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Teaching Of Ethics In Communications:
Nepal's Experience

By

Gokul P Pokhrel
Teaching of Ethics In Communications:
Nepal's Experience

— Gokul P. Pokhrel

Background

The question of ethics in journalism has always been a matter of intense debate among media professionals, the law enforcement authorities and the cross-section of opinion leaders in a pluralistic democratic society. It is a question that has never been answered adequately and the answers need to be continuously rejuvenated and recast according to the changing requirements of the profession.

As distinct from media regulatory laws, there have been several attempts by conscientious journalists and organisations to formulate precisely a set of codes governing the minimum ethical standards governing the activities of media profession.

Ever since the American society of Newspapers (ASNE) propounded Canon of Journalism in 1923, the quest for higher standards in the profession has been going on at various levels. During the late Seventies and Eighties even smaller national news organisations and watchdog bodies like Press Councils have tried to discipline media behaviour through a set of codes of conduct. But none of them have been found to be effective in ensuring wider applications.

Since acceptance to the any set of media codes are voluntary, the codes are looked upon as merely statement of ideas and aspirations. The counter arguments against the application of a common code of conduct governing mass media industry are put forth by Mr. Leslie Whetten and Abe Rosenthal who think that the codes are too generalized as to be meaningless. Their contention is that since the codes aim at "the lowest common dominator and are too easy, their enforcement is not always without problems. While the American notion disapproves adoption of an industry-wide code, there is general agreement that each individual media institution has a right to adopt its own code.
In a democratic society, constitutional guarantees for the inviolability of press freedom is considered essential to remove the fear of unwanted government interference. But at the same time, media specialists agree that this freedom is not absolute and does implicitly stipulate the elements of "standards and responsibility". The proponents of this theory emphasize on the need of greater efforts by journalists, often with the help of non-governmental outsiders to improve the ethics and standards of the news media and to be accountable to the public for their acts. -1

Supporting this theory Paul Janensch states that the news media should be receptive to criticism from within and without, and "operate within written codes so that everyone involved in the new process knows what is permitted and what is not off bounds".

In America, journalists have for long fought to assert the public's right to know as a matter of special responsibility to be watchdogs of the government's performance on the plea of protecting the people from the abuses of the government. But who should be a watchdog, the watchdogs? There seems to be no uniformity of opinions and methods.

The conventional libertarian concept of press freedom has now given way to the theory of social responsibility as a basic for journalism ethics. This theory implies that press freedom carries concomitant obligations and that the press is obliged to be responsible to the society for carrying out essential functions of mass communications. It also infers that regards for public good may be the only valid guidelines for choosing which information to transmit.

Journalism Ethics in Nepal

The era of modern journalism started in Nepal in 1901 A.D. with the publication of a weekly newspaper Gorkhapatra in the official sector. During those days of autocratic rule, the then Prime Minister Dev Shumser issued a decree which prescribed certain standards as to what is to print and not to print. Since the decree did not specify any penal provisions for omission or commission, it may be regarded as the first prototype of a code of conduct specifying ethical standards in journalism. -2
Following the advent of democracy in 1951, there have been attempts by law makers and professional media organisations to prescribe certain ethical standards to be followed by media professionals of the country.

The first attempt at formulating a code of conduct was made in the recommendation of a Press Commission set up by the Government of Nepal in 1957. The commission formulated a 18-point Code for enforcement by the government. Later in 1967, the All Nepal Conference of Journalists adopted a 22-point code, which, in the absence of any enforcement mechanism, could not make any progress beyond the resolution stage. Much later in 1978, the government issued a new 22-point code in pursuance of the provisions of the Press and Publications Act, 1976.

After the restoration of multi-party democracy in April 1990, the newly constituted Press Council was empowered by law to formulate and enforce a code of conduct for media practitioners. The press and publications Act, 1992 section 7, clause (4) states that the functions of the council shall be "to enforce a code of conduct for journalists by framing it up with a view to develop healthy journalism." In effect, in exercise of the authority vested on it by law, the press council has issued a 10 point code by condensing all the previous codes. One of the innovative features of the new code is the elaborate quasi-judicial procedure prescribed for hearing of complaints from the aggrieved parties for violation of the codes and their settlement.

Despite the issuance of the code of conduct, the problem is that the provisions have remained unfruitful as most of the media institutions have maintained abject indifference towards it or ignored its existence. However, under the new provisions, some complaints were registered with the press council during 1992. The complaints related to character assassination by newspapers by publishing false and baseless stories (2), defamation (1) non-publication of rebuttals (1) and plagiarising the contents of a newspaper by author (1). The press council instituted for the first time the process of entertaining, hearing and settlement of complaints by commissioning a sub-committee comprising of its standing members.
The 10-point Code of Conduct

The code of conduct adopted by the press council in 1992 (2049 B.S.) emphasizes on the adherence to such ethical standards as responsibility to society, truth and impartiality that are common to media profession elsewhere. In addition, it enjoins on the journalists to respect for communal harmony, prompt redressal of grievances upon the publication of baseless news, safeguard the confidentiality of news sources, regard for an individual’s right to privacy, refrain from misuse of the profession for self-benefits and mutual mud-slinging among the co-professionals.

The 10 point code states:

1. Journalism is a profession which should be responsible to the entire mankind. As such, the people engaged in this profession should always remain dedicated to human values, democratic behaviour, national interest and public welfare.

2. Every journalist should make truth, mutual trust, honesty, justice and impartiality as his identity while publishing or broadcasting news or views.

3. News and views leading to communal fighting, terrorism and differences between races, religious groups and communities should not be entertained.

4. If a published news is learnt to have caused unintentional harm to anybody or if the information proves wrong, then it will be the bounded duty of a journalist to publish correction of the news or publish it in a appropriate space when approached for publication of denials based on facts.

5. Journalists should not disclose the confidentiality of the news source.

6. Journalism should never be misused for self-benefits. It is a serious moral crime to take or try economic or any other benefits by making news as a tool. (Blackmailing)
7. No news should give space to publication of news or comments that are prejudicial to the prestige of any individual or a family that are fabricated, infringing on the right to privacy or self-confidence.

8. No news should destroy the credibility of any institution out of malice or for self-benefits.

9. Disrespectful language and obscene materials should not be given any space in a responsible press. While reporting on crime and rape cases one should be vigilant over the fact that information did not fan out excitement and deviations and that it did not add further injuries on the afflicted parties.

10. Journalism should have professional relationship among each other. To blame each others through the publications will be viewed as contrary to professional ethics.

If the above mentioned Code of Conduct is ever violated, the concerned party or individual could file a petition (complaint) against the journalist or the communication medium pertaining such acts at the Press Council. If the complaint proves true then the press council may compel the journalist or the medium of communication to publicly apologize with the person or the institution or ask them to publish a written apology or can openly condemn the journalist or the medium of communication.

Problem of Submission

The code of conduct framed by the press council and duly endorsed by the government lacked professional finesse as it was never scrutinized by wider cross-section of media professionals. In an apparent bid to overcome this difficulty, Nepal Journalists Association (NJA) convened a three-day national conference focusing on this subject at Birgunj on 8-10 October 1993. The contents of the existing code of conduct were extensively analysed through sub-committees and an integrated final draft is still at the preparatory phase. Following the completion of the draft, it might take some time before a code of voluntary submission comes into effect.
Teaching of Media Ethics

Nepal Press Institute has had some experience of media behaviour in the process of extensive contacts with journalists through a series of proficiency workshops. It was found that many district-based journalists viewed the profession as a tool of ensuring social prestige and earning income but they had little knowledge about how to achieve these ends by selling quality information. Due to lack of training, perceptions about the profession were often confounded as a result of which the mission of public good and accountability suffered at the cost of professional deviations and lack of objectivity.

Training of journalists inculcating in them the values and standards of media profession has been found to be very effective in reversing such a trend. Since 1984, Nepal Press Institute has completed 10-month proficiency training courses for young people and working journalists. An analysis of the placement of the trainees has showed that about 50 percent of the trainees have succeeded in acquiring jobs in newspaper organisations, radio and television services and other media related vocations. Apart from the regular proficiency courses in Kathmandu, NPI has fast expanded its outreach to cover the journalists on country-wide basis. A total of 300 media professionals have been brought into contact through three-day field training workshops it organises on a periodic basis in the outlying areas. Media ethics, press laws and standards of the profession are the essential elements of the curriculum devised by the Institute.

The curriculum formulated by NPI for its 10 month training course are divided into 15 units each having break-down of sub-topics to be covered. The topic under the press and society covers wide-range of areas which include press codes and councils, socially responsible journalism, public's right to information, journalistic ethics among others.

The training course is supervised by a coordinator and other instructors are hired on part-time basis from prominent media institutions. The programme is operated by the Institute itself which raises its expenses partly from fees collected from the trainees and the rest is met out of the NPI's budget.
Courses at Department of Journalism, T.U.

Since 1976, Tribhuvan University has been offering courses in journalism at the certificate and graduate level for the regular students enrolled in the campus. The Department of Journalism is located at Ratna Rajya Laxmi Campus managed by the University. But other private campuses are also offering courses on journalism. Journalism is prescribed as one of the majors and the course of study includes teachings about social responsibility of the press, codes and ethical standards.

Courses at other Media Institutions

The state-owned media institutions like Nepal Television and Radio Nepal operate their own training programmes as and when necessary and often in collaboration with external support agencies. These institutions have formulated their own codes prescribing ethical standards governing the processing of advertisements, news and views.

The state-owned publishing house The Gorkhapatra Corporation has prescribed its own ethical standards for the journalists employed by it.

Problems and Constraints

Nepal is passing into a phase of liberal, Pluralistic democratic social structure from a controlled partyless political system which governed the country for three decades. The liberal tenets of press freedom and constitutional guarantees have often been misinterpreted as unbridled license to promote ulterior ends and self-interest. There are many unscrupulous media practitioners who have been found to misuse their media as tools of extortion, defamation and character assassination. In a bid to boost up sale in the market media operators increasingly resorting to sensationalism, sex stories and concoction of unfounded stories about public personalities.

These alarming trends have been a cause of serious concern to the government, conscientious media professionals and jurists. Of late, there is a spate of defamation and libel cases filed in various courts of the Kingdom. These events show gross disregard or lack
of awareness about the seriousness of media profession and its ethical standards.

Conclusion

Practice of journalism as a business and as a social service instrument involves scrupulous observance of high ethical standards without sacrificing the business interests. Nepal's experience in recent years has shown that while most of the media practitioners loath to be bound by any code of ethics or limit their freedom, increased access to training in journalism has been much helpful in reinforcing perceptions about the values and ethical standards of the media profession. The process needs to be further consolidated providing access to training opportunities to wider cross-section of media professionals.

In this context, it will also be pertinent to suggest that more publications and reading materials having bearing on the ethical aspects, social responsibilities and exercise of freedom be made available in the national language.

No less significant will be measures providing more opportunities of exchanges for Nepalese Journalists with fellow professionals of the region and abroad which could have healthy impact on the qualitative improvement of media profession in Nepal.
References


Whereas the new Constitution of Nepal - 2017 which came into being as a result of the people's historic movement has established democratic principles and values, and by enhancing the dignity of the press and placing more responsibility on its practitioners to fulfill the professional duty entrusted to them by making it responsible to the society and, in order to create a healthy atmosphere for its growth a Code of Conduct - 2049 has been issued by the Press Council on 2049 Baisakh 19 (May 1, 1992) based on Press Council Act - 2048, Section 7 (GA) as per the decision of its Board Members.

Press Council
NEPAL

Code of Conduct for Journalists - 2049

1. Journalism is a profession which should be responsible to the entire mankind. As such, the people engaged in this profession should always remain dedicated to human values, democratic behaviour, national interest, and public welfare.

2. Every journalist should make truth, mutual trust, honesty, justice and impartiality as his identity while publishing or broadcasting news or views.

3. News and views leading to communal fighting, terrorism, and differences between different races, religious groups and communities should not be entertained.

4. If a published news is learnt to have caused unintentional harm to anybody or if the information proves wrong then it will be the bounded duty of a journalist to publish correction of the news or publish it in an appropriate space when approached for publication of denials based on facts.

5. Journalists should not disclose the confidentiality of the news source.

6. Journalism should never be misused for self-benefits. It is a serious moral crime to take or try to take economic or any other benefits by making news as a tool. (Blackmailing).

7. None should give space to publication of news or comments that are prejudicial to the prestige of any individual or a family that are fabricated infringing on the right to privacy or self-confidentialities.

8. No news should destroy the credibility of any institution out of malice or for self-benefits.

9. Disrespectful language and obscene materials should not be given any space in a responsible press. While reporting on crime and rape cases, one should be vigilant over the fact that information did not fan out excitement and deviations and that it did not add further injuries on the afflicted parties.

10. Journalists should have professional relationship among each other. To blame each others through the publications will be viewed as contrary to professional ethics.

If the above mentioned Code of Conduct is ever violated, the concerned party or individual could file a petition (complaint) against the journalist or the communication medium perpetrating such acts at the Press Council. If the complaint proves true then the Press Council may compel the journalist or the medium of communication to publicly apologise with the person or the
Institution or ask them to publish a written apology or can openly condemn the journalist or the medium of communication.

Procedure for lodging complaints for violation of the Code of Conduct

1. Initial Reaction or Denial
   a. Any individual, association or an organisation is assured of its right to lodge a complaint and initiate legal procedures against any reporter or a newspaper if he or she thinks that the reporter or the newspaper concerned has violated the Journalist's Code of Conduct. If the petitioner thinks that the published item has hurt public morality, dignity, or interests of certain section of the society, then he or she, first of all, shall have to send his/her criticism or denial in writing to the editor/publisher newspaper concerned. And on receiving such denials and comments, the editor shall have to publish them in his medium by giving due importance and space.
   b. If an aggrieved person or an organisation submits a written complaint for publication and it is not published by the publisher or the editor the petitioner may file a petition to the Chairman of the Press Council requesting him for help in getting the written complaint published. The Chairman of the Press Council will direct the written complaint without any alteration to the editor/publisher for immediate publication.

2. Lodging Complaint at the Press Council
   If anyone considers that that published item or a story has created adverse effect or such action has violated that Code or Conduct and if he is not satisfied with the publication or denial of the story or non-compliance of such an act by the editor or publisher of the newspaper concerned, and if he wishes to get the problem resolved by the Council, he can file a complaint at the Council secretariat with the following details:
   a. Copy of the published item,
   b. Harm caused by the published item and its factual details,
   c. The criticism/statement sent out to the respective newspapers,
   d. The answer/criticism or statement given by the editor,
   e. The correspondences done with the editor concerning the published item,
   f. The complaint should be lodged within three months of the first publication of the damaging item or within 35-days of having the first knowledge about such an item.

   The person lodging the complaint should make an announcement at the end of the complaint that no other legal or semi-legal authority has been approached for any legal procedure regarding the complaint so far his knowledge went, and he should also express his willingness that once the complaint is registered at the Press Council no other legal or semi-legal action will be initiated before the Council decides about the case. However, a person or a party is found resorting to such prohibited procedures, further proceedings by the Council will be withheld and the case will be cancelled automatically.

3. Procedure of Investigation
   Upon receiving the written complaint against a particular news or a correspondent, the investigation sub-committee constituted by the Press Council will study the complaint on the violation of code of conduct and
issue an order along with a copy of the complaint against the correspondent or the publisher to submit within 15-days their reply as to why any legal action should not be initiated against them for the violation of the Code of Conduct and if the sub-committee is satisfied by the written reply of the respondent, a letter may be sent to the petitioner giving him all the details of the decision, of the Committee explaining the reasons for not taking any action in favour of the complaint.

4. Requisitioning a Written Reply

In case a reply is furnished by the respondent or in its absence there of, and if necessity for initiating an action arises, the Committee may specify a date and venue for hearing of the petition and on completion of the hearing procedures, the Committee will send to the Press Council its decisions. If both the parties concerned submit a written application demanding nullification of action or if the person lodging the complaint or his representative is absent on the occasion of hearing no action will be taken by the Committee on the complaint-filed.

5. Action concerning the complaint

During deliberations on the complaint the members of the committee having links with the petitioner and respondent are forbidden to take part in the hearing or casting their votes while reaching at the decision.

6. Compromise

1. Under the aegis of the Council, it can settle a compromise deal between the two sides by convincing them about the course left open.
2. But this section shall not be applicable to the journalist or publisher found violating the professional Code of Conduct for several times.

7. Settlement of Complaints

The Press Council while entertaining any complaint before it, after due investigation can cause the following actions:

1. To cause the publication of the views of the aggrieved party in the newspaper concerned.
2. To publish the views or comments of the aggrieved party in the newspapers concerned by acquiring apologies from the offender.
3. To cause the publication of articles or any other material given by the aggrieved party in the concerned newspaper.
4. To recommend to the His Majesty's Government of Nepal to withdraw the partial or full payment of the facilities and concessions given by the government for a specified period of time to the journalists or publishers who have repeatedly violated the professional code of conduct.
5. The Council can openly condemn any journalist or the publisher who refuses to obey the decisions of the Council, including the release of the matter in public.