

INDIAN FEDERATION OF WORKING JOURNALISTS

(Founded on 28 October 1950 at Jantar Mantar in New Delhi and registered as Trade Union no: 1992)

Headquarter address: B-35, Nizamuddin West, Top Floor, New Delhi-110013

President's address: 7 Gulistan Colony, Bandariabagh, Lucknow-226001, U.P.

IFWJ Phones. : +91 9415000909/ 9210914029/ 9415010300

E-mail : ifwj.media@gmail.com

Website : www.ifwj.in

President	Secretary HQ	Vice President	Treasurer
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As presented in the Jaisalmer session

To

All Presidents and General Secretaries of State unions, Members
of the IFWJ working committee, National Council and special invitees.

Draft Bill on Protection for Journalists Base paper for debate at Jaisalmer session

Dear Friends

As promised at the Chennai conference (12 June 2016) here is the Draft Bill on the Protection of Journalists included in the agenda of the 71st session of the National Council at Jaisalmer (23-26 September 2016). As President **K. Vikram Rao** suggests, the Bill, finalized after the debate, will be handed over personally to the Speaker of the Lok Sabha, Smt. Sumitra Mahajan, and the Chairman of the Rajya Sabha, Shri Mohammad Hamid Ansari, Vice-President, in Parliament House. Member should persuade their area M.P.S. to pursue it in Parliament during the winter session.

Such a Bill has become law in Mexico and Pakistan and in process in some west European Parliaments.

The Bill was studiously researched and drafted by the IFWJ legal adviser, Sri **Aswhini Kumr Dubey**, an Advocate on Record in the Supreme Court of India. He will answer your queries at the National Council session on 24 September 2016.

Kindly Study the Draft and come to Jaisalmer with your notes, comments and proposals.

With Warm regards

STATEMENT OF OBJECTS AND REASONS

Unfortunately, the journalists who are the leading source of news and information for public of India are targeted and not accorded what they really deserve. Although, the media has created awareness in the society about the national and international issues but it is a big lapse that media itself is deprived of its due rights and there is no relevant law for the protection of journalists in India. Due to the absence of a protection law, the journalists are tortured, harassed, killed or badly injured in the line of their duties. Over 70 journalists in India have so far been martyred in the line of duty since 1 January 2000, and over 2,000 attacked, injured, tortured, assaulted, kidnapped, arrested, harassed and/or intimidated in the same period. The killer of not even one Indian journalist killed so far has been arrested, prosecuted or punished. It is necessary to say that the lives of reporters, cameramen, photographers and all other persons related to print and electronic media are also as precious as the lives of the rulers of this country.

The above Act proposes that safety measures be taken for the protection of journalists, establishment of Social Security Fund, provision of special facilities, establishment of a National Journalists Council for in-time redress of the problems faced by journalists. Financial aid to the families of the journalists who lost their lives, got injured, tortured or kidnapped during their duties. However, the purpose of above law is to ensure rights, dignity, honour and protection of journalists, so that they can work better and professionally. Today, where the doors of every ministry, department, and division are closed on general public in the name of security measures, the media is the only source to create awareness about the inside of departments' working. If the above law is passed, this will be the best example of freedom and respect towards the media organs in India for the world.

A BILL to provide protection, security and relief to the journalists.

WHEREAS the Constitution of the Republic of India gives right of protection, respect and relief to every person; AND WHEREAS it is necessary to give protection to the journalists to perform their duties freely and in a better way;

It is expedient to enact law for the protection of journalists as follows: -

1. Short title, extent and commencement. -

(1) This Act may be called the Journalists Protection and Welfare Act, 2016.

(2) It shall extend to the whole of India.

(3) It shall come into force at once.

(4) This Act shall apply to all permanent, temporary, contractual and casual journalists employed by all existing media entities or working freelance but duly registered as journalists with either a registered media organization, registered press club or a registered journalists' union like the (IFWJ), and who have a valid card of being a journalist from any one of these entities in the country.

2. Definitions. - In this Act, unless there is anything repugnant to the subject or context:

(a) "Compensation" means help provided by the government in case of any mishap while performing his/her duties;

(b) "Environment" means where journalist is performing his/her duties and it includes the office and place where journalist has gone for special reports;

(c) "Facility" means care provided by the government to the journalists;

(d) "journalism" means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, analyzing or publishing of news or information that concerns local, national, or international events or other matters of public interest;

(e) "journalist" means the journalist, including both male and female, as anyone who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, analyzes or publishes news or information that concerns local, national or international events or other matters of public interest;

- (f) “Government” means federal government or a provincial government;
- (g) “parking place” means any place which is allocated for parking of official transport or for general public and it also includes the place where journalist parks his/her transport while performing duties;
- (h) “Protection” means all ways and means adopted by the government to protect the journalists and their children and other family members;
- (i) “Social security” means social security provided by the government to the journalist; and
- (j) “Transport” means transport used by the journalists.
- (k) “Registered” means registered with a government authority i.e. Registrar of Trade Union or Ministry of Information and Broadcasting etc.

3. Protection of journalists from disclosure of information source. -

Journalist shall not be compelled to disclose their source and if circumstances occur and matters of national security importance are involved where disclosure of source is demanded, the Supreme Court of India has the right to ask about the source but it would not make it public.

4. Grant of loans on easy installments. -

- (1) The Central Government shall make plans to construct houses for the journalists all over the country.
- (2) Until these facilities are provided, the government will release interest-free loans for journalists on easy instalment basis for the purchase or construction of their houses.

5. Provision of special facilities to the journalists. -

- (1) Journalists reporting as a beat reporter in any department (Central or Provincial) shall be assisted with transport facility, including granting of concessions to them while performing their duties.

(2) The Central Government shall formally announce provision of special fares in the Indian Railways, Air India (other private carriers), and Inter-city transport for journalists.

(3) The Central Government shall not charge any parking fee and tool tax from the journalists all over the country.

(4) Journalists shall be given access to public places, including government-controlled places except high security military areas, for their professional work without any hindrance, whenever required, for coverage in the public interest.

(5) In case of national calamity, eruption of fire, accidents, or natural disasters, the Central Government shall provide special jackets and all other allied facilities such as water, food and fuel to journalists during coverage, especially in emergency situations.

(6) Journalist and his immediate family (spouse, children and parents) shall be entitled to free medical treatment at all government hospitals all over the country. In case of emergency medical treatment to journalists i.e. accidents, natural calamities and emergencies and the District Health Officer or Tehsil Health Officer, as the case may be, shall be primarily responsible for such treatment.

(7) The Government shall provide free education at all levels to the children of journalists and shall be encouraged for scholarships for higher education.

(8) All officials (of any grade) working in any Government department shall ensure facilitation and respect for the journalists during their work-related assignments.

(9) Every Central Ministry and state department shall allocate reasonable sitting place where basic facilities such as chairs, tables, stationery and drinking water shall be made available for the journalists.

(10) Journalists shall be eligible for all above facilities automatically on having valid journalist cards issued as per guidelines stated above.

6. Special safety measures. -

(1) The Government shall provide on-spot and on- demand protection facility to the journalists.

(2) In case journalist feels threatened and needs protection in residing or any other area, the SHO of the area where the journalists reside or any other area, shall provide the required protection and security.

(3) If any incident occurs in the limits of any police station and the SHO of the area was informed about the incident but has not taken action, the SHO shall be held responsible for any harm to the journalist.

7. Establishment of journalist's social security fund. -

(1) A Social Security Fund shall be established for journalists and in case of sudden death, the spouse, children and other dependants for example parents shall get benefit from Social Security Fund, as well as assistance with free education, including scholarships, and marriage assistance.

(2) If a journalist loses life during performance of duties, or is injured, his/her family shall be compensated with at least Rs. 30 lakhs, in case of death, Rs. 10 lakhs, in case of major injury and Rs. 5 lakhs, in case of minor injury and the treatment cost would be borne by the government.

(3) If a journalist had taken loan from the government, it shall be waived off automatically after his/her death.

(4) The Social Security Fund shall ensure every journalist and his/her immediate family members in India, who have a valid journalist card, with the government-owned State Life Insurance Company.

8. National Journalists Council: - There shall be established a National Journalists Council consisting of the following members: -

(a) Two members from the journalist Trade Union.

(b) one member from media owners.

(c) one member from judiciary.

(d) one member from Labour Department.

(e) Two members from Parliament.

(f) the Secretary, Ministry of Information and Broadcasting Member

(g) Secretary, Ministry of Home Member

(2) A member shall, unless he/she resigns or is removed from office earlier, hold office for period of three years and shall be eligible for reappointment for one more term only.

(3) A member may resign from his office by writing under his hand addressed to the Chairman of the Council or may be removed by concerned body, if he is found unable to perform the functions of his office because of mental or physical disability or misconduct including corruption or dishonesty.

(4) At the first meeting of the Council, after the members have been appointed by the bodies concerned, the Council shall proceed to elect from amongst its members a Chairman, and so often as the Office of the Chairman becomes vacant the Council shall elect another member as its Chairman. The term of office of the Chairman shall be three years or the term he is a member of the Council, whichever is less.

9. Functions of the National Journalists Council. -

(1) The National Journalists Council shall perform the following functions: -

- (a) to give proposals and programs to the government for the protection of journalists during their duties;
- (b) to introduce mechanisms to solve the problems of journalists;
- (c) to create an enabling and conducive environment in the public and private sectors towards the capacity building and creation of educational opportunities for journalists;
- (d) to ensure prompt action on the complaints and problems of the journalists;
- (e) to arrange seminars, consultation programs, conferences and roundtables where awareness will be generated for the protection of journalists and the honour and dignity of their work;
- (f) to mediate cases pertaining to payment of wages and other fringe benefits among the media owners and employees; and
- (g) to take such other steps as may be necessary to achieve the purposes of this Act.

10. Steps to be taken to support and facilitate media. -

(1) The Government shall facilitate and support the journalists to play effectively their role of being the guardians of public interests by ensuring their freedom of expression as guaranteed under Article 19 of the Constitution.

(2) Every Central Government Ministry or Provincial Government department, as the case may be, shall assist the media to ensure their right of access to information in accordance with Article 19A of the Constitution, including providing access to all unclassified information.

(3) The government shall ensure protection of and support to all women journalists against any type of harassment or discrimination in the performance of their duties.

(4) The Government shall share costs with those media organizations who desire to build Day Care Centers for their children in or near the places of their work.

11. Power to make rules. - The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act. 7

12. Punishment. - Any person who willfully interferes with or restrain access to information or coerce any journalist in the exercise of his/her duties or deprive him/her of rights guaranteed by this Act or in any manner commits any act in violation of the provisions of this Act, be punished with a fine of not less than rupees Rs. 1 Lakhs (as the nature of the case may be), or imprisonment of not less than six months, or both, depending upon the severity of the misdemeanor at the discretion of the court: Provided that if the offender is a public official, he shall be stopped immediately from his duties till the case is decided.

13. Modification of the law. - Any law, executive order, rules or regulations inconsistent with the provisions of this Act shall be modified accordingly.

14. Removal of difficulties. - If any difficulties arise in giving effect to any of the provisions of this Act, the Central Government may make such order, not inconsistent with the provisions of this Act, for removing the difficulty.

(Drafted by Shri Ashwiani Kumar Dubey, Advocate on Record, Supreme Court of India and legal advisor of the IFWJ.)