

## **Proposed Press Regulation Bill and Press Freedom in Nigeria: An Attempt at Chaining the Watch Dog or Training It?**

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**Abstract:** The Nigerian Press Council was established in the year 1992 with a mandate of serving as a bridge between the public, government and media in terms of instilling high ethical standards in the activities of the press through a decree known as the Nigerian Press Council Act. However, observations from both within and without shows that nearly three decades after the enactment of the act, the Nigerian media industry is replete with a plethora of ethical issues, thereby misrepresenting the core values which the press stands for. The federal government in a bid to bring a much needed reforms to the press has made multiple attempts to amend the constitution guiding the activities of the press through press council amendment bill, this move has however faced stiff opposition from the stakeholders within the industry on each occasion due to what they perceive as nothing but a move to gag the press. This is due to the stringent and extreme propositions of certain aspects of the bill which the stakeholders believe will take away press freedom. This paper therefore examines the pros and cons of the proposed amendment bill and concludes that rather outright rejection of the bill by media practitioners, there is need for a more elaborate dialogue between the government and the various stakeholders on how the press can be regulated without throwing away the baby with the bathing water.

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### **Introduction**

Scholars in the communication sector believe that ever since the advent of modern journalism in Nigeria in 1859, the industry has had difficulty fulfilling its societal duties despite enjoying enough independence. The job of gathering and disseminating news has not been a simple one for journalists in large part of the country due to the restricted freedoms that have resulted mainly from the government's strong hold and control over the mainstream media. According to Senam (2017), the government and the mass media are both essential institutions in society that are mutually dependent on one another for their respective functions. In the first place, the government via the legislative arm enacts the law and the law governs all manners of human behaviour and mass media practise in order to protect the liberty of people under the constitution. A seamless and cohesive society is achieved via the use of mass media, which acts as agents for mass mobilisation of people. According to Eweleukwua (2004), the government must thus work in the general interest of citizenry and the advancement of the state in order to achieve success. In other words, the government is responsible for establishing the rules and regulations that govern the functioning of the mass media. Acts of parliament, official gazettes, and presidential pronouncements are all possible methods of enacting such laws and policies. However, regardless of the form of the government-media interaction, media practitioners must try to execute their jobs effectively while adhering to applicable laws and professional standards. That being said, Malayo (2012) argues that over the years, the movement for the establishment of a free press society has had a prominent position in national debate, particularly among Nigerian journalism practitioners.

This is mainly due to the fact that having laws in place that ensures a high degree of press freedom cannot be overlooked as a matter of practicality. Pate (2020), posits that in the same way, media freedom (also known as press freedom or free press), which includes the right to make errors, is often cited as a counter-argument against those who advocate for some kind of statutory control of the news media. Additionally, there are those communicators who reject the notion of a free press altogether, asserting that the concept is a fiction that serves the interests of those who control their own media empires. In order to avoid confusion, some media owners regard the notion more like a property right rather than a fundamental human right (Harcup, 2014).

According to the Freedom of Information (FOI) Act of 2011, citizens have the right to request and obtain information about public institutions, including exemptions pertaining to international affairs, defence, law enforcement, and investigation, personal information, third party information, and professional or other privileges conferred by law. Burden of evidence, order to reveal information, judicial activity provisions, court papers, reports, and supplementary processes and interpretations are also included (Federal Republic of Nigeria, 2011).

As can be seen, the Freedom of Information Act primarily addresses freedom of information; other ethical problems related to the conduct of the media profession are not addressed by the provisions of the act, which is surprising. According to Atoyebi (2018), journalism is a profession, and every profession has three cardinal principles: a method for becoming a member, the presence of a regulating body, and a professional code of ethics that members must follow. On the same note, Ibrahim et al (2020) point out that professional activities such as journalism are often governed by sets of moral standards that oversee their general behaviour throughout the world. Journalists in Nigeria, on the other hand, are confronted with difficult and delicate ethical issues. There are different types of ethical violations that can be committed, including bribery and corruption, materialism, fraud, embezzlement, sycophancy, and many others. They also have a slew of other issues to deal with, such as character assassination, sycophancy, source confidentiality, pressure from within and outside, Afghanism, sensationalism, sexism, and plagiarism. The ethical behaviour, role orientation, and people with whom they interact are often at the heart of these problems. These individuals include the president, governors, ministers, commissioners, media owners, and other important stakeholders both inside and outside government who must be considered. These individuals are always impacted by the profession of journalism (Akabogu, 2005; Pepple & Acholonu, 2018). In addition, observations from certain quarters within the Nigerian journalism industry contend that the decision-making process at the highest echelons of the regulatory bodies within the profession has been tainted by fascism, hegemony, and dictatorship, among other issues, in the course of their operations. Accordingly, the legislative branch of the Nigerian government has been driven to explore methods of dealing with some of these moral concerns by introducing legislation to control media operations in the country. According to those who are campaigning for the passage of the law, the legislation's whole purpose is to address current inadequacies, revolutionise the Nigerian Press Council, and encourage high ethical and professional standards among Nigerian journalists in general. This development, on the other hand has been greeted with a lot of resistance, particularly from the different parties and stakeholders involved. The lower legislative chamber's latest effort to adopt the bill into law comes just three years after the Nigerian senate made a failed attempt to do the same thing. The reoccurrence of this issue necessitates the need for this study by attempting to beam searchlight on the activities of the Nigerian Press Organisation with a view to highlighting factors necessitating the enactment of the bill. Against the backdrop of all these, the main aim of this paper is to examine the implications of the 2021 media regulation bill especially as it affects press freedom. The study also seeks to bring out the pros and cons of the bill if enacted into law.

### **Press Freedom in Nigeria**

Omoera (2011) asserts that press freedom is a topic of heated debate all over the globe because of the important role that the press or media play in a country's socio-political and economic development. Press Freedom, according to Onagoruwa (1985), is the right of the press to "publish without being subjected to intimidation, threat, molestation, or blackmail." Press Freedom, according to Alabi (2003), refers to journalists' ability to publish without previous restriction. Regardless of what you, the public, may believe, under this circumstance, the press should be allowed to print or broadcast anything it wishes. Press freedom, in its most basic definition, implies that news media are not subject to censorship by the government, either directly or via intermediaries. This implies that the government does not have the authority to attempt to restrict or prevent specific information from being published by the press. Even if this appears to be advantageous, media organisations would be faced with the challenge of now "applying brakes" to their own decisions about which information to release on the general public (Maduabuchi, 2011). Freedom of the press is a key part of democratic culture, and the more the amount of press freedom, the greater the freedom of democracy in a nation.

Worldwide, Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights both state that everyone has the right to freedom of speech and the right to seek and transmit information. There is a growing understanding that the right to seek information encompasses the right to freedom of expression and expression. According to Article 9 of the African Charter on Human and Peoples' Rights, "Every person should have the right to acquire information." The treaty has been signed by 49 of the AU's 55 members and ratified by 44 of them as of 2020 (Transparency International, 2021). The African Commission on Human and Peoples' Rights was established as a result of the Convention. It should also be mentioned that the Commission had previously in October 2002 approved the Declaration of Principles on Freedom of Expression in Africa, which should be highlighted. The Declaration of Human Rights calls on

member nations to respect the right to freedom of speech. In a same vein, any constructive debate of media or press freedom must take into consideration two other freedoms — freedom of expression and freedom of information. The right to freedom of expression, the oldest of the three, is based on a fundamental worldview regarding human relations with society and the state. It is seen as a basic right that is mostly taken for granted by the public (Himmelboim & Limor, 2008). Freedom of expression is also a critical component of, and in some cases a precondition, for freedom of the press. Freedom of information, on the other hand, is the presumption that public information should be made available to the public unless there are compelling reasons to maintain secrecy. Such an assumption has been stated to varying degrees in law in many nations, as well as in campaigns by journalists, media organisations, and concerned individuals (Harcup, 2014).

As Momoh (2002) points out, press freedom is a necessary component of democracy; laws governing the press in democratic countries are those that seek only to protect the fundamental rights of individuals and to ensure the preservation of peace and order. In a similar vein, Soeze (2005) asserts that the media, as the watchdog of society, has the responsibility of keeping the public informed, educated, and socialised at all times. Educating the public about the day-to-day activities and dealings of those in government, whether military or civilian, falls under this category. Additionally, the media contributes to ensuring that the government is aware of the sentiments and aspirations of the people over whom it has authority. Press freedom, on the other hand, is essential for the media to carry out these responsibilities effectively and efficiently. Many developing nations like Nigeria do not have a high degree of press freedom, yet in all of the globe, there is rarely any country where there is no Press legislation. The rule of the wealthy elite is attributable to the fact that the power-seeking political class keeps adopting obnoxious laws that defend the selfish interests of the rich. Nigeria was ranked 120th in 2019 out of 180 countries, according to the 2019 World Press Freedom Index (Reporters without Borders, 2019a). One must pity Nigeria's socio-political circumstances, which have made it difficult for the path to press freedom in the country to be smooth. Journalists in the nation are always engaged in a severe battle to guarantee perfect press freedom, whether during military control and under civilian government (Senam, 2010). In light of this, the fact that General Ibrahim Badamasi Babangida (IBB) came to power in 1985, partially due to his passion and fight for press freedom, did not mean that he felt that his government would be media friendly enabling freedom of the press to prevail. Babangida issued Decree No. 85 of 1993, The Nigerian Press Council Decree, as a step toward realising the promise of press freedom notwithstanding his atrocities and the issuance of offensive decrees against the media. The passing of this decree established the Nigerian Press Council, whose mission is to raise the ethical and professional standards of the Nigerian press. As this goal was not met, it seems that the Press Council Decree was enacted to distract critics' attention away from Decree No. 43 of 1993 – the Newspaper Registration Decree – and Decree No. 48 – the Newspaper Prohibition and Prevention from Circulation Decree. The Council on Public Relations and Communication Expectations had envisioned a day when the government-press relationship would return to normalcy, but the Press Council did not have such luck.

### **Overview of the Nigerian Press Council**

The Nigerian press council is a body that serves as a bridge between the public, government and media in terms of instilling high ethical standards and international best practices in information dissemination. The idea of establishing a press council in Nigeria dates back to the year 1972 when former Lagos state governor Alhaji Lateef Jakande who was a member of the executive arm of the Nigerian Union of Journalist (NUJ) as well as president of the Nigerian Guild of Editors felt the need for setting up of a media regulatory body. Alhaji Jakande had proposed a self-regulatory organisation for the Nigerian Press, and efforts to create this followed with the establishment of a commission known as the Ekineh Commission. In order to provide the next generation of Nigerians with information on the future of their country's media, a commission of renowned Nigerians was created following General Yakubu Gowon's administration. It conducted a useless experiment, though, and kept the results to themselves. With the creation of Decree No. 59 of the Nigerian Media Council in 1988, another effort was attempted, but was ultimately abandoned due to journalists' fear of the powerful abilities granted to the Council. The Nigerian Press Council Act No 85 of 1992, however, did not create the council until four years later. To uphold strong ethical standards in the Nigerian press, the council was established. The aim is to provide journalists with an ethical press through research, training, and workshops on top of making sure the complaints they get are taken seriously. A primary goal of the Council is to examine complaints levied against the press by the public and also complaints levied against the press by other members of the press. Council members act as a barrier between the press and the public. It is fair to say that the present Nigerian Press Council Act No. 85 is more or less a consensus Act that resulted from years of hard negotiation between government and the Nigerian Press Organisation (NPO), which serves as an umbrella organisation for the industry's main players. These stakeholders include the Nigeria Union of Journalists (NUJ); the Nigerian Guild of Editors (NGE); and the Newspapers Proprietors' Association of Nigeria (NPAN). According to the Nigerian Press Council Decree No. 85 of 1992, the functions of the Press Council included, to:

- I. Investigate any complaints against the press as well as the behaviour of any individual or organisation in relation to the press.
- II. Investigate the evolution of the modern press and assist in the update of press material.
- III. Examine a development that has the potential to obstruct the free flow of information and provide some remedies to counteract this development.
- IV. Ensure that journalists' rights and privileges are protected when they are engaging in the legal execution of their professional responsibilities.
- V. Encourage the establishment and maintenance of a high level of professionalism in the Nigerian news press.

According to Senam et al. (2011), despite the press council's high objectives, it is still unable to guarantee press freedom or even a respectable quality of journalism. Which holds the key to Press Councils' failures: there are three factors that can be pointed to as causing their failure: first, the composition (which consists of both professionals and non-professionals as well as stooges working for the government); second, the funding (the organisation receives most of its funding from the government, making it subject to the influence of the government); and third, the lack of judicial power (press council adjudicates and passes sanctions that are only morality-based). The Press Council, which died quietly a few years ago, is now resurrecting aggressively. Its presence and actions are mostly known via radio; for example, if a news storey about you is incorrect or nasty, you may seek remedy from the press council. The above information makes it clear that in Nigeria, press freedom is compromised and will stay that way for some time.

### **Ethical Issues in the Nigerian Journalism Industry**

According to Ibrahim et al. (2020), the practise of journalism in Nigeria is usually governed by an ethical code. This reveals the fact that ethical ideals and role orientation, established to govern journalistic activities, serve as the foundations for proficient and successful conduct of journalism. Once considered too risky to perform, competent journalism is once again needed in the nation, and different regulatory organisations have been established to control that and minimise the adverse impacts of precariousness on media activity. NBC and the Nigerian Press Council regulate the media (NPC). Further, a comprehensive code of ethics for journalism practice was formulated in 1998 at Ilorin by the Nigeria Press Organization (NPO), which consists of the Nigerian Union of Journalists (NUJ), Newspaper Proprietors Association of Nigeria (NPAN), Nigeria Guild of Editors (NGE) and the Nigeria Press Council (NPC) (Tseguy & Asemah, 2014, p.10). According to Pepple and Acholonu (2018) "Journalism code of ethics is the set of moral principles guiding the journalism practice" (p.57) in Nigeria and they are as follows:

1. Editorial independence: This implies that the duty for making decisions about the substance of news should rest with a professional journalist.
2. Accuracy and fairness: (i) The ultimate goal of excellent journalism is to serve the public by providing factually accurate, balanced, and fair news. (ii) A journalist should abstain from releasing incorrect or misleading material in his or her articles or broadcasts. Whenever such material has been accidentally released, it is important to remedy the situation as soon as possible. The right of reply must be regarded by a journalist as a fundamental norm of justice. (iii) In the course of his or her responsibilities, a journalist should make every effort to distinguish between facts and speculation and commentary.
3. Privacy: Individuals and their families must be respected unless their privacy harms the public. (a) It is permissible to provide information about the lives of a person or his family only if it serves the public interest. (b) To qualify as "justifiable" under this guideline, the release of this kind of information about an individual must be aimed at: (i) uncovering criminal behaviour or a serious misdemeanour, (ii) exposing antisocial behaviour, (iii) ensuring the public's health, morality, and safety, (iv) Helping to prevent the public from being misled by an individual's statement or action.
4. Privilege/non-disclosure: (i) The professional code of ethics that is generally recognised for journalists says that they should follow the concept of secrecy while obtaining information and not reveal the source of it. (ii) This means that journalists should not give out material acquired "off-the-record" or as "background information" without the permission of their sources
5. Decency: Dressing and behaving in accordance with public taste is important for journalists. (i) It is unacceptable for a journalist to use demeaning, hostile, or otherwise inappropriate language. (ii) Violent or repulsive images or sexual activities should not be included in reporting, even if it is in words.
6. Discrimination: Ethnic groups, religions, genders, and physical and mental illnesses and handicaps should not be used pejoratively by journalists.

7. Reward and gratification: (i) A journalist should neither seek bribes, rewards, or favours in order to conceal or disclose information, nor accept such gifts if it is offered. (ii) Inimical to the concept of news as a fair, accurate, impartial, and factual account of an occurrence, demanding money for publishing of news is not journalism.
8. Violence: Violent or armed robberies, terrorist actions, or acts of vulgar display of riches should not be presented or reported in a way that celebrates such crimes to the public.
9. Children and minors: Journalists should refrain from identifying minors under the age of 16 engaged in sex crime, criminality, and witchcraft and black magic cases by name, photograph, or in an interview.
10. Access to information: To get news stories, a journalist should use open and honest methods. Only when the public interest is at risk can exceptional measures be used.
11. Public interest: A journalist's primary goal should be to promote national unity and the general public's welfare.
12. Social responsibility: Journalism should promote global values such as human rights, democracy, justice, fairness, and peace; as well as international understanding among people across the world.
13. Plagiarism: An individual journalist should not duplicate, in whole or in part, another person's work without their permission and/or credit.
14. Copyright: (i) When a journalist reproduces a work, whether in print, broadcast, art work, or design, the creator should be given appropriate credit. (ii) A journalist is required to adhere to all copyright regulations set by national and international laws and treaties, as well as by industry standards.
15. Press freedom and responsibility: A journalist's duty is to work tirelessly to promote press freedom and responsibility at all times.

### **Historical Background of the Nigerian Press Council Bill**

According to Atoyebi (2018), Journalists, editors and publishers gathered at the residence of late chief M.K.O Abiola to produce a blueprint of what later become known as decree 85 of 1992. The first attempt to amend the NPC act of 1992 dates back to the year 1998 when a decree known as decree 31 was promulgated by the Nigerian legislative arm, this decree was however completely rejected by journalists due to a plethora of irregularities they observed with the bill as at that time. Towards the tail end of the administration of General. Abdulsalam Abubakar in 1999, another amendment act was introduced known as decree 60. At that point, the newspaper proprietors association felt the law was unconstitutional and decided to challenge the enactment of the act in court and the federal high court in Lagos ruled 17 of the 39 clauses to be unconstitutional. In its suit no., FHC/L/CS/1324/99, filed in a Lagos High Court, the NPAN challenged the President, the Attorney General, and the Minister of Information on the implementation of the law, which the plaintiffs claimed violated their rights as enshrined in Section 39 of the 1999 Constitution; and also contended that the National Assembly lacked the authority to make laws governing the operations of the press in Nigeria. Although this came after 11 years of litigation, Justice A. M. Liman of the Lagos High Court on February 25, 2010, ruled in favour of NPAN and stated that certain provisions of NPC's Act violated the Constitution, and as such constituted a gross violation of the rights guaranteed under section 39 of the 1999 Constitution. Justice Liman ordered a permanent injunction which prevents the President, Attorney-General of the Federation, and Minister of Justice, as well as other key government officials, as well as the company they work for, from implementing or following the instructions of the Decree No. 85 of the Nigerian Press Council, as well as the Amended Decree No. 60 of the Nigerian Press Council. This means that the Nigerian Press Council has remain comatose since 1999 when it was established.

The Lagos High Court's decision was overturned on December 4, 2015, by the Court of Appeal, which held that the Press Council Act is necessary and justifiable law in a democratic government and that the National Assembly has the authority to make laws for the good governance of the country, including media operations. Section 45 of the constitution was used as an important component of the decision. Despite the Court of Appeal's judgement, the status quo remains as the Nigerian Press Organisation continues to declare that until the conclusion of the case at the Supreme Court, the NPO will not nominate members to the board of the Press Council. According to the NPO, this renders the matter sub-judice. It should be noted that within that interim, Hon. Abike Dabiri in the year 2009 proposed a Journalism enhancement bill as an alternative to the NPC amendment act but the move however didn't materialize. The federal House of Representatives then selected a technical committee headed by Tony Momoh, comprising of all stakeholders, including the Nigerian Union of Journalists, Guild of Editors, Newspaper proprietors association of Nigeria (NPAN), as well as national association of teachers of journalism and mass communication to look into the bill which was initially proposed in 1999 with a view to making some adjustments on the contentious segments of the bill. This amendment was done and taken back to the House of Representatives for rectification but nothing was done about it. However, in light of increasing demands for regulation of the print media, the NPAN established an office of the

Ombudsman, as a means of redressing unethical media practitioner and media organisation behaviour. In the year 2018, the move to amend the act came up once again on the floor of Nigerian senate during the 8<sup>th</sup> national assembly and it passed the second reading. According to the Newspaper Proprietors' Association of Nigeria President and the President of the NPO, Mr Nduka Obaigbena, journalists and all the various stakeholders and arrowheads of the NPO all rejected the bill during the public hearing, calling it “draconian, unconstitutional, and against the rule of law. It was made clear to them, “The bill is in every way and sense draconic and anti-press freedom because it is based on Public Officers Protection Against False Accusation Decree No. 4 of 1984 and the Newspapers Registration Decree 43 of 1993, both relics of the former days of military rule and, as such, utterly useless, immoral, and injurious to the values of the democratic society; and that, finally, "The bill aims to penalise press practise despite the fact that the country already has adequate legal avenues for redress, which infringes on citizens' constitutional rights. They also brought to bear the pendency of the matter before the Supreme Court. The Nigerian senate eventually came to a conclusion to step it down on the basis of the fact that the issue was still in court. The following year 2019 in September to be precise, the debate for the amendment of the bill came up once again but this time on the floor of the House of Representatives. The lower legislative chamber through its speaker Hon. Femi Gbajabiamila who presided over the debate stated that their aim was ultimately to remove bottle necks affecting the performance and make the council in tune with current realities in regulating the press. Hon. Odeunmi Olusegun read the motion for the amendment of the bill and it equally passed the second reading but for the fact that the matter was still being debated in court it was stepped once again. Fast forward to June 2021 on the 17<sup>th</sup> to be precise, the House of Representatives Committee on Information, National Orientation, Ethics and Values, in Abuja once again at a public hearing moved the motion to amend the Nigerian press council act. Expectedly, representatives from the Nigerian Press Organisation (NPO), comprising the Newspaper Proprietors' Association of Nigeria (NPAN), the Nigerian Guild of Editors (NGE) and the Nigeria Union of Journalists (NUJ), all rejected the motion. After much pressure from different quarters, the bill was finally suspended by the House of Representatives in July for further consultations.

### **Emerging and Contending Issues**

The latest move by the House of Representatives towards amendment of the press council act is the third attempt in four years by the law making arm of the government towards amending the bill. The numerous provisions in the law, including measures to restrict freedom of expression and the press, were condemned by a wide range of media organisations and other organisations. During the last public hearing on the Bill for an Act to amend the defunct NPC Act, a representative of the NPO, Mr. Azubuike Ishiekwene, who is also the Editor-in-chief of Leadership Newspapers, said that there is a case before the Supreme Court about the Act. However, Hon. Olusegun Odeunmi, chairman of the Committee on Public Service, told a news outlet that no court could prevent the National Assembly from fulfilling its constitutional responsibilities. He said the whole essence of the proposed bill is to correct existing deficiencies, revolutionize the NPC and promote ethical and professional standards for Nigerian journalist. He added that the measure would be moved forward in account of the fact that the people of Nigeria instructed the government to make changes to the country's legislation. He also said that the change doesn't preclude the parties involved from proceeding in court, explaining, "This is the National Assembly's stance", he said. However, media development organisations voiced concerns that the proposed change to the Nigerian Press Council Act falls well short of the kind of legislative routes that Nigeria would take to extend the boundaries of press freedom. The continuous refusal of the press council towards at every attempt towards amendment of the bill signifies an “Aluta continua” between the government and the media. This raises curious questions in the minds of scholars as regards what exactly is about the bill that the legislative chamber is out to correct and why the continuous refusal from the media. Some of the contending issues which representatives of the Nigerian press council have raised include the following.

1. The Bill is currently under consideration in the Supreme Court, where a lawsuit brought by media interest groups against it is still pending.
2. While there are elements of Public Officers Decree No.4 of 1984 and Newspapers Registration Decree No.43 of 1993 in the Bill, the Bill appears to be a subtle crossbreed of the obnoxious military decrees, enacted during the tenure of then Head of State, Major General Muhammadu Buhari, and the Public Officers [protection Against False Information] Decree No.4 of 1984. In a strange twist of fate, the former military dictator has been elected President.
3. The proposed bill goes against the ideas and foundations of the rule of law, therefore it is unconstitutional.
4. The Bill aims to criminalise the journalism profession in Nigeria despite the fact that the country's laws already include sufficient protections and channels for seeking legal recourse.

5. The bill aims to prevent the media from carrying out the responsibilities and obligations placed on it by Section 22 of the constitution, which include monitoring governance and holding the government responsible to the people of the country.
6. The Nigeria Press Council is being asked to usurp the authority of the courts by adopting extra-judicial powers, according to the proposed bill.
7. The Nigerian Press Council (NPC) bill introduces unwarranted involvement in the activities of the media in Nigeria, since companies registered under the applicable laws of the federal government are affected. Furthermore, the bill proposes the setting up of a new board to coordinate the activities of the Nigeria Press Council however the board is said to have a majority of 5 government nominees out of 9 the member boards, a move which the council considers unacceptable.
8. It is widely believed that the penalties for offences specified in Section (3) i and ii of the proposed amendment, which include a fine of N5 million or three years imprisonment, are too harsh, and that they would jeopardise the independence and freedom of the media. They also criticised Section 17 (3) (a & b), which stipulates that a journalist may be held responsible for an infraction committed by his or her organisation and can be ordered to pay a N250,000 fine, claiming that it is punitive. Furthermore, Section 33 (3) and (4) do not provide for retraction or apology in the case of false news that is accidentally published, but instead propose a blanket penalty of up to N10 million or closure for a period of one year, or both, in the case of false news that is mistakenly published.
9. The proposed amendment in section 3 is believed to be seen as an attempt to make the Nigerian media a department of the federal ministry of information and subject the entire media sector to the control of the minister. This position is further reinforced by section 9 of the proposed amendment on code of conduct. The Nigerian press council however feel that the code of professional conduct for the media should never be subject to the approval of the minister or any other political authority.

While the observations raised by the representatives of the Nigerian press council are true, there are certain benefits the proposed amendment bill is also expected to bring to the journalism industry.

According to Maho (2018), the NPO representatives are always quick to condemning the bill without offering an alternative; *“it is carefully orchestrated to demonise the bill without paying attention to its key benefits to the Nigerian media landscape which is currently convulsing for lack of acceptable, identifiable regulatory framework and the prevalence of unethical practices especially by gate-crashes who call themselves journalists. The press is the watch dog of society and expected to act responsibly at all times in the discharge of its duties. The question is: does it? There is the recurring question of who watches the watch dog? The Press Council amendment bill is meant to answer this question, in the interest of practitioners and the public it serves”*.

Furthermore, Atoyebi (2018) contends that it will be completely wrong to tag the bill as unconstitutional as opposed to the position of the representatives of the NPO, this is because Journalism just like any other profession has a code of ethics which the professionals should stick to. It is on record that even though the Nigerian Union of Journalist (NUJ) has a code and ethics committee, however they are unable to regulate the industry. Ditto for the guild of editors and Newspapers proprietors association of Nigeria. Maho (2018), argues that the bill is meant to protect the interest of media practitioners from the high-handedness of media owners who consistently usurp professionalism in editorial decisions, who pursue personal interests as against the national interest, hire and fire at a whim, owe staff salaries running into several months and years with impunity and reign supreme and answerable to no one. According to the Bill, a statutory body would be established to adjudicate disputes between members of the public and members of the media in order to regulate journalistic practise. The bill strives to advance high professional standards in the Nigerian media and handle complaints from the public as well as complaints from the media against other people or organisations. According to Abdullahi (2018), there is significant support especially from the House of Representatives for the passage of the Press Council amendment bill as it believed that it would help media freedom and ensure media independence. A self-regulating system will be instituted in which journalists are allowed to police themselves and impose rules and standards for all media practitioners.

Furthermore, there is no denial to the fact that Fake news has become one of the major ethical issues in the Nigeria journalism industry today. Fake news is misinformation, disinformation or mal information. Politics, religion and ethnicity are the three drivers of fake news in the country; contributing to this are mobile phones, the internet and the youthful population, more than half of the African population are below 20 years and are online active (CITAD 2015). According to Adamu (2019), the liberalisation of the media by technology provides a chance to readily propagate the fake news. Therefore, it is the responsibility of the media in reversing the dissemination of fake news. Similarly, Anyawu (2018), contends that the contemporary practice of journalism in Nigeria is quite bad and needs to be improved. The growth of the "brown envelope" in journalism

has resulted in some reporters' failure to rely on the press releases of newsmakers. In most situations, the news is not checked before it is published to evaluate the veracity of such news. Oduikalu (2019), added that incidences of false news have proliferated because people failed in mainstream journalism. According to him, the watchdog is old, weak and dead. When the move to amend the press council act by the senate was debated in 2018, the agitators of the bill said the move was aimed at repealing perceived draconian parts of the existing legislation, modify it to reflect contemporary sensitivities, and introduce new sections to bring journalistic practise in line with international norms, among other things. The Red Chamber, according to Abdullahi (2018), was moving forward with the empowerment of the Nigerian Press Council (NPC) enactment to deal with the adverse impacts of fake news currently bedeviling the Nigerian journalism industry.

### **Conclusion**

It is clear from the foregoing that the Nigerian Press Organization (NPO) has fallen short of professionalism in journalism and is instead faced with an unworkable regulatory framework for the Nigerian media. Academics and some other stakeholders in the Journalism industry believe that the Nigerian Union of Journalists (NUJ) has failed in its core responsibility of upholding professionalism in the industry. They believe that the association has become rather a trade union rather than a professional organisation. Media owners are businesspeople who, generally speaking, should focus on the bottom line and are not subject to regulation. But even so, their own ombudsman has failed miserably. Overall, members of the public have no way of objecting to the press's ethical behaviour. According to Maho (2018), there is no indication that the proposed Press Council Amendment bill is an anti-media bill, nor is there any proof that it criminalizes journalistic activity. The uproar over the measure that has erupted from a segment of stakeholders is uncalled for. At the moment, this law just requires minor alterations to make it workable. Similarly, Arogundade (2021), argues that even though the move to regulate the council was a welcome development especially in this era of false news and hate speech. He said that rules should not interfere with media independence or freedom, and regulations are not excessive in their punishment. He believes that a regulator must be free of outside influences so that it may carefully and without bias rule on whether ethical journalism is being violated. The NUJ is essential in making sure the procedure is followed. We may also take ideas from the British Press Recognition Panel (BPRP) and implement certain elements of the Nigerian Press Council (NPC) similarly to BPRP, instead of discarding and decrying a measure to professionalize and provide order and respect to journalists in the nation.

### **Recommendations**

1. Similar to the practice in Ghana, there should be the inclusion for the provision of press freedom in the Nigerian constitution. It is also recommended that government should not be the one to appoint managers in the public state media.
2. The composition of the board should be such that representatives of the media professional groups and associations are in the majority. Furthermore, the composition of the board of the council should be based on the recommendation of the president and the confirmation of the national assembly.
3. With regards to the code, it is also recommended that the council relies on the code of ethics of the Nigerian Press Organization and not one established by the information minister. This is because a professional code is meant to be designed by the members of the profession not by a third party.
4. The power to determine sanctions especially the ones relating to hefty fines should be vested in the court and not with the council.
5. Due to the provision of section 39 of the 1999 constitution which states that "everyone shall be entitled to own, establish and operate any medium of dissemination of information". The Press Council has been unable to perform its role of receiving and processing application from intending media owners as it ought to. Hence there is need to strike a balance and this can be achieved using the Nigerian Code of Ethics.

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