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Promoting Ethical Standards: Perspectives from Press Councils

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Introduction

The new instruments which technology has bestowed on the media and the technological revolution have sparked off a media and communications revolution and this has hailed the 21st century and will remain the hallmark of it. An oft-repeated cliché is that the information technology communication revolution, in which the media has a pivotal role to play, has shrunk the entire world into a global village. The standards to which the media is required to conform to enable it to fulfil its role in global information communication thus assumes vast importance. Millions of words have been spoken and scribed about the tough calls the men of media have to face to keep pace with this revolution. Notwithstanding, the job is nowhere near finished and ethical confusion still prevails and is in fact rampant amidst the media.
**Concept of Ethical Standards and Morality**

The standards to which media must adhere are not legal nor in fact do they have any relation with the law, its statutes, its mandates, regulations and rules. Rather, the standards are ethical and more related to morality than the law. Ethics is based on the Greek word *ethos*, meaning character, or what a good person is or does in order to have a good character. Morality, which is on the flip side of the coin, comes from the Latin *mores* and refers to the way or 'manner in which people behave. Thus, morality has come to mean socially approved customs, or the practice of ethics. Ethics as a branch of philosophy juxtaposed to law involves thinking about morality and moral judgments.

**Rigidity of Ethical Standards : Versus Dynamism of Ethics**

A Wall Street Journal way back in 1984 expressed apprehension, which we would do well to remember, that ethics could easily become rigid and ritualistic --- the code on the wall, more a fossil than a facilitator of good behaviour. Because of their elusivity, it is said, ethical principles cannot and should not be garbed in straitjacket formulae. The dynamism of ethics, abhors the Procrustean approach. Ethical sins may be committed without
at all cutting into the turf of unethical behaviour. The media can lance and deeply wound an administration, tear into shreds the character of a man, start a hate campaign, open the gates of racial war or commit any other ethical mischief, and yet say that no foray has been made into any unethical domain and all obeisance has been offered to the ethical goddess. As has often been pointed out by those who have deeply concerned themselves with the subject of media standards, there are more countries without than countries that do have codes of ethics and this by itself speaks of the ethical dilemma. While the number of countries adopting codes is steadily growing, codes of ethics currently can by no stretch of imagination be said to be globally representative. Apart from this, there are two other facets of this aspect. One is that key words with superficial similarity such as “responsibility” may appear in the codes of two different countries, but have vastly different meanings, contexts and applications. The second is that many a code is deliberately vague or ambiguous and thus a hollow facade. As articulated by Merill and Odell, pushed to its extreme, this argument renders all codes camouflaged, meaningless and impotent:
"As rhetorical devices -- and surely that is what they are -- codes of ethics are so nebulous, fuzzy, ambiguous, contradictory, or heavy-handed that the few journalists who read them are perplexed, confused, bewildered, angered and scared off."

**Propriety and reciprocity as Golden Rules of Ethical Standards**

At this juncture, it may conveniently be noticed that a responsible, conscientious, fair-minded man of the media may be in danger of being termed irresponsible despite his obeisance to the twin goddesses of truth and accuracy while reporting. It may well be asked as to why one who has reported an event fairly, truthfully and accurately can be termed unethical when the story involved no inaccuracy, distortion, or deception. The answer lies in the conflict of standards. The journalist's standards in reporting the incident honestly came from the lore of this craft. He honestly reported what had happened. His concern was to maintain his credibility with the public. What he lost sight of was the impact of his report on the public sensitivity to the issue. It is here that a key element of Confucian ethical thought -- *propriety* -- steps into the picture. According to Confucius, whether an act is considered virtuous depends on whether it is done with propriety. Another oft
cited teaching of Confucius is also thought provoking viz., reciprocity, his version of the Golden Rule. "What you do not want done to yourself, "he taught, "do not do to others". The Daily Press, Newport News, Va. has translated this Golden Rule thus: "Treat others as you would have them treat you". A scrutiny of the codes makes it abundantly clear that with a few exceptions there is no room for either propriety or reciprocity in their clauses, and at the most lip service is rendered.

Conflict of Standards: The Beacon Light of Responsibility

Another aspect is that standards of media conduct, whether codified or not, based on a theory of human and social values, often conflict with standards of sales value. Media codes of ethics and other watchdog mechanisms run afoul of market mechanisms. At one end is consumer demand and at the other moral standards. The sale of information by the media depends on consumer demand and information suppliers compete to excel at satisfying such consumer demands. Often, market requirements and multinationals determine what information needs to be imparted to people, and news becomes a "commodity" and the newspaper a "product". Media then acquires the colour of business. But then,
the basic tenet of all media being to serve humanity it would be both unfair and improper not to distinguish it from business. Even if journalism is considered a profession, it is different from other professions --- it requires no licensing, it serves the public not individual clients, and while other professions tend to control the information that is the base of their power, the journalists’ raison d'être is to spread information to the lay public. Like all other professions, media is wracked by ethical pains. Unlike other professions, however, no outside authority can impose responsibility on the media, so the authority must come from within. The conclusion, quite obviously, seems to be that media are on their own in charting a way through the ethical seas to erect a lighthouse called "responsibility" on the turbulent tides in troubled times. Thus, freedom of expression must be nurtured and cared by the responsibility of the media. Expecting responsibility to come from within the media is not so unrealistic as it may sound.
The Ethical Drama: Need for Internal Mechanisms of Control

The whole problem of promoting ethical standards, laying down and defining its parameters, examining self regulation as juxtaposed to statutory regulation and the role of various actors in the ethical drama was tersely put by Mahatma Gandhi — an eminent journalist in his own right and a man who believed in holding high the freedom torch — in these words:

"The sole aim of journalism should be service. The newspaper Press is a great power, but just as unchained torrent of water submerges the whole countryside and devastates crops, even so uncontrolled pen serves but to destroy. **If the control is from without, it proves more poisonous than want of control.**

**It can be profitable only when exercised from within.**"

The first British Royal Commission on the Press, way back in 1949, also entertained similar views and felt that the best way, consistent with the freedom of the Press, of maintaining a proper relationship between the Press and society, was self-regulation by the Press, itself. This then is the rationale behind the inception of the self-regulatory mechanism — Press Council.
A spate of questions arise: What is the function of Press Councils as regulatory bodies? Is it to shackle the Press and keep the media watchdog chained and bound, lest it run berserk and sharp bite the very people it is guarding? Is it to clothe the Press itself with a mantle of protection by forcing it to toe a line drawn for it? Is it to protect the people the Press is intending to serve by regulating its functioning? To my mind, the Press Council is not intended to shackle and fetter the Press, for this would tantamount to throttling the freedom of the Press and a free Press is in the larger public interest, which Press Councils and other regulatory bodies are intended to serve. It is also axiomatic that the function of Press Councils is to safeguard the best interests of the public and to act as the repository of the interests of the Press itself. It is from this angle that the role of Press Councils must be viewed while examining its performance and adjudging its contribution in the promotion of media ethics as juxtaposed to other actors such as ombudsmen, government policy makers and even the reader public.
Press Councils as Watchdogs of Watchdogs

Viewed thus, Press Councils undeniably act as media watchdogs and have been aptly termed as watchdogs of watchdogs. They enhance public trust in the media and help strengthen credibility, they promote media fairness by giving the people a chance to hold media outlets accountable in public; they give media members an opportunity to explain in public their belief that what they did was accurate, honest, unbiased and in public interest; they encourage the pursuit of ethical objectives, and last but not the least, prevent long and costly litigation. The flip side is that they draw unwarranted, sometimes absolutely baseless, complaints from extreme advocacy groups; they substitute the judgement of people (often not sound) for the judgement of men of acumen and training in the field of journalism; and are an obstacle for journalists who believe that discretion is the better part of valour and would rather not place before the public hard-hitting stories than be unfairly targeted by a Council.

Press Councils as a Media Accountability System

After studying media accountability systems (MAS), Professor Claude-Jean Bertrand of the Institute Francias de Press,
at the University of Paris, while delivering an address: “Making Media Accountable: The Role of Press Councils”, on 25th October 1996 declared a Press Council to be the best Media Accountability System because it is a permanent and independent institution which brings together the businessmen who own the means of information, the journalists who have the skills of informing, and the citizens who have the right to be informed.

He saw the Press Council as a “two headed watchdog”, that can both protect the media from political interference and protect the public from mediocre service. A Press Council can adapt to various contexts and to various levels of society. But it is almost the only Media Accountability Systems to stand at national level. Also, he said, a Press Council provides services that few other institutions can:

- As an ethics coach, it works not in the abstract but in everyday life;
- As a non-official court, it can be simple, fast, flexible, inexpensive;
• As a defender of freedom, provided it protects its independence and earns public respect, it then can wield a power that is great yet harmless.

The Initiative of Setting Up Press Councils

A study of Press Councils the world over shows that from all indications, the essence of Press Council activity and usefulness is that they are specific examples of self-regulation. They are examples of the Fourth Estate, which has agreed to regulate itself in order to promote public interest in reporting accurate, unbiased and independent information. At present there exist in the world over fifty Press Councils, Media Councils or other similar bodies, which have been established in various ways. Frequently, the initiative for setting them up has come the media itself, even if they have not always seemed to be overly enthusiastic about the idea. In some of these cases, their establishment has resulted from prompting or pressure, direct or indirect, from the government or the legislature, as for instance where the media or the press have subverted stringent legislation by deciding upon their establishment. Other Councils have been directly established by the government in countries where there has been popular
clamouring by the people for a body of laws to streamline press or media performance. A self-regulatory body that would handle extra-legal complaints or complaints where it was thought undesirable or unnecessary to go to court was considered expedient and established by the government. Depending upon whether the initiative for their establishment came from the media or from the government, Press Councils and Media Councils have been established either to hear complaints against the Press or to hear and adjudicate complaints both by the Press and against the Press. This is, however, not the rule of the thumb and very often regardless of the fact whether the initiative for the establishment of a particular Press Council has come from the media in response to governmental or popular pressure or a Press Council is the product of a statute promulgated by the legislature, a Council may be entertaining complaints by the Press or against the Press or both complaints by the Press and against the Press. Thus, for instance the Press Council of India though set up by the government by a statute viz., the Press Council Act, 1978, has a mechanism to deal with complaints by the Press as well as complaints against the Press. The British Complaints Commission, and most other
voluntary bodies on the other hand, are confined to hearing
complaints against the Press alone and are not authorised to deal
with complaints by the Press.

**Dabbling in Code Drafting By Press Councils**

Press Councils and Media Councils the world over, regardless
of the mode of their inception and the role attributed to them by
their conceivers, have dabbled in drawing up Codes of media
ethics and what is called "media morality". In sketching the
general contour of the position of the journalist in relation to social
standards, Las Bruun in "Professional Codes of Journalism" places
the origination point for written codes at 1900 in Sweden, but notes
an earlier statute of 1896 within the Austrian Section of the Polish
Journalistic Association. However, since the Swedish Code was
not widely accepted and since statutes are not codes, Bruun calls
the "Charter of Conduct" adopted by the Syndicate National des
Journalists in France (1918) the first "adopted code". The first
call for international "code of ethics and standards of practice",
however, did not come until 1921, when American newspaper man
James Brown delivered a paper to the Second International Press
Conference in Honolulu. While Bruun further traces the advent of
codes in numerous countries, it is of significance that in the past sixty-five years hundreds of code have been written and accepted but no successful global code, representative of all countries, has been adopted.

Codes for journalists, whether the outcome of the work of Press Councils/Media Councils or the handiwork of the Government or of any Journalist Association commonly require reporters to convey only material possessing attributes designed to ensure reliability. Thus, reporters may be required to give the truth, to write accurately and objectively, to avoid distortion, selection or misrepresentation of facts; to avoid bias and partiality; to refrain from conjecture or the passing off of opinion as fact.

**Perspectives From Codes: Focus on three elements**

In a recent study conducted by H. Leppanen of fifty-nine codes, the "theme which is represented more than any other topic is the theme of honest and true dissemination of news", which appears in fifty-three of the fifty-nine codes. In another recent study by Kaarle Nordenstreng, the theme mentioned most is "objectivity, veracity, honesty," which appears in forty-nine out of fifty codes studied by him. Clement Jones who carried out yet
another study does not quantify his findings, but begins his list of “five elements which are commonly to be found” with “the emphasis upon the integrity, truth and objectivity of all forms of news collection and dissemination.” Thus, approximately 90 to 98 percent of all codes focus upon the general theme of “truth, truthfulness, objectivity, honesty, accuracy, etc.” and there can be no escape from the conclusion that all codes mention the quest for truth in one from or the other. The National Association of Hungarian Journalists may call for “verification” and “accuracy in conformity with reality” while the Japanese Nihon Shinbun Kyodai’s Code calls for reporting to convey facts accurately and faithfully. The Code of Ethics adopted by the U.S. Society of Journalists, Sigma Delta Chi, and also adopted by the Journalists’ Association in Columbia “believes the duty of the journalist is to serve the truth…… Truth is our ultimate goal.”

This takes me to a closely linked second ethical standard commonly spotted in all Codes viz., responsibility. Since for many codes “responsible” is equated with or closely related to “professional”, and since many codes seek to define professional behaviour, tautologically to disobey a professional code is to
behave irresponsibly. Responsibility to one’s country, which, in turn, is closely related to social responsibility is also listed by Jones as number four in his “five elements commonly to be found in most Codes while “Professionalism” is listed as the third candidate.” On the theme of social responsibility Bruun has categorised Codes as follows:

1. Professional secrecy – forty-two Codes.
2. Following the objectives of mass communication – forty-two Codes.
3. Reporting right to privacy – thirty-nine Codes.
5. Avoiding plagiarism and slander – thirty-three Codes.

Roughly 85% to 100% of the codes examined in all three surveys, viz. these carried out by Leppanen, Nordenstreng and Jones call for or assume social responsibility to be an ethical yardstick.

The third ethical standard emphasised in all codes of ethical conduct is “freedom of expression.” For example, the Hungarian
Code viz., the National Association of Hungarian Journalists’ Code mentions: “In the spirit of the freedom of the Press as laid down in the Constitution of the Hungarian People’s Republic”; The Norwegian Code, “Journalist, Be careful,” says: “A free press has an important function in our society by disseminating information, debate and social criticism. It is significant that according to the studies of Leppanen and Bruun, there are thirty three citings of “freedom of information” in fifty-nine codes (58 per cent), while Nordenstreng’s listings under “Free Flow of Information” include thirty four Codes (68 per cent). Jones has listed this as the second of the “elements commonly to be found” in all Codes and defines the flow as “from governments to those whom they govern, and from those who are governed to governments”.

**Overlapping Content Areas in Codes**

Beyond these three areas, the last of which may be termed borderline, there are many overlapping content areas in codes of different countries. Most codes for journalists include a clause requiring them to honour any undertakings they have made to keep the identities of their sources confidential. Although many of the information providers to reporters are not unhappy to be identified
publicly, there are others who are willing to talk only on condition that their identity is kept secret. In the former category are largely persons acting as official spokespersons and chance witnesses to some incident or disaster. In the latter category are included those who wish to expose some kind of corruption occurring in the organisation in which they work or to unveil some fraudulent activity or crime in the vicinity in which they reside, may be of the police, of the politician, of the land mafia, the money launderer, the drug dealer, the gun-runner or the homicidal killer. If their identity is not kept secret, the latter category of sources could lose their employment, and in extreme cases their lives could be put to hazard and even lost to the world. Most codes, with few exception, cover the latter category in some form or the other. However, a third category, which is more contentious, is of sources which demand confidentiality, not regarding their identity but regarding the information provided by them. This is less clearly covered by the main British and US Codes which only talk of “protecting confidential sources”, but in the Australian Journalists’ Association Code, the requirement of journalistic ethics is to “respect all confidences in the cause of their calling”.

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A number of Codes have clauses which rule against journalists using misrepresentation or subterfuge when seeking to obtain information. Such clauses refer obviously to cases in which active steps are taken to deceive, but it is not clear whether they cover cases of deception by default. For instance, where an interviewee is deceived because he or she mistakenly presumes that the person asking him or her questions is someone other than a journalist. Such passive deceit is banned by a clause in the revised Code of the Australian Journalists’ Association, which requires that reporters “shall identify themselves and their employees before obtaining any interview for publication or broadcast.” Some other recently drafted codes too have clauses that explicitly require journalists to identify themselves before obtaining permission to enter non-public areas. These, it is well known, have been incorporated because of the public outrage at the gross intrusions into privacy involved in cases such as that of Gordon Kaye in 1990. Kaye, a television actor who had suffered serious head injuries in an accident, was photographed by an employee of the “Sunday Sport” in a private room in a hospital despite a notice on his door asking all visitors to contact a member of the hospital
staff before entering. Largely as a result of this case, the Press Complaints Commission Code has a clause requiring "journalists or photographers making enquiries at hospitals or similar institutions" to "identify themselves to a responsible official and obtain permission before entering non-public areas" and the Australian Journalists' Association in its revised Code has, as stated above, incorporated a similar provision. In many a Code, however, there is no provision for deception by default and the journalist concerned may, by passive deception, fulfil his mission by grossly intruding into the privacy of a public person, and yet violate no ethical code whatsoever. Recently, in India a raging controversy has arisen in the context of recording of private conversation on videotapes by Cricketer Manoj Prabhakar and his journalist friend with regard to cricket match-fixing. The interviews having been recorded without the permission of the interviewees, it is being justifiably argued that recording private conversations in such a clandestine manner is not only gross violation of right to privacy but also outside the boundaries of what might constitute permissible behaviour for the media. Yet the counter argument of paramount national/public interest is not too
easy to brush aside casually nor can it be said to be devoid of all merit.

In a recent study conducted by the American Society of Newspapers Editors, two leading thinkers were asked to analyse 33 current codes assembled by the Ethics and Values Committee. Their goal, quite obviously, was to highlight the most common — and useful — ingredients of these documents to help editors evaluate their own codes, if they had one, or help editors create one, if they chose. Most of the codes were litanies of do’s and don’ts, “salted with an occasional element on the decision making process.” The most popular subject in these codes was conflict of interest to include a wide range of issues from gifts and junkets to political involvement and community activity.

Conflicts of interest: Perspectives from Press Councils

Conflicts of Standard is one issue, which has been delineated above. Conflicts of Interests is quite another matter but has no less a bearing on the subject of ethical standards. Journalists and mediamen who have conflicts of interest soon lose credibility and pose a threat to their own survival. This is a multi-
dimensional threat and though no exhaustive definition can be laid down, the following are potential areas of conflict:

1. Journalists are targets for favors, if not outright bribes. Favors and gifts can threaten a reporter’s portrayal of reality, maybe imperceptibly and objectivity is the casualty. The favors and gifts -- freebies – may be in different garb – bribes, free air trips, small pieces of land allotted at subsided rates, a few bottles of wine, gifts of briefcases, wrist watches, tape recorders, etc. Can the newspaper fulfill its newsgathering and reporting responsibilities to the public if the paper is accepting a free trip from the people being covered or some other freebie?

2. An insidious form of conflict of interest arises when reporters become so close to sources that they start to think and feel as the sources do -- symbiotic journalism. They thus lose their independent stance and become vulnerable to manipulation. They become, in effect, communication arms of their sources.

3. Another area of conflict of interest is through personal involvement in stories. A reporter was charged in the year 1984 with conspiring to help transport illegal aliens from EL.
Salvador into the United States while doing a story on Central American refugees. More recently in India the editor of Nakheeran, an Southern Indian newspaper, who had gained the confidence and proximity of the infamous sandalwoods smuggler Veerappan in the course of his reporting, is being used as an emissary of the state for negotiating the release of the popular actor and film personality Raj Kumar being held hostage by Veerappan.

4. Involvement in particular activities, affiliation with causes or organisations, financial investments, outside employment, friendships and sometimes even the pursuit of legitimate goals such as a quest for economic gains of a newspaper through advertisements or otherwise may constitute other areas of conflict.

It would be apposite to quote at the juncture excerpts from some of the Codes with regard to ethical standards in conflict of interest situations.

(I) “Special favors and special treatment for members of the press should be avoided.”

-APME Code of Ethics
(II) "Outside employment by news sources is an obvious
collision of interest, and employment by potential news
sources also should be avoided."

--APME Code of Ethics

(III) "Financial investments by staff members or other outside
business interests that could conflict with the newspapers' ability
to report the news or that would create the impression of such
conflict should be avoided."

--APME Code of Ethics

(IV) "Gifts, favors, free travel, special treatment or privileges can
compromise the integrity of journalists and their employees.
Nothing of value should be accepted."

--SDX Code of Ethics

V. "They shall not allow advertising or commercial
considerations to influence them in their professional
duties."

--AJA Code of Conduct

VI. "A journalist shall not accept bribes nor shall he/she
allow other inducements to influence the performance of
his/her professional duties."

--Great Britain: National Union of Journalism
VII. "A journalist shall not receive any article or gift or benefit from an undertaking or institution with which he is professionally connected, except samples of products for the purpose of writing about them......"

--Israel Press Council: Code of Ethics

The above codes and a birds eye view of other ethical codes, whether framed by Press Councils or governmental authorities or journalistic associations, thus, reveals that most codes strongly prohibit the journalist from treading on the area of conflict of interests. There are, no doubt, a few exceptions to the general rule, but the number is so less that it does not warrant consideration. In India, the Press Council of India has issued on April 2, 1996 guidelines in this regard, particularly for financial journalists, observing that some companies in the corporate sector are given excessive news coverage in newspapers and magazines because of their having issued advertisements to such newspapers or periodicals while adverse reports were published about companies which do not issue advertisements.

From the above it may be inferred that avoidance of inducements and enticements offered to the Press --- gifts, junkets
and freebies as they are termed in journalistic parlance — coupled with accuracy, honesty and fairness in reporting are the ideal benchmark of quality in journalism. Prof. Larry Sebato in his *Review of Standards on American Journalism* emphasised another aspect as the high water mark of quality — the avoidance of intrusion by the Press into personal privacy, holding that though the era of *lapdog journalism* (1941-1966) in the history of American journalism had given way to the era of *watchdog journalism* (1966-1984), the current American journalism could only be disparaged as *junkyard dog journalism* (1984 and onwards). This type of journalism is harsh, aggressive and intrusive and where “........feeding frenzies flourish and gossip reaches print.” He charges that today in the U.S. every aspect of private life has potentially become fair game for scrutiny.

Since this august gathering has concerned itself with the protection of individual privacy and much light has been thrown on the privacy rule, in order to encapsulate the correct relationship between the watchdog press and the public's business, I wish to dwell on the subject and linger a bit on this nebulous concept, defined by the American scholar Thomas Cooley as simply ‘a right
to be let alone'. The development of this concept in the twenty-first century has become the prime concern of all Press Councils, Media Councils, Ombudsmen and other regulatory bodies and has taken rapid strides in seven league boots, largely on account of the recent communication explosion and the revolutionary advances made in the sphere of information technology, which coupled with an intrusive press in full flower has made unauthorised wire tapping, room bugging, use of snooper aids such as telephoto lens, hidden microphones, etc., illegal searches, breaking into private records of an individual and use of sophisticated devices to do so, a mockery of "the idea of private space" in which man may become and remain 'himmself'.

Newspapers and other media often draw the ire and unconcealed wrath, sometimes of the man on the street and sometimes of the public figure, for intrusion into individual privacy and sensationalizing of news from the realm of the ordinary to the realm of the bizarre, the obscene, the titillating, the scurrilous, the offensive, the gory. Very often, this is done with impunity and at the expense of grief stricken persons in mourning, still reeling under the impact of unexpected tragedy and shock,
with snapping of photos as they succumb to their anguish and bewail their intense loss. Often, it is done to sensationalise a tragic road accident, a drowning incident, a jet explosion or a hijacking drama. Not infrequently, vulnerable entities such as children, handicapped persons, patients with terminal illnesses like AIDS, disfigured human beings, the traumatized and the aged are harassed and emotional distress inflicted upon them for obtaining a juicy “piece” or a “touching” photograph designed to pull at the heartstrings. Unforeseen harm is resultantly visited upon them, their well-being jeopardised and their very lives threatened. Victims of sexual assault, including victims of gang rape, are not spared either. Already divested of their honour, they are stripped naked to their souls while their names and the names of their assailters and rapists are intermingled and shouted atop rooftops. At the other end of the arena are the relatives of accused trying to hide in the shadows of anonymity with the obtrusive camera lens searching them out with flashes of light. In an unenviable position is also the criminal who once convicted of an offence is not left alone, but is pursued, hounded, identified and focused upon, rendering impossible his rehabilitation years after his incarceration.
has been put to an end in accordance with a court verdict. The well meaning public figure trying his level best to do his bit in society, the man of medicine, the court lawyer and the sportsman alike may be the victims of reckless falsehood, sensational headlines, rumour mongering, voyeuristic photographs and titillation of their sex lives.

Newspapers can and do offer justifications for removing the wraps off things and unveiling faces which would best be left covered. "Public interest", "consent" (implied or explicit), "constitutional privilege" and "newsworthiness" are some of the defences offered. To fortify and buttress one or more of these defences want of actual malice is pleaded. Many of the major codes of ethics mention privacy, but do not offer any clear guidance of ethical standards to which the media is expected to conform in disaster or distress situations or in handling vulnerable entities, victims of misfortune, criminals, under trials etc. It cannot be lost sight of that some forays into an individual's private life may be legal, yet unethical, and conversely unethical, nevertheless legal. This further clouds the issue and encompasses it in the grey zone. What then is the litmus test of ethical standards in the area
of an individual’s privacy, if at all there can be one and the media is not to be left to its own devices? Should they be allowed to act as grand inquisitors of us all, to indict before the trial has begun, to malign, besmear, embarrass, ridicule, defame, vilify, eavesdrop, even if they do not lie outright? Leading journalists of the day have called for the curbing of press zealousness, and the re-examining of the tenet that anything one can get past the copy desk”, and here I am quoting the leading journalist Nat Hentoff “should be printed and in fact ought to be printed if democracy is not to perish.”

At the end, we are still left suspended in mid-air with the question: How is the citizen’s right to information to be balanced and counter-balanced with the right to privacy of an individual. Hugh Cudlipp of the Mirror Group pertinently queried:

Do newspapers pry into people’s private lives? And he retorted: So did Mathew, Luke and John: Seldom in the history of journalism has the intimacy of the Bible been approached and certainly never exceeded.

Parliament, he adds, sometimes pries into people’s private lives and the courts constantly.
He adds and I proceed to quote:

“The Press Council pries into the private lives of newspapers, and few of the famous citizens who complain about unwarranted intrusion by the Press have not on different occasion chased the Press so far and so fast in search of publicity that they have overtaken the fleeing reporters……”

Survey results reveal that so far as the Press is concerned, the right to privacy is embodied in practically every journalistic Code of Ethics all over the world. For instance, the Code of Ethics, adopted by the Society of Professional Journalists viz., Sigma Delta Chi under the sub-heading of ‘Fair Play’ says: “The news media must guard against invading a person’s right to privacy.”

The Munich Declaration of November 1971, also called the Declaration of the Duties and Rights of Journalists, mentions the obligation to respect the private life of people as a duty which mentioning a free access to all sources of information and the ‘right to freely investigate any fact which conditions the public life’ as a right.

shall respect people’s private lives and intimate affairs. If, however, the private conduct of a person concerns public interests, it can be thrashed out in the media. In such a case, precautions should be taken that through such publications no harm is done to the personality right of unconcerned third persons.”

The Swedish Code of conduct for Press, Radio and Television, 1982, has this clause: “Refrain from publicity that can constitute an infringement of privacy unless an undeniable public interest demands publication”.

The British Press Complaints Commission Code declares: “Intrusions and enquiries into an individuals private life without his or her consent are not generally accepted and publication can only be justified in the public interest.”

In Sri Lanka, the Code of Ethics for Journalists published in 1981 under Section 30 of the Sri Lanka Press Council Law of 1973, states: “Every journalist shall respect the reputation of an individual and refrain from reporting or causing to be printed or published any information or comment regarding an individual’s private life unless the publication of the said matter is in the public interest as distinguished from public curiosity.” Interestingly, no
other code draws such clear distinction between “public interest” and “public curiosity” and it is this distinction, which, to my mind, is the crunch of the controversy on the ambit of privacy. Interestingly also, in the case of the Code enunciated by the Indian Press Council as well a distinction is drawn is between “in public interest” and “of public interest”. There can thus be drawn a close parallel between the Sri Lankan Code and the Indian Code in this regard. Both codes recognize that right to information vested in the public by constitutional guarantee is one thing; morbid or voyeuristic curiosity quite another. Somewhere between the two terrains is the right of the journalist to serve his “scoop” with explicit details, and to spice the same with a handful of gross exaggeration and a dash of wild imagination. Quite obviously, the inference is that the treatment of the subject of privacy is quite casual to say the least.

Reporting ethnic tensions is another grey zone on which much has been deliberated by Press Councils and other regulatory bodies, and even more declared. But press reporting on the frenzy of communal rioting, ethnic warfare and undisguised caste hatred unleashed once the world over has continued unabated, and
remains unbridled and uncontrolled. Not all the Press Councils nor indeed all the Ethical Codes put together have succeeded in curbing the reporting on the display of baser human passion, and not even all the litany of "thou shall not's" have proved to be of any avail. The query which immediately sprouts up in the mind is: How is the issue of reporting on ethnic tensions to be dealt?

The answer to the above was given way back in April 1970 in a nine-nations journalism conference conducted by the Press Foundation of Asia in Davao City on 'Reporting Ethnic Tensions'.

I proceed to quote the principles evolved at the said conference many of which, to my mind, are absent or dealt with half heartedly in most Ethical Codes of Conduct:

1. Factual accuracy in a single story is no substitute for the total truth. A single story which is factually accurate can nonetheless be misleading.

2. Prejudice may sell newspapers but newspapers should resist the temptation to exploit human fears for commercial against.

3. In mixed societies, editors should be aware of the danger of feeding by selective reporting, common prejudicial
stereotypes about groups. Generalisations based on the behaviour of an individual or a small number of individuals are invariably unjust.

4. When there is potential for communal tension, there should be a constant effort to investigate and expose the underlying causes.

5. Statistics can be used to excite passion. It should always be checked and interpreted.

6. All stories of communal, racial or religious nature should be scrupulously ascribed to their source. The authority of the source should be properly evaluated.

7. Advertisement of an unfair discriminating nature should not be accepted.

8. Editors have a responsibility for the tone and truth of the letters’ column.

9. Harm can be done by distortion in translation, especially in areas where several languages are spoken. Words and phrases may have different connotations among different groups.
10. It should be recognised that editorial comment, however benign, does not necessarily compensate for the harm done by a misleading news report.

11. Journalists should always use cool and moderate language, especially in headlines and also in display. No concession should be made to rhetoric. Lurid and gory details and emotive reference to past history should be avoided.

12. In mixed societies where extra-territorial loyalties are often alleged and are a cause of tension, great care should be taken about stories imputing interference by a foreign power unless it is clearly established.

13. The traditional newspaper standards of checking for accuracy should be applied with even greater rigour in any stories involving racial, religious or communal groups. Statements should not be accepted at face value from any source, including official ones, and where necessary, these should be accompanied in the news columns by corroboration and interpretation.

14. Unverified rumour is not the proper content of news columns especially when there is great danger in speculation about violence.
15. When there is violence, particular care should be taken about publication of the first incidents.

16. Every effort should be made to portray ethnic groups in other than conflict situations.

17. When violence has broken out, the role of 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. In these circumstances, a close working relationship between the Press and the Government is essential and there should be no division of interest.

18. Casually figures can cause chain reactions, and experience has shown that official figures may be under or over estimated.

19. Pictures can distort reality. An unrepresentative picture may lie even more than a news story and add to prejudices.

**SPOTLIGHT ON CORRUPTION**

Any discussion on the promotion of ethical standards in the present day context would be incomplete without a reference to the subject of how the Press can help combat corruption. Almost all
codes are lacking in this aspect and Press Councils and other regulatory bodies are yet to answer the call of the day in respect of a malady, which is fast eating into the vitals of international society. In defining the beast and rendering it impotent, the Press have a powerful and conclusive role to play. The Commonwealth Press Union, recognizing the current need, recently held a four day seminar ""Combating Corruption : The Ethics of Responsible Journalism” which provided an insight into the problems journalists face in a world where corruption has become a by-word. The recommendations made, inter alia, included a strong internal code of ethical practice and a separate ombudsman dealing with complaints against journalism. I proceed to reproduce the recommendations.

1. Much journalistic effort should involve the upgrading of skills of journalists including:

   Training in certain key categories, including: financial, environmental and defence issues and legal matters.

   Training should not be restricted to junior journalists but should also offer refresher courses for older journalists.
2. Journalists should be well paid, particularly at entry level. Journalists should not be required to work for no salary; this can encourage corruption.

3. Editorial policy must have a thrust towards dealing with corruption issues.

4. There must be solid fact checking so that publications can built up their credibility whilst writing on corruption issues and also avoid legal action.

5. It must be understood that corruption is an issue and not an event, which means it must be written about on the news pages and editorial pages and there must be adequate follow-up.

6. Journalists should concentrate on the institutions rather than solely on personalities.

7. There should be a strong internal code of ethical practice which must be accessible and widely known to all journalists.

8. Not only the elite English press but also the vernacular press must be involved in the larger effort against corruption; in some countries the language press stays away from these issues.

9. Journalists need a lot of support from society at large in their efforts in exposing corruption.

10. The profession especially needs to look at building its own credibility to ensure that campaigns against corruption are not seen as a personal agenda.
11. Editors and news editors and those responsible for day-to-day management should be accountable to the public vis-avis their wealth and business and political affiliations and all associations where there may be conflict of interest.

12. Editors should be barred from holding public or private office at least for year after leaving journalism, those who have left journalism to hold government or political position should be barred from editing a newspaper.

13. All newspapers should have a separate ombudsman dealing with complaints against journalists.

14. Journalists should network with each other, even across border, on issues of corruption.

15. Governments should be pressed to allow free access to information even across borders.

16. Government advertising should be decentralised.

17. All contracts between international funding agencies, including NGOs, and Government should be transparent.

18. International funding agencies should take corruption exposes very seriously and bring pressures to bear on government against such investigations.

Apart from discussion of corruption, as noticed hereinbefore missing from many codes are standards of discussion of privacy, plagiarism, deception, misrepresentation, identification of juvenile
suspects, racial stereotyping, the issue of corrections and the subject of editorial and advertising department tension. The process of deliberating, drafting, redrafting, debating, data collecting and finally implementing ethical standards incorporated in codes, in the never ending whirlpool of ethical dilemmas, is what really lends credibility to the decision making process in journalistic activity. Some codes are positive in tenor, others are negative in tone. Varying greatly in length and content, these codes are nevertheless journalism's foundational principles, and hence of timeless value. What is required is the enforcement of standards laid down therein. It must, however, be borne in mind that codes are not and can never be the panacea for all ethical deficits nor a complete solution to the credibility crisis facing the media of today. It cannot also be lost sight of that blind reliance on codes would contribute dogmatic behaviour parallel only to blind adherence to unquestioned tradition and ritualistic religion. The danger in trying to develop a rigid fossil for a code has already been highlighted, but no less in degree is the hazard of freezing the code and neglecting to evolve it to coincide with the need of the day.
Conclusion

I may conclude by saying that a glance at the codes of Ethical standards of various countries collated on different issues reveals that there are lacunae in each and every code and no matter how professionally oriented they may be, they will always leave much to be desired. The social, economic and cultural history of each nation will in the ultimate analysis remain a determinative factor in moulding ethical standards. Perspectives will of necessity change with the passage of the time and the tide of public opinion. Press Councils, Ombudsmen, academicians and other regulatory and mass accountability systems may draw the rough sketch of ethical conformities, but the ultimate picture has to be with the colours painted by the journalistic profession with the brushes of propriety, responsibility, reciprocity, compassion and love for humanity.

Text of the Paper presented by Mrs. Reva Khetrapal, Secretary, Press Council of India at the Conference organised by Asian Media Information and Communications Centre Ltd., Singapore on ‘Media Ethics in Asia’ between September 11-13, 2000 at Kualalumpur, Malaysia.