

ACCOUNTABILITY IN PRINT MEDIA: AN ANALYSIS OF REGULATORY MECHANISM WITH REFERENCE TO NEWSPAPER REPORTING IN INDIA

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ABSTRACT

Emergence of television news channels and new media including web-portals and other internet media has not diminished the significance and importance of reading newspapers. According to Registrar Newspapers in India (RNI) data, till 31 March 2018, there were 1, 18,239 registered publications in India which included 17573 newspaper category and 100666 in periodical category. To ensure the freedom of press and to maintain and improve its standards (here press is used for newspapers), the regulatory body is Press Council of India (PCI). The present paper discusses the effectiveness of PCI which is the only statutory body regulating the print media in the country.

The Council functions as a quasi-judicial body having power of civil court and is in an advisory role. The Council has the similar powers that are entrusted in a Civil Court and its annual reports are sent to the Parliament.

All the complaints against the press and by the press with regard to the violation of ethics as well as pertaining to the violation of the freedom of the press are adjudicated by the PCI.

The 'Norms of Journalistic Conduct' have been prepared by it to regulate media reporting on various issues. This study is content analysis of the 1094 complaints filed against the media persons during five years (2013-14 to 2017-18). These complaints before the PCI were filed under different categories including, Principles and Publication, Press and Defamation, Paid News, Communal, Casteist, Anti-National & Anti-Religious Writings and Press and Morality. The study also examines the kind of decisions taken by PCI including dismissal of complaints, admonishing/warning the newspaper organization, making observations, settling the cases on acceptance of mistakes by the newspaper and dismissal of complaints on merit etc. The study also summarises findings of structural interview which were taken by researcher of members of PCI who have adjudicated many such complaints for a considerably long period in PCI to supplement and to know the effectiveness of the Council. The main aim of the study is to examine or scrutinise the effectiveness of currently available mechanism that regulates the newspaper reporting in India.

KEYWORDS: PCI, Regulatory body, India, Print Media in India, Regulatory Mechanism, Journalistic Conducts, Defamation, Paid News, Press Council of India, Newspaper reporting in India, media ethics, journalistic norms

INTRODUCTION

Reading newspaper with a cup of morning tea is still a popular habit to start the day. A newspaper here is referred to any printed periodical containing public news or comments on public news. Newspapers are still popular as they not only provide readers news but news "behind news". The other best thing in the newspapers is that people have discretion to decide what to read and what not to read but such choice is not available with other media. Perhaps, it is the reason because of which the newspapers are still considered to be the most influential and have been playing significant role in opinion making of the public.

The newspapers have been classified in three categories by the Registrar Newspapers in India (RNI) on the basis of circulation. While a big publication is defined as publication with a circulation of more than 75000 copies per publishing day, a medium publication is a publication with a circulation between 25001 and 75000 copies per day and a publication with a circulation up to

25000 copies per day is recognized as small publication. Though there are news magazines that are published weekly, fortnightly, monthly, biannually or yearly but the focus of current research is on the newspapers.

The maximum numbers of publications registered in any Indian language are in Hindi, followed by the newspapers and periodicals registered in English language. The RNI data of 2017-18 has been taken in the current study for reference as it was the latest available report.

According to recent reports, the overall readership of newspapers has grown from 407 million readers in 2017 to 425 million readers at the end of the first quarter of 2019. While Hindi and regional dailies grew at 3.9% and 5.7%, respectively, English newspapers witnessed a 10.7% growth. Hindi dailies had 186 million readers, while regional readership stood at 211 million, the readership of English newspapers went up from 28 million to 31 million from 2017 to first quarter of 2019.

The only regulatory body of newspapers called—Press Council of India (PCI), was first setup in 1966 on recommendations of Press Commission, adjudicates the complaints for and against the print media only. It is also called accuser as well as the defender of print media in India. Justice J R Mudholkar, then a Judge of the Supreme Court (SC), was first chairman of PCI. The council, however, was dissolved in 1975 through an ordinance by the then prime minister, Indira Gandhi. The council was again revived in 1978 through the Press Council Act 1978 by the then central government. PCI does not cover the electronic or any other form of media.

The council has compiled various principles and guidelines/journalist conduct on the basis of the orders passed by it over the years. With this, the main objective of the Press Council is to help the newspapers and the news agencies to ensure their independence is maintained and to prepare a code of conduct for newspapers, news agencies and journalists keeping in view the high professional standards.

Any person, who is aggrieved from the breach of the prescribed ethical norms of journalistic propriety and taste by the newspaper, can approach the PCI by submitting a complaint. It is not necessary that the complainant is aggrieved or directly involved in relation to the alleged misconduct by the publication house or newspaper. The allegations regarding breach of journalistic codes may be in the publication of a news-item or statement or any other form including photographs, cartoons, pictures, strips or an advertisement that are being published in a newspaper. The council may initiate cases on complaint received from the public with regard to the professional misconduct by those engaged in freelance work. The complaints can also be filed by the journalists if they are being obstructed by the government or any other institution/organization or an individual in performing their duties as professional journalist. After receiving the complaints, the council holds an inquiry before giving its findings. The current study, however, would examine the complaints received by the council against the newspapers.

The complaint before the council has to be submitted within two months in the cases where a complaint is against daily newspapers, news agencies and those published on weekly basis. However, in other cases, complaint can be submitted within four months. Before approaching the council regarding their grievance, the complainant should first approach the editor or the publication house against whom the complaint has been preferred. The PCI, however, cannot hear, decide or adjudicate with any matter which is sub-judice or pending before any court of law. The PCI has the powers to reprimand or warn or issue censure the newspapers for breach of journalistic norms by the newspapers.

OBJECTIVES

- To examine the decisions of the PCI and to know the functioning of the council in deciding the complaints received against newspapers.
- To know the kind of complaints received and the nature of action taken by the council
- To know if the existing mechanism of PCI is adequate or fully empowered to deal with the complaints

RESEARCH METHODOLOGY

The data was procured from the PCI about complaints adjudicated by the council in the last five years period from 2013-14 to 2017-18. The details of cases heard and decided by the council during five years were procured from the PCI. This period of five years 2013-14 to 2017-18 has been chosen in the current study as this is the latest five year data available with the council. The most recent data pertaining to the year 2018-19 was not prepared by the PCI on account of the current Covid-19 pandemic situation.

After examining the decisions passed by the PCI during the five years period, a table was prepared to show the nature of complaints received by the council and the decisions passed after hearing those complaints. The year wise as well as a consolidated table containing the nature of complaints received and decisions passed by the PCI in the five years period was prepared to understand the statistics. The data procured after the analysis has been prepared in tables. The interview of two PCI members, who have been adjudicating complaints from different period of time, was conducted to know the effectiveness of the council as regulatory mechanism of print and existing issues.

CONTENT ANALYSIS

TABLE-1-Nature of complaints received by PCI from 2013-14 to 2017-18

Nature of complaint	Year-2013-14	Year-2014-15	Year-2015-16	Year-2016-17	Year-2017-18	Total	Per centage
Principles and Publication	22	24	125	56	44	271	24.78%
Press and Defamation	164	39	83	242	96	624	57.03%
Paid News	0	0	0	140	9	149	13.61%
Communal, Casteist, Anti-National and Anti-Religious Writings	2	1	4	4	3	14	1.27%
Press and Morality	0	2	5	11	3	21	1.91%
Suo motu cognizance	0	0	0	15	0	15	1.37%
Total	188	66	217	468	155	1094	100%

TABLE-2-Cases decided by the Press Council of India (2013-14 to 2017-18)

Adjudication	Year-2013-14	Year-2014-15	Year-2015-16	Year-2016-17	Year-2017-18	Total	Per centage
Admonished/ Censured/ warned/ cautioned	20	8	27	70	30	155	14.17%
Dismissed for default	96	39	136	25	2	298	27.24%
Case Settled	7	5	5	12	1	30	2.74%
Dismissed for lack of substance/ merit	10	3	0	279	80	372	34%
Closed/disposed of with observations/ directions/ advice	22	7	37	62	31	159	14.53%
Matter closed/ withdrawn	3	0	0	1	0	4	0.37%
Directions/ offer to publish rejoinder/ clarification	30	4	7	6	7	54	4.94%
Closed/Sub Judice	0	0	5	13	4	22	2.01%
Grand Total	188	66	217	468	155	1094	100%

During this five years period from 2013-14 to 2017-18, a total of 1094 cases were adjudicated by the PCI under different categories including, Principles and Publication, Press and Defamation, Paid News, Communal, Casteist, Anti-National and Anti-Religious Writings and Press and Morality. In some cases, the council also took suo motu cognizance for various kinds of breach of journalistic norms by the newspapers. In these total 155 complaints were made against the press for alleged violation of norms of journalistic conduct, the highest numbers of 57.03% cases were against the defamatory content carried by the newspapers, followed by 24.78% complaints under the category of Principles and Publication. In other categories, 13.61% complaints were received regarding paid news content published by the newspapers. These complaints regarding the paid news were received in 2016-17. Among other categories of complaints, 1.91% complaints were received regarding Press and Morality and 1.27% complaints were regarding Communal, Casteist, Anti-National and Anti-Religious Writings. During this period, the council also took suo motu cognizance in 15 matters, which constitutes around 1.37% of the total complaints. Majority of these complaints were against the Indian Languages press. As far as adjudication of complaints by the council during these five years is concerned, 34% complaints were dismissed for lack of substance or merit in the allegations and 27.24% complaints were dismissed for default, which means council could not hear these complaints after finding procedural lapses/faults in the complaints preferred before it. In 14.17% cases, the council Admonished/ Censured of issued warning against the newspapers and in almost similar

number of 14.53% cases, the council disposed of the complaints after issuing directions or advice to the newspapers regarding their publications. With this, it can be suggested that around 61% complaints are dismissed or disposed of by the council after finding no violations of norms or finding lapses in the manner of complaints preferred before the council and in around 29% cases the council either admonished or issued warning or advised the newspapers regarding breach of journalistic norms by the newspapers. The analysis of complaints also revealed that in 4.94% cases, the council issued directions to the newspapers for publication of clarification or rejoinder regarding the publications, in 0.37% cases matter was closed after the complainant had withdrawn the complaint and 2.74% cases were settled with the consensus of both the parties. Around 2.01% cases, however, could not be decided by the council during this five years period because the matter was sub judice or pending before the court of law.

FINDINGS

Study found that the PCI had entertained the complaints falling into different categories including, Principles and Publication, Press and Defamation Paid News, Communal, Casteist, Anti-National and Anti-Religious Writings and Press and Morality.

PCI was also found to take suo motu cognizance of the matter related to any violation of journalist norms by the newspapers.

As the PCI is a statutory body having certain judicial powers relating to the summoning of witnesses and examination of evidence, its mechanism to adjudicate the complaints was found to have some legal protection.

Study found that to maintain the standards in the field of journalism, the PCI has been framing various guidelines and code of journalistic conducts and norms for the print media.

This study concludes that maximum numbers of complaints received against the newspapers are for publication of defamatory content.

The second highest complaints were received pertaining to non-adherence of general principles of journalistic ethics like non-publication of clarification or rejoinder in case of erroneous publication of some incorrect news. It has also been found that the complaints regarding paid news have been increasing. It has also been suggested that majority of complaints received by the PCI were against the Indian language media and complaints against the publications of English language newspapers are comparatively very low.

Study found that the though general public can also lodge complaint before the council against any newspaper for violation of journalistic norms but majority of complaints before the council were lodged by the persons who were aggrieved against the publication of any news content by the newspaper.

Although the act provides suo motu power to the council through which the council can take cognizance of the matter pertaining to violation of journalistic norms by the newspapers but the number of suo motu cognizance taken by PCI in recent years is comparatively very less in number as compared to the reach and number of print media.

There is no deterrent punishment for those violating the norms. Perhaps it is the reason that the number of complaints regarding publication of defamatory content by the newspapers are increasing.

The examination of complaints and decisions by the council revealed that there is no provision of exemplary fine or punishment for newspapers violating the journalistic norms despite the fact that the newspapers are one of the most influential in making public opinion in the society and have huge business in the market.

It has also been found that despite being the only statutory and autonomous regulating body related to media in the country, PCI can entertain complaints only against print media.

Interaction with the members of PCI revealed that the concept of PCI is great and extremely required as regulator of media in the country. According to them as the PCI was constituted at a time when there was only print media, there is great need for including the electronic media and web media under its purview.

For this, according to them, the PCI may be rechristened as media council.

PCI has been receiving complaints against television news channels for breach of journalistic norms but it does not entertain such complaints because of non-jurisdiction.

The members, however, are of the view that that Social Media has nothing to do with the journalism and should not be brought under the purview of the PCI.

It has also been revealed that the large or big media houses influence the functioning of PCI through their influence over the central government. According to them, the central government don't act on the recommendations made against big media groups because of their clout.

It has also been revealed that the proceedings at the PCI take unusually high-time in adjudicating the complaints received regarding breach of journalistic codes.

The interaction has also confirmed that functioning of the PCI also depends on the vision and will-power of the chairman of the PCI. The stature of PCI chairman also influences its functioning. According to them those who do not succumb to government's pressure or interference can run the council in a much efficient manner.

It has also been revealed by the study that the swift adjudication of complaints at the PCI also depends upon the qualification and competence of the PCI members. According to them not all come with better qualification/competency to adjudicate the cases.

Study also found that the bureaucrats do not take the recommendations or directions of PCI seriously unless they are reminded time and again about the power and functions of the statutory body.

The interaction with the PCI members have also been revealed that phenomenon of paid news is dangerously affecting the profession of journalism and the council is flooded with such complaints regarding paid news. However, the owners of media houses are more involved in the paid news as compared to the individual reporters.

The members are also not satisfied with the implementation part of their orders, which are either not implemented or implemented after such a long delay that the order loses its significance.

Study found that the concept of PCI is extremely useful and much needed to regulate the media in the country but it requires major overhaul considering the current scenario and trends of media in the country.

Study revealed that the credibility of the profession of journalism can be maintained only if there is a powerful media council, which should be the only statutory body to regulate print, electronic and web-media (excluding Social Media) in the country.

Study also suggested that the PCI needs strong powers including stopping the advertisements to media houses and the power to suspend their publication or discontinue their operations for a short period to ensure they comply with the directions or the council. They are also of the view that the autonomy of the council should be upheld by minimizing the government's interference in the functioning of the council.

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