

CHAPTER II

COMMUNAL WRITINGS : PRINCIPLES

The following principles are deducible from the Press Council's rulings :

1. Though a journalist has a right to criticise and comment on government's policies and administration and also to propagate his view with regard to political and constitutional status of a particular region or state, yet he cannot play up an incident of crime (rape) by a member of a particular section of people so as to create political instability or communal disharmony in that region or state.¹
2. While it is the legitimate function of the Press to draw attention to the genuine grievances of any community with a view to seeking redress in a peaceful and legal manner, there should be no invention or exaggeration of grievances, particularly those which tend to promote communal discord, nor should scurrilous and inflammatory attacks be made on communities or individuals. It will be highly conducive to the creation of a healthy and peaceful atmosphere if sensational, provocative and alarming headlines are avoided, and acts of violence or vandalism are reported in such a manner as may not undermine the people's confidence in the law and order machinery of the state and may at the same time have the effect of discouraging and condemning such activities.²
3. In the case of cartoons relating to communal matters a more liberal view is generally taken, particularly when it is meant to present and depict certain incidents in a lighter vein.³
4. In complaints regarding journalistic impropriety which include communal writings it is essential, to assess the accuracy of facts. This is because if the facts are incorrect the tests for determining impropriety will be very different from those cases where the facts are correct.⁴

1. Case of *Saptahik Nilachal*, 1981 Ann. Rep. 154-157. The editor was censured for vehement and highly inflammatory writings and he was directed to publish particulars relating to the Inquiry as per annexure to the decision under section 14(2) of the Press Council Act, 1978.

2. Case of *Dainik Jagran*, *Asli Bharat*, *Current*, *Free Press Journal*, *Shree Warsha*, *Malayala Manorama*, and *Northern India Patrika* (cartoon in this case), 1980 Ann. Rep, 131-146, case of *Roshani*, 1972 Ann. Rep. 116-119.

3. Case of *Northern India Patrika*, 1980 Ann. Rep. 142-146.

4. Case of *Jamia Times* 1974, Ann. Rep. 101-104.

5. Freedom of speech implies freedom to differ and freedom to express opinions which may be anti-establishment, but it does not mean that crude language be employed, coupled with personal attacks which have little or no relevance to the subject, to bring out the point.⁵
6. The expression of honest differences of opinion about solutions put forward by the journalists for communal harmony cannot offend journalistic ethics.⁶
7. Though a journalist has a right to comment on the government's policies, and irony and satire would be legitimate weapons in his armoury, the satire must not degenerate into lampooning and vulgarity.⁷
8. Reasonable comment by the journalists on a public individual's attitude towards public questions is not beyond permissible criticism.⁸
9. The publication of an article commenting on the economic policy of the government towards the Muslim community is not contrary to journalistic ethics.⁹
10. No journalistic impropriety is involved in the demand for action against a particular communal organisation.¹⁰
11. Anti-modern views propagated to the Muslim population cannot be disapproved as one offending journalistic taste or propriety.¹¹
12. Defaming a community is a serious matter and ascribing to it vile, anti-national activity is reprehensible and amounts to journalistic impropriety.¹²
13. Unless the matter published is proved on its face to be improper, it cannot be said to be violating journalistic propriety merely on the basis of the political or other leanings of the editor.¹³
14. The editor is legally responsible for the publications in his newspaper and his absence from duty owing to illness or otherwise is no basis for rejecting the complaint in respect of publications offending journalistic ethics.¹⁴
15. The editor is entitled to comment upon the condition of the

5. Case of *Rupangana*, 1974 Ann. Rep. 65-69; case of *Vivek*, 1970 Ann. Rep. 28-29.

6. Case of *Vivek*, *ibid.*

7. Case of *Sobat*, 1970 Ann. Rep. 31-32.

8. Case of *Masurashram Patrika*, 1970 Ann. Rep. 35-36.

9. Case of *Inquilab*, 1970 Ann. Rep. 36-38.

10. Case of *Mathru Bhoomi*, 1970 Ann. Rep. 40-41.

11. Case of *Daily Salar*, 1969 Ann. Rep. 17-18.

12. Case of *Mother India*, 1969 Ann. Rep. 22-23; case of *Vivek*, 1969 Ann. Rep. 40-41. (There can be no justification for a gross slander of one community).

13. Case of *Mother India*, 1969 Ann. Rep. 23-24.

14. Case of *Payam-E-Mashri*, 1969 Ann. Rep. 39-40; case of *Saqawat*, 1969 Ann. Rep. 49-50; case of *Daily Azad*, 1968 Ann. Rep. 28-29.

- community to which he belongs and also about the political attitude of other communities, which in the opinion of the editor, are working against that community.¹⁵
16. The discontinuance of the news media (daily newspaper, weekly, fortnightly, monthly) is no defence to the editor from liability arising out of publications which tend to disrupt communal harmony.¹⁶
 17. The Press Council is precluded from entering into the merits of the question as to whether the writing contravened journalistic ethics or propriety when the same has been considered by a competent authority which has pronounced it illegal as offending the provisions of the penal law. The publications, which are illegal, will also be contrary to journalistic ethics.¹⁷
 18. There is no impropriety in publishing historical facts in order to warn the present generation against repetition of past mistakes, even though these historical facts may not be palatable to a particular community.¹⁸
 19. Any news on communal events based on rumours will be violative of journalists ethics.¹⁹ Similarly, distorted reporting, making important omissions will not be correct.²⁰
 20. There is no objection to the use of temperate language and free from exaggeration and incorrect statements about the religious communities.²¹
 21. The Council may take a lenient view of the matter if it happens to be a case of first complaint against the newspaper.²²

15. Case of *Nama Nigar*, 1969 Ann. Rep. 46-47.
 16. Case of *Saqawat*, 1969 Ann. Rep. 49-50.
 17. Case of *Vikrama*, 1969 Ann. Rep. 53-56.
 18. Case of *Mother India*, 1969 Ann. Rep. 42-45.
 19. Case of *Vikrama*, 1969 Ann. Rep. 25-27.
 20. See *ibid*.
 21. Case of *Daily Aljamiat*, 1969 Ann. Rep. 28-32.
 22. For instance, case of *Interview*, 1968 Ann. Rep. 21-22; case of *Daily Salar*, 1968 Ann. Rep. 22-23.