

Media, ethnicity and national integration

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Media, Ethnicity And National Integration

By

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MEDIA, ETHNICITY AND NATIONAL INTEGRATION
BY S. SAHAY

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(I)

MEDIA, ETHNICITY AND NATIONAL INTEGRATION

If by the word ethnicity is implied division of groups on the basis of race or religion, then while considering the role of the Press in India a bit of clarification would be in order. In a plural society such as India, not only various religions cause a problem of political and social adjustment, but the broad sub-divisions within Hinduism itself causes tension.

Historically, Hinduism has absorbed religions and conquerers that have come to the country, but this process of absorption did not work out in the case of Islam. We need not go into the reasons here but it would be sufficient for our purpose to indicate that, when it comes to religious tension in India, it mainly means Hindu-Muslim tension.

I cannot recall in the last 40 years a single instance of a clash between Hindus and Jains, Hindus and Buddhists, or until recently - when the question of Khalistan cropped up - Hindus and Sikhs. In fact, Buddhism, Jainism and Sikhism are, for legal purposes, considered off-shoots of the Hindu religion. There are few instances of Hindu-Christian riots.

There is another significant factor. Hindu-Muslim tension is mostly confined to North, East and West India. It is more or less absent in the South.

The relevance of this brief historical background for the purpose at hand is that, in India, the print media - I am not taking into account the electronic media which is entirely Government controlled - has to respond to a variety of situations.

The tension may be purely regional, for instance, the situation obtaining in Nagaland and other parts of the South-East. It may be regional-cum-religious, as for instance in Punjab and Kashmir. It may be purely caste conflicts, as for instance the caste riots and killings in Bihar. It may be the product of the disadvantaged section of society - for instance the harijans and the backward classes - struggling to obtain a more equitable share of the national cake.

How does the Press respond to all these situations? What must be the role of the Press when the political integration of the country has not been fully followed by emotional integration? At least sections of people in Punjab, Kashmir and the North-East, minus Assam, cannot be said to have joined the national mainstream in outlook and endeavour.

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For long insurgency prevailed in Nagaland and Mizoram but since there were no newspapers in the region the problem of local coverage did not arise.

The situation is different in Punjab. The town of Jullundhur has strident language newspapers ^{which} ~~who~~ show little restraint in what they write. There is also a vigorous Press in Chandigarh, the State capital and elsewhere. At present the Press is under pressure both from the Government and the extremists. If the extremists point of view is not published in the State, ~~newspaper~~ ^{at} journalists face not only constant threats of violence but death also. Quite a few journalists, among them, two noted editors, have been killed by the extremists. Even journalists who write nationally on Punjab affairs are on the hit-list of the extremists and the Government has provided security men to guard their houses and lives.

On the other hand, if journalists do publish the material provided by the extremists, the Government prosecutes them under the laws in force.)

The classic instance is that of a newspaper publishing an advertisement connected with death rites of an extremist. The advertisement lionized the dead extremist and the Government has prosecuted the newspaper. The point I am trying to make is that when an wholly abnormal situation exists, the only code of ethics for a journalist is to play by the ear. Comments of outsiders are irrelevant or wholly misplaced. Punjab journalists have often told us the strain they are undergoing : everyday threats to kill, or kidnap wife or daughter or both. I can only salute those brave journalists who are still working according to the highest professional standards.

The code of ethics we are concerned with in the seminar presumably relates to a more normal situation.

However, one point needs to be noted. When the political integrity of the State is challenged, as is the case in Punjab now, or even when there are ethnic, communal or caste clashes, the interests of society become paramount. Close cooperation between the Press and the Government becomes inescapable. How to cooperate with the Government and yet serve readers and society truthfully and objectively is a professional challenge met sometimes adequately, very often not.

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Whatever the basis of legal and statutory restrictions on ethnic reportage in India before independence, these now find their validity in the Constitution of India.

Article 191(a) guarantees all Indian citizens the right to freedom of speech and expression. The Constitution does not guarantee the freedom of the Press specifically, the right to freedom of speech and expression has been deemed by the courts to include the freedom of the Press. The Bombay High Court has declared the freedom of the Press to be a basic fundamental right which means that Parliament cannot abrogate this right. The matter is far from settled because an appeal against the judgment is lying before the Supreme Court.

The freedom of speech and expression, including the freedom of the Press is not absolute. The State has, the right to adopt legislation on grounds of "the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement of an offence".

Legal restrictions on ethnic reportage is covered by the right of the state to legislate on grounds of "public order". There are provisions in the Indian Penal Code which cover ethnic reportage. Section 153A deals with promotion of enmity between different groups on ground of religion, race, place of birth, and language. It punishes promotion of enmity, hatred or ill-will, even of disharmony between religious, linguistic or social groups with imprisonment, which may extend to three years or with fine or both. For instance, a ^{Hindu} ridiculing Prophet Mohammed has been held guilty under this section.

Section 295(A) punishes an insult to the religion or religious beliefs of any class and deliberately and maliciously outraging the religious feelings of any group of citizens.

Section 298 makes it punishable for anyone to wound the religious feelings of any person. Thus while Section 295(a) deals with a class of person, section 298 deals with individuals.

All the three sections have been held by the Supreme Court to be Constitutionally valid.

The Indian Telegraph Act authorises the Government to censor mail on grounds of public emergency.


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It cannot be said that these provisions have either been used fairly and impartially by the Governments of the day - they have been used to stifle opposition to the Government - or have in any way discouraged ethnic reporting.

Censorship has been held to be constitutional in this country. It can be imposed in emergency situations, or even in normal times. It was imposed during the Emergency declared by Mrs Gandhi's Government in 1977. However, censorship led to rumours and fumours, especially concerning forced family planning, led to the downfall of Mrs Gandhi. This has brought about the realization that, politically, censorship can be counter-productive. However, stringent laws have been introduced in Punjab that affect the working of the Press.



Whatever the legal and constitutional provisions, credibility and standards of the Press will largely depend on self-discipline. That is why the responsible section of the Press of India has ^{resisted} ~~registered~~ any statutory code of conduct. Even the Press Council of India, a statutory body, has interpreted its task as evolving, on a case-by-case basis, a code of conduct, and not formulating one.

Appendix D reproduces the objects, powers and functions of the Council. Appendix E reproduces two interesting cases decided by the Council. In the first case, the Times of India, a national daily was accused of writing an editorial which was allegedly communal in character. The Council decided it was not so but decided to advise the paper to show restraint in dealing with sensitive themes.

In the second case the Karnataka Government had complained that Nasheman, a Urdu Weekly had, by its report, aroused communal feelings. The Council upheld the Government's case and expressed displeasure at the writing.

The Council, under the relevant act, has the power to censure and even compel a newspaper to publish its findings but it has no punitive powers. A former Chairman of the Council, wanted punitive powers, but the Council has now decided against it; the feeling being that the Council's powers are adequate.

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As for discipline from within, from time to time editors have tried to evolve a code of conduct. The first attempt was made in 1953, but it did not specifically deal with the ethnic situation. In 1976, when Emergency was in force, certain editors formulated a code of ethics which included this resolution : journalists and newspapers shall refrain from giving tendentious treatment to news of disturbances involving caste, community, class, religion, region or language and shall not publish detail of numbers of identity groups involved in such disturbances except as officially authorized.

The code of ethics was treated with contempt by the profession because the proposers were known Government stooges.

The National Union of Journalists had issued a Declaration of Journalists which, among other things, states : we shall try to exercise self-restraint and discretion in dealing with incidents of communal frenzy and other social tensions without prejudice to the people's right to know.

The Press Insitutue of India and the Government of India worked together to produce a set of guidelines for the media to deal with communal and ethnic tensions.

Some of the guidelines are being reproduced here:

- (1) When a clash or incident occurs which is likely to lead to violence particular care should be taken about its publication.
 - (2) Every effort should be made to portray ethnic groups in other than conflict situations.
 - (3) When violence has broken out, the role of the Government in the supply of information is crucial. There must be a continuous supply of information from this source to prevent rumour, speculation and needless panic
 - (4) Newspaper circulation becomes difficult during riots and therefore many people would be without any sort of authentic information. Rumour-mongers would have a field day in such a situation. Radio becomes crucial at such times.
 - (5) Casualty figures can cause chain reactions and experience has shown that official figures are generally underestimations.
 - (6) Care should be taken not to exacerbate feelings in a disturbance by needless identification of the community of the victim or the violation. But sometimes identification is essential for communal peace.
 - (7) Pictures can distort reality. An unrepresentative picture may even be more misleading than a news story and add to prejudice.
 - (8) Journalists, particularly foreign correspondents, should not report crises without a sufficient understanding of the background of events and trends. Too often they arrive on the scene with assumptions which they proceed to validify. These are particularly dangerous when they are broadcast back in community.
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A voluntary code of ethics apart, what ultimately matters, is the tone a newspaper sets for itself. The paper^{yl} worked for over 30 years - The Statesman - rigorously kept out any news that was likely to inflame communal or ethnic passions. Initially names of the communities involved in the clash were never given; only when the matter figured in courts of law were the communities named. Names of rape victims were also never published.

There is a lively debate in the country whether these restraints in any way calm the situation.

Professional bodies like the Editors Guild of India have gone to great lengths in emphasizing sobriety and high professional standards. While it has been fighting for the freedom of the Press, it has also been suggesting that the Press should ^{but} ~~at~~ its own house in order.

APPENDIX A : THE CONSTITUTION OF INDIA
Right to Freedom

19. (1) All citizens shall have the right—

- Protection of certain rights regarding freedom of speech, etc.
- (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions;
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India; and¹

(g) to practice any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India,² the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or² public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or² public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clause (d), (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

Appendix - B

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APP. II]

INDIAN PENAL CODE, 1860

2153-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.— (1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity,²³.....shall be punished with imprisonment which may extend to three years, or with fine, or with both.

2. Offence committed in place of worship, etc.—Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.²⁴

S. 153B. Imputations or assertions prejudicial to national integration.—

“(1) Whoever, by words...or by signs or visible representations or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b)...publishes that any class of persons shall, by the reason of their being members of any...caste or community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion...concerning the obligation of any class of persons, by reason of their being members of any...caste or community, any such assertion...is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both....”^{23a}

Procedure.—1. Like the offence under s. 153A, the offence under s. 153B, I.P.C. is also triable by a Magistrate of the first class, non-bailable, and cognizable.

2. Previous sanction of the Government is also necessary for prosecution, under s. 196(1) (a), Cr.P.C., 1973. [See under s. 153A, ante.]

Analogous Provisions.—The allied provisions in the Code of Criminal Procedure, which will be fully explained in App. XXVIII post, are :

(i) Any publication which is punishable under s. 153A or s. 153B, I.P.C., is liable to forfeiture and seizure, under s. 95 (old s. 99A) of the Cr.P.C., 1973.

(ii) Security for good behaviour may be required under s. 108(1)(i)(a) by a Judicial Magistrate of the First class, from a person who intentionally disseminates or attempts to disseminate any matter the publication of which is punishable under s. 153A or 153B.

295A. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. ②

Appendix - C
~~Appendix IV~~

Punjab Special Powers (Press) Act, 1956

~~(Relevant Provisions only)~~

... ..
2. (1) The State Government or any authority so authorised in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony affecting or likely to affect public order, may, by order in writing addressed to a printer, publisher, or editor,—

(a) prohibit the printing or publication in any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period or in a particular issue or issues of a newspaper or periodical;

Provided that no such order shall remain in force for more than two months from the making thereof;

Provided further that the person against whom the order has been made may within ten days of the passing of this order make a representation to the State Government which may on consideration thereof modify, confirm or rescind the order;....

3. (1) The State Government or any authority authorised by it in this behalf, if satisfied that such action is necessary for the purpose of preventing or combating any activity prejudicial to the maintenance of communal harmony affecting or likely to affect public order, may, by notification, prohibit the bringing into Punjab of any newspaper, periodical, leaflet or other publication."

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CHAPTER III

APPENDIX POWERS AND FUNCTIONS OF THE COUNCIL

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13. (1) The objects of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India.

(2) The Council may, in furtherance of its objects, perform the following functions, namely:—

(a) to help newspapers and news agencies to maintain their independence;

(b) to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards;

(c) to ensure on the part of newspapers, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;

(d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;

(e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;

(f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by any individual, association of persons or any other organisation:

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from any foreign source in any other manner it thinks fit;

(g) to undertake studies of foreign newspapers, including those brought out by any embassy or other representative in India of a foreign State, their circulation and impact.

Explanation.—For the purposes of this clause, the expression "foreign State" has the meaning assigned to it in section 87A of the Code of Civil Procedure, 1908;

(h) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies:

Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which the Industrial Disputes Act, 1947, applies;

(i) to concern itself with developments such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press;

(j) to undertake such studies as may be entrusted to the Council and to express its opinion in regard to any matter referred to it by the Central Government;

(k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

14. (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper or news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct, the Council may, after giving the newspaper, or news agency, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the editor

or the journalist or disapprove the conduct of the editor or the journalist, as the case may be:

Provided that the Council may not take cognizance of a complaint if in the opinion of the Chairman, there is no sufficient ground for holding an inquiry.

(2) If the Council is of the opinion that it is necessary or expedient in the public interest so to do, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particulars relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.

(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

(4) The decision of the Council under sub-section (1), or sub-section (2), as the case may be, shall be final and shall not be questioned in any court of law.

15. (1) For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout India as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents; and
- (f) any other matter, which may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalist.

(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(4) The Council may, if it considers it necessary for the purpose of carrying out its objects or for the performance of any of its functions under this Act, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government.

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PRESS COUNCIL
ANNUAL REPORT
1987

Appendix - E

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~~the editor. The Council accepted the recommendations of the Committee and decided accordingly.~~

(Decision rendered on Dec 8-9, 1987)

COMMUNAL AND ANTI-RELIGIOUS WRITINGS AND THE PRESS

The special responsibility cast on the press media with its far-reaching impact on public mind, especially in the turbulent situation prevalent in the country for the past decade, can in no way be negated. Council has time and again urged the papers to display subtlety, caution and restraint while reporting matters which could be prejudicial to the maintenance of harmony between communities and castes. Yet the number of complaints being received on such charges are on the increase. Of the 28 adjudications listed here under, the Council found the allegations as substantiated in 8 (eight) matters while such allegations remained unsubstantiated in 11 complaints. In the remaining 9 (nine) adjudications it was decided not to take any action when the respondents assured and gave an undertaking of careful reporting in future or when it found its hands tied under the provisions of Section 14(3) of the Press Council Act, 1978.

~~12~~ (1) Times of India Advised to Exercise Restraint

THIS complaint has been filed against the Times of India and its Editor, Shri Giri Lal Jain. The complainants at the time of lodging the complaint with the Press Council were students in Mass Communication and have since qualified themselves as journalists. The complaint is directed against an editorial written by Shri Giri Lal Jain under the caption "QUELLING THE FLAMES" which was published in the Times of India on the 2nd November, 1984. The gravamen of the charge in the complaint is that the editorial article is communal in character and is violative of journalistic ethics and norms.

Charges denied

This charge has been denied by the respondents. It is the case of the respondents that the article in question has been written and published in public interest to prevent any kind of communal violence and to promote communal amity and the article which condemns every kind of communal passion and violence cannot be characterised as communal and is not in violation of any journalistic ethics or norms. A further grievance has been made on behalf of the respondents that the complaint itself smacks of communalism and appears to be motivated and should therefore be dismissed and the complainant should be condemned for filing this kind of a complaint.

The principal question which falls for determination in this complaint is whether the editorial article can be considered to be communal in character. The grievance made by the complainants that the article violates journalistic norms and ethics is based only on this ground that the article is communal in character.

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For a proper understanding and appreciation of the questions involved and the various contentions raised, it becomes necessary to set out the article in its entirety. The article which is not a long one has been annexed to the decision:—

Complainant's case

Ms Nandita Haksar, learned counsel appearing on behalf of the complainants, has urged that the article has to be judged in the background of the situation then prevailing. She has commented that in the situation then prevailing immediately on the assassination of Prime Minister Indira Gandhi, when orgies of violence were taking place and tension was very high, this article would provoke, communal passions and hatred and was very undesirable and clearly unfortunate. She contends that reading the article in its entirety and judging the same in the context of the communal frenzy and violence and the mounting tension of the time, this article should be held to be against journalistic norms and ethics. In support of the contention she referred to the editorials which were published in other newspapers at the same time on the same incidents which happened following the unfortunate assassination of Prime Minister Indira Gandhi and she referred to the editorials published in the Patriot and the Statesman. She also wanted to produce an expert witness to establish that the article in question was communal in character.

Dr. Singhvi, learned counsel appearing on behalf of the respondents, objected to any reference being made to the editorials in other newspapers and to the calling of any expert witness for establishing any alleged communal character of the impugned writing on the ground that they were irrelevant and inadmissible. The aforesaid objections raised by Dr. Singhvi were recorded and it was decided that these objections would be considered at the time of formulating the recommendations of the Committee. Subject to the objections raised by Dr. Singhvi, the Committee permitted Ms. Nandita Haksar to refer to other articles which had been published in the other newspapers and also to call her expert witness.

Expert witness produced

Dr. Peggy Mohan was produced by Ms Nandita Haksar as an expert witness for establishing the communal character of the writing. Dr. Peggy Mohan has a fairly brilliant academic career and has distinguished herself in the field of linguistics. As one who has specialised herself in linguistics, Dr. Peggy Mohan applying what she called the 'Frequency Count System' was of the opinion that the impugned article was communal in character. She had marked the words in the article in three colours, green, pink and yellow. The green colour, according to her, stands for Hindu the yellow represents Sikhs and the pink refers to justification of violence. A copy of the article so marked by her has been tendered and is included in annexure 'A' to this recommendation. Her ultimate evidence was that 75 percent of the article was free from blame and 25 percent should be considered communal in character. Dr. Singhvi subject to the objections taken by him, cross-examined Peggy Mohan to establish (1) that she was really not an expert in linguistics, (2) linguistics cannot be considered to be a science and in any event, not reliable,

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(3) the frequency count method is absolutely undependable and (4) Random Count method had not been considered by her and had not been taken recourse to.

Ms Nandita Haksar, has fairly conceded that the law as it stands now, may not support her contention that expert evidence can be considered for construing and properly appreciating the article and the prevailing law may also stand in the way of considering other editorials published at about the same time of the same incidents in other newspapers. She has, however, submitted that the Press Council for properly laying down the standards and norms of journalistic ethics should take a more liberal view of the law of evidence and should extend and expand the same. She has referred to S.45 of the Evidence Act which deals with expert evidence and also to an article by Mary Campbell Gallagher which was published on the 11th of July, 1983 in "Legal Times" under chapter 'Analysis And Perspectives' bearing the heading "Evidence: Linguistic Evidence: Making a case for admissibility."

She has submitted that these budding journalists who have lodged the complaint have no grudge or feeling of animosity against The Times of India or Shri Girdhari Lal Jain. They had felt that the editorial was communal and in the situation then prevailing and now prevailing in our country such an article should not be published. They are hurt and they feel that in the interest of our country and its national integration and for promoting communal harmony publication of such articles should be condemned by the Press Council.

Counter arguments

Dr. Singhvi, appearing on behalf of the respondents, has contended that S-45 of the Evidence Act cannot be invoked to support the submission made on behalf of the complainants on the question of admissibility of the expert evidence and it is his contention that the said section clearly negates the contention raised on behalf of the complainants. It is the contention of Dr. Singhvi that expert evidence becomes relevant only when a particular question in dispute cannot be understood or appreciated except with the assistance of persons who may have expert knowledge on the point and expert evidence is an exception to the general rule. Dr. Singhvi has argued that S.45 of the Evidence Act which deals with expert evidence and provides for admission of expert evidence as relevant, itself circumscribes the limits under which the expert evidence becomes relevant and can be led. Dr. Singhvi has submitted that the article has been written in plain and clear English language and it cannot be contended that any judge or any member of the Jury or the members of the Press Council or for that matter any individual familiar with English language will not be able to understand the article. It is his further submission that the construction of documents is a question of law and on a question of law, except when the question is one of foreign law, no expert evidence or any other kind of evidence is admissible. He argues that it is for the court of the Judicial Body to construe the document in accordance with the well settled principles of construction. He has commented that linguistics cannot be considered to be a reliable science and the article by Mary Campbell Gallagher which was published on the 11th of July 1983 in "Legal Times" in the Chapter 'Analysis and Perspective'

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under the Heading "Evidence: Linguistic Evidence: Making a case for admissibility" relied on by Ms. Haksar is of no assistance and the article on the other hand suggests that linguistic evidence is not considered to be admissible. Dr. Singhvi has submitted that it is well settled that in construing any article, the article should be read as a whole and the intention of the author of the article has to be gathered with reference to the language or words used in the article and except in the case of any ambiguity no kind of extrinsic aid or evidence is permissible in the matter of construction of any article. Dr. Singhvi has placed the entire article before us and has argued that on a plain reading of the article as a whole it becomes clear to any reader that the author of the article was condemning communalism and communal violence. He argues that an editor enjoys the freedom to express his thoughts in such manner and language as he considers proper and no blame can be attached to him if in the course of his writing he does not exceed the limits of law or does not violate any journalistic norms and ethics. It is his argument that the question as to how other editors approached the problem and have written their editorials is wholly irrelevant and is of no consequence. He contends that an editor's freedom within the parameter of journalistic ethics and the limits of law has also to be safeguarded, as any interference with the freedom of the editor in writing his editorial will indeed amount to interference with the freedom of the press.

Admissibility of evidence

There seems to be considerable force in the submission of Dr. Singhvi that the expert evidence is not admissible in considering the article in question. Expert opinion is indeed an exception to the general rule of evidence and becomes relevant under S.45 of the Evidence Act which reads:—

"When the court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as to identity of handwriting or finger impressions are relevant facts. Such persons are called experts."

S-46 of the Evidence Act further provides:

"Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant."

The principle underlying the admission of expert evidence is to assist the court in forming its opinion on a question on which without aid or assistance from experts, the court may experience difficulty in forming its own opinion. It is equally well settled that expert opinion, even when relevant and admissible, is not binding on the court and the court has to come to its own conclusion on a consideration of the entire evidence including the expert evidence. S.45 seeks to lay down under what circumstances expert opinion may be considered to be relevant and may, therefore, be admitted. S.45 refers to a point of foreign law or of science or art or as to identity of handwriting or finger impressions and provides that on these questions the opinions of persons specially skilled in these matters are rele-

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vant facts. In the instant case the question for consideration is an article and no point of foreign law or of science or art or as to identity of handwriting or finger impressions arises, in construing and considering the article. Consideration might have been different if the question was whether linguistics is a science or not. It has been sought to be argued with a great deal of vehemence that linguistics is considered to be a science, but in considering the question whether expert evidence is admissible in the construction of the article in question in the present complaint, the question whether linguistics is a science or not becomes wholly immaterial. Linguistics is no doubt making rapid strides and is receiving wide attention. In appropriate case they may be of assistance. It is, however, not beyond question whether the same can be considered to be a perfect science on which complete reliance can be placed. Even if linguistics could be considered to be a dependable science, no expert evidence of a linguist could be admitted in the construction of the impugned article. As already stated, in the construction of the article no point of foreign law or of science or art or as to identity of handwriting or finger impressions arises. S.45 of the Evidence Act which makes provision for admission of expert evidence is not only of no assistance to Ms Haksar, but has indeed the effect of negating her contention. S.45 indeed rules out any possibility of the expert evidence being admitted. It may also be noted that the construction of any document is indeed a question of law and it is essentially for the court to decide the question of law. In considering any question of law, unless a point of foreign law is involved, no expert evidence is relevant. Indeed, except in exceptional circumstances when there may be any question of ambiguity, no oral or external evidence can be considered in construing any writing. The principles of construction of any writing or a written instrument are well settled. The main purpose of interpreting or construing any writing or a written instrument is to gather the true intention and it is well-settled that the intention has to be gathered with reference to the words and language used in the writing. The cardinal rule is that the intention must be discovered from the expressions used in the writing and that clearly unambiguous words prevail over any assumed or presumed intention. It is also well settled that the words used are usually to be taken in their literal sense and technical legal terms for their legal meaning and the writing has to be construed as a whole. Only when there is any ambiguity, extrinsic evidence may be admissible for proper interpretation of the written instrument or the writing. In the case of *Union of India vs. Kishori Lal Gupta*. (AIR 1959 8C 1362), the Supreme Court observed at p. 1368— "We are concerned with the expressed intention of the parties and when the words are clear and unambiguous — they are undoubtedly clear in this case — there is no scope for drawing upon hypothetical consideration of supposed intentions of the parties."

The article in question has to be construed and understood in the light of the well settled principles of construction. On a proper consideration of the article on the basis of the well settled principles of construction it has to be judged whether the article can be considered to be communal in character and can be said to be in violation of journalistic ethics and norms. To properly understand and appreciate the article and to be able to gather its true import and effect, the article has

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to be read as a whole and the words used in the article must be given the meaning in which they are understood in common parlance. A plain reading of the article clearly indicates that the words used in the article are clear, unequivocal and unambiguous. There is no expression used in the article which any person reasonably familiar with the English language may not be able to understand and interpret. It cannot be said that any difficulty is experienced by the Members of the Council or for that matter by anybody familiar with the English language to understand the article and to appreciate its purport and effect. As the language is clear and unambiguous, no outside evidence including expert evidence is, therefore, admissible in considering and construing the article. Expert evidence and other editorials relied on by Ms Haksar, cannot, therefore, be looked into and they are of no assistance.

Article analysed

A proper reading of the article makes it clear that in this article the author has considered the events and incidents which took place following the assassination of Smt. Indira Gandhi and has analysed in his own way the reasons and causes for such happenings and has proceeded to suggest the remedies to meet the situation.

In the first paragraph of the article the author has referred to the events and incidents with some comments. The events and incidents referred to are all based on facts and the comments made are to highlight these facts. Indiscriminate looting of sikh properties and assault on sikhs are specifically pointed out.

In the second and third paragraph the author seeks to analyse the reasons for such happenings and in course of stating the reasons the author criticises the Akal Takht Chief, Giani Kirpal Singh and he also criticises the sikh leaders who according to the editor, had stood by as silent spectators as the Bhinderanwala's band of assassins murdered more than 500 persons and converted the Golden Temple into an arsenal and sanctuary for criminals. He has commented that the Sikh intelligentsia continued to preach hatred of the Government. He has observed that if the sikh community had followed the lead of the five distinguished sikh leaders who had at once denounced the dastardly crime, the storm of anger, bitterness and revenge might not have assumed the intensity it did. He has further commented that unfortunately some of the so called sikh leaders had chosen to add fuel to the fire.

In the last paragraph of the article the author has severely condemned the happenings and the waves of violence with his own suggestions for effective control of the situation. The author has said — "We must not, however, repeat the performance of the sikh leaders and intelligentsia and fail to condemn the present wave of violence. Nor can we rest content with mere denunciations. We just cannot allow this breach to go on widening even if we cannot narrow it soon to make it bridgeable. Thus while the authorities must use the entire machinery of the state to restore law and order, all opposition parties must back its efforts and exert all their influence with their supporters to end this orgy. This is a test for Mr. Rajiv Gandhi as Prime Minister which he must not fail. But not to speak of the long-

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term, even in the short term, the Akalis and the head priests too need to contribute to the process of restoring normalcy if the Government's efforts are to succeed."

For quelling violence and in the interest of restoration of normalcy and communal harmony he has sounded a note of warning in the following words: "For the first time sikhs outside Punjab are realising how vulnerable they are. Those in Punjab should not only not add to their woes but try and lighten them by proving that they have abandoned the politics of confrontation and secession." The author appears to have appreciated that what he has said may appear to be harsh as he has said in the concluding portion of the article: "This may appear unduly harsh in the present context. But a soft-headed approach is not going to convince those who need to be convinced that the sikhs are willing to live as peaceful and law-abiding citizens of the country."

A plain reading of the article indicates that the editor in this article has considered events of great public importance. The events referred to in the article are factually correct and there does not appear to be any distortion of facts recorded in the article. The editor is entitled to express his views and to make his comments freely on any event and in particular events of public importance. It may indeed be considered to be a part of the duty and responsibility of the editor to comment on matters of public importance. The comments and criticism made by an editor must, however, not transgress the law and must be within the bounds of journalistic norms. In expressing his views and in the analysis of the causes and reasons which, according to the editor, had brought about such a situation, the editor has no doubt blamed the sikh intelligentsia and the sikh leaders who, in the opinion of the editor, had not been opposing the activities of the terrorists sufficiently strongly. These criticisms and comments of the so called sikh leaders and sikh intelligentsia who did not sufficiently condemn the acts of violence, cannot be said to lend communal colour to the article. The sikh community as such has neither been blamed nor criticised and only individuals or groups have come in for comments and criticism, because of their attitude in the matter of such vital importance. It so happened that these individuals or groups might belong to the sikh community. They have, however, not been criticised because they are sikhs but because of the attitude adopted by them. The editor has praised the stand of five sikh leaders, who, in the opinion of the editor, have taken up the correct stand. The editor squarely blames the attack on the members of the sikh community and the looting of their properties and there is nothing in the article to suggest justification of any act of violence on the members of the sikh community. In the concluding paragraph which has earlier been noticed, there is a very strong and earnest appeal to quell violence and the article has been captioned as "Quelling The Flames".

On a proper reading of the article with reference to the words and language used, there can be no justification to read "Hindu" for the word "India" used in the article or to read words marked yellow as sikhs in all cases or to read portions marked in pink as justifying violence, as argued by Ms Haksar with reference to the article so marked and exhibited by her. Such reading will do clear violence to the language used in the article. Such reading will not make any sense and will

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render the words used meaningless and will be contrary to well-settled principles of construction. The article so marked and exhibited by Ms. Haksar has been annexed to the recommendations for a proper appreciation of these observations.

The events did cause, as they are bound to cause, a great deal of anxiety and concern all over the country. The editor in his anguish and great concern appears to have proceeded to express his views rather harshly and in strong terms. The editor himself has written in the article: "This may appear undoubtedly harsh in the present context".

On a fair reading of the article, it cannot be said that the article incited or inflames communal passion or hurts the feelings of any community as such. The article in substance and effect condemns communal violence and persons responsible for communal disharmony and makes a strong appeal for prevention of every kind of communal violence and for restoration of communal peace.

The article, therefore, cannot be considered to be communal in character. As the article is not communal in character, the charge that the article is violative of journalistic ethics or norms, based on the ground that the article is communal in character, fails. The complaint is accordingly dismissed.

However, while dismissing the complaint it is considered necessary to make some observations.

India is now passing through a very critical period. Disruptive forces are seeking to destabilise our country. Communal passion and acts of political violence almost in every part of the country are undermining the unity and destroying the glorious heritage of our country indeed peace and security are threatened. These are the matters of great concern of the entire nation.

The assassination of Mrs. Indira Gandhi and the events that followed — in particular, acts of looting of various sikh properties and assaults on members of the sikh community, — were pointers to the seriousness of the situation. In view of the seriousness and the gravity of the situation it is only natural and proper that the matter would be dealt with by the newspapers and would come up for consideration by the editors in their editorial writings. The writings against institutionalised violence are indeed necessary and have to be encouraged in the larger public interest for creating and mobilising public opinion against such acts.

In the matter of writing an editorial, the editor enjoys a great deal of discretion and in the exercise of his discretion, he has the right to express his views freely and fearlessly using such language and words as he may consider appropriate subject, however, to two recognised limitations, namely, (1) he must not transgress the law and (2) he must not violate the journalistic norms and ethics. Every editor however has to bear in mind that the discretion and the freedom that he enjoys for effective discharge of his duties must be exercised in public interest and for promoting public good and must not under any circumstance violate law or the norms of journalistic ethics. Indeed, in the matter of writing on communal relations a special responsibility falls on him and on the press. It is to be borne in mind that in

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our country persons professing different faiths and religions and belonging to various castes and creeds live together in the same villages and towns all over the country and vast majority of the people are uneducated. Such persons often have a blind faith in religion and are superstitious. They are susceptible to religious provocations and often unscrupulous persons and politicians for selfish ends, mix politics with religion and create an explosive situation. A slight provocation results in communal clashes spoiling the age-old friendly and brotherly relations between the various communities. It becomes the duty of the press to see that communal frenzy is not, in any way, fanned by careless and irresponsible writings. The entire concentration of the press should be directed to see that the situation is effectively controlled and friendly relationship amongst the communities is restored. The press has to realise that under certain circumstances, even factual reporting about the number of persons killed or injured and the community to which they belong may have the effect of aggravating the situation. If the community involved is mentioned, the possibility of retaliatory measures by the other community may arise not only in that area but also elsewhere in the country and the unhappy situation is likely to escalate. It is of paramount importance that in such circumstances the press must use proper caution and restraint. The press must not indulge in sensationalism and should publish its reports and writings in such a way as would have the effect of cooling down the passions and restoring normalcy.

Restraint urged

This Council has earlier expressed the view that while reporting on any communal matter which is delicate and sensitive particular care should be taken and proper caution and restraint should be observed. The reporting or the writing must not be such as may hurt the feelings of any community or may aggravate the situation. The reporting or the writing should be aimed at easing the situation, cooling down passions and bringing about harmony and normalcy.

It is desirable that for creating the right type of atmosphere to eradicate and eliminate communal passions and violence and to promote communal peace and harmony, the language used should be restrained and harsh words which may hurt the feelings and sentiments of individuals or of any community should be avoided.

Plain speaking and use of hard words may in proper cases be necessary to bring home any particular point or to highlight a particular matter. As already observed, it is generally left to the discretion of the editor as to how any particular matter is to be dealt with and what kind of language and words are to be used. The editor, while writing the article in question, appears to have felt very strongly about the happenings and he has considered it proper to express his views strongly without mincing matters or words. The article itself makes it clear that the editor has done so deliberately as in his view "a soft headed approach is not going to convince those who need to be convinced." In the choice of the subject of the article and the language and words used therein, the editor has clearly exercised his discretion. In exercise of his discretion, the editor has considered to make it harsh and not to make a soft headed approach. In the context of the article which for

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reasons earlier indicated, has been found not to be communal in character, soft headed approach had not been made and the editor had deliberately made it harsh in exercise of his discretion. This exercise of the discretion, though not quite happy, cannot be considered to be improper or in violation of any journalistic norms. It is apparent that this article and the manner in which the same has been written have hurt the feelings and sentiments of the complainants who have considered it appropriate to approach the Press Council and to draw its attention to this article. It cannot be said that the complaint filed by the complainant is not *bona fide* and is in any way motivated. There is nothing to suggest or indicate that the complainants had any kind of grudge or ill-will against the paper or its editor or any ulterior motive for lodging this complaint. Though the complaint has, for reasons indicated, been held not to be justified and has been dismissed, yet it cannot but be observed that the injured feelings which had prompted the complainants to approach the Press Council were sincere. The complainants had made no grievance with regard to the editorials which were published at the same time in other newspapers on the same subject. It is the kind of harsh treatment of the same subject in this article which has hurt their feelings and sentiments. Such feelings, if generated, may not be conducive to the restoration of communal harmony and peace. In reporting on or writing about communal or other sensitive matters, Council has, herefore, advised exercise of proper restraint and caution.

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Communal Writing — Council Expresses Displeasure

IN his complaint dated July 1986, Deputy Secretary to the Government of Karnataka has voiced his concern over an article entitled "COMMUNAL DIS-
TURBANCE AT NASIK, PANUVEL AND NANDED" published in the issue dated May 18, 1986 of an Urdu weekly, Nasheman. The impugned article alleges that muslims lost their lives and properties in communal riots at Nasik, Panuvel and Nanded which according to the complainant, tended to arouse communal feelings amongst muslim readers in Bangalore and thereby provoked them to communal riots in Maharashtra and had the potential to disturb communal harmony.

The editor in his comments furnished the xerox copies of the PUCL report about the communal disturbances in Maharashtra. In his counter-comments, the complainant clarified that the source referred to in the editor's comments is doubtful and there is no indication that the report published by PUCL has any official confirmation.

In response to the show-cause notice, the editor has complained that the government has adopted a hostile attitude to harass him. He rejected the averment of the government that the impugned article has the tendency to arouse communal feelings and disharmony among different communities. In fact no such disturbances, has been reported from any part of the country ever since the publication of impugned article.

The matter came up for consideration by the Inquiry Committee at its meeting held on April 8, 1987 at Bangalore. Mr. Santosh Hegde, Advocate General for the State of Karnataka, appeared on behalf of the complainant. Mr. R. B. Sadasivappa, Advocate appeared on behalf of the respondent-newspaper.

Fundamentalism preached

Mr. Hegde submitted that the impugned news-item was objectionable in that fundamentalism was being preached through the writings which could cause communal disharmony. He further submitted that the naming of a community was against journalistic norms. He referred to the following objectionable portion from the impugned article:

"... The President and Prime Minister of India, the Home Minister and several other leaders say that they will fight out divisive, destructive and separatist forces which bring about communal discord which cause confrontation between two communities. But they do not say what was the method of fighting such elements. When the muslims of Bara Banki fought who were the targets of the bullets against whom the police fired and who sustained loss and who was benefited? The muslims of Nasik, Panuvel and Nanded had fought anti-national and anti-secular forces. What was the result and who were stabbed? Who were shot at? Whose houses were burnt? Who sustained devastation? ... After all why muslims are not being given comfort and peace? Why they are being provoked and irritated? If the muslims follow the law of Allah and live upto religious precepts and practices and want to keep up their religious identity and individuality, why others are annoyed at it? Let the muslims take their women into any age or into any place? Why others should be concerned about it? ..."

Mr. Sadasivappa denied that there was any matter in the impugned news-item or in the passage quoted above which could cause communal disharmony. He did not agree that the editor was preaching fundamentalism through his writings.

The Committee on a careful consideration of the material on record was of the opinion that the writing did preach fundamentalism which could cause communal disturbances. It felt that the naming of a community was also against the norms of journalistic ethics, which the editor should have avoided. In the facts and circumstances of this case, the Committee expressed its displeasure on the writing. The Council decided accordingly.

(Decision rendered on July 8, 1987)

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~~Appendix A~~ ~~Appendix B~~ ~~Appendix C~~ ~~Appendix D~~ ~~Appendix E~~ ~~Appendix F~~

~~Appendix G~~

ALL INDIA NEWSPAPER EDITORS' CONFERENCE

CODE OF ETHICS

(September 1953)

1. As the Press is a primary instrument in the creation of public opinion, journalists should regard their calling as a trust and to be eager to serve and guard the public interests.

2. In the discharge of their duties journalists shall attach due hold to fundamental, human and social rights and shall hold as good faith and fair play in news reports and comments as their professional obligations.

3. Journalists shall observe special restraint in reports and dealing with tensions likely to lead, or leading to disorders.

4. Journalists shall endeavour to ensure that information is factually accurate. No fact shall be distorted and essential fact shall be deliberately omitted. No information known to be false shall be published.

5. Responsibility shall be assumed for all information and comments published. If responsibility is disclaimed, this shall be explicitly stated.

6. Confidence shall always be respected. Professional discretion must be preserved.

7. Any report found to be inaccurate and any comment on accurate reports shall be voluntarily rectified. It shall be

obligatory to give fair publicity to a correction or contradiction when a report published is shown to be false or inaccurate in material particulars.

(8) Journalists shall not exploit their status for non-journalistic purposes.

(9) Journalists shall not allow personal interest to influence professional conduct.

(10) There is nothing so unworthy as the acceptance or demand of a bribe or inducement for the exercise by a journalist of his power to give or deny publicity to news or comment.

(11) Freedom in the honest collection and publication of news and facts and the rights of their comments and criticism are principles which every journalist should always defend.

(12) Journalists shall be ever conscious of their obligation to their fellows in the profession and shall not seek to deprive fellow-journalists of their livelihood by unfair means.

(13) The carrying on of personal controversies in the Press in which no public interest is involved shall be regarded as derogatory to the dignity of the profession.

(14) It is unprofessional to give currency to rumours or loose talk affecting the private life of individuals. Even verifiable news affecting the private life of individuals shall not be published unless the public interest as distinguished from public curiosity demands its publication.

(15) The Press shall refrain from publishing matter likely to encourage vice and crime.

ALL INDIA NEWSPAPER EDITORS' CONFERENCE

EDITORS' CHARTER

(September 1953)

The Editor shall enjoy complete freedom in respect of implementation of the editorial policy and the staffing and of the paper.

The Board of Management of a newspaper shall prepare a budget of editorial expenses in consultation with the Editor, providing for normal expenditure, development contingencies and discretionary grant.

The Editor's decision shall be final in all matters concerning the editorial staff and the contents of the paper.

The Editor shall have direct access to the Board or to the proprietor for the discussion of matters relating to his newspaper.

(e) The Editor shall have the power to grant special ~~in~~ recognition of special merit of a worker.

(f) The code of obligations for the Editor is to carry out the policy of the paper, to maintain high standards, to resist pressures, to generate a co-operative spirit amongst members of his editorial department and to subserve impartially the interests of the society.

(g) The Editor vis-a-vis the Government and the public is to be left free in the discharge of his responsibility, as far as the editorial side of the newspaper is concerned.

(h) In the event of disagreement between the Board of Management and the Editor leading to the Editor's resignation or removal, the Editor shall be entitled to six months' gratuity and pay in lieu of leave due to him at the time.

NOTE: The term Editor will apply to the Editor-in-Chief where a newspaper employs more than one Editor.

CODE OF ETHICS FOR JOURNALISTS AND NEWSPAPERS DRAFTED BY A COMMITTEE OF 17 EDITORS AND PRESENTED TO THE RAJYA SABHA ON JANUARY 8, 1976

In pursuance of the social responsibility, the following code of ethics would be applicable:

1. In the discharge of their duties, journalists shall attach full value to fundamental human and social rights. They shall hold good faith and fairplay in news reports and comments as essential professional obligations.
2. Journalists and newspapers shall highlight activities of the State and public, promote national unity, solidarity, integrity and economic and social progress.
3. Journalists and newspapers shall avoid reports and comments which tend to promote tensions likely to lead or leading to civil disorder, mutiny or rebellion. Violence must be condemned unequivocally.

Journalists and newspapers shall ensure that information disseminated is factual. No fact shall be distorted nor information known to be false or not believed to be true shall be published.

No sensational or tendentious report of a speculative nature shall be published. Any report of comments found to be inaccurate shall be rectified by prominent publication.

Confidence shall always be respected. Professional secrecy shall be preserved.

Journalists shall not exploit their status for non-journalistic purposes or inquiries and shall not allow personal interest to influence professional conduct.

(8) There is nothing so unworthy as the acceptance of a bribe or inducement for the exercise of a journalist of his power to give or deny publicity to news or comments.

(9) Journalists and newspapers shall not indulge in personal controversies in which no public interest is involved.

(10) Journalists and newspapers shall not give credence to public rumours or gossip or even verifiable facts affecting the private life of individuals.

(11) Newspapers shall refrain from publishing matter (including advertisements) which is obscene or is likely to encourage vice, crime and unlawful activities.

(12) Journalists and newspapers shall promote and protect the national objectives of democracy, socialism and secularism.

(13) Journalists and newspapers shall refrain from tendentious treatment to news of disturbances, caste, community, class, religion, region or language groupings and shall not publish details of number and identity of groups involved in such disturbances except as officially authorised.

(14) Journalists and newspapers shall not publish information and comments detrimental to the interest of the sovereignty and integrity of India, the security of the State and friendly relations with foreign countries. Newspapers include journals, magazines and periodicals.

NATIONAL UNION OF JOURNALISTS

DECLARATION OF JOURNALISTS

(February 1981)

We, the working journalists of India, considering our calling a trust, believing in serving the public interest by publishing news and comments in free and fair manner, holding that the freedom of the Press and the right to information are inalienable and are inherent to the democratic process and as such need to be cherished and strengthened by all realising that the Press and the society can flourish fully only when every individual freely enjoys his fundamental human rights and, therefore, we must uphold and defend these rights, recognising that the rights of journalist, also enjoin upon them the obligation and duty to maintain the highest standards of personal and professional integrity and dignity; and feeling that in order not only to eschew fear or favour but also appear to be doing so, journalists must be ensured a reasonably decent living and appropriate working conditions; pledge and declare that—

1. We shall protect and defend at all costs the right to collect and publish facts and to make fair comment and criticise.
2. We shall endeavour to report and interpret the news with scrupulous honesty, shall not suppress essential facts, we shall observe and protect the rule of fair play to all concerned resisting all pressures.
3. We shall not acquiesce in or justify the imposition of censorship by any authority in any form and we shall not ourselves try to exercise censorship on others.
4. We shall endeavour to uphold and defend the fundamental human rights of the people and safeguard the public interest.
5. We shall not let ourselves be exploited by others, nor shall we exploit our status for personal ends. Personal matters shall not be allowed to influence

professional conduct. We shall seek to maintain full public confidence in the integrity and dignity of the profession of journalism and shall ask and accept only such tasks which are compatible with its integrity and dignity.

6. We shall not deliberately invade personal rights and feelings of individuals without sure warrant of public interest as distinguished from public curiosity. But, we shall not compromise our rights to report and expose in public interest the affairs of public men and other influential people. For, public affairs must be conducted publicly.
7. We shall consider the acceptance or demand of a bribe or inducement for publication or suppression of news as one of the most serious professional offences.
8. We shall unitedly and individually resist assaults and pressures from any quarters and in any form on journalists in particular and the Press in general in the discharge of professional work.
9. We shall always respect confidence and preserve professional secrecy.
10. We shall strive constantly to raise professional standard and improve the quality of work.
- ✓ 11. We shall try to exercise self-restraint and discretion in dealing with incidents of communal frenzy and other social tensions without prejudice to the people's right to know.
12. We shall collectively endeavour to secure higher levels of wages and better working conditions consistent with our functions, responsibilities and status. We shall not injure the economic or professional interest of fellow journalists by unfair means.

APPENDIX VII. 8

AMERICAN SOCIETY OF NEWSPAPER EDITORS—STATEMENT OF PRINCIPLES

Adopted by the ASNE board of directors, October 23, 1922. This code supplants the 1922 Code of ethics ("Canons of Journalism").

Principles

The First Amendment, protecting freedom of expression from abridgement by any law, guarantees to the people through the press constitutional right, and hereby places on newspaper editors a particular responsibility.

Thus journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist's singular obligation.

With this end the American Society of Newspaper Editors forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

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Article I—Responsibility

The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust.

The American Press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

Article II—Freedom of the Press

Freedom of the Press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private.