

B.A. Mass Communication
(3rd Semester)

BAMC-113

MEDIA LAWS & ETHICS



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SUBJECT: MEDIA LAWS & ETHICS	
COURSE CODE: BAMC-113	AUTHOR: DR SUNAINA
LESSON NO.: 01	
FREEDOM OF EXPRESSION	

STRUCTURE

- 1.0 Learning Objectives
- 1.1 Introduction
- 1.2 Freedom of Expression
 - 1.2.1 Significance of Freedom of Expression
 - 1.2.2 Scope and Interpretation of Article 19 (1) (A)
 - 1.2.3 Challenges to Freedom of Expression
 - 1.2.4 Limitations of Freedom of Expression
 - 1.2.5 Indian Cases Illustrating Freedom of Expression
- 1.3 Check Your Progress
- 1.4 Keywords
- 1.5 Self-Assessment Test
- 1.6 Answers to Check Your Progress
- 1.7 References/Suggested Readings

1.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Understand the Right Freedom of Expression.**
- **Discuss the Scope and Interpretation of Article 19 (1) (A).**
- **Describe the Challenges & Limitations of Freedom of Expression.**



➤ **Discuss some Indian Cases Illustrating Freedom of Expression**

1.1 INTRODUCTION

As per Article 19(1)(a) of the Indian Constitution, the principle of Freedom of Expression holds immense significance. The media, within India, assumes a crucial responsibility in safeguarding democratic ideals and cultivating a society that is knowledgeable and actively involved. It guarantees that every citizen possesses the entitlement to express themselves openly and without inhibitions, a foundational element of democracy that stimulates candid discussions, discerning contemplation, and astute choices. This entitlement empowers individuals to openly voice their viewpoints, seek and distribute information, and engage in communal conversations devoid of apprehension regarding repercussions or censorship.

1.2 FREEDOM OF EXPRESSION

Article 19 (1)(a) of the Indian Constitution establishes that "every citizen shall enjoy the right to freedom of speech and expression." This particular provision grants individuals within India the authority to articulate their notions, musings, and viewpoints verbally, through the written word, in print, visually, or via electronic means. Safeguarding the tenets of democracy and fostering transparent conversations within Indian society hold immense importance.

1.2.1 Significance of Freedom of Expression

1. **Essential Tenet of Democracy:** Freedom of expression stands as a cornerstone of democracy, as it empowers individuals to voice their perspectives, critique the government, and engage in communal conversations devoid of the specter of suppression. This freedom cultivates active citizen participation in deliberations concerning societal, political, and economic matters, thereby enriching the fabric of democratic governance.
2. **Promotion of Inclusivity in Multicultural India:** In the tapestry of India's multiculturalism, encompassing diverse linguistic, religious, and cultural communities, the value of freedom of expression shines. By ensuring that all voices, irrespective of their origins, can resound, this freedom propels inclusivity and pluralism, knitting together the nation's intricate social fabric.



3. **Guardian of Transparency through Free Press:** Democracy thrives with an unshackled press that serves as a vigilant overseer and a guardian of governmental transparency. Freedom of expression provides journalists with the liberty to report unfettered, shielding them from repercussions and allowing them to illuminate the public with unbiased information.
4. **Fostering Public Awareness and Informed Choices:** The pivotal role of freedom of expression resides in the dissemination of knowledge, facilitating citizens in making well-informed decisions that affect both their personal lives and the broader trajectory of the nation. This informed populace becomes a driving force for progress.
5. **Nurturing Artistic and Creative Diversity:** The canvas of freedom of expression extends to the realm of artistic and creative endeavor, permitting artists, writers, filmmakers, and other creative minds to openly articulate their visions. In doing so, they contribute vibrantly to the cultural tapestry and diversity that defines India's identity.

1.2.2 Scope and Interpretation of Article 19 (1) (A)

- **Evolving Legal Interpretations:** Over time, the landscape of Article 19(1)(a) has undergone transformative shifts due to judicial interpretations. This provision's realm of influence has expanded through legal pronouncements, shaping its boundaries and implications.
- **Constituent Elements of Freedom of Expression:** Within the construct of this provision, the components that constitute the right to freedom of expression unfold as follows:
- **Unhindered Expression:** Citizens are bestowed with the privilege to unfetteredly articulate their musings, notions, viewpoints, and convictions, insulated from government or external entity interference.
- **Right to Information:** Entwined within this right lies the entitlement to access information from diverse origins, encompassing channels like media outlets and individual sources.
- **Medium Pluralism:** This provision extends to encompass an array of mediums through which individuals can convey their insights and information. The spectrum spans writing, speech, printed materials, and digital platforms, reflecting the contemporary modes of communication.

1.2.3 Challenges to Freedom of Expression

Despite constitutional guarantees, freedom of expression faces several challenges in India:



1. **Censorship and Self-Censorship:** Authorities and governments occasionally try to control media or creative expressions that could be critical of them, which causes journalists and artists to self-censor their work to stay out of trouble.
2. **Misuse of Laws:** Defamation, sedition, and hate speech laws have occasionally been abused to suppress dissent and muzzle dissenting voices.
3. **Online Restrictions:** Digital platforms and social media have grown in popularity, raising worries about heightened surveillance and limitations on online speech.
4. **Threats and Violence:** For expressing opinions that oppose strong interests, journalists, activists, and artists frequently experience threats, intimidation, and violence.
5. **Religious and Cultural Sensitivities:** Expressions that can insult religious or cultural feelings can spark unrest and riots in a multicultural nation like India.
6. **Media Ownership:** Lack of diversity in viewpoints and skewed reporting may result from the concentration of media ownership in the hands of a small number of people.

1.2.4 Limitations of Freedom of Expression

Freedom of expression is restricted by several factors, including:

1. **Hate Speech:** Freedom of expression does not apply to speech that incites hatred or acts of violence against individuals or groups based on their religion, caste, ethnicity, or other characteristics. Since defamation is not considered a form of protected expression, false statements that harm the reputation of individuals or organizations may be subject to legal action.
2. **National Security:** It is possible to censor speech that promotes terrorism, poses a threat to national security, or supports separatist movements.
3. **Obscenity:** The First Amendment does not protect the publication or distribution of pornographic materials.
4. **Sedition:** Although courts have ruled that criticizing the government or its policies is not sedition, expressions that incite violence or public unrest against the state may be punished under sedition statutes.



1.2.5 Indian Cases Illustrating Freedom of Expression

Even though it is a fundamental privilege, speech is not unrestricted in India. Article 19(2) of the Constitution imposes reasonable restrictions on this freedom for the purposes of maintaining public order, national sovereignty, integrity, security, cordial relations with other nations, decency, and morality.

In India, Article 19 (1)(a) has been interpreted and utilized in numerous significant cases. These instances have highlighted the importance of free expression in a democratic society and clarified the limitations that may be placed on it. Consider the following well-known instances:

1. Romesh Thappar v. State of Madras (1950):

In this landmark decision, the Supreme Court of India declared pre-censorship of a magazine to be an unconstitutional limitation and recognized the right to freedom of speech as a basic freedom. The court highlighted that any restriction on the right to free speech must be interpreted strictly and that the state's authority to enact such limits should only be used sparingly.

2. Kameshwar Prasad v. State of Bihar (1962):

In this instance, the Supreme Court invalidated a clause in the Bihar Press Act that allowed the government to confiscate newspaper copies due to a potential conflict with the public interest. The court determined that the clause's allowance of arbitrary and unrestrained interference with press freedom infringed people's right to free speech and expression.

3. Bennett Coleman & Co. v. Union of India (1973):

The Supreme Court maintained the media's ability to criticize the government in this case by stating that press freedom is a subset of greater freedom of expression. The court ruled that a free press serves as a watchdog over governmental actions and is essential for a democratic society.

4. R. Rajagopal v. State of Tamil Nadu (1994):

The Supreme Court acknowledged the right to privacy as an integral component of the right to freedom of speech in this historic decision. According to the court, a person's right to privacy cannot be infringed upon only for the purpose of sensational journalism or entertainment.

**5. Brij Bhushan v. State of Delhi (1950):**

In this case, the Supreme Court confirmed Section 7 of the East Punjab Safety Act as constitutionally legitimate, allowing the government to pre-censor publications in order to preserve public order. The court determined that limitations on the right to free speech were justifiable if they were intended to stop public disturbance.

6. Samresh Bose v. Amal Mitra (1985):

The court addressed the issue of obscenity in literature in this case. The Supreme Court ruled that the right to freedom of speech does not apply to obscenity that attempts to deprave and corrupt minds and goes beyond what is appropriate in literature and art.

7. Kedar Nath Singh v. State of Bihar (1962):

The Indian Penal Code's Section 124A, which deals with the crime of sedition, was maintained by the Supreme Court in this case as being constitutional. The court made it clear that mere criticism of the government or expressing disapproval of its acts did not constitute sedition and that sedition could only be used as a defence if there was a direct encouragement to violence or public disruption.

8. E.M. Sankaran Namboodripad v. T. Narayanan Nambiar (1970):

The Kerala High Court found that, as long as it did not interfere with the administration of justice, fair and accurate reporting of judicial proceedings was not considered to be contempt of court in this case.

9. Ram Manohar Lohia v. State of Bihar (1966):

In this case, the Supreme Court ruled that unless it incited violence or public disorder, criticizing a foreign friendly head of state did not violate Indian law.

10. Shreya Singhal v. Union of India (2015):

The Supreme Court invalidated Section 66A of the Information Technology Act, 2000 in this significant decision, which permitted the detention of anyone for allegedly uploading obscene information online. The provision was deemed by the court to be ambiguous, overbroad, and to violate the right to freedom of expression.



1.3 CHECK YOUR PROGRESS

- a) Article 19 (1)(a) of the Indian Constitution establishes that "every citizen shall enjoy the right to"
- b) Freedom of expression stands as a....., as it empowers individuals to voice their perspectives, critique the government,
- c) Defamation,and hate speech laws have occasionally been abused to suppress dissent and muzzle dissenting voices.
- d) Freedom of expression does not apply to speech that incites hatred or acts of violence against individuals or groups based on their....., or other characteristics.
- e) Article 19(2) of the Constitution imposes reasonable restrictions on this freedom for the purposes of maintaining public order, national sovereignty, integrity, security, cordial relations with other nations,.....

1.4 KEYWORDS

Hate Speech: refers to offensive discourse targeting a group or an individual based on inherent characteristics (such as race, religion or gender) and that may threaten social peace.

Sedition law: sedition law means “Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the Government established by law shall be punished with imprisonment for life, to which fine may be added.”

1.5 SELF-ASSESSMENT TEST

1. What do you understand by the principle of Freedom of Expression ? Write the significance of Freedom of Expression in democracy.
2. Explain and interpret the Article 19 (1) (A) of Indian constitution in detail.
3. What are the scope and interpretation of Article 19 (1) (A)
4. Write the challenges of **Freedom of Expression in India** .
5. Write any two Indian cases illustrating Freedom of Expression.



1.6 ANSWERS TO CHECK YOUR PROGRESS

- a) freedom of speech and expression
- b) cornerstone of democracy
- c) sedition
- d) religion, caste, ethnicity
- e) decency, and morality

1.7 REFERENCES AND SUGGESTED READINGS

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SUBJECT: MEDIA LAWS & ETHICS

COURSE CODE: BAMC-113

AUTHOR: DR. SUNAINA

LESSON NO.: 02

**LAWS OF DEFAMATION, CONTEMPT OF COURT &
CONTEMPT OF LEGISLATURE**

STRUCTURE

- 2.0 Learning Objectives
- 2.1 Introduction
- 2.2 Laws of Defamation
- 2.3 Contempt of Court
- 2.4 Contempt of Legislature
- 2.5 Check Your Progress
- 2.6 Summary
- 2.7 Keywords
- 2.8 Self-Assessment Test
- 2.9 Answers to Check Your Progress
- 2.10 References/Suggested Readings

2.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Understand the laws of defamation.**
- **Discuss the contempt of court.**
- **Describe the contempt of legislature.**



2.1 INTRODUCTION

Utilizing legislation in the form of Laws and Acts is a convenient approach for managing mass media influence. Numerous countries have experimented with this technique over an extended period. Alongside, there exist other methods aimed at curtailing media freedom, such as employing repressive actions like raids, confiscations, arrests, and fines.

A select few nations, like the United States, have established a direct assurance of media freedom. However, the majority of countries, including India, have adopted more indirect measures. Virtually all nations incorporate provisions that establish reasonable restrictions.

In the context of India, substantial legislative efforts have been undertaken to address this matter. Notable among these are laws concerning defamation, contempt of court, and contempt of legislative bodies."

2.2 LAWS OF DEFAMATION

Defamation is essentially the act of sullyng an individual's reputation, causing harm to their standing within society. It involves the utterance or inscription of content that undermines, belittles, or impairs the character, status, or prestige of a person or an entity. This legal concept comprises two distinct forms:

Libel: This form of defamation is manifested in written or published materials.

Slander: This type of defamation occurs through spoken communication.

Section 499 of the Indian Penal Code provides the definition of defamation as follows:

'Any person who, through spoken or written words, or through visual representations or gestures, makes or disseminates any statement about an individual with the intention to cause harm or with a reasonable basis to believe that such statement will damage the individual's reputation, is considered, with exceptions mentioned subsequently, to have committed the act of defamation.'

"There are four explanations and ten exceptions of exceptions provided under section 499. The four explanations are as follows:

It could be deemed as defamation:



- To attribute something to a deceased individual that, if they were alive, would tarnish their reputation and is intended to inflict emotional distress upon their family or close relatives.
- To level an accusation against a company, association, or assembly of individuals as a collective entity.
- To present an imputation in the form of an opinion or expressed with irony.
- Nevertheless, an imputation is not considered damaging to an individual's reputation unless that imputation, either directly or indirectly, in the perception of others, diminishes the person's ethical or intellectual standing or reduces their character concerning their social group or profession. Moreover, the imputation must either lower the individual's credibility or give rise to the belief that the individual is in a deplorable or disgraceful state.

"The Act encompasses ten exemptions, which are as follows:

First Exception: No defamation occurs when making or publishing a true statement about an individual, if the imputation's revelation serves the public interest. Determining whether it is indeed in the public's interest is a matter of factual inquiry.

Second Exception: Defamation does not apply when expressing, in good faith, opinions concerning the actions of a public official while fulfilling their public duties or regarding their character to the extent manifested through such actions and no further.

Third Exception: No defamation arises when articulating, in good faith, opinions about an individual's behavior concerning public matters, and addressing their character solely in the context of that behavior, without extending beyond.

Fourth Exception: Defamation is not applicable when disseminating a largely accurate account of a court of justice's proceedings or the outcome of such proceedings.

Fifth Exception: Defamation is not applicable when honestly expressing opinions about the merits of a legal case, whether civil or criminal, that has been adjudicated by a court of justice, or when discussing the behavior of any person involved in the case as a party, witness, or agent. The discussion should be limited to the person's character as relevant to their involvement.



Sixth Exception: Defamation does not arise when sincerely expressing opinions about the quality of a performance that the author has subjected to public judgment or when discussing the author's character solely in connection with that performance, without exceeding this scope.

Seventh Exception: No defamation is committed if a person possessing authority over another due to legal designation or lawful contract comments in good faith on the latter's behavior in matters related to that authority.

Eighth Exception: Defamation does not occur when making a well-founded accusation against an individual to those who hold lawful authority over that person concerning the subject matter of the accusation.

Ninth Exception: Defamation is not present when imputing negative attributes to another person, provided the imputation is made in good faith for safeguarding the interests of the person making it, another individual, or the public welfare.

Tenth Exception: Defamation is not applicable when sharing a cautionary note in good faith with one person about another, provided the caution aims to benefit the recipient or a person of interest to them, or serves the public good.

➤ PUNISHMENT FOR DEFAMATION

Within the Indian Penal Code, there exist three sections that address the penalties associated with defamation. These sections are: Section 500, Section 501, and Section 502.

Section 500 of the Indian Penal Code stipulates, 'Anyone who defames another individual shall be subject to simple imprisonment for a duration that could extend up to two years, or a fine, or both.'

Section 501 of the Indian Penal Code states, 'Anyone who publishes (or engraves) any material, with knowledge or reasonable belief that said material defames an individual, shall be liable to simple imprisonment for a period up to two years, a fine, or both.'

Section 502 of the Indian Penal Code establishes, 'Anyone who vends or presents for sale any printed or engraved substance containing defamatory content, with knowledge of its defamatory nature, shall face simple imprisonment for a term up to two years, a fine, or both.'



2.3 CONTEMPT OF COURT

Contempt of Court refers to the offense of showing disrespect or disregard towards the authority and dignity of a court, its orders, and legal proceedings. This can manifest in actions or statements that hinder or obstruct the administration of justice. Contempt of Court can take two forms:

- **Civil Contempt:** This occurs when a person willfully disobeys a court order or engages in actions that obstruct the court's functioning or undermine its authority.
- **Criminal Contempt:** This involves deliberate actions that scandalize the court, interfere with the administration of justice, or show disrespect towards the court through words, gestures, writings, or behaviors.

Contempt of Court is also among the reasonable restrictions outlined in Article 19(2) of the Indian Constitution. The first enactment of the Contempt of Court Act took place in 1952. However, this initial version lacked a precise definition of contempt of court. Subsequently, the Contempt of Court Act was reenacted in 1971 and subsequently amended in 1976.

As per the revised Act, an individual can be deemed in contempt of court under the following circumstances:

1. Making allegations against a judge that impugn their reasonableness or competence.
2. Expressing doubts about the integrity, stature, rights, or impartiality of the judiciary.
3. Publishing comments on matters that are under the court's proceedings, which may potentially mislead the general public and lead to prejudice.
4. Casting aspersions, attempting to influence, or intimidating judges, jurors, lawyers, or witnesses involved in matters before the court.
5. Interfering with the administration of justice.
6. Threatening witnesses.
7. Attempting to obstruct police investigations against court orders or publishing court proceedings or the images of the accused.
8. Publishing reports on court proceedings and distorting facts.
9. Wrongfully publishing court proceedings and distorting facts.



These regulations are established to safeguard the authority and sanctity of the judicial process and to ensure that the course of justice is not disrupted or compromised by external influences.

2.4 CONTEMPT OF LEGISLATURE

Contempt of Legislature pertains to actions or statements that show disrespect, disregard, or obstruction towards the authority and functioning of the legislative bodies, such as the parliament or state legislatures. It involves behaviours that obstruct the proceedings, demean the stature of the legislative bodies, or undermine their integrity and authority.

Contempt of Legislature can encompass actions like refusing to comply with the directives of the legislative bodies, disrupting their proceedings, making false statements that impact their functioning, or exhibiting behaviour that hampers their effective operation. The aim is to ensure the smooth functioning and dignity of the legislative process.

However, it's important to note that freedom of speech and expression must also be balanced with the need to maintain the respect and effectiveness of the legislative bodies. Laws and regulations related to contempt of legislature serve to maintain the decorum and functioning of the legislative process while respecting democratic values.

2.5 CHECK YOUR PROGRESS

- a) The form of defamation is manifested in written or published materials is called.....
- b) The type of defamation occurs through spoken communication is called.....
- c) There are three sections within the Indian Penal Code that address the penalties associated with defamation. These sections are: Section 500,and Section 502.
- d)occurs when a person willfully disobeys a court order or engages in actions that obstruct the court's functioning or undermine its authority.
- e) Contempt of Legislature pertains to actions or statements that show disrespect, disregard, or obstruction towards the authority and functioning of the

2.6 KEYWORDS



Defamation: It is essentially the act of sullyng an individual's reputation, causing harm to their standing within society. It involves the utterance or inscription of content that undermines, belittles, or impairs the character, status, or prestige of a person or an entity.

Libel: This form of defamation is manifested in written or published materials.

Slander: This type of defamation occurs through spoken communication.

2.7 SELF-ASSESSMENT TEST

1. Define the Laws of Defamation . What are the types of defamation ?
2. What are the exceptions to defamation in India?
3. What do you understand by Contempt of Court . Write the types of Contempt of Court.
4. Explain Contempt of Legislature in detail.

2.8 ANSWERS TO CHECK YOUR PROGRESS

- a) Libel
- b) Slander
- c) Section 501,
- d) Civil Contempt
- e) legislative bodies

2.9 REFERENCES AND SUGGESTED READINGS

1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
2. Bhanawat, Sanjeev (1993) - Press Kanoon aur Patrakarita, published by Sidhashri Prakashan, Jaipur.
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SUBJECT: MEDIA LAWS & ETHICS	
COURSE CODE: BAMC-113	AUTHOR: DR. SUNAINA
LESSON NO.: 03	
FUNDAMENTAL RIGHTS, REASONABLE RESTRICTIONS & RIGHT TO INFORMATION ACT	

STRUCTURE

- 3.0 Learning Objectives
- 3.1 Introduction
- 3.2 Fundamental Rights
- 3.3 Freedom of Press
- 3.4 Reasonable Restrictions
- 3.5 Right to Information Act
- 3.6 Check Your Progress
- 3.7 Keywords
- 3.8 Self-Assessment Test
- 3.9 Answers to Check Your Progress
- 3.10 References/Suggested Readings

3.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand the Fundamental Rights.
- Discuss the Reasonable restrictions.
- Describe the Right to Information Act.

3.1 INTRODUCTION



Fundamental Rights are the basic rights and freedoms that are enshrined in a country's constitution and are considered essential for the overall well-being and dignity of its citizens. In many democratic countries, including India, these rights are legally protected and guaranteed to all individuals. These rights often encompass civil liberties, such as freedom of speech, freedom of religion, and the right to equality and non-discrimination.

Nonetheless, the practice of Fundamental Rights is not unconditional and can be subject to specific constraints or rational limitations. These limitations are established by legal provisions to harmonize individual rights with the broader concerns of public welfare, national security, maintenance of public harmony, moral values, and the rights of others. For instance, Article 19(2) of the Indian Constitution outlines reasonable curbs that can be placed on the freedom of speech and expression to uphold the nation's sovereignty and integrity, preserve public order, and safeguard considerations of decency and morality. Within this segment, we will delve deeply into the realm of Fundamental Rights, the concept of Reasonable Restrictions, and the intricacies of the Right to Information.

3.2 FUNDAMENTAL RIGHTS

Fundamental Rights are enshrined from Article 12 to 35 in the Third Chapter of the Indian Constitution. These rights represent the essential provisions required for our development. They signify the individual's entitlements acknowledged by society and upheld by the State. In India, the presence of Democracy is inconceivable without Fundamental Rights, as these rights serve as the bedrock of Democracy.

Nature of Fundamental Rights :

The nature of Fundamental Rights can be elucidated through the following points:

- Fundamental Rights are Uniform for all individuals.
- These rights are justiciable and enforceable through Article 32.
- Fundamental rights are not absolute; they carry certain limitations.
- They establish a boundary on the authority of both central and state governments.
- Fundamental rights differentiate between citizens and foreign nationals.



- These rights can be suspended during times of emergency.
- The Parliament holds the authority to amend Fundamental Rights.

The Indian Constitution defines seven Fundamental Rights, which are as follows:

1. Right to Equality, Articles 14 to 18:

The Right to Equality is a fundamental guarantee enshrined in the Constitution. Articles 14–18 collectively embody the principles of equality before the law and non-discrimination. It prohibits granting special powers to individuals based on their caste or lineage; for example, the son of a king does not automatically become a king. Articles 17–18 further emphasize the notion of social equality.

- Equality before law, Article 14: This article ensures that the state cannot deny anyone equality before the law or equal protection of the law within the territory of India.
- Prohibition of Discrimination, Article 15
- Equality of Opportunity, Article 16
- Abolition of Untouchability, Article 17
- Abolition of Titles, Article 18

2. Right to Freedom, Articles 19 to 22:

The Right to Freedom, covered in Articles 19 to 22, guarantees individual rights deemed essential by the framers of the Constitution. These Articles also outline certain limitations on individual liberty that the State may impose under specific circumstances.

3. Freedom of Speech and Expression, Article 19:

Press Freedom: The introduction of Article 361A paves the way for press freedom, allowing the media to disseminate accounts of the proceedings within the Indian Parliament and state legislatures.

- Interconnection of Right to Information: The Right to Information is intricately linked with the freedom of speech and expression, which finds its roots in Article 19 of the constitution.
- Peaceful Assembly: The liberty to gather peacefully without weaponry.
- Formation of Associations and Unions: The right to establish associations and unions.



- **Unrestricted Movement:** The liberty to traverse the expanse of India's territory without constraints.
- **Residency and Settlement:** The freedom to reside and establish residence anywhere within India's territorial bounds.
- **Professional Pursuits:** The freedom to partake in any profession, occupation, trade, or business.
- **Safeguard against Conviction:** Article 20 safeguards against unjust conviction for an offence.
- **Preservation of Life and Personal Liberty:** Article 21 ensures the protection of life and personal liberty.
- **Right to Education:** Article 21A solidifies the right to education.
- **Guarding Against Arrest and Detention:** Article 22 offers safeguards against arbitrary arrest and detention in specific scenarios.

4. Right against Exploitation, Articles 23-24:

The Right against Exploitation, outlined in Articles 23–24, encompasses provisions designed to prevent the exploitation of vulnerable sections of society by either individuals or the State.

- **Prohibition of Trafficking in Human Beings and Forced Labor, Article 23:** This article prohibits the trafficking of human beings and forced labor.
- **Prohibition of Compulsory Services, Article 23:** This article allows the State to mandate compulsory service for public purposes.
- **Prohibition of Child Labor, Article 24:** Children under the age of fourteen are prohibited from working in factories, mines, or other hazardous environments to safeguard their health.

5. Right to Religious Freedom, Articles 25-28:

The realm of the Right to Freedom of Religion, encapsulated within Articles 25–28, serves as a shield of religious liberty for all citizens, while concurrently upholding the secular essence of the Indian state. The Constitution steadfastly asserts the absence of an official state religion, mandating the State to equitably and impartially treat all religions.

- **Freedom to Embrace and Promote Religion:** Article 25 enshrines the freedom to adopt and propagate any faith.



- **Autonomy in Managing Religious Affairs:** Article 26 empowers the exercise of autonomy in overseeing religious matters.
- **Exemption from Taxes for Religion Promotion:** Article 27 prohibits the imposition of taxes for the furtherance of a particular religion.
- **Ban on Religious Instruction in Government Educational Institutions:** Article 28(1) imposes a prohibition on religious instruction within governmental educational institutions.
- **Voluntary Nature of Religious Education in Private Educational Institutions:** Article 28(3) mandates that religious education within private educational institutions must align with the will of the individual.

6. Cultural and Educational Rights, Articles 29-30:

The Cultural and Educational Rights, outlined in Articles 29 and 30, are provisions designed to safeguard the interests of cultural, linguistic, and religious minorities. These rights empower minorities to preserve their heritage, prevent discrimination, and establish educational institutions that cater to their unique needs.

- Article 29(1): Protection of Minority Interests.
- Article 29(2): Freedom to Get Admission in Educational Institutions.
- Article 30(1): Right of Minorities to Establish Educational Institutions.
- Article 30(2): No Discrimination in Granting Aid.

7. Right to Constitutional Remedies, Article 32:

The Right to Constitutional Remedies bestows upon citizens the ability to seek enforcement or protection of their Fundamental Rights by approaching the Supreme Court of India.

- Article 32(1): Empowerment of Citizens to Seek Implementation of Fundamental Rights.
- Article 32(2): Authority of the Supreme Court to Issue Writs such as Habeas Corpus, Mandamus, Prohibition, etc.
- Article 32(3): Empowerment of Other Courts by the Indian Parliament to Issue Notices without Affecting the Supreme Court's Powers.
- Article 32(4): Limitation on the State's Authority to Suspend the Right to Constitutional Remedies, Except in Cases Provided for by the Indian Constitution.

3.3 FREEDOM OF PRESS



The Indian Constitution doesn't explicitly provide a separate freedom for the media or press. However, it indirectly safeguards media freedom through Article 19(1)(a), which guarantees the freedom of speech and expression. The freedom of the mass media is derived indirectly from this Article.

The Constitution also sets forth restrictions under Article 19(2). On the matter of freedom of speech, Dr. B. R. Ambedkar explained that the press, like individuals, doesn't possess any unique rights beyond those enjoyed by citizens in their individual capacity. The press and media personnel are citizens exercising their expression rights, so there's no necessity for special mention of press freedom.

The initial Press Commission report stated, "Freedom of the press is a species of which freedom of expression is a genus." This confirms that press freedom is inherently included in the broader fundamental right to freedom of expression enshrined in Article 19(1)(a) of the Indian Constitution.

Justice Mudholkar, a Supreme Court Judge, expressed during the Emergency (1975-77), that measures like pre-censorship, import bans on printed materials, and indirect restrictions on newspaper circulation, which curtail media freedom, have been deemed legally unsound.

Article 19 of the Indian Constitution establishes:

"All citizens have the right to freedom of speech and expression, the right to peaceful assembly, to form associations or unions, to move freely within India, to reside anywhere within its territory, to acquire, hold, and dispose of property, and to practice any profession or carry on any occupation, trade, or business".

Nonetheless, this entitlement to freedom of speech and expression is susceptible to reasonable limitations in order to safeguard India's sovereignty and integrity, maintain state security, foster amicable relations with other countries, uphold public decency or morality, and address matters of contempt of court, defamation, or incitement to offense.

Hence, the type of freedom of expression found in the United States isn't directly mirrored in India. Instead, Indian citizens are subject to "reasonable restrictions" placed on their freedom of expression.

3.4 REASONABLE RESTRICTIONS



It is indeed intriguing, distinct, and paradoxical that what our Constitution bestows as a right is, at times, curtailed by certain sub-clauses within the same context. Mr. M. C. Chagla has offered a comprehensive response to this paradox, which can be summarized as follows:

Critics have claimed that our Constitution grants fundamental rights with one hand while seemingly retracting them with the other. Moreover, they contend that our Constitution confines these granted rights through numerous exceptions and provisions. However, this critique is fundamentally flawed.

Article 19 of our Constitution pertains to the right to freedom and explicitly outlines certain rights concerning individual freedoms like speech and expression. These provisions hold immense importance and serve as the bedrock of personal liberty.

Indeed, the subsequent sub-clauses impose certain limitations on these freedoms, particularly in relation to freedom of speech and expression. Furthermore, numerous laws address issues such as libel, slander, defamation, contempt of court, or any actions that transgress decency or morality, or that threaten security or aim to subvert the State.

These constraints align themselves with the objective criteria laid out by the Constitution. Similarly, the legislature holds the authority to impose rational constraints, in the pursuit of public order, upon the right to peacefully assemble without arms. The judgment regarding the reasonability of a restriction is not relegated to the legislature or executive's judgment alone. Instead, it constitutes a subject of objective assessment to be adjudicated by the Court of law. A restriction is deemed reasonable solely when the Court pronounces it as such.

This elucidates that the Constitution doesn't surrender the enactment of laws to the control of the ruling party or the whims of the executive. No one is granted the authority to curtail, regulate, or diminish our fundamental rights through casual changes, amendments, or introductions of new laws. Any limitation imposed on a fundamental right must withstand scrutiny within the confines of a Court of law.

Legislatures indeed possess the authority to place reasonable limitations on the freedom of speech and expression for the following reasons:

- Safeguarding the integrity of India.
- Ensuring the security of the State.



- Cultivating friendly relations with neighboring countries.
- Upholding public order.
- Preserving decency or morality.
- Preventing contempt of court and contempt of legislature.
- Addressing instances of defamation.
- Curbing incitement to an offense.

Overall, the requirement for imposing "reasonable restrictions" by legislatures has not been vigorously contested within the realm of the newspaper and media industry, especially when issues pertain to state security or India's integrity. When considering the superior judiciary, Justice Mudholkar noted a longstanding tradition of non-interference with press freedom (and other forms of mass media) except when a newspaper is found in contempt of court.

It's evident, therefore, that Article 19(1) (a) confers freedom in a fairly comprehensive manner. Notably, it doesn't specifically mention the freedom of the press (or mass media), as it does in the corresponding provision of the American Constitution.

However, judicial rulings have upheld that Article 19(1) encompasses the freedom of the press and, by implication, the freedom of other mass media.

3.5 RIGHT TO INFORMATION ACT, 2005

In "The Politics of Secrecy," a ground breaking book by well-known political expert James Michael, he shows a key difference between "freedom of information" and the "right to information." The word "freedom" implies that there are no limits, especially when it comes to the law. So, "freedom of information" means that a person has the right to get and share information without fear of being punished. Still, it's important to point out that in this scenario, the State isn't required to give details to the person.

The right to information plays an indispensable role in ensuring an unhindered dissemination of information. Nevertheless, a formidable barrier existed in the form of the Official Secrets Act in India. This legislation posed a significant obstruction to the unimpeded circulation of information, thus compelling a thorough re-examination of its implications.



Over the past two decades, there has been a mounting demand for the implementation of a Right to Information Act. The sentiment was that the right to information, as an essential legal entitlement, is crucial to usher in much-needed transparency within the system. This right was also perceived as a pivotal tool to eradicate corruption from public and administrative spheres. The lack of access to information is widely recognized as the primary catalyst for corruption, facilitating arbitrary decisions, covert agreements, embezzlement, and various forms of manipulation. By institutionalizing information as a right, individuals can pose challenging questions to those whose actions appear suspicious or lack transparency.

As we venture into the 21st century, our lifestyles and values are undergoing a transformation. Therefore, we must continue to evolve our approach and attitudes, shedding antiquated mentalities that hinder our progression as a modern and democratic society.

Within the realm of the media, a certain perspective strongly contends that championing the right to information would be the most significant contribution to the evolution of such a modern, democratic, and forward-looking society. However, there exists another school of thought that maintains the significance of the Official Secrets Act, particularly from the standpoint of maintaining governmental efficiency. The Press Commission has opined that secrecy within the bureaucracy, initially necessitated for enhancing organizational efficiency, has transformed into an end in itself, detached from effective external oversight. While the Commission's attempt to strike a balance between an open government and the necessity of safeguarding certain state matters is commendable, there was a perceptible bias toward the British model that drew criticism.

The Commission duly acknowledged that the matter of amending Section 5 of the Official Secrets Act had been thoroughly reviewed by various committees and commissions. The prevailing consensus has been that, given the Act's sensible administration and the minimal instances of prosecutions under its purview, no alterations to the Act are necessary. Section 5 of the Official Secrets Act outlines:

- Any individual who possesses or controls any secret official code, password, sketch, plan, model, article, note, document, or information concerning matters in a specific place or that could potentially directly or indirectly assist an adversary, or pertain to subjects with the potential to impact the sovereignty and integrity of India, the security of the State, friendly



relations with foreign nations, or that has been acquired or obtained in violation of this Act, or has been entrusted to them in confidence by a government official, or which they have obtained or accessed:

- By virtue of their position as an individual who currently or previously held a government office, or as someone who is or was employed under such an individual, or as an individual who has executed a contract on behalf of the Government.
- Intentionally imparts the code, password, sketch, plan, model, article, note, document, or information to anyone other than those authorized or a Court of Justice, unless it is in the State's interest, or unless it's their duty to communicate it.
- Utilizes the information in their possession to the advantage of a foreign power or in any manner detrimental to the State's security.
- Retains the sketch, plan, model, article, note, document, or code when not entitled to do so, or when it goes against their obligations to retain it, or knowingly fails to adhere to directions issued by lawful authority concerning its return or disposal.
- Fails to exercise reasonable care or behaves in a manner that endangers the security of the sketch, plan, model, article, note, document, secret official code, password, or information.

Engaging in any of the aforementioned actions would render the individual culpable of committing an offense under this section."

The Commission's counsel advocates for a replacement of this particular section with a more lenient statute. However, a lapse emerges in the Commission's proposition, as it suggests that the provisions of the British Information Bill should serve as a blueprint for India.

In the domain of information accessibility, the Commission sheds light on Sweden's pioneering role in enacting open government principles, incorporating them within its constitutional fabric. Numerous other nations, including Denmark, Finland, the USA, Austria, and France, have also instituted laws addressing this matter. Noteworthy among these are Austria and Canada, which have both crafted bills in pursuit of analogous goals.



Further insight emanates from Mr. Justice P. N. Bhagwati, affirming that the concept of open governance springs from the right to know, an aspect seemingly implicit within the broader right of free speech and expression.

India's voyage towards realizing the right to information has been marked by arduous legal struggles. Ultimately, this voyage culminated in the advent of the Right to Information Act in October 2005. The journey commenced with the introduction of the Indian Right to Information Act to the Indian Parliament in July 2000, with its implementation actualized on October 12, 2005. This transformative law expanded the realm of fundamental rights, granting every citizen the prerogative to access information. The Act mandates that all government bodies and institutions funded by the government must designate a Public Information Officer (PIO). The PIO shoulders the responsibility of ensuring that requested information reaches the petitioner within a stipulated span of 30 days, condensed to a mere 48 hours in cases concerning an individual's life and liberty. This legislation draws inspiration from antecedent laws in specific states such as Maharashtra, Goa, Karnataka, and Delhi, where citizens were granted varying degrees of access to information concerning the activities of state government entities.

The aftermath of its enforcement saw the Right to Information Act catalyzing the exposure of high-profile instances of corruption within various government initiatives. These revelations ranged from scandals involving Public Distribution Systems and disaster relief efforts to questionable practices in highway construction. The law itself has garnered praise as a significant milestone in India's voyage towards bolstered transparency and heightened accountability.

The Right to Information (RTI) stands as an indispensable privilege for every citizen of India, a crucial cornerstone of empowerment. The entities established by the RTI Act of 2005, akin to quasi-judicial bodies, play a pivotal role. This legislation was conceived to reinforce the bedrock constitutional right of 'freedom of speech,' solidifying its roots within the Indian legal framework. Implicitly interwoven within the ambit of the Right to Freedom of Speech and Expression enshrined in Article 19 of the Indian Constitution, the RTI crystallizes as a latent fundamental right.

Yet, the landscape of information disclosure in India finds itself restrained by the Official Secrets Act of 1923 and an array of specialized laws. The inception of the new RTI Act brings a welcomed relaxation



to these confines. This Act endows Indian citizens with a codified, fundamental entitlement, heralding a new era of transparency and accountability. While the RTI has emerged as a potent tool, its potency grapples with the challenges posed by the Whistle Blowers Protection Act of 2011.

The wheels of progress continue to turn as the Right to Information (Amendment) Bill of 2019 endeavours to reshape specific dimensions of the RTI Act. This bill takes aim at Sections 13, 16, and 27 of the original legislation. Notably, Section 13, nestled within the original Act, designates the tenure for the central Chief Information Commissioner and Information Commissioners, spanning five years or until the age of 65, whichever event transpires earlier. The ongoing evolution of this landscape underlines the dynamic nature of information access and governance within India.

3.6 CHECK YOUR PROGRESS

- a) Fundamental Rights are enshrined from Article 12 to 35 in theof the Indian Constitution.
- b) Fundamental rights are justiciable and enforceable through.....
- c)is a fundamental guarantee enshrined in the Constitution. Articles 14–18 collectively embody the principles of equality before the law and non-discrimination.
- d) The Right to Freedom, covered in Articles 19 to 22, guarantees individual rights deemed essential by the.....
- e) The Right to Information is intricately linked with the....., which finds its roots in Article 19 of the constitution.

3.7 KEYWORDS

- **Fundamental Rights :** Fundamental Rights are enshrined from Article 12 to 35 in the Third Chapter of the Indian Constitution. These rights represent the essential provisions required for our development. They signify the individual's entitlements acknowledged by society and upheld by the State.
- **Right to Constitutional Remedies, Article 32:**



The Right to Constitutional Remedies bestows upon citizens the ability to seek enforcement or protection of their Fundamental Rights by approaching the Supreme Court of India.

3.8 SELF-ASSESSMENT TEST

1. Define Fundamental Rights. What are the seven Fundamental Rights defined in The Indian Constitution?
2. Explain Freedom of Press in detail.
3. What are the Reasonable Restrictions' criteria laid out by the Constitution?
4. What is Right to Information Act ? explain in detail

3.9 ANSWERS TO CHECK YOUR PROGRESS

- a) Third Chapter
- b) Article 32
- c) The Right to Equality
- d) framers of the Constitution
- e) freedom of speech and expression

3.10 REFERENCES AND SUGGESTED READINGS

1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
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SUBJECT: MEDIA LAWS & ETHICS	
COURSE CODE: BAMC-113	AUTHOR: DR. SUNAINA
LESSON NO.: 04	
COPYRIGHT ACT	

STRUCTURE

- 4.0 Learning Objectives
- 4.1 Introduction
- 4.2 Copyright Act
- 4.3 Violation of Copyright Act
- 4.4 Check Your Progress
- 4.5 Keywords
- 4.6 Self-Assessment Test
- 4.7 Answers to Check Your Progress
- 4.8 References/Suggested Readings

4.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Comprehend the Copyright Act.**
- **Examine Copyright Act Violations.**

4.1 INTRODUCTION

The Copyright Act in India has its roots in 1857, which was a very important year for intellectual property. Before the Indian Copyright Act of 1957, copyright conflicts in India were based on British Common Law.

This story took a major turn when, on October 30, 1912, the British Copyright Act of 1911 went into effect in India. This was announced in the Gazette of India as an official declaration. In response, the Indian Legislature passed the Indian Copyright Act of 1914. This was a piece of legislation that not only



included the British Copyright Act of 1911, but also made changes and additions to fit India's specific needs.

As the fabric of time changed, so did the Copyright Act. It went through a number of changes that changed its shape to fit the changing intellectual environment. So, in a moment with a lot of historical importance, the Copyright Act of 1857 was ratified, making it a permanent part of India's legal past.

4.2 COPYRIGHT ACT

When an individual produces through the application of their labor, intellect, or skill constitutes their property. The creator inherently possesses rights to their creations. The Law of Copyright establishes an additional statutory intangible property right for such products if they are original works.

In this era of scientific advancement, it has become possible for an author's works to be duplicated, published, and circulated without the author's awareness or consent. The potential for misuse has grown with the advent of efficient copying mechanisms. Unauthorized copying not only enables one to profit but also serves personal interests. To address such practices, the necessity for the Copyright Act arose. The scope of copyright is extensive, encompassing fields such as visual arts, music, drama, literature, culture, and more.

A writer or artist invests their thoughts, labour, time, intelligence, and effort to create a work. The Copyright Act grants legal safeguarding to this creation, akin to the protection granted to a property acquired through physical labour.

Article 14 of the Copyright Act of 1957 thoroughly defines the concept of copyright. According to this Act, "Copyright" signifies the exclusive right subject to the provisions of this act.

In the case of literary, dramatic, or musical works, copyright encompasses the ability to perform and authorize the following acts:

- Reproducing the work in any tangible form.
- Publishing the work.
- Publicly performing the work.
- Creating, reproducing, performing, or publishing any translations of the work.



-
- Producing cinematograph films or records based on the work.
 - Communicating the work through radio diffusion or conveying it to the public using loudspeakers or similar instruments.
 - Making adaptations of the work.
 - Engaging in activities related to translations or adaptations of the work, as specified in relation to the work in the initial four clauses.

4.3 VIOLATION OF COPYRIGHT ACT

Article 51 of the Copyright Act of 1957 addresses the intricate matter of copyright violation . Within its confines, copyright violation arises under the subsequent circumstances:

When any individual, bereft of a license sanctioned by the copyright proprietor or the Registrar of Copyrights under this very Act, or in contravention of the stipulations of a granted license or any mandates put forth by a proficient authority under this Act, partakes in actions that exclusively belong to the copyright proprietor, as conferred by this Act. Moreover, copyright violation transpires when an individual:

- Engages in production for commercial sale or rental, or engages in sales.
- Undertakes distribution for the purpose of trade, to an extent that negatively affects the copyright proprietor.
- Presents the work publicly for commercial purposes.
- Imports (except for personal and domestic use by the importer) into India any copies of the work that encroach upon the bounds of copyright.

In the context of this clause, the replication of a literary, dramatic, musical, or artistic work in the form of a cinematograph film is classified as an 'infringing copy'. Yet, amidst these stringent provisions, Article 52 of the Copyright Act carves out niches where subsequent actions are exempt from being branded as copyright violation :

- Reasonable utilization of literary, dramatic, artistic, or musical works for research or private study, and the act of criticism or review, regardless of the work.



- Rational utilization of such works for reporting current events in newspapers, magazines, or similar periodicals, through radio diffusion, cinematograph film, or photographs.
- Reproduction of works for reporting on legal proceedings.
- Reproduction or publication in material produced or supplied by the secretariat of a Legislature, exclusively for the members of that Legislature's use.
- Reproduction in a specific copy, in accordance with existing laws.
- Public reading or recitation of a reasonable excerpt from a published literary or dramatic work.
- Inclusion in an educational collection, specifically designed for educational institutions, with limitations.
- For works of joint authorship, the above provisions encompass passages from works by one or more of the authors.
- Reproduction by teachers or students within an educational setting.
- Performance within an educational institution.
- Reproduction in newspapers, magazines, or periodicals of articles on current topics.
- Publication in newspapers, magazines, or periodicals of reports of public lectures.
- Creation of up to three copies of a book by a public library custodian.
- Reproduction for research, private study, or publication of an unpublished work kept in publicly accessible institutions.

However, for works with known authors, these provisions apply only if the reproduction occurs more than 50 years after the author's demise. Furthermore, certain reproductions or publications are considered beyond the realm of violation :

- Published content from official Gazettes, excluding legislative Acts.
- Legislative Acts alongside original commentary.
- Reports from government-appointed committees, commissions, etc.
- Court judgments or orders, unless prohibited by the court.
- Translations into Indian languages of legislative Acts, rules, or orders in cases where authorized translations are absent, or existing translations lack availability for public sale and carry a disclaimer of government endorsement or authenticity.



Initially, copyright, under the Copyright Act of 1957, lasted for 50 years from the subsequent calendar year, each year commencing on January 1 and concluding on December 31. However, on December 28, 1991, President P. Venkataraman issued an ordinance that extended the term to 60 years.

Punishment of Crime :

Article 63 of this act stipulates the penalties for copyright violation . Violating copyright laws can result in a penalty of up to one year of imprisonment, a monetary fine, or a combination of both.

4.4 CHECK YOUR PROGRESS

- a) Article 14 of the Copyright Act of 1957 thoroughly defines the concept of.....
- b) The Copyright Act in India has its roots in....., which was a very important year for intellectual property.
- c) The replication of a literary, dramatic, musical, orin the form of a cinematograph film is classified as an 'infringing copy'.
- d) The Copyright Act grants legal safeguarding to this creation, akin to the protection granted to a property acquired through.....
- e) Violating copyright laws can result in a penalty of up to one year of imprisonment, a monetary fine, or.....

4.5 KEYWORDS

- Copyright - The legal right to be the only person who may print, copy, perform, etc. a piece of original work, such as a book, a song or a computer program
- Legislation- The preparing and enacting of laws by local, state, or national legislatures.
- intangible property- Intangible Property is a property without a physical existence. Examples of intangible property include patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets.
- Common Law- In law, common law is the body of law created by judges and similar quasi-judicial tribunals by virtue of being stated in written opinions.



4.6 Self-Assessment Test

1. Define Copyright Act. What is the punishment for infringement of Copyright Act?
2. What are the subsequent actions that are exempted from being branded as copyright violation ?
3. What is the term of protection of copyright?

4.7 ANSWERS TO CHECK YOUR PROGRESS

- a) Copyright
- b) 1857
- c) artistic work
- d) physical labour
- e) a combination of both

4.8 REFERENCES AND SUGGESTED READINGS

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SUBJECT: MEDIA LAWS & ETHICS	
COURSE CODE: BAMC-113	AUTHOR: DR SUNAINA
LESSON NO.: 05	
BROADCASTING CODE FOR NEWS	

STRUCTURE

5.0 Learning Objectives

5.1 Introduction

5.2 AIR and Doordarshan Code of Broadcasting News

5.2.1 News Guidelines For Broadcast Media

5.3.2 Broadcasting Code Governing All India Radio and Doordarshan

5.3 Check Your Progress

5.4 Keywords

5.5 Self-Assessment Test

5.6 Answers to Check Your Progress

5.7 References/Suggested Readings

5.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Understand AIR and Doordarshan Code of Broadcasting.**

5.1 INTRODUCTION

Radio and television have emerged as significant mass media platforms in India. All India Radio and Doordarshan have been catering to our information, entertainment, and educational requirements for an extended period. Starting from 1991, private television channels have also assumed a crucial role.



Private FM radio channels have revitalized radio broadcasting across the nation. Numerous laws govern electronic media in India.

In this lesson, we will explore two of these legislations: the AIR Code of Broadcasting News and the Doordarshan Code of Broadcasting News.

5.2 AIR AND DOORDARSHAN CODE OF BROADCASTING NEWS

The nine-point broadcasting code extends beyond the scope of reasonable restrictions as delineated in Article 19(2) of the Indian Constitution. This code entails prohibitions on the following:

- Critique of friendly countries.
- Assault on religion or communities.
- Material that is obscene or defamatory.
- Instigation of violence or actions detrimental to the maintenance of law and order.
- Statements undermining the integrity of the President, Governorship, or Judiciary.
- Content amounting to contempt of court.
- Verbal attacks directed at a political party by name.
- Hostile criticism of any state or the Central Government.
- Expressions displaying disrespect towards the Constitution or advocating alterations to it through violent means; however, advocating constitutional changes through lawful means should not be restricted.

The mentioned code pertains to critiques presented in the form of personal attacks, directed either at a friendly government, a political party, the Central Government, or any State Government. However, it does not prohibit references or dispassionate discussions concerning the policies pursued by any of these entities.

The Station Director holds the authority to provisionally interpret whether a violation of the code has occurred. If a broadcaster disagrees with the Station Director's viewpoint, the Station Director retains immediate power to deny the broadcast. If disagreements between a State Government Minister and the Station Director regarding the code's interpretation remain unresolved, the matter will be escalated to



the Minister of Information and Broadcasting. The Minister will make the ultimate decision on whether adjustments to the broadcasting content are necessary to align it with the code.

5.2.1 News Guidelines For Broadcast Media

Both Radio and Television have a significant impact on shaping public opinion. Recognizing this, the Government of India emphasized the need for a well-defined news policy for broadcast media.

The news policy for Broadcast media was established by the Ministry of Information and Broadcasting and conveyed to AIR & DD on May 4, 1982. This policy was subsequently presented before the Lok Sabha on July 13, 1982.

- Clearly distinguishing between news and opinions is essential. News should be presented in a factual, accurate, and objective manner, devoid of any editorialization.
- Selection of news should be based on its newsworthiness.
- While selecting news based on newsworthiness, its presentation should align with the medium and the intended audience.
- In addition to ensuring factual accuracy, news should also provide the necessary context.
- The utmost responsibility should be upheld in broadcasting news. AIR and Doordarshan should not relay news solely based on its publication in newspapers and magazines. They should establish independent sources to verify events.
- In a developing nation like India, AIR and Doordarshan should emphasize developmental news, including its significance, accomplishments, and challenges. They should encourage public engagement in development activities and not solely rely on news agencies, but produce well-researched stories.
- Given the time constraints, broadcast news on AIR and Doordarshan cannot replicate that of newspapers.
- Government program implementations should receive adequate news coverage.
- The prime goal of current affairs programs should be to educate the public about various aspects of political, economic, social, and cultural developments. A comprehensive approach should be employed,



highlighting diverse viewpoints and offering ample context for better comprehension and interpretation of events.

- Routinely evaluating news and current affairs programs after airing should be a standard practice.
- Broadcast language style should be appealing to the ear, as opposed to the eye-pleasing nature of print media.
- For politically sensitive news, AIR and Doordarshan should aim for balanced presentation of different perspectives. If presenting various viewpoints simultaneously is not feasible, a balance should be achieved within a reasonable timeframe.
- Prioritizing international news, particularly from developing neighboring countries, is important.
- AIR and Doordarshan should strive to shape an informed public opinion about global events, always considering national interest while delivering news.
- Evaluation of bulletin language should be regular, and greater focus on specialization and training of news personnel within AIR and Doordarshan is necessary. Stylebooks for each language should be developed promptly.
- The proficiency of individuals managing news and current affairs programs is crucial, as they play a pivotal role in implementing these policies and guidelines. Personnel selection is paramount. Professionals should possess news training, aptitude for selecting items judiciously, and the skill to adapt stories for the medium. Professional training and a deep understanding of the media's democratic role empower them to make well-informed decisions.

5.2.2 Broadcasting Code Governing All India Radio and Doordarshan

Acknowledging the profound impact of Radio and Television, both positively and negatively, and recognizing the significant responsibilities entrusted to all broadcasters:

- Ensuring the impartial presentation of news and equitable and unbiased commentary.
- Promoting the advancement of education and culture.
- Upholding high standards of decency and decorum across all programs.



- Offering programming for the youth that, through variety and content, fosters the values of responsible citizenship.
- Promoting communal harmony, religious tolerance, and global understanding.
- Addressing controversial public matters in a neutral and objective manner.
- Respecting human rights and dignity.

5.3 CHECK YOUR PROGRESS

- a) Private FM radio channels haveradio broadcasting across the nation.
- b) Thebroadcasting code extends beyond the scope of reasonable restrictions as delineated in Article 19(2) of the Indian Constitution.
- c) Article 19(2) of the Indian Constitution entails prohibitions on Critique of
- d) Article 19(2) of the Indian Constitution entails prohibitions onamounting to contempt of court.

5.4 Keywords

- **Private FM** : A radio transmitting station carrying on a message service for business purposes but not open to the public.
- **Prohibitions:** The action of stopping something being done or used, especially by law

5.5 Self-Assessment Test

1. What are the news policy for Broadcast media established by the Ministry of Information and Broadcasting ?
2. Write the news guidelines for broadcast media in detail.
3. What are the broadcasting code governing All India Radio and Doordarshan

5.6 ANSWERS TO CHECK YOUR PROGRESS

- a) Revitalized
- b) nine-point



- c) friendly countries.
- d) content

5.7 REFERENCES AND SUGGESTED READINGS

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SUBJECT: MEDIA LAWS & ETHICS	
COURSE CODE: BAMC-113	AUTHOR: DR. SUNAINA
LESSON NO.: 06	
BROADCASTING CODE FOR ADVERTISING	

STRUCTURE

- 6.0 Learning Objectives
- 6.1 Introduction
- 6.2 Code of Commercial Broadcasting
- 6.3 Code of Commercial Advertising for AIR & DD
- 6.4 Check Your Progress
- 6.5 Self-Assessment Test
- 6.6 Answers to Check Your Progress
- 6.7 References/Suggested Readings

6.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Understand Code of Commercial Broadcasting.**
 - **Examine the Code of Commercial Advertising for AIR & DD.**
-

6.1 INTRODUCTION

It is often said that while love and war have no rules, advertising is another arena that seemingly enjoys a certain level of freedom. Advertising grants considerable flexibility in terms of language, body language, posture, gesture, and more. However, it's essential to note that there are specific guidelines that apply to advertising on All India Radio and Doordarshan. These broadcasting platforms adhere to a well-defined code for advertising.

6.2 CODE OF COMMERCIAL BROADCASTING



No advertisement will be accepted if it contradicts the AIR and TV Broadcast Code, which is outlined below:

General Code for AIR/TV:-

- Avoid Criticism of friendly countries
- Refrain from Attack on religions or communities
- Steer clear of Anything obscene or defamatory
- Avoid Incitement to violence or anything that disrupts law and order
- Do not engage in Anything amounting to contempt of court
- Avoid Aspersion against the integrity of the President and Judiciary
- Refrain from Anything that compromises the integrity of the Nation
- Do not engage in Criticism by naming any individual.

The code for commercial broadcasting outlines the fundamental principles governing advertising practices. It discusses the enforcement process of the code, includes excerpts from the code of ethics issued by the Advertising Council of India, and incorporates standards for the advertisement of medicines and treatments. The code also emphasizes the standards of practice for advertising on Radio and Television, as well as for advertising agencies. The key points of the code are as follows:

1. Advertisements must adhere to the laws of the country and must not violate standards of morality, decency, or religious sensitivities.
2. No advertisement should:
 - Ridicule any race, caste, color, creed, or nationality, except for the specific purpose of effectively countering prejudice.
 - Contradict the objectives, principles, or provisions of the Constitution.
 - Incite people to commit crimes, disorder, violence, or breaches of the law.
 - Present criminal behavior as desirable or provide details about crimes or their initiation.
 - Have the potential to harm friendly relations with foreign nations.
 - Misuse national symbols, the Constitution, or the identity of national leaders or State dignitaries.



- Be related to cigarettes and tobacco.

6.3 CODE OF COMMERCIAL ADVERTISING FOR AIR & DD

The code for commercial advertising on AIR & DD is as follows:

1. Advertising should adhere to the country's laws and must not offend morality, decency, or religious sensitivities.
2. No advertisement should:
 - Ridicule any race, caste, color, creed, or nationality, except for the purpose of effective dramatization to combat prejudice.
 - Contradict the objectives, principles, or provisions of the Indian Constitution.
 - Incite crime, disorder, violence, or breaches of the law.
 - Present criminality as desirable or provide details about crimes or their initiation.
 - Have the potential to harm friendly relations with foreign nations.
 - Exploit national symbols, any part of the Constitution, or the identity of national leaders or state dignitaries.
 - Promote cigarettes and tobacco products.
 - Have religious or political objectives; they must not be related to industrial disputes.
 - Advertise services related to money lending, chit funds, unlicensed employment services, fortune tellers, etc. Claims of hypnotism are excluded from TV advertising.
 - Claims and illustrations made in advertisements must be substantiated with evidence.
 - Advertisements should not disparage other products or services.
 - Visual and verbal representations of prices and costs must be accurate and not misleading.
 - Testimonials must be genuine and not misleading. Evidence must support any claims made.

Additionally, The Director General, Doordarshan, will follow the Advertising Code of Ethics in India, as modified from time to time, for commercial telecasting on Doordarshan.

6.4 CHECK YOUR PROGRESS

- a) Advertisements must adhere to the laws of the country and must not....., decency, or religious sensitivities.



- b) No advertisement should Incite people to commit....., or breaches of the law.
- c) No advertisement should Have the potential to harmwith foreign nations.
- d) Advertisements should not disparage other.....
- e) The Director General, Doordarshan, will follow thein India, as modified from time to time, for commercial telecasting on Doordarshan.

6.5 SELF-ASSESSMENT TEST

1. What are the advertising Code of Commercial Broadcasting?
2. What are the Code of Commercial Advertising for AIR & DD?

6.6 ANSWERS TO CHECK YOUR PROGRESS

- a) violate standards of morality
- b) crimes, disorder, violence
- c) friendly relations
- d) products or services
- e) Advertising Code of Ethics

6.7 REFERENCES AND SUGGESTED READINGS

1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
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SUBJECT: MEDIA LAWS & ETHICS	
COURSE CODE: BAMC-113	AUTHOR: DR. SANDHYA
LESSON NO.: 07	
PRASAR BHARATI ACT	

STRUCTURE

- 7.0 Learning Objectives
- 7.1 Introduction
- 7.2 Prasar Bharti Act
 - 7.2.1 History of Prasar Bharati Act
 - 7.2.2 Prasar Bharati Act (1990)
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 - 7.2.4 Functions and Objectives of Prasar Bharti
 - 7.2.5 Significance of Prasar Bharati
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 - 7.2.7 Cases Example
 - 7.2.8 Today's Broadcasting Scenario
- 7.3 Check Your Progress
- 7.4 Self-Assessment Test
- 7.5 Answers to Check Your Progress
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7.0 LEARNING OBJECTIVES



After reading this lesson you will be able to:

- **Understand Prasar Bharti Act.**
- **Discuss Film Censorship.**
- **Describe Cinematograph Act.**

7.1 INTRODUCTION

The media functions as an intermediary for information exchange between the populace and the State. It stands as the fourth foundational element of our democratic structure, bearing the onus of molding public viewpoints. An animated and unencumbered media presence is indispensable for the well-being of a robust democracy. Given that the essence of media encompasses interrogation and critique, its significance reverberates throughout nations. This implies that within any nation striving to uphold the tenets of democratic governance, an independent and equitable press is imperative.

7.2 PRASAR BHARATI ACT

Prasar Bharati stands as the largest public broadcasting entity in India, encompassing the expansive Doordarshan television network and the comprehensive reach of All India Radio. In earlier times, both these entities functioned as components within the Ministry of Information and Technology. During periods of emergency and even beyond, Doordarshan was harnessed for governmental propagation of messages. Consequently, the formulation of the Prasar Bharati Act in 1990 ensued. This legislative milestone was driven by the primary intent of bestowing autonomy upon the electronic media avenues, specifically All India Radio and Doordarshan.

7.2.1 History of Prasar Bharati Act

In the year 1997, as India commemorated half a century of independence, a notable paradigm shift was initiated in the realm of broadcast media. During this period, groundbreaking initiatives were undertaken to liberate broadcast media from the constraints of governmental influence. This marked the onset of a transformative era in the field.

- Amid the Emergency period, a notable incident transpired when Indira Gandhi chose to conceal the Chanda Committee Report's findings. During this time, she openly questioned the necessity



for governmental media to uphold credibility. Regrettably, the All India Radio (AIR) became a tool misused for political propaganda.

- In 1977, the Janata Government initiated preliminary measures to address this issue. To recommend a corrective course, the B.G. Varghese Committee was instituted. By 1978, the committee had submitted its report, suggesting a pivotal solution: the establishment of an autonomous National Broadcasting Trust, dubbed Akash Bharati. This entity would bear responsibility for both Akashvani and Doordarshan, fostering independence in their operations.
- In 1979, L.K. Advani, serving as the Information and Broadcasting Minister, introduced a bill within the Parliament. The essence of this bill was the creation of an "Autonomous Corporation" named Prasar Bharati, encompassing both All India Radio (AIR) and Doordarshan. However, this legislative endeavor fell dormant as the bill lapsed, with the subsequent Congress Government opting not to reintroduce the previous government's bill.
- The year 1982 witnessed the establishment of the P.C. Joshi Committee, entrusted with the task of formulating a comprehensive software plan for Doordarshan. This committee proposed the formal recognition of the Ministry of Information and Broadcasting and advocated for the creation of a Railway Board-like body. This envisioned board would exclusively admit accomplished professionals with extensive expertise in the field.
- In 1989, the National Front Government introduced the Prasar Bharati Bill, an evolution of the prior bill which included both retained and novel elements. Under the guidance of the V.P. Singh Government, this bill was presented and subsequently approved by the Lok Sabha in August 1990.
- The year 1992 marked the establishment of the Vardan Committee, constituted by P.V. Narasimha Rao. Operating under the leadership of K.A. Vardan, the additional secretary of the Information and Broadcasting Ministry, the committee's proposals included the leasing out of the second Doordarshan channel in four major metropolitan centers. Additionally, the committee recommended the leasing of certain FM stations.
 - Under the Narasimha Rao Government's stewardship, novel policies surfaced that permitted limited operations by private and foreign broadcasters within India.



- Subsequently, K.P. Singh Deo, the Information and Broadcasting Minister, communicated that any influx of foreign media would be met with a countermeasure in the form of an indigenous programming strategy. He reiterated on numerous occasions the Government's earnest intent to implement the Prasar Bharati Act, albeit not necessarily conceding complete autonomy to Akashvani and Doordarshan.
- Ultimately, the fruition of the Prasar Bharati initiative materialized in 1997. This significant development was realized through the enactment of the "Prasar Bharati Act," officially marking its inception on the 23rd of November, 1997.

Established in 1959, Doordarshan emerged as a significant entity. Its guiding motto, "Satyam Shivam Sundaram," epitomizes its principles. Commencing in 1960, terrestrial broadcasts commenced in Delhi, subsequently expanding to encompass major metropolitan centers. Originating as a segment within All India Radio, Doordarshan gained independence in 1976, heralding its unique journey.

On the global stage, All India Radio holds the distinction of being the largest radio network. As India's premier National Public Radio Broadcaster, it was inaugurated on the 1st of March, 1930. Officially recognized as Akashvani, its guiding motto echoes: "Bahujana Hitaya Bahujana Sukhaya."

Both Doordarshan and All India Radio undertook the mantle of National and Public Service Broadcasters, resonating as the voice of both the Government and the populace. In an earnest pursuit of authentic Public Service and National Broadcasting, a crucial decision was made under the guidance of the Honorable President – the transformation of these entities into the entity now known as Prasar Bharati.

7.2.2 Prasar Bharati Act (1990)

This legislation encompasses the entirety of India's geographical expanse. It outlines the establishment of a Broadcasting Corporation, stipulating the organization's makeup, authority, and operational scope. Notably, this Act bestows autonomy upon entities like All India Radio and Doordarshan that were previously subject to governmental oversight.



Section 3 of this legislation pertains to the establishment and configuration of the aforementioned corporation. This corporation is endowed with a distinct legal personality, signifying perpetual continuity and possessing an official seal. Its operational center is headquartered in New Delhi.

7.2.3 Structure of The Prasar Bharati Board

The Act meticulously outlines the authority encompassing the overall supervision, guidance, and administration of the corporation's undertakings. Within this framework, the Prasar Bharati Board is vested with the responsibility to carry out a comprehensive array of actions and wield all pertinent powers that align with the corporation's functions.

The Board shall consist:

- Chairman
- One Executive member
- One member (Finance)
- One member (Personnel)
- Six Part-time members
- Director-General (Akashvani), ex officio
- Director-General (Doordarshan), ex officio
- One representative of the Union Ministry of Information and Broadcasting (India), to be nominated by that ministry and
- Two representatives of the employees of the corporation

The appointment of the Chairman and other members, excluding ex-officio members, nominated members, and those elected, is carried out by the President of India. Ensuring a seamless operational rhythm, a minimum of six gatherings are convened annually. Importantly, there should not be a gap exceeding three months between consecutive meetings.

7.2.4 Functions and Objectives of Prasar Bharti



The principal objective of the Prasar Bharti is to enlighten, update, and engage the public. Accomplishing this goal involves orchestrating and coordinating public broadcasting services for the populace, facilitating the effortless dissemination of information. Furthermore, it undertakes the responsibility of fostering equitable progress in broadcasting across both radio and television mediums. The objectives of Prasar Bharti are:

- To establish autonomy for Akashvani and Doordarshan, ensuring their operations remain impartial, unbiased, and imbued with creativity.
- Upholding the nation's unity and integrity remains a paramount mission.
- The preservation of democratic and societal principles, as enshrined in the constitution, stands as a pivotal aim.
- Safeguarding the citizenry's right to receive information freely, truthfully, and objectively remains a central tenet.
- Disseminating knowledge in fields like literacy, agriculture, rural advancement, healthcare, family welfare, environmental concerns, science, and technology is an integral endeavor.
- Fostering healthy competition and a sportsmanlike spirit through comprehensive sports and games coverage is a notable goal.
- Nurturing and showcasing the diverse cultures and languages found within different regions through a multitude of programs.
- Addressing the distinct requirements of the youth, with a consistent offering of specialized programming.
- Addressing women's issues and dedicating efforts toward women's upliftment remains a distinctive priority.
- Taking dedicated strides to protect and uplift the vulnerable segments including children, the elderly, the visually impaired, and the differently-abled.
- Safeguarding the rights of the labor force and advancing their welfare form a core focus.
- Tailoring programming to meet the distinct needs of minority groups and tribal communities.
- Fostering national integration, which involves nurturing the nation's linguistic diversity.
- Encouraging research and development initiatives in radio and television broadcasting technology.



7.2.5 Significance of Prasar Bharati

There are two significance of Prasar Bharati:

1. India's Public Service Broadcaster
2. National Broadcaster

1. Public and Private Service Broadcaster

Private broadcasters are inherently incapable of fulfilling the core objectives inherent in Public Service Broadcasting. The fundamental focus of private broadcasters centers around the promotion and sale of their advertisers' products. Their sustenance heavily relies on the revenue generated through advertising. However, the trajectory of commercial broadcasting diverges significantly from the requisites of public service broadcasting. This discrepancy arises as commercial broadcasting treats the audience as consumers rather than as engaged citizens, thereby inadequately catering to the broader public service objectives.

2. National Broadcaster

Prasar Bharati, the esteemed national broadcaster, stands as a monumental achievement in terms of technical coverage. Its extensive reach spans every nook and cranny of the nation. Particularly in remote and border regions, its penetration rates ascend to an impressive 99.3%, paralleled by 91.42% coverage across geographical expanses. This robust national broadcaster serves as a resounding emblem of pride for the entire country, embodying the spirit of the nation. In situations of urgency, such as natural disasters or conflicts, this national broadcaster holds paramount strategic importance, acting as a vital conduit of information.

The constitutional framework guarantees the fundamental right of freedom of expression for all citizens. Prasar Bharati, as a critical element within our democratic framework, serves as a potent tool of expression. This holds true not only for public broadcasting but for the entire spectrum of media, including print and electronic media. In this context, it's noteworthy that both print and electronic media are predominantly owned by large corporate entities, which also enjoy the freedom of expression. However, envisioning a scenario where the public broadcaster faces an all-



encompassing array of restrictions that render it under the exclusive governance of the government would be an oversight.

Efforts to curtail the expansion of Prasar Bharati often aligned with the interests of the private sector. Since its formal establishment on September 15, 1997, under the Prasar Bharati Act, this entity has demonstrated an unwavering reach. However, its status as a channel truly representing the people remains a point of contention. Its operational freedom is constrained, often echoing the sentiments of the ruling government. This trend has led to a lack of widespread acclaim, unsurprising given the limitations on its editorial independence.

7.2.6 Sam Pitroda Committee Recommendations

In February 2014, the Sam Pitroda Committee undertook measured initiatives aimed at bolstering Prasar Bharati. Within this framework, the committee put forth a set of recommendations focused on enhancing the autonomy of Prasar Bharati:

- **Enhanced Autonomy:** To ensure Prasar Bharati's operational autonomy, consider amending the Prasar Bharati Act of 1990.
- **Manpower Authority:** Empower Prasar Bharati to formulate regulations, recruit personnel, and manage its workforce without necessitating government consent.
- **Authentic Public Broadcaster:** Transform Prasar Bharati from a "Government Broadcaster" to an authentic "Genuine Public Broadcaster."
- **Prioritize Direct-To-Home (DTH):** Elevate Direct-To-Home (DTH) signals to a primary mode of broadcasting.
- **Augmented Funding Allocation:** Gradually increase the allocation of funds over a 5-7 year period, dedicating 50% of the total expenditure to content generation.
- **Technological Advancement:** Expand satellite and digital cable TV operations to meet the obligations of public service broadcasting.
- **Social Media Strategy:** Formulate a strategic framework for Prasar Bharati's engagement with social media.
- **Channel Evaluation:** Undertake a comprehensive assessment of all channels, including Doordarshan and All India Radio, and phase out underutilized resources.



- **Establishment of Prasar Bharati Connect (PBC):** Establish Prasar Bharati Connect (PBC) as a third dimension alongside Doordarshan and All India Radio.
- **Excellence in Broadcasting:** Aim to become the world's premier broadcasting service, leveraging cutting-edge opportunities, strategies, and technologies.

7.2.7 Cases Example

•Union of India v. Board of Control for Cricket in India and Ors. [3]

The verdict from the Supreme Court established that Prasar Bharati does not possess the authority to transmit live signals of sporting or cricketing events, obtained from content right holders or owners, to cable operators without restrictions.

•Union of India v. Cricket Association of Bengal [4]

The emphasis placed by the Supreme Court underscores the importance of public oversight and management of the broadcasting realm through a public statutory corporation. This foundational principle is implicit in Article 19(1)(a), wherein the structure and composition of such corporations are designed to ensure impartiality in matters of politics, economics, social concerns, and other issues of public interest. This right to uninhibited expression encompasses not only the freedom to convey but also the freedom to receive information. Such a distinction holds paramount significance as it allows citizens to access a broad spectrum of viewpoints, thereby facilitating their ability to form well-rounded opinions on various matters of public importance. The presence of a diverse array of opinions, perspectives, ideas, and ideologies within the citizenry stands as a crucial asset. It is pertinent to acknowledge that private broadcasting can present greater challenges to the citizens' exercise of free speech in contrast to media entities subject to governmental control.

•BCCI-Nimbus Prasar Bharati Case [5]

From the Court's standpoint, the essence of the Sports Act revolves around the aims and motives of guaranteeing universal availability of sports broadcasting channels via Prasar Bharati, thereby serving the widest audience possible. The Court went on to underscore the significance of this initiative, particularly with regard to individuals who are devoid of cable television access and exclusively rely on



terrestrial and DTH networks offered by Prasar Bharati. Additionally, the Court emphasized the significance attributed to Section 12(3)(c) of the Prasar Bharati Act.

7.2.8 Today’s Broadcasting Scenario

In the contemporary era, collaboration with Western channels has become an established norm in India. Within this culturally diverse nation, characterized by a plethora of religions, languages, and traditions, the National Broadcaster plays an indispensable role in upholding national security, unity, and integrity. The task of fostering national integration cannot be expected from private commercial broadcasters, given their distinctive priorities. A noteworthy incident occurred in February 2007 during the 36th National Games hosted in Guwahati, Assam. The coverage offered by private broadcasters during this event demonstrated their true disposition. This occurrence prompted the Minister of Information and Broadcasting to inquire in a televised interview, "Why did you not showcase the National Games? Are you not citizens of India? Only Prasar Bharati showcased it."

In a democratic country such as India, the primary objective of a National or Public Service Broadcaster is to strengthen the democratic framework. This goal is realized through the dissemination of information, promotion of discussions, and facilitation of deliberations concerning all relevant and substantial matters.

7.3 CHECK YOUR PROGRESS

- a) In earlier times Doordarshan television network and All India Radio functioned as components within the Ministry.....
- b) The "Prasar Bharati Act," officially made its inception on the.....
- c) The guiding motto of Doordarshan was,
- d) The principal objective of the Prasar Bharti is to enlighten, update, andthe public.
- e) India's premier National Public Radio Broadcaster was inaugurated on the

7.4 SELF-ASSESSMENT TEST

1. What is the Prasad Bharti Act 1990?



Explain the History of Prasar Bharati Act?

2. What are the objectives and functions of Prasar Bharati Act 1990?
3. Explain the Structure of The Prasar Bharati Board .
4. What is the significance of Prasar Bharati Act?
5. Write any 5 Recommendations of the Sam Pitroda Committee .
6. Why is broadcast media important today?

7.5 ANSWERS TO CHECK YOUR PROGRESS

- a) Information and Technology
- b) 23rd of November, 1997
- c) "Satyam Shivam Sundaram,"
- d) engage
- e) 1st, March, 1930.

7.6 REFERENCES AND SUGGESTED READINGS

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SUBJECT: MEDIA LAWS & ETHICS	
COURSE CODE: BAMC-113	AUTHOR: DR. SANDHYA
LESSON NO.: 8	
MEDIA AND REGULATIONS	

STRUCTURE

8.0 Learning Objectives

8.1 Introduction

8.2 Self-Regulation in Media

8.2.1 Advantages of Self-Regulation in Media

8.2.2 Limitations and Criticisms

8.3 Code of Conduct For Journalism

8.4 Media reportage on marginalized sections of society

8.4.1 Media Reportage On Children

8.4.2 Media Reportage On Dalits

8.4.3 Media Reportage On Tribals

8.4.4 Media Reportage On Gender

8.5 Check Your Progress

8.6 Keywords

8.7 Self-Assessment Test

8.8 Answers to Check Your Progress

8.9 Reference/Suggested Readings

8.0 Learning Objectives

After reading this lesson you will be able to :



- **Explain Self-Regulation in Media**
- **Understand Code of Conduct For Journalism**
- **Describe Media reportage on marginalized sections of society**

8.1 INTRODUCTION

In the changing world of media and communication, there's a new idea called "self-regulation." This means that media companies and people in the industry create their own rules and guidelines to make sure they create and share content that's responsible and ethical. This is different from the old way where outsiders would make the rules. Nowadays, because there's a lot of competition, self-regulation is the main way to keep the media honest and fair.

8.2 SELF-REGULATION IN MEDIA

Self-regulation in media is like when the media industry makes its own rules and follows them. Instead of having outside people or governments tell them what to do, they decide how they should act and what is right. This way, they keep an eye on themselves and make sure they are doing things in a good and fair way.

The idea of self-regulation in media is based on the ideas of freedom of speech and freedom of the press. It wants the media to be free and independent but also responsible and fair. Media organizations do this on their own to balance what's good for the public, what people's rights are, and how to do journalism responsibly. Following are few important components of Self-Regulation in Media :

Codes of Conduct: Media groups create and use sets of rules called "codes of conduct." These rules show them how to be ethical when they do their work as journalists. These codes talk about things like being truthful, treating everyone fairly, staying neutral, keeping private things private, not letting personal interests get in the way, and taking care of people who might be more at risk.

Complaints Handling: Groups that manage themselves or special offices called "ombudsman" are created to listen to people's complaints about media stuff. These groups are like judges who are not connected to the media. They look into complaints and help solve problems by talking it out or making decisions.



Monitoring and Enforcement: Media groups set up ways to check if they are following their rules. They might have their own inside rules for how they work, special groups that make sure they are fair, or even separate groups that watch over them to make sure they follow the ethical rules. If they break the rules, they might have to say sorry, fix mistakes, pay fines, stop working for a while, or even be kicked out of their group.

Training and Education: Media groups spend time and money on training and teaching programs. They do this to help journalists and people in media learn more and get better at their jobs. They also want to teach about how to understand media better and act ethically. By doing this, they make sure that journalism is done responsibly and with knowledge.

Public Editor or Ombudsman: Certain media groups choose someone called a "public editor" or "ombudsman" to be like a middle person between the public and the media. This person listens to complaints from the public about media stuff, checks out the concerns, and gives answers or solutions when needed. This job helps connect the media and the audience, making things more clear and fair.

8.2.1 Advantages of Self-Regulation in Media

As media plays a pivotal role in shaping public discourse, disseminating information, and influencing societal perceptions, the advantages of self-regulation are becoming increasingly apparent. This system empowers media organizations to uphold responsible content creation and dissemination, ensuring that the highest standards of journalism are met while avoiding the pitfalls of external regulation. The advantages of self-regulation encompass a range of benefits that not only promote media integrity but also safeguard the principles of freedom of expression and a vibrant, diverse media environment. Here are some explained advantages of Self-Regulation in Media:

Preserving Press Freedom: When the media does self-regulation, it keeps its freedom and ability to make its own decisions about what to say. This way, it doesn't need the government to step in and control it or stop it from saying things. This helps information and different opinions to keep flowing freely.



Responsiveness and Flexibility: Self-regulation systems can change faster to keep up with new ways media works and new technology. They can handle new problems and tricky situations quickly, without waiting for long government rules to be made.

Public Confidence and Accountability: When media groups make sure they follow ethical rules and have ways to solve problems, people start trusting them more. Self-regulation makes things clear and honest, making the media look more trustworthy and reliable.

Industry Expertise: People who work in the media know a lot about their field. They can create rules that fit well with what they do. With self-regulation, they can handle difficult problems and keep up high standards in a way that works best for them.

8.2.2 Limitations and Criticisms

The concept of self-regulation in the media industry, while promising, is not without its limitations. Following are the main challenges of self-regulation in media :-

- **Lack of Enforcement Power:** Self-regulation might not always have strong ways to make sure people follow the rules. If rules are broken, consequences might only be things like a bad reputation, saying sorry to the public, or not being part of the group for a while.
- **Inconsistent Implementation:** Not every media group might like self-regulation or always follow the ethical rules. Some might not take it seriously or do it all the time. How well media groups stick to self-regulation can be different from one place to another.
- **Emerging Digital Media:** It's not easy for self-regulation to control things shared on digital platforms and social media. Digital media is spread out and not in one place, so it's hard to make sure everyone follows the same rules and stops wrong or harmful things from spreading.
- **Effectiveness and Compliance:** Some people who criticize self-regulation say it might not have strong consequences. The ways to make sure rules are followed and punishments can be light. Some media groups might not follow the rules completely, which makes people worry about how accountable and believable they are.



- **Inadequate Coverage:** Usually, self-regulation rules work well for old-style media like TV or newspapers. But it's harder to make those rules fit new things like digital media and social media. Making sure all types of media follow the same rules is still tricky.
- **Lack of Public Input:** People's opinions and involvement in self-regulation might not be very much. Some people who criticize this say that media professionals make the decisions, and they might not consider what the public thinks or feels about the media content.
- **Conflicts of Interest:** Self-regulatory groups might face doubts about being fair and unbiased if they get money or are controlled by media organizations. This can make people wonder if the process is really independent and if it works well.

To sum up, self-regulation in media is when the media industry works together to follow ethical rules and be responsible. This means creating rules, dealing with complaints, checking if rules are followed, and teaching people. While self-regulation keeps media free and adaptable, there are still worries about following rules, handling new media types, hearing from the public, and possible biases. Finding the right balance between media freedom and good journalism is a big challenge in today's changing media world.

8.3 CODE OF CONDUCT FOR JOURNALISM

A code of conduct for journalism is like a rulebook that journalists and media groups use to do fair, truthful, and unbiased reporting. These rules help journalists do their job well, keep people's trust, and act professionally. While the details might be different in various places and groups, here are some usual ideas found in many journalism code of conduct:

Accuracy and Truthfulness: Journalists should work hard to give correct, honest, and dependable information. They should check facts, confirm sources, and show a clear difference between what's true and what's someone's personal view.

Independence and Impartiality: Journalists need to stay separate from politics, business, and anything else that could affect their neutral stance. They should give equal and fair coverage to different sides of a story, without taking any one side.



Integrity and Transparency: Journalists should be truthful, honest, and open. If there's anything that might make them biased, they should tell people about it. They shouldn't take gifts or special treatment that could make them not do their job properly.

Privacy and Sensitivity: Journalists should treat people's privacy and respect them. They need to be careful when talking about sensitive subjects, especially if it involves crime victims, kids, or people who might be easily hurt.

Avoiding Harm: Journalists should be careful not to cause harm when they report. They need to watch out for topics that might lead to unfair treatment, encouraging violence, or hurting people's rights.

Plagiarism and Attribution: Journalists should give credit to the people who first provided information, and not copy from others. They should clearly say where they got information from and not change facts or lie about things.

Accountability and Corrections: Journalists should be responsible for what they do and fix any mistakes they make. If they get something wrong, they need to say sorry and fix it quickly and visibly.

Confidentiality and Source Protection: Journalists should keep secret the names of people who share information with them privately. They should hide the identity of these sources if needed and only share secret information if it's really important for the public.

Respect for Diversity and Avoiding Discrimination: Journalists should treat everyone fairly and not use hurtful words or actions because of things like race, gender, religion, where people are from, or who they love.

Professional Development and Continuous Learning: Journalists should always try to get better at their job by learning about new things in their field. They should know what's changing in the industry, how technology is getting better, and what's right and wrong. They should keep getting better at what they do by learning more.

Remember that the rules for journalism are like a compass guiding what's right, but they might mean different things in different situations. Journalists and media groups should follow these rules while using their own judgment in tricky situations. These principles help keep journalism strong in democracy, giving people information and keeping those in power in check.



8.4 MEDIA REPORTAGE ON MARGINALIZED SECTIONS OF SOCIETY

Reporting by the media about groups of people who are often ignored is really important. It helps these groups be heard, and it shows what they go through and what they need. Media does this by investigating deeply, sharing personal stories, and talking to people. This kind of reporting makes people see that these groups face tough challenges and unfair treatment. It also helps people know more about unfair systems and treats everyone better. When the media lets these groups speak out, it helps them become stronger, pushes for positive changes, and makes society more equal and fair.

Here are a few examples of media reportage on marginalized sections and their impact:

8.4.1 MEDIA REPORTAGE ON CHILDREN

Media coverage about children is very important because it helps people know about their lives and rights. The news, videos, and reports that media creates talk about many things like school, health, safety, and the problems children face. They show things like child work, trafficking, abuse, and how some children don't get good education or healthcare. This kind of media makes people hear children's voices, share their stories, and show that rules and help are needed. It tells about both the problems children face and how they stay strong. This helps people understand, make choices, and get help for children. Also, media talks to people, helps discussions happen, and makes everyone work together to give children a good, safe, and caring world. Here are some examples of media stories about children and how they make a difference:

Child Rights and Advocacy: Media often talks about things like when children's rights are not respected, such as when they're made to work, trafficked, married early, or hurt. These stories show how tough it is for children and make people know more about what's happening. They make everyone want to do something fast. For instance, when media tells about children working in some jobs, it makes people look more closely and work harder to stop those bad practices.

Education and Access to Opportunities: Media stories point out that not all children get good education and chances, especially in places where they're often ignored. They show problems like schools not having good buildings, not enough teachers, or not enough things for children to learn with. When



media talks about this, it makes people in charge think about how to make education fairer. They start making plans to fix the problems and make sure every child can go to a good school and learn well.

Child Health and Well-being: Media stories often talk about children's health problems like not getting enough food, not having good healthcare, needing vaccines, and having mental health issues. When media talks about these things, it helps people see the problems and the good things happening too. This makes people think differently and makes leaders focus on what to do. For example, when media shows how not getting enough food affects how children grow, leaders start programs to make sure children have enough food and are healthy.

Child Refugees and Migration: Media stories are really important in showing what it's like for children who have to leave their homes and move to new places, like refugees and migrants. They tell about their travels, the problems they face, and what they deserve. When media shares these stories, it helps people understand more about what these children are going through. This makes everyone realize that these children need support, safety, and good rules to keep them safe when they're far from home and facing tough times.

Bullying and Cyberbullying: Media reports about bullying, whether it's in person or online, can make people aware of how it hurts children's mental health and overall well-being. This kind of news makes people talk about ways to stop bullying, programs that help, and why it's important to make sure children are in safe and welcoming places.

Children's Voices and Perspectives: Often, media gives children a chance to talk about their own stories, thoughts, and ideas. This empowers children and lets them share their thoughts on things that matter to them. When children's ideas are shown in media, it changes how people think, makes them care more, and helps them understand better.

Remember that media talking about children should be done responsibly. It should follow good rules and respect children's privacy and feelings. Journalists need to be accurate and fair when they tell these stories, avoid making things sound too exciting just for attention, and think about how what they share can affect how children feel. Overall, when media talks about children, it makes people know more, think differently, and do better things. By showing the problems, the good things, and what children



think, media helps make a world where children are safe, their rights are respected, and they have good chances to do well.

8.4.2 MEDIA REPORTAGE ON DALITS

Media reports about Dalits, who have faced historical discrimination and oppression in caste-based societies, play a big role in showing their experiences, challenges, and hopes. These stories cover many things related to Dalits, like being treated unfairly because of their caste, being left out, not having enough say in politics, and not getting good education or jobs. Through news, videos, and in-depth stories, media makes people see how Dalits face unfairness and their rights being ignored. They also share stories about how Dalits are strong, getting power, and making things better, which changes how people think and helps everyone know that social justice is important. Media talking about Dalits starts important conversations, shows why rules need to change, and makes sure everyone is treated equally and fairly. By making sure Dalit voices are heard, telling their stories, and showing unfair things happening, media helps make a world where everyone, no matter their caste or background, is respected and treated well.

Caste-Based Discrimination: Media often shares stories about how Dalits are treated unfairly because of their caste. These stories show how Dalits are left out, hurt, and not treated equally. By sharing specific examples and letting Dalits speak out, media makes everyone see how bad the unfairness is and makes people talk and do something to fix it.

Dalit Empowerment and Achievements: Media tells about the good things Dalits do and how they succeed. This shows that Dalits are strong and can do great things, even if some people think caste decides how far they can go. Sharing stories of Dalit success helps change how people see them and makes everyone think differently about who can do well.

Reservation Policies and Social Justice: Media talks about the debates around reservation policies. These policies give extra chances to marginalized communities, including Dalits. By talking about how well these policies work and what they mean, media makes people talk about them, see if they're helping, and want more fairness for everyone.



Dalit Activism and Movements: Media talks about Dalit movements and protests that try to make things better. These stories show that people are fighting for justice and change. This kind of media makes more people know, join in, and makes sure leaders take action. For example, when media talked about the Una protests against caste violence in India, many people got angry and talked about the unfairness of caste discrimination.

Dalit Identity and Cultural Heritage: Media often shows Dalit art, stories, and things that are part of Dalit identity. This helps everyone see that Dalits have a rich culture and history, and it changes how people think about them. It also helps different communities understand each other better.

When media talks about Dalits, it needs to be respectful, show things fairly, and not add to wrong ideas. Journalists should talk to Dalits, show them correctly, and not make things worse by showing old ideas about caste. To sum up, media stories about Dalits help people know more, fight against caste-based unfairness, and make sure everyone is treated fairly. By making sure Dalit voices are heard, telling their stories, and making people talk about and support their rights, media makes a better world where everyone has equal rights and is treated well.

8.4.3 MEDIA REPORTAGE ON TRIBALS

Media reportage on tribals plays a significant role in raising awareness about the unique experiences, struggles, and rich cultural heritage of these indigenous communities. Through in-depth coverage, documentaries, and personal narratives, media outlets bring attention to issues such as land rights, environmental concerns, access to education and healthcare, and social injustices faced by tribal communities. By amplifying their voices, media reportage challenges stereotypes, fosters understanding, and advocates for the preservation of tribal identities and rights. It helps shed light on their resilience, traditional knowledge systems, and contributions to society, promoting inclusivity and driving conversations on sustainable development and social justice. Through their storytelling, journalists contribute to a broader appreciation of tribal cultures, inspire support for their empowerment, and work towards ensuring that their voices are heard and their rights protected. Here are a few examples of media reportage on tribals and their impact:

Cultural Heritage and Traditional Practices: Media often tells stories about tribal communities' traditions, art, and knowledge. These stories help keep their rich cultures alive and show their unique



ways of doing things. By showing the beauty of their cultures, media makes everyone understand and respect them more.

Land Rights and Environmental Issues: Media shares stories about tribes' rights to their land and worries about the environment. Tribes often have problems with their land being taken, moved because of projects, and the environment being harmed. When media talks about these things, it makes people know, lets tribes speak out, and makes people talk about how to use land and protect the environment better.

Livelihoods and Economic Empowerment: Media talks about tribes' jobs, businesses, and how they make money. These stories show that tribes are strong, come up with new ideas, and try to make their lives better. When media talks about this, it shows how tribes can be creative, helps support their businesses, and makes sure everyone has equal chances for good jobs and businesses.

Education and Access to Services: Media often tells about how hard it is for tribes to get good education, healthcare, and basic things they need. Stories about programs for tribes' education, scholarships, and local efforts to help tribal children learn show that everyone deserves a good education. This media makes people talk about fair rules and help all children learn equally.

Social Issues and Activism: Media tells about problems tribes face, like being treated unfairly because of their background, having their rights ignored, and tribes fighting for their rights. This kind of media shows when things are unfair, helps tribes get support, and makes people see why rules and policies need to change to protect tribes' rights.

Media talking about tribes needs to be respectful and fair. It should show things as they really are and not make tribes seem strange. Journalists should show both sides of stories, avoid making tribes seem the same, and let tribes speak for themselves. In the end, media stories about tribes help people know them better, see their problems, and support their rights. By telling their stories, saving their culture, showing their issues, and speaking up for their rights, media makes sure tribes are included, stereotypes are changed, and tribes are treated fairly.

8.4.4 MEDIA REPORTAGE ON GENDER



Media reportage on gender plays a vital role in shaping public perceptions, challenging gender norms, and advocating for gender equality. Through news articles, features, and investigative reports, media outlets bring attention to gender-related issues such as gender-based violence, gender inequality, and women's empowerment. They shed light on stories of resilience, progress, and challenges faced by individuals of all genders. Media reportage on gender helps raise awareness, spark conversations, and drive policy changes. It provides a platform for diverse voices, experiences, and perspectives, promoting inclusivity and highlighting the importance of equal rights and opportunities for all genders. By amplifying these stories, media outlets contribute to dismantling gender stereotypes, inspiring social change, and creating a more equitable society for everyone.

Here are a few key areas that media reportage on gender often covers:

Gender-Based Violence: Media often shares news about different kinds of violence based on gender, like violence at home, sexual attacks, harassment, and human trafficking. These stories show how common these problems are and make people talk about how to stop them, support survivors, and change the laws.

Gender Equality and Women's Empowerment: Media talks about how people are working to make sure all genders are treated equally and that women have power in different parts of life. This means sharing about how women have less access to education, jobs, and leadership roles. But it also tells about women who break these limits and do amazing things in many areas.

LGBTQ+ Rights and Experiences: Media shares stories about LGBTQ+ people and the tough things they face, like not being treated fairly, not having the same rights, and not being accepted by everyone. This media makes people see what LGBTQ+ people go through, and it helps people understand more and want to support their rights.

Gender Stereotypes and Representation: Media talks about the ideas people have about different genders and how these ideas are not always true. This includes stories about how media and ads show genders and talks about changing these ideas that can be harmful.

Gender in Politics and Policy: Media reports about how different genders are treated in politics and how they can make rules. This includes news about laws about gender and how gender affects political decisions.



Intersectionality: Media is starting to talk more about how different things like gender, race, culture, and ability affect each other. This media shows how some people have more challenges because of different things about who they are.

Media stories about gender help change what people think, make laws better, and make everyone see how important it is to treat all genders equally. By talking about gender issues, sharing stories about people, and giving space for many voices, media makes the world better, where all genders' rights and experiences are understood and respected.

8.5 CHECK YOUR PROGRESS

- a) Media groups create and use sets of rules called
- b) Groups that manage themselves or special offices calledare created to listen to people's complaints about media stuff.
- c) Certain media groups choose someone called aor "ombudsman" to be like a middle person between the public and the media.
- d) Media reportage on gender plays a vital role in shaping public perceptions, challenging gender norms, and advocating for
- e) Self-regulatory groups might face doubts about being fair and unbiased if they get money or are controlled by.....

8.6 SUMMARY

"Self-regulation." means that media companies and people in the industry create their own rules and guidelines to make sure they create and share content that's responsible and ethical. This is different from the old way where outsiders would make the rules. Nowadays, because there's a lot of competition, self-regulation is the main way to keep the media honest and fair.

As media plays a pivotal role in shaping public discourse, disseminating information, and influencing societal perceptions, the advantages of self-regulation are becoming increasingly apparent. This system empowers media organizations to uphold responsible content creation and



dissemination, ensuring that the highest standards of journalism are met while avoiding the pitfalls of external regulation. The advantages of self-regulation encompass a range of benefits that not only promote media integrity but also safeguard the principles of freedom of expression and a vibrant, diverse media environment.

Reporting by the media about groups of people who are often ignored is really important. It helps these groups be heard, and it shows what they go through and what they need. Media does this by investigating deeply, sharing personal stories, and talking to people. This kind of reporting makes people see that these groups face tough challenges and unfair treatment. It also helps people know more about unfair systems and treats everyone better. When the media lets these groups speak out, it helps them become stronger, pushes for positive changes, and makes society more equal and fairer.

8.7 KEYWORDS

- **Codes of conduct** - Codes of conduct are sets of rules, principles, and guidelines that outline expected behavior and ethical standards for individuals or groups within a particular organization, profession, community, or society. These codes serve as a framework to promote and ensure appropriate conduct, integrity, and accountability in various contexts. Codes of conduct are created to establish a common understanding of acceptable behavior and to maintain a sense of order, trust, and fairness within the defined group.
- **Ombudsman** - An ombudsman is an independent and impartial official or office responsible for investigating and addressing complaints or concerns raised by individuals or groups against organizations, institutions, or government agencies. The ombudsman's primary role is to ensure fairness, transparency, and accountability in the actions and decisions of the entity being investigated.
- **Self-Regulatory**- Self-regulation refers to the ability of individuals, organizations, or systems to monitor, control, and manage their own behavior, actions, or processes without external intervention or excessive government regulation. It involves setting and adhering



to internal standards, guidelines, and codes of conduct to ensure responsible and ethical behavior. Self-regulation is often considered a means of fostering accountability and trust within various domains, including business, professions, and personal conduct.

8.8 SELF-ASSESSMENT TEST

1. Explain the self-regulation in media. What are the advantages of self-regulation in Indian media?
2. What are the main challenges of self-regulation in Indian media?
3. Explain the code of conduct for journalism in India.
4. Explain the impact of media reporting on marginalized sections with examples.

8.9 CHECK THE ANSWERS OF CHECK YOUR PROGRESS

- a) "codes of conduct."
- b) "ombudsman"
- c) "public editor"
- d) gender equality
- e) media organizations

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