no accredited journalist in Ladakh. The global satellite television boom has also impacted Jammu and Kashmir, which shows a big boom in the number of bureaus of news channels and the growth of local cable channels run by cable service operators. The media industry, thus, has become a huge job provider to young journalists. But since private business has been shrinking, there is little scope for private advertising and this is making the media heavily dependent on government advertisements.

The Union and State governments reportedly at times use this situation to their advantage by arm-twisting the media without any legitimate reasons. It was interesting to learn that on occasions, when the Centre stops the advertisement of a particular media house, the State government tries to compensate it by giving it more advertisements from its kitty, and vice versa. We also noticed another anomaly in the accreditation policy of the State government, which grants accreditation only to the journalists of Srinagar and Jammu. No accreditation is given to any journalists working from other regions or districts. The State Government has, of course, come out with an accreditation and welfare policy for journalists but it has yet to implement it. The advertising and empanelment policy has also been made but not fully implemented as yet. It is a general complaint of newspapers that they are discriminated against because of the non-implementation of the policy. The Government needs to be more sensitive towards journalists who are also serving democracy while doing their duty. It must, therefore, take urgent steps to implement the new welfare policy for media persons without any further delay.

Going through the two narratives of the Kashmiri media and the media of the rest of India, it is clear that the complexity of the situation throws up big challenges for the State's media. They have to make difficult decisions in different areas from field coverage to newsroom decisions to editorial policy because of different political and militaristic as also militants pulls and pressures. The journalists working in Kashmir have to manage the reality of walking on the tightrope amidst the threats of gun and political arm-twisting.

Interwoven in the media story of Jammu and Kashmir are the regional sub-nationalisms, turning it into Jammu versus Kashmir, as the two regions of the state pull in different directions. In the national media, the focus of the news mostly remains on politics, military and ceasefire violations. The State-centric approach to cover a state like Jammu and Kashmir has led to the alienation of its people. The people were sensitive about the way they were being reported in the national media particularly electronic media which is seen as deliberately misinterpreting facts and events. Each one in Kashmir, from the Governor to the Chief Minister to other political leaders to armed forces to journalists to common persons on the road echoed the sentiment expressed by the Chief Minister when she said: “I request the national media, the electronic media, not to show such discussion on television that develops hatred against the people of Jammu and Kashmir throughout the country. There are some who pelt stones, but not all the youth from Kashmir pelt stones.” Jammu and Kashmir is the crown of India and people of the state have a right over every inch of the nation.

“It (Jammu and Kashmir) is the soul of this country. When there is Jammu and Kashmir, there is India. The people of Jammu and Kashmir have a right not only over Jammu and Kashmir, but over every part of the country and they should assert it,” she said.

According to her, the so-called national TV channels are doing great harm to both the nation and Kashmir in the name of patriotism by interpreting it wrongly.

The power of the media has to be understood by the political leadership and officials in the State and the Centre

as well as the armed forces operating throughout Jammu and Kashmir to provide authentic news from direct sources to the local media. Today news travels very fast and it will not wait for any information after a time. So the correct news has to be shared by the authorities without wasting time. This will help curb the rumours that spread like a wild fire on social media.

Jammu, Kashmir and Ladakh are surrounded by hostile countries and the media working in such conditions needs special attention in terms of the enemy's propaganda war, people's faith and the country's safety.

The Press Council of India Committee is thankful to the State's Director of Information & Public Relations and his staff for cooperating with us and facilitating the required assistance to us. We are also thankful to all political leaders and officials of the armed forces for their cooperation to apprise us of the media scenario in the state. We are especially thankful to all media friends who gave us time to understand the problems of the media and their working in such hostile conditions.

We hope our detailed report and recommendations will find a solution to the problems of the media and help them to make a strong and vibrant free media in the state of Jammu & Kashmir as the Press is an essential part of the democratic setup. Kashmiriyat is unique to Kashmir but it is also in harmony with the best values of Indian society.

### **Conclusion:-**

- A. During the committee's interaction with various newspaper editors, owners and journalists, they all spoke about the discrimination they, particularly

medium and small newspapers/periodicals, faced in the issue of government advertisements and the rates of the state which is one of the lowest in the country. The committee appreciates this problem as the State does not have much industrial or commercial advertisement support because of the problems it faced from decades. Since the survival of the media is vital in the interest of the nation and democracy, it has to be supported by the government. The State Government has also come out with a policy of empanelment and advertisement but it shall have to be implemented in full without discrimination.

- B. As for the issue of inflated circulation figures of newspapers/ periodicals, the committee is aware that it is a country-wide phenomenon. The State's Information directorate and the RNI must check the circulation figures through different modalities and act accordingly. The issue of the publication of newspapers and periodicals by retired information department or other government staff to corner government advertisements, too, is a reality and has to be put to an end by the Government only.
- C. As for the issue of unhealthy sources of funding of some media organisations, we can understand that conclusive evidence of such funding is difficult to come. Even the government agency could not provide any evidence in this regard, though there is some talk about funding from across the border. They alleged that funding across the border was there some 25 years ago, but it cannot be verified or crosschecked now. There is no major complaint about such funding of

newspapers now, but there are such suspicions because of “anti-Central/State government or anti-armed forces writings” by some newspapers and journalists. The Government and their agencies should file complaints in such cases with the Press Council of India, which could then consider these on merit and decide the issue. The committee was told by media representatives that government agencies should use all their resources to check and trace any dubious funding and take strong legal action if there is any credible evidence.

- D. The issue of the accreditation of journalists concerns the grass-root journalists. The State’s accreditation committee should consist of the representatives of all the recognized state and national level journalists’ organization. It has come to the notice of the committee that at present only journalists working in Srinagar or Jammu get state accreditation. This facility of accreditation should be extended to journalists working at the district level, too, and in certain special cases, to those working in border areas also.
- E. The state of J&K is passing through a disturbing situation and it is tough to perform journalistic duty in such an environment without adequate safety precautions. News photographers, camerapersons and reporters, therefore, should be provided with safety kits, including bullet-proof jackets and helmets, by their organizations or the Government as they, too, are performing public duty.
- F. The non-availability of information from government agencies compels the journalists to find out news from unauthorised sources, which creates a wrong

impression among the readers or viewers. The committee discussed this issue at length with security agencies and they, too, appreciated the problem. The committee suggested that a combined Information Centre should be formed in all three regions to provide all relevant official information without wasting time to the local media persons.

- G. The issue of curfew passes to the journalists, too, was discussed by the committee. Delay in the issue of curfew passes to media places needless hurdles in their prime work and non-recognition of official curfew passes by security agencies. This creates bad blood between two important functionaries of democracy. Sometimes, the authorities issue “no movement” orders without imposing curfew in the area and this, too, obstructs journalistic work. The government and armed forces, must take care to honour the press accreditation cards and the identity cards issued by recognized media houses.
- H. The committee is really concerned about the stoppage of internet and mobile services in the State. In this age, no media can work without these supports. The policy of curbs on internet and mobile services has to be reviewed urgently. The committee was surprised to know that in the Ladakh region, internet of BSNL was down for four months and even now, no internet or mobile data works in the area regularly. The low powered transmitting system of AIR and Doordarshan is a big handicap in the border area like Ladakh. The authorities need to take care of these issues on a priority basis.

- I. The journalists of the State have been living without any welfare measures for a very long time. Even in cases of death or serious injuries, there is no one to take care of them and they or their families have to face the hardship all by themselves. It is good that the Government has now come out with a policy of creating a journalists' welfare fund. It should cover all journalists and be implemented without wasting any more time. The fund should be monitored by a committee of journalist organizations. The journalists who were injured in recent past should also be taken care of for their medical needs, as promised by the Hon'ble Chief Minister to the PCI committee.
- J. More journalists and media professionals should be encouraged to visit Kashmir to give all aspects of coverage for the rest of the country. The state government should provide adequate support to Directorate of Information & PR to encourage proactive role their side.
- K. Some special scholarships and internship for young pass out of media institutions to go out of state to get the working experience in their field of journalism. The Jammu & Kashmir media institutions should get more visiting faculty (senior journalists of their field) from outside state to give a broader perspective to future journalists.
- L. The journalists also raised the question of the non-implementation of Justice Majithia Wage Boards and poor payments for the newspaper staff. The committee is of the view that the Government must enforce the

Majithia Wage Board award as directed by the Supreme Court of India.

**Recommendations :-**

1. The allocation of Advertisement revenue and rate of advertisement in the State should be increased by the State Government. Further DAVP's policy be adopted for the distribution of advertisements.
2. The DAVP should also increase its quantum of advertisement in the state of J & K.
3. Small papers/periodicals should be given Centre/State advertisements in all regions of J&K, particularly in border areas.
4. The State's advertisements and empanelment policy should be implemented without any further delay.
5. The government should monitor the reportedly inflated circulation figures of newspapers/periodicals. For this, they can ask the RNI to check it regularly.
6. Journalists working in conflict situations should be provided with bulletproof jackets and helmets.
7. State governments should ensure the implementation of the Majithia wage board award as per the Supreme Court order.
8. The J&K Journalists Welfare Fund scheme should cover all working journalists and be implemented without any further delay.

9. The journalists already injured should be reimbursed all the medical expenses incurred by them.
10. The State should give accreditation at the district level too. In border areas, too, the journalists should be given accreditation to work in the area.
11. The government should ensure a system to provide news/ information without delay to local journalists.
12. The Army and Para military forces should also work out a more liberal and transparent information system to give news as soon as possible to local journalists. The Public Relations Departments needs to play a more proactive role in providing information and facilitating coverage during any operations.
13. Journalists, too, are doing public service during any coverage and, therefore, their accreditation or Press Cards should be duly honoured during curfew or restrictions.
14. Since good relations with the media are seen to help control misinformation, there should be regular interaction between local journalists and armed forces, police and the government.
15. The media, journalists and their professional associations should play a more professional and ethical role at all levels. They must be concerned about their own black sheep within the fold who tarnish the image of media. The aim of the journalists/media should be to build a better society and for this they have right to question the authorities without any personal interest.

16. Any objectionable writing should be clearly defined and reported to the Press Council of India for final disposal. No writing should be branded objectionable and subjected to punitive action until the Press Council has considered the matter and given its views on it.
17. The All India Radio and Doordarshan must be strengthened in the State with full staff strength and latest high-powered transmitting equipment.
18. Private TV channels should be encouraged to prepare and show special programmes on J&K, to project a correct and unbiased understanding of Kashmir in the world.
19. The gap between Jammu and Kashmir and the rest of the national media should be bridged. Inter- regional media exchange will promote a better understanding among Jammu, Kashmir and Ladakh journalists. Similarly, J&K journalists should be encouraged to visit other parts of the nation and interact with their counterparts there. Journalist teams from other parts of the nation should similarly visit the State to interact with the State's journalists to understand J&K.
20. The Government should encourage professional journalist organizations/ associations to hold sessions and seminars in the State.

**o) Reporting on Information regarding Mental Health Patients**

The media shall not publish photograph or any other information in respect of person undergoing treatment at

mental health establishment without the consent of the person with mental illness.

## **p) Reporting on Suicide**

Newspapers and news agencies while reporting on suicide cases shall **not** :

1. Publish stories about suicide prominently and unduly repeat such stories;
2. use language which sensationalize or normalizes suicide, or presents it as a constructive solution to problems;
3. explicitly describe the method used;
4. provide details about the site/location;
5. use sensational headlines;
6. use photographs, video footage or social media links.

## **q) Advertisement on Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy**

Newspapers shall not publish advertisement regarding Ayurveda, Yoga and Naturopathy, Unani, Siddha, Homeopathy for the use of diagnosis, cure, mitigation, treatment or prevention of any disease, disorder syndrome or condition:

- i) Without Unique Identification Number; or

- ii) the intended advertisement does not contain the contact details of the manufacturer; or
- iii) the contents of the advertisement directly or indirectly tantamount to vulgarity or obscenity; or
- iv) it refers to any Ayurvedic, Siddha or Unani drug in terms which suggest or calculated to lead to the use of that drug or medicine for the enhancement of height and dimensions or capacity of performance of male or female sexual organs; or
- v) it depicts photographs or testimonials of celebrities or government officials; or
- vi) it refers to any Government or Autonomous organization of the Government.

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# Part C : Laws Relating to the Press

## 1. Constitution of India\*

- i) Article 19(1)(a) read with Article 19(2) (Freedom of speech and expression)
- ii) Article 361-A (Protection of publication of proceedings of Parliament and State Legislature)
- iii) Article 105 and 104 (Parliament and Legislatures Privileges)
- iv) Article 21 (Individual's Right to Privacy emanating from Fundamental Right to life and liberty guaranteed to citizens of India)

## 2. Press Laws/Acts\*

- i) The Indecent Representation of Women (Prohibition) Act, 1986
- ii) The Punjab Special Powers (Press) Act, 1956
- iii) The Press and Registration of Books Act, 1867
- iv) The Dramatic Performances Act, 1876
- v) The Indian Telegraph Amendment Act, 2006
- vi) The (Indian) Post Office Act, 1898
- vii) The Police (Incitement of Disaffection) Act, 1922

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\* As per time to time amendment made by the Government of India.

- viii) The Official Secrets Act, 1923 (Act No. 1923)
- ix) The Telecom Regulatory Authority of India (**TRAI**) Act, 1997
- x) State Emblem of India (Prohibition of Improper Use) Act, 2005
- xi) The Representation of the People Act, 1951
- xii) The Delivery of Books and Newspapers (Public Libraries) Act, 1954
- xiii) The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954
- xiv) The Working Journalists and Other Newspapers Employees (Conditions of Service and Miscellaneous Provision) Act, 1955
- xv) The Prize Competitions Act, 1955(Act No. 42 of 1955)
- xvi) The Hindu Marriage Act, 1955
- xvii) The Young Persons (Harmful Publications) Act, 1956
- xviii) The Copyright Act, 1957
- xix) The Juvenile Justice (Care and Protection of Children) Act, 2015
- xx) The Criminal Law Amendment Act, 2018
- xxi) The Customs Act, 1962

- xxii) The Unlawful Activities (Prevention) Amendment Act, 2012
- xxiii) The Civil Defence Act, 1968
- xxiv) The Working Journalists (Fixation of Rates of Wages) Act, 1958
- xxv) The Contempt of Courts Act, 1971
- xxvi) The Press Council Act, 1978
- xxvii) The Prize Chits and Money Circulation Schemes (Banning) Act, 1978
- xxviii) National Security Act, 1980
- xxix) The Indian Evidence Act, 1872
- xxx) Right to Information Act, 2005
- xxxi) The Information Technology Act, 2000
- xxxii) The Disaster Management Act, 2005

### **3. Relevant Provisions of Indian Penal Code, 1860\***

- a) Section 124- Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power
- b) Section 153A- Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. and

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\* As per time to time amendment made by the Government of India.

doing acts prejudicial to maintenance of harmony

- c) Section 153B- Imputations, assertions prejudicial to national-integration
- d) Section 171G- False statement in connection with an election
- e) Section 228- Intentional insult or interruption to public servant sitting in judicial proceeding  
228(A) Disclosure of identity of the victim of certain offences etc,376,376-A,376-B,376-C or 376-D
- f) Section 292-Sale, etc. of obscene books, etc.
- g) Section 293- Sale, etc. of obscene objects to young person
- h) Section 294A- Keeping lottery office.
- i) Section 295A- Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.
- j) Section 299-Culpable homicide
- k) Section 499-Defamation
- l) Section 500- Punishment for defamation
- m) Section 501- Printing or engraving matter known to be defamatory

- n) Section 502- Sale of printed or engraved substance containing defamatory matter
- o) Section 505 :-
  - i) Statements conducing to public mischief
  - ii) Statements creating or promoting enmity, hatred or ill- will between classes
  - iii) Offence under sub-section (2) committed in place of worship
- p) Section 52 of IPC regarding act and facts relating to good faith

**4. Relevant Provisions of CrPC. 1973 (Act No.11 of 1974)\***

- a) Section 88 - Power to take bond for appearance.
- b) Section 90-Summons and warrants of arrest.
- c) Section 92- Procedure as to letters and telegrams.
- d) Section 93- When search warrant may be issued.
- e) Section 108- Security for good behaviour from persons disseminating seditious matters.

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\* As per time to time amendment made by the Government of India.

- f) Section 144. Power to issue orders absolute at once in urgent cases of nuisance of apprehended danger.
- g) Section 177 to 187- Place of inquiry or trial.
- h) Section 195- Prosecution for contempt of lawful authority of public servants.
- i) Section 320 - Compounding of offences.
- j) Section 325 - Procedure when Magistrate cannot pass sentence sufficiently severe.
- k) Section 326- Conviction or commitment on evidence partly recorded by one Magistrate and partly by another

## **Part D - Press Council's Powers, Practice and Procedures**

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 authority functioning as a watchdog of the press, for the press and by 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 by convention, been a retired judge of the Supreme Court of India. The Council consists of 28 other members of whom 20 represent the press and are nominated by the Hon'ble Chairman from the press organisations/news agencies recognised and notified by the Council as all India bodies representing editors, working journalists and owners and managers of newspaper and news agencies, five members are nominated from the two Houses of Parliament and three represent cultural, literary and legal fields as nominees of the Sahitya Academy, University Grants Commission and the Bar Council of India respectively. The members serve on the Council for a term of three years. A retiring member shall be eligible for renomination for not more than one term consecutively.

The Council is funded by the 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 25000 copies. The deficit is made good by way of grant by the Central Government.

## **Complaint Procedure**

### **1. Complaint Procedure for Filing the Complaint Against the Press**

It is open to any person to lodge a complaint with the Press Council against a newspaper for a breach of the recognized ethical canons of journalistic propriety and taste. The complainant need not necessarily be the person aggrieved or directly involved. The alleged breach may be in the publication or non-publication of a news-item or statement, or other material, like cartoons, pictures, photographs, strips or advertisements which are published in a newspaper. Cases can also be initiated by any member of the public against any professional misconduct by an editor, working journalist, staff of a newspaper or engaged in freelance work. There can also be a complaint against any matter transmitted by a news agency by any means whatsoever.

By virtue of the Press Council (Procedure for Inquiry) Regulations, 1979, complaint shall be lodged with the Council within the following periods:

- (i) Dailies, News agencies, weeklies ——within two months
- (ii) In other cases——within four months.

Provided that a relevant publication of an earlier date may be referred to in the complaint.

## **Write to the Editor First**

It is a requirement of the Inquiry Regulations that the complainant should initially write to the editor of the newspaper drawing his attention to what the complainant considers to be a breach of journalistic ethics or an offence against public taste. Such prior reference to the editor affords him an opportunity to deal with the matter in the first instance and thus allows respondent to take such remedial action as he might consider appropriate before the complaint is lodged with the Council. This rule is necessary because it acquaints the editor with the identity of his accuser and the details of the complaint. It is conceivable that in some instances the complainant has been wrongly informed or has misinterpreted the facts. In others, it may be a case of inadvertent error which the editor is only too ready to admit and correct. If complainant would be satisfied, it would be the end of the matter.

Where, after reference to the newspaper, the person desires to proceed with the complaint, he should enclose with his complaint copies of correspondence with the editor, if no reply has been received from the editor, the fact should be mentioned in the complaint.

The complainant has, in his complaint, to give the name and address of the newspaper, editor or journalist against whom the complaint is directed. A clipping of the matter or news-items complained of, in original or self attested copy (English/Hindi translation, if the news item(s) is in Indian language) should accompany the complaint. The complainant has to state in what manner the passage or news-items or the material complained of is objectionable. He should also supply other relevant particulars, if any.

In the case of a complaint against non-publication of material the complainant will, of course, say how that constitutes a breach of journalistic ethics.

The Council cannot deal with any matter which is sub-judice in the law court. The complainant has to declare that “to the best of his knowledge and belief he has placed all the relevant facts before the Council and that no proceedings are pending in any court of law in respect of any matter alleged in the complaint.” A declaration that “he shall notify the Council forthwith if during the pendency of the inquiry before the Council any matter alleged in the complaint becomes the subject matter of any proceedings in a court of law” is also necessary.

## **2. Complaints Regarding Oppression to Press Freedom**

A newspaper, a journalist or any institution or individual can complain against Central or State Government or any organization or person for interference with free functioning of the press or encroachment on the freedom of the press. Such complaints should contain full particulars of the alleged infringement whereupon the Council shall follow the procedure of inquiry set out herein above so far as may be.

The opinion expressed by the Council sub serves two useful purposes, namely (i) that any abuse of press freedom does not pass without anybody noticing it or raising a finger of protest, and (ii) that the press should not in its own interest indulge in scurrilous or other objectionable writings, such as have been considered below the level of recognized standards of journalistic ethics by a fair minded jury like the Council constituted of the press itself, for it would lead to the very loss of the much prized freedom of the press.

## **Part E - Good Practices in Journalism**

- i) A mistake of inconspicuous nature cannot be said to be violating the code of conduct of journalism. However, an error simpliciter shall needed to be corrected.
- ii) Great editors keep erasers and do not hesitate in using it when an error is pointed out.

**Address your complaints or inquiries to:**

**The Secretary,**

Press Council of India,

Soochna Bhawan, 8-C.G.O. Complex,

Lodhi Road, New Delhi-110003

Phone: 91 (011) 24366403/24366745

(Extn. 335, 336, 110 & 111)

Telefax: 91 (011) 24366405/24366745 (Extn. 224)

Email : [pcibppcomplaint@gmail.com](mailto:pcibppcomplaint@gmail.com)

Website : [www.presscouncil.nic.in](http://www.presscouncil.nic.in)

***“Sections 13, 14, 15 of the Press Council Act, 1978 and the Press Council (Procedure for Inquiry) Regulations, 1979 may be referred for complaint mechanism and working of the Council”.***

