

## CHAPTER IV

# ACCREDITATION AND FREEDOM : PRINCIPLES

The following principles emerge out of the cases decided by the Press Council with regard to accreditation and freedom of the press.

1. Denial of accreditation to editors in terms of the erstwhile rule 5<sup>1</sup> raises the crucial question whether such denial would stand in the way of proper discharge of their duties. Editors of newspapers having a fair amount of circulation do not need accreditation. However, editors who are also proprietors of newspapers, with limited resources, may need accreditation.<sup>2</sup>
2. Allowing accreditation to editors does not mean extending the facility to a large number of them, since the Central Press Accreditation Committee would still have the discretion in terms of the amended rule 5 to limit it to only the most deserving and exceptional cases.<sup>3</sup>
3. In favour of accreditation in terms of the erstwhile rule 6<sup>4</sup> covering journalists of long and distinguished service, it can be argued that a veteran's contribution even though he has ceased to be an active journalist can be of "immense value to journalistic activity". Further, regular accreditation possibly carries a certain prestige.<sup>5</sup>
4. The number of journalists covered in the above category being not particularly large, a reasonable figure can be kept even in the future as the discretion rests with the C.P.A.C. However, they should not claim housing facility on the basis of accreditation, but must give way to younger and more needy persons.<sup>6</sup>
5. Denial of accreditation facilities to editors and journalists<sup>7</sup> in terms of the amended rules 5 and 6<sup>8</sup> would affect freedom of the press. This is so, because such denial or distinction between them and other members of the press would interfere with their contribution to free expression of views and comments on matters of public interest.<sup>9</sup>

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1. Framed in February 1978 by the Central Press Accreditation Committee (C.P.A.C.) and amended in September 1979.
  2. *Case of Indian Federation of Working Journalists*, 1980 Ann. Rep. 63.
  3. *Ibid.*
  4. *Supra* note 1.
  5. *Supra* note 2.
  6. *Ibid.*
  7. This covers editors and journalists who have retired from active work but belong to the categories covered in the erstwhile rules 5 and 6 introduced in February 1978.
  8. As framed by the C.P.A.C. in Sept. 1979.
  9. *Supra* note 2.

6. Disaccreditation and withdrawal of housing facilities from a newspaper correspondent because of articles/news-items written by him would amount to an attempt to pressurise the correspondent and, therefore, the press.<sup>10</sup>
7. A journalist, other than a representative of a daily paper, cannot complain that "he had been designedly refused accreditation" since under the rules it is given only to such representatives. Even if he was accredited in the past, the fact that he no longer represents a daily means that he loses his eligibility for accreditation.<sup>11</sup>
8. The state governments should reconstitute the State Accreditation Committee, wherever it has not been constituted, in conformity with the recommendations of the Second Press Commission. The Central Accreditation Rules are to be followed.<sup>12</sup>
9. The Press and Registration of Books Act, 1867 does not empower the District Magistrate to obtain "Assurance Letters" from prospective editors before granting or refusing a declaration. Merely their withdrawal does not set right the illegalities committed earlier. The point for determination should be whether the assurance letters were submitted voluntarily or under pressure.<sup>13</sup>
10. Delay in getting newspapers registered under the Press and Registration of Books Act, 1867, can be eliminated by, (i) ensuring the supply and easy availability of declaration forms; (ii) prescribing a time limit of a week or ten days for seeking instructions from the Registrar of Newspapers for authentication of a declaration; and (iii) expeditiously disposing of such applications.<sup>14</sup>
11. Declaration of newspapers under the Press and Registration of Books Act, 1867, cannot be cancelled on the ground that the newspapers concerned were indulging in yellow journalism. Any complaint in this regard should be filed with the Council.<sup>15</sup>
12. Where a newspaper is found to be sub-standard by the Accreditation Committee, accreditation cannot be extended to its correspondents.<sup>16</sup>
13. As regards the striking off of a journalist's name from the approved list, any settlement arrived at, after the complaint has been filed, should be intimated to the Council.<sup>17</sup>
14. Closeness of date of appearance of a critical article and the date of disaccreditation would be a material factor in determining whether the disaccreditation was on account of that article.<sup>18</sup>

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10. Case of *Chandigarh Union of Journalists*, 1974 Ann. Rep. 68.

11. Case of *Pilot*, 1974 Ann. Rep. 88.

12. Case of *Nav Bharat Times*, April 1983 P.C.I. Rev. 25.

13. Case of *U.P. Small and Medium Newspapers Editors' Council*, Jan. 1983 P.C.I. Rev. 58.

14. Case of *Searchlight*, 1971 Ann. Rep. 75.

15. *Suo motu* action by Press Council, July 1982 P.C.I. Rev. 43.

16. Case of *Swatantra Doot Saptahik, etc.*, 1980 Ann. Rep. 29. See *infra*, ch. V, case no. 22.

17. Case of *Sarita, Mukta, etc.*, 1981 Ann. Rep. 60.

18. *Supra* note 10.

