

PRESS COUNCIL OF INDIA: A CRITICAL ANALYSIS

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Press Council of India: A Toothless Tiger

The Press Council of India, a statutory body under which entire print media industry comes. The whole print media of India comes inside the purview of the Press Council. The Council is entrusted with the mission of acting as a supervisory body over print media and maintaining the highest possible levels of journalistic veracity and conduct. The Council is headed by the Chairman, Retired Judge of the apex court, i.e. Supreme Court. Twenty members are nominated by the Recognized press agencies and organizations from the media as members to the PCI. Eight other members are nominated to the PCI by the Sahitya Akademi Union Parliament, University Grants Commission and Bar Council of India.

One would make up that a council entrusted with the absolute authority of regulating the media would enjoy enormous powers. But regrettably, PCI has no powers to its credit except that of censuring and scolding which is plagued with imprecision, sensationalism and corruption.¹

PCI's ability to take action against an erring newspaper or reporter concerned is limited and only extends up to warning, admonish and censuring. PCI more or less plays an advisory role. It is for the parties to adhere to it. But unfortunately, many newspapers including the biggest one have ignored the PCI directives.

Things won't get any better until and unless PCI is entrusted with the power to levy fines. Mere censuring is too abject and hopeless. There have been talks to commence the process of licensing journalists. Just like Medical and Bar council of India giving licenses to doctors and lawyers, PCI should be approved to deal freely with the journalists. Wronged journalists would have their licenses confiscated and consequently, proper journalistic code of conduct would be maintained.²

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¹ Available at <http://www.legallyindia.com/Blogs/transforming-the-toothless-tiger-legal-empowering-the-pci>, last visited at 10:00 am on 25. 03.2015.

² *Ibid.*

Press Council of India Score Card

India has topped the chart, with nearly 330 million newspaper circulated per day, according to the World Association of Newspapers (2011 report)³. But notwithstanding the increase in publication, there was relatively less number of cases registered for press directive by Press Council of India in the year 2011-2012.

The PCI is responsible for inquiring into complaints received, by summoning witnesses and taking evidence under oath, and by demanding copies of public records to be submitted. It can issue warnings and admonish the news agency, journalist or editor. The decisions of PCI are final and cannot be appealed before any court of law.

Press Council of India was instituted with the objective of achieving these goals⁴:

- To assist newspapers to preserve their independence
- To put together the code of conduct for newspapers and journalists in harmony with high professional standards
- To keep under review any development likely to restrict the supply and dissemination of news of public interest and importance
- To keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government.
- To endorse the institution of such common service for the supply and dissemination of news to newspapers as may be desirable;
- To provide facilities for the proper education and training of persons in the profession of journalism.
- To promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers.
- To study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies

³ Available at http://twocircles.net/2011dec30/print_media_grows_625_urdu_no_3.html#.VSTX69yUcSE , last visited at 11:00 am on 05. 04. 2015.

⁴ Available at http://presscouncil.nic.in/Content/29_3_History.aspx , last visited at 09:00 pm on 05.04.2015.

therefore.

- To promote technical and other research work.

It's disheartening to note that most of its objectives never have till date seen the light and are perishing in the book only.

In the year November 2011 and March 2012, the Press Council of India delivered 90 adjudications in cases ranging from harassment of newsmen to defamation charges against news publications. Of the 90 cases, 42 were heard in November and the remaining 48 were adjudicated in March 2012. The matters reported to the Press Council were taken up by the Inquiry Committee in six meetings for the above time period. Out of the 90 applications, more than 40 were filed three to four years ago.⁵

Out of the 90 decisions taken by PCI⁶, 54 cases were disposed of, dismissed and withdrawn or no action was taken. And 30 per cent of the cases were decided upon the severity of the cases by summoning witnesses, taking evidence under oath, demanding copies of public records to be submitted, issuing warnings and admonishing the newspaper, news agency, editor or journalist. Despite a detailed inquiry, the decision that is arrived at does not check the conduct of the press effectively. Even in cases dealing with integrity, plagiarism, paid news and harassment, the strictest decisions only amount to being censured. Almost 50 per cent of the cases were filed before 2010 part of the purpose of regulating the press is diminished when decisions on such cases are delayed. In such cases when the cases are adjudicated after a gap for 3 or 4 years, the effectiveness of such decisions is further diluted.⁷

The point to note is that many of contemporary controversies do not even come into light of the body. This includes cases of newspapers reporting hate speeches, publication of mms pictures, paid news items etc.

It's hilarious to note but a body which is demanding more responsibility (i.e. television and internet to its portfolio) should perhaps first show the caliber to perform its duties to fullest.

⁵ Available at <http://www.thehoot.org/web/How-effective-is-the-Press-Council-/6292-1-1-9-true.html>, last visited at 12:20 pm on 07.04.2015.

⁶ In the year 1011-2012.

⁷ Available at <http://www.thehoot.org/web/How-effective-is-the-Press-Council-/6292-1-1-9-true.html>, last visited at 1:00 pm on 07.04.2015.

Gossip around Chairman

The Chairman shall be a person nominated by a Committee consisting of the Chairman of the Council of States (Rajya Sabha), the Speaker of the House of the People (Lok Sabha) and a person elected by the members of the Council under sub-section (6) and the nominations so made shall take effect from the date on which it is notified by the Central Government in the Official Gazette.⁸

a) Justice Markandey Katju⁹

He released a draft report in 2013 on behalf of the Press Council of India alleging that media in Bihar was not independent. He followed it up with an article in *The Hindu* attacking the Gujarat government and its' Chief Minister Narendra Modi.¹⁰

Arun Jaitely, the leader of opposition in Rajya Sabha stated that he must quit as his acts are politically motivated. His attack on non- congress governments whether in West Bengal, Bihar or Gujarat seem more in the nature of thanks-giving to those who provided him with a post retirement job.¹¹

b) Justice Chandramauli Kumar Prasad¹²

Activist lawyer Prashant Bhusahan has moved Supreme Court, which is sub-Judie seeking an order to Centre for removal of (retired) Justice Chandramauli Kumar Prasad from the post of Chairman, Press Council of India (PCI) for his alleged "official misconduct" while dealing with cases to confer huge pecuniary advantage to a private party (Mistry Construction) and thus committed criminal misconduct under section 13(1) (d) of the Prevention of Corruption Act as a judge of the apex court.¹³

So, the moot question involved in these incidents is whether the chairman of press council of India a politically motivated post and whether there should be any check and balance on appointment of chairman and member of the press council of India.

⁸ Section 5(2) of the Press Council Act, 1978.

⁹ Tenure: October 5, 2011 – November 24, 2014.

¹⁰ Available at <http://www.rediff.com/news/report/katju-must-quit-as-press-council-chairman-jaitely/20130217.htm>, last visited at 12:27 pm on 18th march, 2015.

¹¹ *Ibid.*

¹² Tenure: November 27, 2014- present.

¹³ Available at <http://www.dnaindia.com/india/report-prashant-bhusahan-moves-supreme-court-over-removal-of-chairman-of-press-council-of-india-2062273>, last visited at 1:30 pm on 18th march, 2015.

I have held a strong view that Judges of the Supreme Court and the High Courts must not be eligible for jobs in the Government after retirement. In some cases the pre-retirement judicial conduct of a judge is influenced by the desire to get a post retirement assignment. However, it's sad that we are still operating under a system where various tribunals and other quasi-judicial assignments are filled up with retired judges.

At the same time there must be a check and balance on the appointment of chairman. A man fit of character and just not a mouth piece of government shall be appointed as chairman of such a prestigious council.

Ajay Goswami v. Union of India, (2007) 1 SCC 143

Press Council itself stated that it enjoys only insufficient authority, with its power inadequate to giving directions or censure etc. to the parties before it, to publish particulars relating to its enquiry and adjudication etc. The powers of the PCI in so far its authority over the press is concerned are enumerated under Section 14 of the Press Council Act, 1978. Nonetheless, it has no further authority to ensure that its instructions are complied with and its observations implemented by the erring parties. Lack of penalizing powers with Press Council has tied its hands in exercising control over the alleged publications. The apex court in the case ordered the central government to amend the aforementioned act to meet the criteria, but no action has been taken by the central government to this date.

Conclusion

Press Council of India was brought in the picture with acute good will few decades back. It's better to have irresponsible media than controlled media. The Council shall make all out efforts to safeguard the freedom and independence of the press. While doing so the Council shall be guided by the Constitutional principles.

Take any newspaper, it would be full of advertisement and page 3 news. The capacity of content in the newspaper has gone down incredibly. PCI owns a duty towards this downfall. Obviously, there is no denial that PCI is more teeth and less byte. The time is ripe to entrust it with wider powers. While, the fact remains that PCI hardly disposes of case on time, which has led to tremendous backlog. In the case of *Ajay Goswami v. Union of India, (2007) 1 SCC 143*, the press council had themselves accepted that their hands are tied as it has no punitive power to ensure that its directions are complied with.

Retired general V.K. Singh called it “Presstitute”, which clearly is an indication of in how bad shape the press and the body governing Press Council of India is in. the time has come to make an instant amendment or else it will perish even further.

