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Press Freedom and Professional Standards: The Role of Press Councils and Journalists’ Unions

(A Nepalese Perspective)

- By G.D. Shrestha
Nepal

Press freedom faces no legal problem today in Nepal, enshrined as it is in the country’s constitution adopted in 1990.

Article 13 of this constitution lays down that (1) “no news item, article or any other reading material shall be censored”, that (2) “no press shall be closed or seized for printing any news item, article or any reading material”, and that (3) “the registration of a newspaper or periodical shall not be cancelled for publishing any news, article and any reading material”.

Similarly, article 16 of the constitution ensures people’s right to information. It lays down that “every citizen shall have the right to demand and receive information on any matter of public importance”.

In practice also, there has so far been no violation of the freedom so ensured constitutionally, although problems of systematising flow of information remain.

There are for example, many laws, rules and regulations handed down from the past which obstruct free flow of information and unhindered or undelayed implementation of the right to information as laid down in article 16 mentioned above. Riddled with the legacy of a past which did not believe in transparency, Nepalese society has still to reckon with its remnants.

In recognition of this problem, some measures have been taken by the Government under pressure of public opinion, particularly that of the press, to correct this situation. For example, it has appointed spokesmen for various ministries who are charged with the responsibility of making relevant informations available on demand. But these arrangements have been found ineffective and deficient for lack of suitably trained personnel and also for lack of appropriate information environment in the overall performance of the country’s administration to back up the system so formulated. Ironically, the spokesmen themselves have little to speak of, not infrequently, for lack of access on their own part to information.
Notwithstanding such flaws which have thus, been noticed in the actual performance of the right to information particularly, press freedom has been functioning unimpeded, and as stated above, there has not been one single violation of this freedom in the form of censor, cancellation of newspaper registration etc. in the last six years.

This regime of press freedom has however, resulted in a virtual spate of publications of all nature and periodicity during this period. The latest figure of total number of publications in the Kingdom is placed as 1961, most of which remain concentrated as usual, in the capital city alone.

Whereas this surfeit of publication in Kathmandu alone is bewildering both the publishers and readers in the city, which together with its adjacent sister cities of Patan and Bhaktapur does not have a population of more than 2 million including the floating one, other parts of the country continue to starve for reading materials.

The reasons for this situation are obvious. To begin with, facilities for publishing newspapers in other parts of the country are either non-existent or underdeveloped. Readership in any one of such localities is either limited because of high incidence of illiteracy or because of a lack of purchasing power. Secondly, the topography of most of the country inhibits speedy transport and communication. This is made so much the more problematic by continuing lack of adequate roads and other necessary infrastructure.

This has affected the reach of even those newspapers which are published from the capital. Nothing reaches almost anywhere on time. Electronic media are comparatively more fortunate in that they don’t have to contend with these problems. But they too have their own problems. For example, for reasons of its own resource limitations, Nepal Television network still remains far from covering the whole country. It has of course been steadily expanding its area of coverage. But that is not enough. Besides, it will be years before one can think of all Nepalese families being financially capable to have their own TV sets. Radio Nepal is, comparatively, better placed. It claims to cover almost ninety percent of the country’s 20 million population. But much remains to be desired in respect of its programmes also, for which reason it is not in a position to compete with foreign broadcasts in winning listeners. Lately, the Government has decided to let private radio stations operate. But whereas these are conceived as local stations, they have yet to come to their own.

Thus, because of historical reasons and continuing resource and physical constraints, the overall media scene presents a picture of underdevelopment.

Naturally, this cannot but have its own inhibiting effects on the growth of
professional standards. Various Institutions like the Nepal Press Institute, Nepal Press Council and organisations like Nepal Journalists Association have been trying to get over this situation through holding periodic training programmes, seminars, workshops etc. Mention also should be made in this connection of bachelor level Journalism course being conducted by Tribhuvan University. But despite all these efforts, much still remains to be done in this area.

One of the factors which have further aggravated this problem is the on-rush of new publications and new aspirants taking up journalism. Many of the new entrants have either no understanding of the profession and its responsibilities and are guided by no more than their enthusiasm or have only limited comprehension.

This has, in its turn, created additional problems from the point of view of professional standards. Apart from this, intrusion of partisan interest too has been playing havoc with the profession's standards. Partisans of almost all major political parties have been running newspapers, and one of the peculiarities of this situation is that all of them style themselves as independent publications. Backed by party resources, some of them have been successful in even stealing a march over others in matters of readership, mostly confined to street sales.

This situation has lent strength to the growth of sensationalism also. Depending primarily on street sales and having no responsibility to any subscribed readership, several of these newspapers have been found functioning like political leaflets. Apart from that, it has given rise to yellow journalism also, pornography not excluded.

The total picture we have, therefore, is that of confusion.

But I don’t think this is either disheartening or beyond repair. To begin with, it may be useful to remember that freedom, whenever its floodgate opens, brings its problems too. There can be no undiluted freedom, although it will stand to reason if one is to contend that nobody has yet been able to define such a freedom. The problem of finding an equilibrium between freedom and responsibility has thus been that perennial question which all of us have been facing all the time under all climes and circumstances even as we go on addressing ourselves to the questions of socio-economic and cultural development. Indeed, it is in course of our engagement with this question that our quest for a civil society has been finding its fulfilment.

Press in Nepal is also passing through such a phase at the moment, more perceptibly than ever before.

As briefly mentioned above, institutions like the Press Council and organisations like the Nepal Journalists Association have been trying to grapple with these
problems as best as they can under their own limitations.

The Press Council, Nepal was established some 25 years ago in the year 1970 by the then government which functioned under a partyless regime known as panchayat system. It was formed primarily to safeguard the interest of the state and was headed by a supreme court justice. At one time, it was also empowered to recommend closure of newspapers should it find them subversive. And subversion mostly meant writing in favour of multiparty democracy. All the members of the council, who included some journalists also, were nominated by the Government as also its chairman.

Later, after a protracted agitation launched by Nepal Journalists Association, some changes were incorporated in the Press Council Act according to which the chairman of the Nepal Journalists Association would be the member-secretary of the Council and the Association would have four representatives in it besides its chairman who would be a supreme court justice.

But this change in the constitution of the council never was put into practice. The chairman of the Association was never called to assume office as Council member-secretary, and its four other members were never allowed to fill their seats.

In the meanwhile, the Government went back on even these limited reforms and the Press Council act was again changed following which the director general of the Department of Information became the member-secretary of the Council instead of the chairman of the Nepal Journalists Association. (The Government had in the meanwhile, also engineered a split in the Nepal Journalists Association so that it might not be in a position to agitate further.)

From the beginning of its formation, one of the terms of reference of the Council was to oversee the implementation of a code of conduct. But as the Press Council itself was perceived as a handmaiden of a repressive Government, this code never succeeded to receive the identification of the press community. The Council too was seldom found as much concerned with it as over maintaining a watch against writings against the regime.

However, after the dismantling of the panchayat system and advent of multiparty democracy in 1990, considerable change in the above scenario took place.

For one thing, the Press Council was charged with the responsibility of assisting the development of the press also apart from its responsibility of keeping a watch on observance of the code of conduct.

Yet another significant provision in the relevant act was made according to which the chairman of the Council could be nominated from among journalists or others
also - apart from supreme court judge - who could, because of their social standing, assume such responsibility. There was considerable change in the overall composition of the Council also which enabled journalists to be represented in greater number in it.

With these changes, the Council has been functioning with a greater emphasis on development of the press. Greater contacts have been maintained with journalists individually and Nepal journalists association organisationally to formulate plans and programmes for the development of the press. Recently, a Media Development Fund with a core capital of ten million rupees has been established under its aegis with the assistance of the DANIDA. This Fund is charged with the responsibility of making available small loans available to newspapers outside Kathmandu valley on subsidised interest rates. Preparatory works to operate the Fund has been completed and works of making available these loans will be started in the next few weeks.

The performance of the Council in respect of the code of conduct is also being carried out in cooperation of the press. The response of the press to the Council's bid to secure its cooperation in this regard has been encouraging.

It is the considered opinion of the Council that all its activities should be carried out in understanding with and cooperation of journalists and their professional organisation. They are therefore, consulted at every stage before taking any decision.

It is also of the opinion that professional standards can be better maintained if an environment of development and growth is nurtured. Accordingly, it has been laying emphasis on helping develop circumstances where the newspapers can grow and eventually institutionalise themselves.

It has identified three areas where it can devote its attention in this connection.

First, it considers it important to correct the imbalance between newspapers being published from the capital and those which are published outside of it. The above mentioned Media Development Fund comes handy in this regard. It field of operation will be primarily in the outlying districts.

Second area where the Council thinks it can lend a helping hand is facilitation of information flow through adoption of means such as E-mail and access to Internet etc. at cheaper rates. Right now, the Council is formulating a plan in this regard, and hopes to see it through in cooperation with willing donors and international agencies.

The third area is to help build market. The Government and the various utilities it runs constitute at least thirty percent of the total ad market available in the country. These ads are at the moment, mostly confined to state-owned media, among
which there are two daily newspapers also.

While the Government itself has shown its willingness to make greater share of this market available to privately owned newspapers, the Press Council has recently formulated certain standards for making such a flow of advertisements to private newspapers possible and systematic.

It recently held a seminar in cooperation with Nepal Journalists Association to discuss this question, and has come to formulate some guidelines which it expects the Government will approve for necessary action.

To sum up therefore, it may be said that efforts are being made to raise the professional standards of the Nepalese press through development so that it may better use its freedom in its own interest and in that of the society.

But as stated above, there is a long way to go - which is made only longer because of the resource constraints under which all these development efforts have to function.

This should be considered a serious problem in itself because delayed growth brings its own complication as in other areas of life. It can, for example, aggravate existing problems. At the same time, it can worsen the problem of social divisions by creating new classes of information-haves and information-havenots. This can render the media further unable to fruitfully address itself to the task of sustaining social stability and growth. To the extent that information is an important input for even socio-economic development, it will have failed to acquit itself satisfactorily to the detriment of the whole society. It will have thus an effect of slowing down the overall growth process of the society and economy itself, which may in its turn, throw up other problems.

Such a comprehension of the need of a developed press system for the overall progress of the country is by and large, a rarity, specially at the level of politicians and their parties. On the other hand, as mentioned above, there continues to be an overwhelming tendency on their part to use the services of the press to further their own partisan interest in exclusion of others, if necessary and possible. In a pluralist polity, this cannot be avoided nor can it be objected to. Everybody has a right to preach his or her case. But there is a growing awareness in the press of its professional responsibility also. It is being realised more and more these days in different circles that the press had better be left free from encroachments from other sectors so that it may better carry out its responsibilities.

Constant discussions at different levels have also been generating an awareness
of the vitally important role information can play in uplifting the country from its present state of underdevelopment, that is, if it is left to function independently and objectively. Along with this, an opinion is building perceptibly that extra-professional influences had better be left out to let information fulfill its expected social role. Emergence of this public opinion should be expected to create a climate whereunder efforts to attain further professionalisation of the sector will be rendered more effective and fruitful than they have been so far.

This climate of public opinion is being assisted to come to its own by other factors also such as gradual acceleration of privatisation process. As the private sector, for example, steadily takes over its role as an important actor in national reconstruction, there is a growing impatience with traditional perception of information which emphasises the state and politics associated with it. Under the impact of this climate, the need of independent journalism which lays emphasis on professional standards is being felt increasingly in all quarters. As a matter of fact, it was in consequence of this very increasing awareness that Nepal Journalists Association adopted professional development as its slogan to guide its convention last year. Since then, it has remained the association's main thrust in whatever it does and says.

Over time, all the exercises and efforts mentioned above should help build a press system which is appropriately tuned to its standards in the context of its social responsibility.