

NORMS OF JOURNALISTIC CONDUCT

PRESS COUNCIL OF INDIA

Edition 2005

Preface

Every profession functions by certain norms of conduct evolved by years of practice with objective to improve its standards prevent its abuse and above all contribute to the society and social development. There was a time when journalism was a mission. Soon it became a profession and is now run as a full-fledged business activity like any other enterprise. Journalism has expanded its role and activities and has also grown in power. Codification of its work ethics is therefore an imperative need.

The Press Council of India, in keeping with its mandate to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards, has on the basis of its adjudications of cases from time to time, built up a code of journalistic norms. Though these codes have emerged out of cases relating to print media, the fundamental principles evolved in the process are as much relevant to radio and television journalism.

The 2005 edition of “Norms of Journalistic Conduct” updates the Norms evolved since 1996 on the basis of adjudications and other pronouncements and cover to a large extent almost every aspect of compulsions and compunctions in journalistic practice. An effort has been made in this edition not only to divide the norms covering similar situation under one heading for easy referencing, but also to provide a comprehensive access to subject specific guidelines.

I hope that this 2005 edition of Norms of Journalistic Conduct will go a long way in serving public interest and will prove to be of immense benefit to journalists, lawyers, judges and general public alike.

K Jayachandra Reddy
Chairman
Press Council of India

Selected principles:

(Note: The Press Council's Norms of Journalistic Conduct forbids discrimination by the press against religions or castes. Below are several principles which outlaw reporting that would increase communal tension or attack other religions.)

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.

6. 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.

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 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.

8. Recording interviews and phone conversation

iii) 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.

10. 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.

14. 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.

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 judgement of the readers. It also does not behave an editor to show contempt towards a reader.

17. Obscenity and vulgarity to be eschewed

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.

18. (a) 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.

19. 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.

20) 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 recement the communal harmony at all levels remembering the noble role they had played during the pre-independence days.

21. Headings not to be sensational/provocative and must justify the matter printed under them

- 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.

22. 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 'Scheduled Caste' or 'Harijan' which has been objected to by some.

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 characters in an adverse light and offending the religious susceptibilities of large sections of society who hold those characters in high esteem, invested with attributes of the virtuous and lofty.

* change made on 16/12/04.

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.

36. Advertisements

iii) Newspaper shall not publish advertisements, which have a tendency to malign or hurt the religious sentiments of any community or section of society.

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 or 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 of 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 Dis

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

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 comment, 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 grievance 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 apt 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 distinctive types.

10. Making disrespectful, derogatory or insulting remarks on or reference to the different religions or faiths or their founders.

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:

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.

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.

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 press organisations/news agencies recognised and notified by the Council as all India bodies of categories such as editors, working journalists and owners and managers of newspaper 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. The members serve on the Council for a term of three years. No member may serve on the Council for more than two terms.

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 5000 copies. The deficit is made good by way of grant by the Central Government.

Complaints Procedure

A person with a complaint against a newspaper, for any publication, or non-publication of a material, which he finds objectionable and which affects him personally, he should first take it up with the editor or other authorised representative of the publication concerned.

If the complaint is not resolved to satisfaction, he may refer it to the Press Council of India. The complaint must be specific and in writing and should be lodged within two months of the publication of impugned news item in case of dailies and weeklies and four months in all other cases, along with the original/Photostat copy of the impugned clipping (English translation, if the matter is in a language other than Hindi). It must state in what manner the publication/non publication of the matter is objectionable within the meaning of the Press Council Act, 1978 enclose a copy of the letter to the editor, pointing out why the matter is objectionable. His reply thereto or published rejoinder, if any, may also be attached

to it. Declaration stating that the subject matter of the complainant is not pending in any court of law is also required to be filed.

On receipt of a complaint made to it or otherwise, if the Council is prima facie satisfied that the matter discloses sufficient ground for inquiry, it issues show cause notice to the respondents and then considers the matter through its Inquiry Committee on the basis of written and oral evidence tendered before it. Appearance before the committee is not mandatory and a complaint may be processed on the basis of the written documents on record. If on inquiry, the Council has reason to believe that the respondent newspaper has violated journalistic norms, the Council, keeping in view the gravity of the misconduct committed by the newspaper, warns, admonishes or censures the newspaper or disapproves the conduct of the editor or the journalist as the case may be. It may also direct the respondent newspaper to publish the contradiction of the complainant or a gist of the Council's decision in its forthcoming issue.

If a newspaper or journalist is aggrieved by any action or inaction of any authority that may impinge on the freedom of the press, he can also file a complaint with the Council. The aggrieved newspaper or journalist may inform the Council about the possible reason for the action/inaction of the authorities against him i.e. if it is a reprisal measure taken by the authorities due to critical writings or as a result of the policy that may effect the freedom of the press (supporting documents, with English translation if they are in a language other than Hindi should be filed). Declaration regarding the non pendency of the subject matter of the complaint in any court of law is also necessary.

On being prima-facie satisfied of the admissibility of a complaint, the response of the authorities is called for and inquiry conducted through the inquiry committee of the Council. When the Council upholds the complaint of the aggrieved newspaper/journalist, the Council directs the concerned government to take appropriate steps, to redress the grievance of the complainant or records in observations regarding the conduct of that authority vis-à-vis the freedom of the press.

Address for complaints or inquiries: -
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Downloaded: August 3, 2007