

M.A. MASS COMMUNICATION
2nd SEMESTER

MSM-513

MEDIA LAW



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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 01	
FREEDOM OF PRESS, REASONABLE RESTRICTIONS & RIGHT TO INFORMATION ACT	

STRUCTURE

- 1.0 Learning Objectives**
- 1.1 Introduction**
- 1.2 Freedom of Press**
- 1.3 Reasonable Restrictions**
- 1.4 Right to Information Act**
- 1.5 Check Your Progress**
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1.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Understand the Freedom of the Press.**
- **Discuss the reasonable restrictions.**
- **Describe the Right to Information Act.**

1.1 INTRODUCTION

There are many laws that regulate the performance of media in India. Laws related to the mass media have been there since the very beginning. In the time of the British Raj, many laws related to the Press



were enacted. In the post-Independence time, the various Governments have enacted many more media related laws. Some of these media related laws are:

- First Press Regulations, Gagging Act, o Indian Press Act,
- Vernacular Press Act,
- Constitutional Provisions regarding Press Freedom, o Official Secrets Act,
- Press and Registration of Books Act, o Sea Customs Act Contempt of Court,
- Young Persons (Harmful Publications) Act, o Parliamentary Proceedings Act,
- Delivery of Books and Newspapers Act Copyright Act, o Defense of India Ac,
- Press Council of India Act, o Police Act,
- Drugs and Magic Remedies Act,
- Cable Television Regulation Act, Right to Information.

Some of these laws are directly related to mass media. Some of these are only indirectly related to the mass media. Most of these laws are still prevalent. But a few of these laws have been abolished. Some laws have been changed to suit the changing times. We shall discuss about most of these laws in this lesson. Media of mass communication are very important part of the modern society. They are also very powerful systems that influence the society. At a certain level media influences the present and can also influence the future of the society. Mass media have the power to make or unmake governments. So it is clear that mass media are quite powerful. But the exercise of power by the media gets regulated and controlled by the various laws and rules enacted from time to time. In a democratic society media enjoy more powers and face less restrictions and regulations. In an authoritarian form of governance, the working of the media is restricted and controlled to a great extent. Sometimes media in autocracies or under military rule are not all free.

In India, the situation is a mixed one. The mass media enjoy certain freedom. But the Constitution imposes certain reasonable restrictions. Then there are laws that regulate the functioning of mass media in India. Media laws in India have a long history right from the British rule. The Government enacted several rules and regulations in India to perpetuate in rule. After independence, more laws have been enacted and the old ones amended r the benefit of the society.



1.2. FREEDOM OF PRESS

The Indian Constitution does not provide freedom for media or press separately. But there is an indirect provision for media freedom. It gets derived from Article 19(1) (a). This Article guarantees freedom of speech and expression. The freedom of mass media is derived indirectly from this Article.

Our Constitution also lays down some restrictions in the form of Article 19(2).

Regarding the issue of freedom of speech, Dr. B. R. Ambedkar explained the position as follows:

"The press (or the mass media) has no special right which are not to be given to or which are not to be exercised by the citizen in his individual capacity. The editor of a Press or the manager are all citizens and, therefore, when they choose to represent any newspapers, they are merely exercising their right of expression and in my judgement no special mention is necessary of the freedom of Press at all."

On the matter of the freedom of speech and expression, the first Press Commission in its report said,

"This freedom is stated in wide terms and includes not only freedom of speech which manifests itself by oral utterances, but freedom of expression, whether such expression is communicated by written word or printed matter. Thus, freedom of the press particularly of newspapers and periodicals is a species of which the freedom of expression is a genus. There can, therefore, be no doubt that freedom of the press is included in the fundamental right of the freedom of expression guaranteed to the citizens under Article 19(1) (a) of the Indian Constitution."

Justice Mudholkar, a Supreme Court Judge said during Emergency (1975-77), "Pre-censorship, prohibition on import of printed and published material, placing a ban on printing and publishing material of a specified nature, demanding security from the press or placing any restriction which would amount to an indirect curb on free circulation of a newspaper or class of newspaper should confine itself have all been held to be bad in law."

Article 19 of the Indian constitution lays down,

"All citizens shall have the right to freedom of speech and expression, to assemble peaceably, and without arms, to form associations or unions, to move freely throughout the territory of India, to reside in any part of the territory of India, to acquire hold and dispose of property and to practice any profession or to carry on any occupation, trade or business."



However the right to freedom of speech and expression shall not affect the operation of any existing law or prevent the state from making any law insofar as such law imposes reasonable restrictions on the exercise of that right in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states, public decency or morality or In relation to contempt of court, defamation or incitement to offence”.

Thus the type of freedom of expression guaranteed to the American Citizen does not exist in India but that he is liable to "reasonable restrictions.

1.3 REASONABLE RESTRICTIONS

It is strange, unique and paradoxical that what is provided as a right by our Constitution on the one hand is taken away by some sub-clause in the same situation. Mr. M. C. Chagla has given a general reply to this paradox, which may be put in the following ways:

It has been said that our Constitution gives fundamental rights with one hand, and with other hand takes them away. It is also said that, our Constitution circumscribes the given rights by numerable exceptions and provisions. This is a very wrong criticism.

Article 19 of our Constitution deals with the right to freedom and it enumerates certain rights regarding individual freedom of speech and expression etc. These provisions are important and vital, which lie at the very root of liberty.

It is true that in the sub-clauses that follow, certain limitations are placed upon these freedoms with regard to freedom of speech and expression. In addition, there are many laws that relate to libel, slander, defamation, contempt of court, or any matter which offends against decency or morality or which undermines the security of, or tends to overthrow the State.

It can be seen that these limitations are related to the objective standards laid down by the Constitution. Similarly, the legislature is given the right to impose reasonable restrictions in the interest of public order on the right to assemble peaceably and without arms. Whether a restriction is reasonable or not is not left to the determination of the legislature, and of the executive. But it is again an objective consideration, which has got to be determined by the Court of law. Only such a restriction would be reasonable as the Court thinks as reasonable.



It is clear therefore that the Constitution has not left the laws to the mercy of the party in power or to the whims of the executive. No one is allowed to limit, control or impair our fundamental rights by changing, amending, or introducing new laws that easily. Any limitation of a fundamental right has to be before a Court of law.

Legislatures, indeed, have been empowered to impose reasonable restrictions on freedom of speech and expressions on the following grounds:

- Integrity of India,
- Security of the State,
- Friendly Relations with neighboring Countries, o Public order,
- Decency or morality,
- Contempt of Court and Contempt of Legislature, o Defamation, and
- Incitement to an offence.

By and large the necessity for imposing "reasonable restrictions" by the legislature has not been seriously challenged by the newspaper world (and media world) where matters of state security or the integrity of India are concerned. And where the superior judiciary is concerned, Justice Mudholkar has remarked, there has been a long tradition of non-interference with the freedom of the press (and other mass media) except where newspaper was found guilty of contempt of court.

Thus, it is evident that the freedom conferred by Article 19 (1) (a) in fairly general terms. It does not for example, even refer specifically to the freedom of the Press (or mass media) as is envisaged in the corresponding provision in the American Constitution.

Judicial decisions have, however, affirmed that Article 19 (1) is sufficiently wide to include the freedom of the Press and implicitly, the freedom of other mass media.

In addition to the provisions mentioned above, there are several important laws, which a media person must know. We shall discuss some of these now.



1.4 RIGHT TO INFORMATION ACT, 2005

Noted political analyst James Michael has pointed out in his pioneering book *The Politics of Secrecy* that, "freedom of information" and "right to information" are two different concepts. "Freedom" implies the absence of restraint, particularly of legal penalties. Thus, "freedom of information" means a citizen is free to receive and impart information without fear of punishment. However, there is no obligation on the State to provide any information to the citizen.

The right to information is indispensable for free flow of information. But there was a massive wall in the shape of the Official Secrets Act in India. The official Secrets Act was a hindrance to the flow of information. Hence, there was an urgent need to thoroughly examine the Official Secrets Act.

Throughout the last two decades, the demand for the enactment of a Right to Information Act gained momentum. It was felt that right to information, as a fundamental legal right, is necessary to bring about the much-needed transparency in the system.

This sort of right was also viewed as a necessary measure to remove corruption from public and administrative life. Barrier to information is known to be the single largest factor behind corruption as it facilitates arbitrary decisions, clandestine deals, embezzlements and manipulation of all kinds. If information is made a right, people will be able to ask inconvenient questions from those whose conduct is either suspicious or not above board.

As we are ushering into the 21st century, our life styles and values are changing. Therefore, we should continue changing our approach and attitudes and shake off the old mentalities that has impediments in our evolution as a modern and democratic society.

One school of thought in the media' world strongly felt that the crusade for right to information will be the best contribution to the evolution of such a modern democratic and forward-looking society.

But there was another school of thought still feels that Official Secrets Act has its own importance from the point of view of maintaining efficiency in the Government.

The Press Commission opined that secrecy in bureaucracy, which arose out of functional necessity, as a means to achieving organizational efficiency-has become an end in itself from effective outside control.



The Commission's attempt to establish a balance between an open Government and the need of keeping secret certain affairs of State was laudable. But it had a negative attitude of showing a slavish weakness for the British model.

The Commission had noted that the question of amending Section 5 of the Official Secrets Act has been considered by various committees and commissions and the general opinion has been that, since the Act has been administered in a sensible manner, there being few prosecutions under the law, no modifications in the Act are warranted. Section 5 of the Official Secrets Act lays down:

- If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to anything in such a place or which is likely to assist, directly or indirectly, an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government or which he has obtained or to which he has had access
- Owing to his position as a person who holds or has held office under Government, or as a person who holds or has held a contract made on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract.
- Willfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorized to communicate it, or a Court of Justice or a person to whom it is in the interests of the State, his duty to communicate it; or
- Uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or
- Retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it or willfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or



- Fails to take reasonable care of or so conducts himself as to endanger the safety of the sketch, plan, model, article, note document, secret official code or pass word or information, he shall be guilty of an offence under this section.

The Commission recommends that more liberal Act must replace this section. Where the commission goes wrong is in suggesting that the provisions of the British Information Bill should serve as a model for India.

As regards access to information, the Commission has mentioned in a paragraph that Sweden was the first to legislate on the subject open Government being part of the Constitution. Denmark, Finland, The USA, Austria and France have laws on the subject. Austria has formed a Bill and so has Canada.

Mr. Justice P. N. Bhagwati has further held that the concept of an open Government is the emanation from the right to know which seems to be implicit in the right of free speech and expression.

Thus many a legal battles were fought before the right to information became a reality in this country.

Finally the Right to Information Act was enacted in October 2005.

The Indian Right to Information Act was introduced to the Indian Parliament in July 2000. It came into effect on 12 Oct 2005. Under this law the information has become a fundamental right of the citizen. Under this law all Government Bodies or Government funded agencies have to designate a Public Information officer (PIO). The PIO's responsibility is to ensure that information requested is disclosed to the petitioner within 30 days or within 48 hours in case of information concerning the life and liberty of a person. The law was inspired by previous legislations from select states (among them Maharastra, Goa, Karnataka, Delhi etc) that allowed the right to information (to different degrees) to citizens about activities of any State Government body.

A number of high profile disclosures revealed corruption in various government schemes such scams in Public Distribution Systems (ration stores), disaster relief, construction of highways etc. The law itself has been hailed as a landmark in India's drive towards more openness and accountability.



RTI is a fundamental right for every citizen of India. The authorities under RTI Act 2005 are called quasi-judicial authorities. This act was enacted in order to consolidate the fundamental right in the Indian constitution 'freedom of speech'. Since RTI is implicit in the Right to Freedom of Speech and Expression under Article 19 of the Indian Constitution, it is an implied fundamental right.

Information disclosure in India is restricted by the Official Secrets Act, 1923 and various other special laws, which the new RTI Act relaxes. Right to Information codifies a fundamental right of the citizens of India. RTI has proven to be very useful, but is counteracted by the Whistle Blowers Protection Act, 2011. The Right to Information (Amendment) Bill, 2019, seeks to amend Sections 13, 16, and 27 of the RTI Act. Section 13 of the original Act: It sets the term of the central Chief Information Commissioner and Information Commissioners at five years (or until the age of 65, whichever is earlier)

RIGHT TO INFORMATION ACT, 2019

The Act was passed on July 25 2019 and modified the terms and conditions of service of the CIC and Information Commissioners at the center and in states. It had been criticized as watering down the independence of the information commissions.

Supreme Court of India on 13 November 2019, upheld the decision of Delhi High Court bringing the office of Chief Justice of India under the purview of Right to Information (RTI) Act.

The Right to Information (RTI) Bill was passed on 26 March 2019 by the Parliament of Ghana, awaiting the President's signature. Prior to its passage, various stakeholders believed the delay in passing the bill into law was to allow exemptions of certain vital information bordering around government policies which they intend to conceal from the public (Akoto, 2012). This bill is to enable citizens to hold government accountable to ensure that there is a high level of transparency in governance of the country.

The status of RTI is different in different countries. The right to information is not a new act on the continent. It was first adopted by Sweden in 1766 and Finland in 1951. Over the past two decades many African countries have also adopted the laws, indicating acknowledgement that transparency is an essential condition of democracy. Currently 24% of the African countries have adopted the law. These



countries include: South Africa, Angola, Zimbabwe, Uganda, Nigeria, Ethiopia, Rwanda, Liberia, Guinea and Ghana.

Access to Information and Privacy Act in Zimbabwe has rather been used to protect information instead of making it available to the general public all in the name of privacy. As a result, it is not included in counts of RTI laws sometimes (Good law and practice, 2012). The Middle East has only three countries adopting the law (Jordan, Yemen and Israel) and it started in the January 2013. In Asia and the Pacific sixteen countries have adopted the access to information laws. They include: Bangladesh, India, Australia, Tajikistan, South Korea, Thailand, Cook Islands, Mongolia, Kyrgyzstan, Taiwan, Indonesia, Uzbekistan Japan, Nepal, New Zealand, and Pakistan. Fifteen countries in the Americas and six in the Caribbean had access to information laws as of September 2013.

However the RTI India has certain weaknesses that hamper implementation. There have been questions on the lack speedy appeal to non-compliance to requests. The lack of a central PIO makes it difficult to pin-point the correct PIO to approach for requests. The PIO being an officer of the Govt. institution may have a vested interest in disclosing damaging information on activities of his/her Institution, this therefore creates a conflict of interest. In the state of Maharastra it was estimated that only 30% of the requests are actually realized under the Maharastra Right to Information act. The law also bares disclosure of information that affects national security, defense, and other matters that are deemed of national interest.

1.5 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. FILL IN THE BLANKS.

1. In a few countries, there is no freedom for the.....
2. Many countries try to put a wide variety of information assecrets.
3. The Indian Constitution does not provide freedom for separately.
4. Under the provisions of, any citizen of India may request information from a "public authority"
5.allows for explicit freedom for the media in its Constitution.

**B. CHOOSE THE RIGHT OPTION.**

1. Freedom of Press is
 - a) Relaxation in Press Control
 - b) Removal of Press Control
 - c) Replacement of Press Control
 - d) None of the above.
2. Reasonable restrictions mean:
 - a) Restrictions on the press
 - b) Restrictions on the press with reasonability
 - c) No freedom to the Press
 - d) None of the above.
3. Full form of RTI is
 - a) Reasonable Transfer of Information
 - b) Right to Infrastructure
 - c) Right to Information
 - d) None of the above.
4. Right to Information Act, 2005
 - a) It sets out the rules regarding citizens' right to information
 - b) It helps to handle press laws
 - c) It monitors the subjectivity of the act
 - d) None of the above.
5. Right to Information Act, 2019
 - a) It is ambiguous right
 - b) It is complex right
 - c) It is a fundamental right
 - d) None of the above



1.6 SUMMARY

- Mass media are quite powerful. But the exercise of power by the media gets regulated and controlled by the various laws and rules enacted from time to time. In a democratic society media enjoy more powers and face less restrictions and regulations. In an authoritarian form of governance, the working of the media is restricted and controlled to a great extent. Sometimes media in autocracies or under military rule are not all free.
- In India, the situation is a mixed one. The mass media enjoy certain freedom. But the Constitution imposes certain reasonable restrictions. Then there are laws that regulate the functioning of mass media in India. Media laws in India have a long history right from the British rule. The Government enacted several rules and regulations in India to perpetuate in rule. After independence, more laws have been enacted and the old ones amended the benefit of the society.
- The Indian Constitution does not provide freedom for media separately. But there is an indirect provision for media freedom. It gets derived from Article 19(1) (a). This Article guarantees freedom of speech and expression. The freedom of mass media is derived indirectly from this Article. Our Constitution also lays down some restrictions in the form of Article 19(2).
- The press (or the mass media) has no special right, which are not to be given to, or which are not to be exercised by the citizen in his individual capacity. The editors of a Press or the managers are all citizens and, therefore, when they choose to represent any newspapers, they are merely exercising their right of expression.
- Article 19 of the Indian constitution lays down, "All citizens shall have the right to freedom of speech and expression, to assemble peaceably, and without arms, to form associations or unions, to move freely throughout the territory of India, to reside in any part of the territory of India, to acquire hold and dispose of property and to practice any profession or to carry on any occupation, trade or business.
- Right To Information Act, 2005 sets out the rules and procedures regarding citizens' right to information. It replaced the former Freedom of information Act, 2020. Under the provisions of RTI Act, any citizen of India may request information from a "public authority" (a body of



Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. In case of matter involving a petitioner's life and liberty, the information has to be provided within 48 hours. The Act also requires every public authority to computerize their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally

- Right to Information Act, 2019 is an amendment and improvement over the Right to Information Act, 2005. Under the provisions of RTI Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. RTI is a fundamental right for every citizen of India.

1.7 KEY WORDS

Media Laws: Mass media, like any other organization, like to work in absolute freedom. The United States of America allows for explicit freedom for the media in its Constitution. But in most other countries, there is a situation of freedom and reasonable restrictions. In a few countries, there is no freedom for the mass media. But all countries have a wide variety of media related laws.

Freedom of Press: The Indian Constitution does not provide freedom for media or press separately. But there is an indirect provision for media freedom. It gets derived from Article 19(1) (a). This Article guarantees freedom of speech and expression. The freedom of press is derived indirectly from this Article

Reasonable Restrictions: Most countries realize that absolute freedom for media may not be a good idea. So certain reasonable restrictions are put on the media. These restrictions are with regard to morality, decency, defamation, security of the State, relationship with friendly countries, incitement to offence, communal harmony, etc.

Right to Information Act, 2005: This Act sets out the rules and procedures regarding citizens' right to information. It replaced the former Freedom of Information Act, 2002. Under the provisions of RTI Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. In case of matter involving a petitioner's life and liberty, the information has to be provided within 48 hours. The Act also requires every public authority to computerize their records for wide dissemination and to



proactively certain categories of information so that the citizens need minimum recourse to request for information formally

Right to Information Act, 2019: Under the provisions of RTI Act, any citizen of India may request **information** from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. RTI is a fundamental right for every citizen of India.

Official Secrets: Every nation or country has certain secrets. These could be in the sphere of national security or related fields. But many countries try to put a wide variety of information as official secrets. And laws or Acts related to official secrets try to protect such information.

1.8 SELF-ASSESSMENT TEST

1. What do you mean by Media Laws? Discuss briefly five most important media laws.
2. Why are media laws required? Discuss the importance of media laws.
3. What do you mean by Right to Information? Do you think, it should be made a fundamental right?
4. Do you think Official Secrets Act is a hindrance in the free flow of information? Discuss it.
5. Briefly introduce the different laws of both print media and electronic media.
6. What is Freedom of the Press ? Explain with suitable examples.
7. Describe the reasonable restrictions as prescribed in the Indian Constitution.
8. Write short notes on the followings:
 - (i) Freedom of Press,
 - (ii) Reasonable restrictions,
 - (iii) Right to Information Act, 2005,
 - (iv) Right to Information Act, 2019,
 - (v) Media Laws,
 - (vi) Official Secrets Act.



1.9 ANSWER TO CHECK YOUR PROGRESS

A. ANSWERS OF FILL IN THE BLANKS.

1. Mass Media
2. Official
3. Press/Media
4. Right to Information Act, 2019
5. USA

B. ANSWERS OF CHOOSE THE RIGHT OPTION.

1. b) Removal of Press Control
2. b) Restrictions on the press with reasonability
- 3.c) Right to Information
- 4.a) It sets out the rules regarding citizens' right to information
5. c) It is a fundamental right

1.10 REFERENCES/SUGGESTED READINGS

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1. [https://en.wikipedia.org/wiki/Right to Information Bill](https://en.wikipedia.org/wiki/Right_to_Information_Bill)



2. https://www.google.com/search?q=right+to+information+act+2005&rlz=1C1CHBD_enIN845IN845&oq=Right+to+Information+Act&aqs=chrome..69j0j8&sourceid=chrome&ie=UTF-8



SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
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

Legislation in the shape of Laws and Acts, etc., is a convenient way of controlling the mass media. Many countries have tried this method since a long time now. Other means of suppressing media freedom are oppressive measures like raids, seizures, arrests, fines, etc.



Only few countries like the USA have ensured freedom of media in a direct manner. Most countries, like in India, have some indirect measure. Almost all countries have provisions that impose restrictions in a reasonable manner.

In India, much legislation has been enacted in this direction. Prominent among those are Laws of defamation, contempt of court, contempt of legislature.

2.2 LAWS OF DEFAMATION

Defamation simply means tarnishing some body's image. It is an injury to a man's reputation. It means speaking or writing something damaging or diminishing the status or personality or prestige of a person or an Organization. There are two types of Defamation:

Libel: It is a written form of defamation.

Slander: It is a spoken form of defamation

Section 499 of the Indian Penal Code defines defamation as:

'Whoever, by words either spoken or intended to be read, or by signs or by visible, representations makes or publishes any imputation concerning any person intending to harm, or having reason to believe that such imputation will harm the reputation of such person, is said except in cases hereinafter excepted to defame that person'.

There are four explanations and 10 exceptions of section 499. The four explanations are as follows.

It may amount to defamation:

- To impute anything to a deceased person, If the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.
- To make an imputation concerning a company or an association or collection of persons as such;
- To make an imputation in the form of an alternative or expressed ironically;
- But no imputation is said to harm a person's reputation unless that imputation directly or indirectly in the estimation of others lowers the moral or intellectual character of that person or lowers that character of that person in respect of his caste or his calling, or lowers the credit of that person or causes it to be believed that the body of that person is in- a loathsome state or in a state generally considered as disgraceful".



There are ten exceptions in this Act. These are:

First Exception: It is not defamation to impute anything, which is true concerning any person, if it were for the public good that the imputation should be made or published.

Whether or not, it is for the public good is a question of fact.

Second Exception: It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct and no further.

Third Exception: It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching public question, and respecting his character, so far as his character appears in that conduct, and no further.

Fourth Exception: It is not defamation to publish a substantially true report of the proceedings of a court of justice, or the result of any such proceedings.

Fifth Exception: It is not defamation to express in good faith any opinion. Whatever respecting the merits of any case, civil or criminal, which has been decided by a court of justice or respecting the conduct of any person as party witness or agent, in any case such of respecting the character of such person as far as his character appears in that conduct and no further.

Sixth Exception: It is not defamation to express in good faith any opinion. Whatever respecting the merits of any performance, which its author has submitted to the judgement of the public, or respecting the character of the author so far as his character appears in such performance and no further.

Seventh Exception: It is not defamation if a person having over another any authority, either conferred by law or arising out of any lawful contact made with that other to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Eighth Exception: It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.



Ninth Exception: It is not defamation to make an imputation on the character of another provided that imputation is made in good faith for the protection of the interest of the person making it or of any other person, or for the public good.

Tenth Exception: It is not defamation to convey a caution in good faith to one person against another provided that such caution is intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

PUNISHMENT FOR DEFAMATION

Three sections of the Indian Penal Code deal with the punishment for defamation. These are: Section 500, Section 501 and Section 502.

Section 500 of the Indian Penal Code lays down, "Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both".

Section 501 of the Indian Penal Code lays down, "Whoever prints (or engraves) any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both".

Section 502 of the Indian Penal Code lays down, "Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both".

2.3 CONTEMPT OF COURT

Contempt of Court is also one of the reasonable restrictions under Article 19(2) of the Indian Constitution. The Contempt of Court Act was enacted for the first time in the year 1952. But under this Act, there was no definite definition of contempt of court. Later on, the Contempt of Court Act was again enacted in 1971, which was further amended in 1976.

According to this modified Act, a person is said to be offender of Contempt of Court under following circumstances:

- Charging the judge with unreasonableness and inability.



- Expressing doubts on the prestige, status, rights or fairness of the judiciary.
- Publication of any comment on the matters, which are under the proceedings of the court and which may mislead the general public and which, lead them to be prejudiced.
- To cast aspersion or to attempt in influence or the judge, jury, advocates or witness of any matters which are under the proceeding of the court.
- To interfere in the judicial administration.
- To threat the witnesses.
- To attempt to obstruct in the police inquiry against the order of the judge, publication of the proceedings of the court or the publications of the picture of the accused.
- Publication of the report of the proceedings of the court and distorting the facts.
- Wrongful publication of the proceedings of the court and distorting the facts.

2.4 CONTEMPT OF LEGISLATURE

Contempt of legislature refers to the open disrespect for legislature. It is a conduct exhibiting such disrespect for a legislative body as to impair its usefulness or conduct impeding the body or a committee thereof in performing legislative functions.

2.5 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. FILL IN THE BLANKS.

1. Contempt of Court includes charging thewith unreasonability.
2. Contempt of Legislature refers to.....for legislature.
3. Libel is a form of defamation.
4. Slander is a form of defamation.
5.allows for explicit freedom for the media in its Constitution.

B. CHOOSE THE RIGHT OPTION.

1. Libel is

- a) Gestural form of defamation



- b) Postural form of defamation
- c) Written form of defamation
- d) None of the above.

2. Slander is

- a) Written form of defamation
- b) Oral form of defamation
- c) Postural form of defamation
- d) None of the above

3. Contempt of legislature refers to

- e) Disrespect for legislature
- f) Disrespect for Court
- g) Disrespect for Parliament
- h) None of the above

4. Contempt of Court refers to

- e) Disrespect for legislature
- f) Disrespect for parliament
- g) Disrespect for court
- h) None of the above

5. Defamation simply means

- e) Tarnishing some body's image
- f) Building some body's image
- g) Hiding some body's image
- h) None of the above

2.6SUMMARY

- Defamation simply means tarnishing some body's image. It is an injury to a man's reputation. It means speaking or writing something damaging or diminishing the status or personality or



prestige of a person or an Organization. There are two types of Defamation: Libel is a written form of defamation and Slander is a spoken form of defamation

- Whoever, by words either spoken or intended to be read, or by signs or by visible, representations makes or publishes any imputation concerning any person intending to harm, or having reason to believe that such imputation will harm the reputation of such person, is said except in cases hereinafter excepted to defame that person.
- Contempt of Court includes charging the judge with unreasonability and inability, expressing doubts on the prestige, status, rights or fairness of the judiciary, publication of any comment on the matters, which are under the proceedings of the court and which may mislead the general public and which, lead them to be prejudiced, to cast aspersion or to attempt to influence or the judge, jury, advocates or witness of any matters which are under the proceeding of the court, to interfere in the judicial administration, to threaten the witnesses, to attempt to obstruct in the police inquiry against the order of the judge, publication of the proceedings of the court or the publications of the picture of the accused, publication of the report of the proceedings of the court and distorting the facts, etc. Contempt of legislature refers to the open disrespect for legislature. It is a conduct exhibiting such disrespect for a legislative body as to impair its usefulness or conduct impeding the body or a committee thereof in performing legislative functions.

2.7 KEYWORDS

Laws of Defamation: Defamation simply means tarnishing some body's image. It is an injury to a man's reputation. It means speaking or writing something damaging or diminishing the status or personality or prestige of a person or an Organization. There are two types of Defamation.

Contempt of Court: It includes charging the judge with unreasonability and inability, expressing doubts on the prestige, status, rights or fairness of the judiciary, publication of any comment on the matters, which are under the proceedings of the court and which may mislead the general public and which, lead them to be prejudiced, to cast aspersion or to attempt to influence or the judge, jury, advocates or witness of any matters which are under the proceeding of the court, to interfere in the



judicial administration, to threaten the witnesses, to attempt to obstruct in the police inquiry against the order of the judge, publication of the proceedings of the court or the publications of the picture of the accused, publication of the report of the proceedings of the court and distorting the facts, etc.

Contempt of Legislature: It refers to the open disrespect for legislature. It is a conduct exhibiting such disrespect for a legislative body as to impair its usefulness or conduct impeding the body or a committee thereof in performing legislative functions.

Libel: It is a written form of defamation.

Slander: It is a spoken form of defamation.

2.8 SELF-ASSESSMENT TEST

1. What do you mean by defamation? What are the punishment for defamatory.
2. What is Contempt of Court? Under what circumstances, a person is said to be offender of Contempt of Court? Explain.
3. Explain the importance Contempt of Legislature Act..
4. Write short notes on the followings:
 - (vii) Laws of defamation,
 - (viii) Contempt of Court
 - (ix) Contempt of Legislature
 - (x) Media Laws,
 - (xi) Official Secrets Act.

2.9 ANSWERS TO CHECK YOUR PROGRESS

A. ANSWERS OF FILL IN THE BLANKS.

1. Judge/Court
2. Disrespect
3. Written
4. Spoken
5. USA

**B. ANSWERS OF CHOOSE THE RIGHT OPTION.**

1. C) Written form of defamation
2. b) Oral form of defamation
3. a) Disrespect for legislature
4. c) Disrespect for court
5. a) Tarnishing some body's image

2.10 REFERENCES/SUGGESTED READINGS

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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 03	
OFFICIAL SECRETS ACT, PRESS & BOOKS REGISTRATION ACT	

STRUCTURE

3.0 Learning Objectives

3.1 Introduction

3.2 Official Secrets Act

3.3 Press & Books Registration Act

3.4 Check your Progress

3.5 Summary

3.6 Keywords

3.7 Self-Assessment Test

3.8 Answers to Check Your Progress

3.9 References/Suggested Readings

3.0 OBJECTIVES

After reading this lesson you will be able to:

- Understand Official Secrets Act.
- Discuss Press & Books Registration Act.

3.1 INTRODUCTION

Official Secrets Act which was enacted in 1923 is very important act which deals with offences like spying and wrongful communication of secret information. This is the base and cornerstone of this Act.



Hence, a comprehensive analysis and presentation of the details of this Act needs to be highlighted for the gainful perception of the students.

Similarly, another equally important act, i.e., Press and Books Registration Act also needs comprehensive elaboration here in this context.

3.2. OFFICIAL SECRETS ACT

This Act was enacted in 1923. It states clearly that actions which involve helping an enemy state against India are strongly condemned. It also states that one cannot approach, inspect, or even pass over a prohibited government site or area like an electrical substation. According to this Act, helping the enemy state can be in the form of communicating a sketch, plan, model of an official secret, or of official codes to the enemy.

This is an act, which consolidates the law relating to official secrets, and deals with offences like spying and wrongful communication of secret information. Section 3 of the Act makes it an offence if:

Any person for the purpose prejudicial to the public safety and the interests of the state approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or

Makes any sketch, plan, model or note which is calculated to be or might be or is intended to be directly or indirectly useful to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India the security of the state or friendly relations with foreign states;

In a prosecution for an offence punishable under section 3(i) of the Act, with imprisonment for a term which may extend to 14 years.

It is not necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the state, and notwithstanding that no such act is proved against him, he may be convicted in the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was prejudicial to the safety or interest of the state. However, there have not been many cases of prosecution under this Act.



Punishments under the Act range from three to life imprisonment (if intent is to declare war against India - section 5). A person prosecuted under this Act can be charged with the crime even if the action was unintentional and not intended to endanger the security of the state. The Act only empowers persons in positions of authority to handle official secrets, and others who handle it in prohibited areas or outside them are liable for punishment. Media persons have to help members of the police warrior above the rank of the sub-Inspector and members of the military with investigation regarding an offense, up to and including revealing his sources of information.

Under the Act, search warrants may be issued at any time if the magistrate determines that based on the evidence there is enough danger to the security of the state.

Uninterested members of the public may be excluded from court proceedings if the prosecution feels that any information which is going to be passed on during the proceedings is sensitive. This also includes media.

When a company is seen as the offender under this Act, everyone involved with the management of the company, including the board of directors, can be liable for punishment. In the case of a newspaper, everyone – including the publisher, editor and the proprietor — can be imprisoned for an offense. OSA is controversial to the modern RTI act 2005.

Official Secrets Act is often found to be in contrast to the Right to Information Act. In the OSA clause 6, information from any governmental office is considered official information, hence it can be used to override RTI, 2005 requests. This has drawn harsh criticism. The supreme court of India has also held that the RTI overrides OSA.

Let us take the example of Iftikhar Gilani case. In June 2002, journalist Iftikhar Gilani was arrested for violating the OSA 1923. He was charged under the OSA, with a case under the Obscenity Act added to it. The first military report suggested that the information he was accused of holding was "secret" despite being publicly available. The second military intelligence report contradicted this, stating that there was no "official secret". Even after this, the government denied the opinion of the military and was on the verge of challenging it when the contradictions were exposed in the press.



The military reported that, "the information contained in the document is easily available" and "the documents carries no security classified information and the information seems to have been gathered from various reliable and open sources. ".

On 13 January 2004, the government withdrew its case against him to prevent having two of its ministries having to give contradictory opinions. Gilani was released the same month.

3.3 PRESS & BOOKS REGISTRATION ACT

The Press and Books Registration Act, 1867 was enacted with a view to evaluating the present position of books, newspapers and magazines in the country from time to time. The prominent sections of this Act are follows:

Every book or paper printed within India shall have printed legibly on it the name of the printer and the place of the printing and of the publisher and the place of publication.

A printer can publish a paper (or anything which is of mass circulation) only after the permission of District Presidency and Divisional Magistrate.

On every publication, the name of the proprietor and the editor must be printed on each issue.

Printer and publisher should sign before the District Presidency or Sub Divisional Magistrate after giving the information of language and periodicity of the paper and after enclosing the written authority and the declaration of the owner of the paper

The information of any change in the paper, language, periodicity publisher etc. must be given to the general officer and a new declaration must be received.

After the acceptance of the declaration if any weekly for 6 weeks or any newspaper for 3 months is not published then its authority-letter will be treated as cancelled or invalid or unacceptable.

Where in any period of three months in daily, tri-weekly, bi-weekly, or fortnightly newspaper publishes issues the number of which is less than half of what should have been published in accordance with declaration will cease to have an effect and will be treated as invalid or unacceptable.



A declaration will be treated as cancelled if the paper is not published within one year. o The magistrate has power to make the declaration invalid or unacceptable by ordering to thoroughly inquire into the matter on the demand of the Press Registrar or any other person concerned.

- If the declaration of a paper is cancelled, then the incumbent has the right to go for an appeal well within 60 days and not beyond that.
- It is mandatory to send one copy of every published paper to the Press Registrar and two copies to the State Government free of cost.
- For not complying with the press laws, the editor and the printer of the paper are punishable with a fine, which may extend to two thousand rupees or with an imprisonment, which may extend to six months or with both.
- If the printer or publisher or editor is no more, then the information must reach the Magistrate or else there may be a fine, which may extend to two hundred only.

If any person deliberately makes a false declaration then he may be punished with a fine of Rs. 2000/- and imprisonment of 6 months if he is proved to be so before the Magistrate.

In India, if the Printer of a newspaper under section 11 (B) of this Act, does not send the copies to the Press Registrar, then on the complaint of the Press Registrar, he may be fined rupees fifty for each mistake.

For sending wrong information to the Press Registrar, a person is punishable with a fine which may extend to Rs. 500/-

It is mandatory to send the details of the papers every year and on the directives of the Registrar; it should be punished also. This act extends to whole India.

The state Government with the permission of the central Government may by notification in the official gazette, exclude any class of books or papers from the operation of the whole or any part of this Act. During the reign of the British Government in India writing of books and other informative material took a concrete shape and with the advent of printing presses various books on almost all the subjects and periodicals touching every aspect of life started appearing. Thrust on education gave an impetus to this with the result that lot of printed material became available. Those in the



field of writing, publishing and printing gave a thought to organize a system for keeping a record of the publications.

Then East India Company was urged to keep a record of the publications. An attempt was made by the authorities to make a collection of the books and other publications emanating from the various printing presses throughout India. Board of Directors of East India company issued an instruction that copies of every important and interesting work published in India should be dispatched to England to be deposited in the library of India House. Such an instruction had a slow impact.

Again, the Royal Asiatic Society in London urged the then Secretary of State for India to repeat the instruction of the late Board of Directors of East India Company and also desired that catalogues of all the works published in India should be sent to England. A system of voluntary registrations of publications was evolved but it failed. It was found necessary to establish a system of compulsory sale to Government, of three copies of each work in India. To achieve this purpose a Bill was introduced in the Legislature for the regulation of printing presses and newspaper for the preservation of copies of books and periodicals containing news printed in the whole of India and for the registration of such books and periodicals containing news.

STATEMENT OF OBJECTS AND REASONS

It has for many years been the endeavor of the authorities to make a collection of the books and other publications emanating from the various printing presses at work throughout the country.

It was an instruction of the late Court of Directors of the East India Company, that copies of every important and interesting work published should be dispatched to England to be deposited in the library at the India House.

And again, on the urgent requisition of the Royal Asiatic society in London, the Secretary of State for India repeated the instructions of the late Court of Directors, and desired also that catalogues of all works published in India should be sent to England.

The above instructions had special reference to the province of Lower Bengal, and the local authorities of this province were set in motion, and on a plan suggested by Mr. Talboys Wheeler of the Home Office, and matured by Mr. Robinson, Bengali Translator to the Government of Bengal,



a system of registration of books on terms advantageous to publishers was notified, and a catalogue of books published in the province of Lower Bengal was prepared.

But this catalogue had necessarily to be prepared by its editor, not with the books before him, but from such imperfect and scattered notices and advertisements of such books as he could collect from newspapers and other such sources, and was found therefore to be to a great extent, and essentially, incorrect, and the registration system completely broke down, there having been but three application for registration in the course of some nine months.

To send to England catalogues essentially and to a considerable extent incorrect, of or such books as can be routed out by private and perfunctory enquiries, is manifestly of no sort of use.

Yet the catalogue prepared in 1862, imperfect as it was, showed a list of some one thousand and five hundred books of more or less interest and importance, all published within the last ten or fifteen years, and it is notorious that, in the province of Lower Bengal at least, there has been of late years very great activity in the literary world, and every year shows no inconsiderable increase in the number of works, original or re-printed, published, and in the number of printing presses established.

The literature of a country is no doubt an index of the opinion and condition of the people, and such an index it is essential to good government that the rulers of a country should possess.

In the interest, too, of history and of the scholars of Europe, it is undoubtedly wise to provide that a complete collection of the publications of the press of this country should be made as well in this country as in England.

It cannot, too, but be of benefit to authors and publishers that catalogues of their works, and to a very limited extent copies of the works themselves, should be accessible to the public at certain well-known places.

Systems of voluntary registration of publications have been found to fail, and it is therefore proposed by this Bill to establish a system of compulsory sale to Government of three copies of each book or similar work printed in India.



One copy of the work will be sent to England, and the two others, after the book has been registered, will be kept in this country, to be deposited in places the proposed new Museum for instance where they will be carefully preserved.

A list of works registered will be published each quarter in the Official Gazette.

It is not quite clear that the provisions of the proposed Bill are as yet required in any province other than that of Lower Bengal, but in as much as the said provisions are reasonable and simple, and in as much as it is certain that with the spread of education there will arise in the other provinces of the Empire, as there has arisen in Bengal, a corresponding activity in literature, it is provided that the Bill may be extended by notification to any part of the Empire.

ACT 25 OF 1867

The Bill was passed by the Legislature and it came on the statute book as the Press and Registration of Books Act, 1867 (25 of 1867). The nomenclature of the Act has been given by the Indian Short Titles Act, 1897 (14 of 1897).

3.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

1. Official Secrets Act deals with offences like spying and wrongful communication of:
 - a) Top information
 - b) Secret information
 - c) Willful information
 - d) None of the above.
2. The Section of this Act which makes it an offense is :
 - a) 1
 - b) 2
 - c) 3
 - d) 4



3. In prosecution for an offence punishable under Section 3(1) of the Official Secrets Act, with the imprisonment for a term which may extend up to :
 - a) 11 Years
 - b) 12 Years
 - c) 13 Years
 - d) 14 years
4. The Press and Books Registration Act was enacted in:
 - a) 1865
 - b) 1866
 - c) 1867
 - d) 1868
5. Two copies of the registered newspaper must reach the State Government, failing which it will be treated as
 - a) An offence
 - b) An disrespect
 - c) A dishonesty
 - d) None of the above

B. FILL IN THE BLANKS

1. Official Secrets Act deals with the offences like.....of secret information.
2. of Official Secrets Act makes it an offence.
3. The most important aspect of Press & Books Registration Act is that every copy of a newspaper shall contain the names of the and
4. Press & Books Registration Act was enacted with a view to evaluating the present position of ,.....and
5. Two copies of the registered newspaper must reach the.....failing which it will be treated as offence.

3.5 SUMMARY

- This is an act, which consolidates the law relating to official secrets, and deals with offences like spying and wrongful communication of secret information. Section 3 of the Act makes it an



offence if: Any person for the purpose prejudicial to the public safety and the interests of the state approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or Makes any sketch, plan, model or note which is calculated to be or might be or is intended to be directly or indirectly useful to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India the security of the state or friendly relations with foreign states;

- In a prosecution for an offence punishable under section 3(i) of the Act, with imprisonment for a term which may extend to 14 years. It is not necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the state, and notwithstanding that no such act is proved against him, he may be convicted if the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was prejudicial to the safety or interest of the state. However, there have not been many cases of prosecution under this Act.
- The Press and Books Registration Act, 1867 was enacted with a view to evaluating the present position of books, newspapers and magazines in the country from time to time. The prominent sections of this Act are follows: Every book or paper printed within India shall have printed legibly on it the name of the printer and the place of the printing and of the publisher and the place of publication. A printer can publish a paper (or anything which is of mass circulation) only after the permission of District Presidency and Divisional Magistrate. On every publication, the name of the proprietor and the editor must be printed on each issue. Printer and publisher should sign before the District Presidency or Sub Divisional Magistrate after giving the information of language and periodicity of the paper and after enclosing the written authority and the declaration of the owner of the paper.
- The information of any change in the paper, language, periodicity publisher etc. must be given to the general officer and a new declaration must be received. After the acceptance of the declaration if any weekly for 6 weeks or any newspaper for 3 months is not published then its authority-letter will be treated as cancelled or invalid or unacceptable. Where in any period of three months in daily, tri-weekly, bi-weekly, or fortnightly newspaper publishes issues the



number of which is less than half of what should have been published in accordance with declaration will cease to have an effect and will be treated as invalid or unacceptable.

- A declaration will be treated as cancelled if the paper is not published within one year. The magistrate has power to make the declaration invalid or unacceptable by ordering to thoroughly inquire into the matter on the demand of the Press Registrar or any other person concerned. If the declaration of a paper is cancelled, then the incumbent has the right to go for an appeal well within 60 days and not beyond that.
- It is mandatory to send one copy of every published paper to the Press Registrar and two copies to the State Government free of cost. For not complying with the press laws, the editor and the printer of the paper are punishable with a fine, which may extend to two thousand rupees or with an imprisonment, which may extend to six months or with both. If the printer or publisher or editor is no more, then the information must reach the Magistrate or else there may be a fine, which may extend to two hundred only. If any person violating the provisions of section 4 of this Act and without having a declaration possesses a press, then the Magistrate may fine him with Rs. 2000/- or with imprisonment of 6 months or with both. If any person v deliberately makes a false declaration then he may be punished with a fine of Rs. 2000/- and imprisonment of 6 months if he is proved to be so before the Magistrate. In India, if the Printer of a newspaper under section 11 (B) of this Act, does not send the copies to the Press Registrar, then on the complaint of the Press Registrar, he may be fined rupees fifty for each mistake.
- For sending wrong information to the Press Registrar, a person is punishable with fine which may extend to Rs. 500/- It is mandatory to send the details of the papers every year and on the directives of the Registrar; it should be punished also. The state Government with the permission of the central Government may by notification in the official gazette, exclude any class of books or papers from the operation of the whole or any part of this Act. This Act extends to the whole of India.

3.6 KEYWORDS

Official Secrets Act: This is an act, which consolidates the law relating to official secrets, and deals with offences like spying and wrongful communication of secret information.



Press & Books Registration Act: The Press and Books Registration Act, 1867 was enacted with a view to evaluating the present position of books, newspapers and magazines in the country from time to time.

3.7 SELF-ASSESSMENT TEST

9. What do you mean by Official Secrets Act? What are the punishments for the violations of this Act.
10. What are the various provisions for the Official Secrets Act.
11. What is Press & Books Registration Act? Explain.
12. Explain the purpose of enacting the Press & Books Registration Act.
13. Describe the prominent sections of the Press & Books Registration Act.
14. Write short notes on the followings:
 - (xii) Official Secrets Act
 - (xiii) Press & Books Registration Act
 - (xiv) Media Laws

3.8 ANSWERS TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

1. b) Secret information
2. c) 3
3. d) 14 years
4. c) 1867
5. a) An offence

B. ANSWERS OF FILL IN THE BLANKS

1. Spying and wrongful communication
2. Section 3
3. Owner, editor
4. Books, Newspapers, Magazines



5. State Government

3.9 REFERENCES/SUGGESTED READINGS

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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 04	
COPYRIGHT ACT	

STRUCTURE

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

4.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Understand Copyright Act.**
- **Discuss the Infringement of Copyright Act.**

4.1 INTRODUCTION

The Copyright Act was enacted in India in 1857. Prior to the enactment of the Indian Copyright Act, 1957, British Common Law governed the disputes of Copyright in India.

The British Copyright Act, 1911 was brought into force in India, by a proclamation in the Gazette of India on the 30th October 1912. Two years later, the Indian Copyright Act, 1914 was passed by the Indian Legislature incorporating the British Copyright Act, 1911 in its schedule and modifying



and adding to some of its provisions in their application to India. Finally, after many modifications, the Copy Right Act was enacted in 1857.

4.2 COPYRIGHT ACT

What a man produces by the application of his labour, intellect, or skill is his property. The creator has right to his properties. The Law of Copyright creates a further statutory intangible right of property in respect of such product if it is an original work.

It has been possible in this era of scientific progress that an author may have his/her copies of work, which may be published and circulated without the author's knowledge or permission. The possibility of its misuse has also increased with efficient copying mechanism. Anybody by copying others work can not only earn money but also serve his own interest. In order to check such practices, the need for the Copy Right Act was seriously felt. The range of copyright is so broad that it includes picture, music, drama, literature, art, culture etc.

A writer or an artist after putting in thought, labour, time, intelligence, etc., creates and completes a work. This creation of that person is given legal protection by the Copy Right Act. This legal protection is valid in the same manner as a property acquired by dint of physical labour.

Under Article 14 of the Copyright Act 1957, the work of copyright has been comprehensively explained.

For the purpose of this Act, "Copyright" means the exclusive right by virtue of and subject to the provisions of this act.

In the case of literary, dramatic, or musical work, to do and authorize the doing of any of the following acts; namely,

To reproduce the work in any material form.

To publish the work.

To perform the work in public.

To produce, reproduce, perform or publish any translation of the work. To make any cinematograph film or a record in respect of the work.



To communicate the work by radio diffusion or to communicate to the public by loudspeaker or any other similar instrument the radio-diffusion of the work.

To make any adaptation of the work.

To do in relation to a translation or an adaptation of the work any of the acts specified in relation to the work in the first four clauses.

4.3 INFRINGEMENT OF COPYRIGHT ACT

Under Article 51 of the Copyright Act, 1957, infringement of copyright has been discussed. Copyright in a work is deemed infringed under the following circumstances:

When any person, without a license granted by the owner of the copyright or the Registrar of Copyrights under this Act in contravention of the conditions of a license so granted or of any condition imposed by a competent authority under this Act does anything the exclusive right to do which is by this Act conferred upon the owner of the copyright.

Copyright is also infringed when any person:

Makes for sale or hire or sells or

Distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

By way of trade exhibition in public, or

Imports (Except for the private and domestic use of the importer) into India, any infringing copies of the work.

Explanation: For the purposes of this Section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed 'to be an 'infringing copy'.

NO INFRINGEMENT

Article 52 of the Copyright Act lays down that the following acts shall not constitute infringement of copyright, namely:



A fair dealing with literary, dramatic, artistic, musical work for the purpose of research or private study. Criticism or review whether of that work or of any other work is also not infringement of Copyright.

A fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events: in a newspaper, magazine or similar periodical or by radio diffusion or in a cinematograph film or by means of photograph.

The reproduction of literary, dramatic, musical or artistic work for the purpose of a report of a judicial proceeding.

The reproduction or publication of a literary, dramatic, musical or artistic work in any work prepared by the secretariat of a Legislature or where the Legislature consists of two houses, by the secretariat of either house of the Legislature, exclusively for the use of the members of that legislature.

The reproduction of literary, dramatic or musical works in a certain copy made or supplied in accordance with any law for the time being in force.

The reading or recitation in public of any reasonable extract from a published literary or dramatic work.

The publication in a collection mainly composed of copyright matter bona fide, intended for the use of educational institutions and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works not themselves published for the use of educational institutions provided that not more than two such passages from works by the same author are published by the same publisher during any period.

Explanation: In the case of a work of joint authorship references in this clause to passages from work shall include references to passages from works by anyone or more of the authors of those passages or by anyone or more of the authors in collaboration with any other person, the re-production of a literary, dramatic, musical or artistic work:

By a teacher or a pupil in the course of instruction as part of the questions to be answered in an examination, or in answers to such questions.



The performance in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and student of the institution or of the cinematograph film or record if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution.

The reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics unless the author of such article has expressly reserved to himself the right of such reproduction.

The publication in newspaper, magazine, or other periodical of a report of a lecture delivered in public.

The making of not more than three copies of a book by or under the direction of a person in charge of a public library for the use of library if such book not available for sale in India.

The reproduction for the purposes of research or private study or with a view to publication of an unpublished literary dramatic, musical work kept in a library museum or other institution to which the public has access.

Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provision of the clause shall apply only if such reproduction is made at a time more than 50 years from the date of the death of the author or, in the case of a work of joint authorship from the death of the author whose identity is known or, if the identity of more authors than one is known, from the death of such of those authors who dies last.

The reproduction of publication in the following manner is not infringement.

Any matter, which has been published in any official Gazettes except an Act of a Legislature; or
Any Act of a legislature subject to the condition that such Act is reproduced or published together with any commentary there on any other original matter;

The report of any committee, commission, council, board or other like body appointed by the Govt. if such report has been laid on the table of the Legislature, unless the reproduction or publication of such report is prohibited by the Govt;



Any judgement or order of a court, tribunal or other judicial authority unless the reproduction or publication of such judgement or order is prohibited by the court.

The production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made there under:

If no translation of such act or rules or orders in that language has previously been produced or published by the Govt. or (ii) where a translation of such Act or rules or orders in that language has been produced or published by the Govt., if the translation is not available for the sale to the public provided that such translation contains a statement at a prominent place to the effect that the translation has not been authorized or accepted as authentic by the Govt. According to the Copyright Act, 1957, the term of copyright was earlier 50 years from the ensuing calendar year. Calendar year begins from January 1 and ends on December 31.

On 28th December 1991, the then President P. Venkataraman brought about an Ordinance and changed the term of copyright from 50 years to 60 years.

PUNISHMENT OF CRIME

Under Article 63 of this act there is mention of punishment of infringement of copyright. For infringement of copyright there is a punishment of one-year imprisonment or monetary fine or both.

4.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

1. When is a creative and original work put in the public domain?
 - e) When it is posted to usenet.
 - f) When it does not have a C in a circle
 - g) When the phrase “All Rights Reserved” is not present.
 - h) When you have explicit permission from the author or owner
2. Fair use is:
 - e) Any amount of length as long as the whole work is not copied.



- f) Usually a short excerpt and attributes to the author
 - g) Anything under 300 words.
 - h) When you are using it for educational purpose.
3. Fair use was created to allow all of the following except:
- e) Parody
 - f) News reporting
 - g) Commentary
 - h) Derivative works
4. When is copyright violation a felony?
- e) When the violation involved more than 10 copies and value over dollar 2500
 - f) When the violation involved more than 25 copies and value over dollar 10000
 - g) It is not copyright violation if it considers civil charge, not criminal
 - h) When you charge any money, no matter the value.
5. All of the following are factors used to consider whether a use is fair or not except:
- e) The nature of the copyrighted work
 - f) The amount and the sustainability of the portion used in relation to the copyrighted work as a whole
 - g) The source of the information
 - h) None of the above

B. FILL IN THE BLANKS.

1. Under Article of this act there is mention of punishment of infringement of copyright.
2. A fair dealing with literary, dramatic, artistic, musical work for the purpose of research or private study is not an..... to copyright
3. The infringement of copyright relates to the of the Copy Right Act.
4. For infringement of copyright there is a punishment of imprisonment or monetary fine or both.
5. A fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting is not an infringement to the copyright.



4.5 SUMMARY

- What a man produces by the application of his labour, intellect, or skill is his property. The creator has right to his properties. The Law of Copyright creates a further statutory intangible right of property in respect of such product if it is an original work. The possibility of its misuse has increased with efficient copying mechanism. Anybody by copying others work can not only earn money but also serve his own interest.
- When any person, without a license granted by the owner of the copyright or the Registrar of Copyrights under this Act in contravention of the conditions of a license so granted or of any condition imposed by a competent authority under this Act does anything the exclusive right to do which is by this Act conferred upon the owner of the copyright.
- The Copyright Act lays down that the following acts shall not constitute infringement of copyright, namely: fair dealing with literary, dramatic, artistic, musical work for the purpose of research or private study. Criticism or review whether of that work or of any other work is also not infringement of Copyright, fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events: in a newspaper, magazine or similar periodical or by radio diffusion or in a cinematograph film or by means of photograph, the reproduction of literary, dramatic, musical or artistic work for the purpose of a report of a judicial proceeding, etc.

4.6 KEYWORDS

Copyright: A person creates a work of art by his or her labor, intellect, etc. The creator should have the right over that creation. This is the concept of copyright. No other person should be allowed to misuse that right. The Copyright Act in India protects this right.

Infringement to Copyright Act: The Copyright Act lays down that the following acts shall not constitute infringement of copyright, namely: fair dealing with literary, dramatic, artistic, musical work for the purpose of research or private study. Criticism or review whether of that work or of any other work is also not infringement of Copyright, fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events: in a newspaper, magazine or similar periodical or by



radio diffusion or in a cinematograph film or by means of photograph, the reproduction of literary, dramatic, musical or artistic work for the purpose of a report of a judicial proceeding, etc.

4.7SELF-ASSESSMENT TEST

1. What do you mean by copyright? It Explain the infringement of Copyright.
2. Discuss the acts that do not constitute infringement of copyright as mentioned in the Section 52 of the Copy Right Act.
3. Throw light on the Copyright Act. Discuss the punishments for the infringement of the Copyright Act.
4. Discuss the term of Copyright giving some suitable examples.
5. Write short notes on the followings:
 - (xv) Copyright
 - (xvi) Copyright Act
 - (xvii) Infringement to Copyright

4.8ANSWERS TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

6. d) When you have explicit permission from the author or owner
7. b) Usually a short excerpt and attributes to the author
8. d) Derivative works
9. a) When the violation involved more than 10 copies and value over dollar 2500
10. c) The source of the information

B. FILL IN THE BLANKS.

1. 63
2. Infringement
3. Section 52
4. One-Year
5. Current Events
- 6.



4.9 REFERENCES/SUGGESTED READINGS

10. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
11. Bhanawat, Sanjeev (L993) - Press KanoonaurPatrakarita, published by SidhashriPrakashan, Jaipur.
12. "Media Problems and Prospects (1983)" published by National Media Centre.
13. Rayudu, C.S. (1993) - "Media and Communication Management" published by Himalaya Published House, New Delhi.



SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 05	
1 ST PRESS COMMISSION	

STRUCTURE

5.0 Learning Objectives

5.1 Introduction

5.2 First Press Commission

5.3 Recommendation of First Press Commission

5.4 Check Your Progress

5.5 Summary

5.6 Keywords

5.7 Self-Assessment Test

5.8 Answers to Check Your Progress

5.9 References/Suggested Readings

5.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand the first Press Commission.
- Explain the main recommendations of the first Press Commission.

5.1 INTRODUCTION

Since Independence, efforts have been made to find out about the working conditions and ground realities with regard to the media in our country. The Government of India has, from time to time, constituted commissions and committees in this regard. These commissions and committees study the situation and give expert opinions and suggestions.



The very first such attempt was the establishment of the First Press Commission in 1952. This Commission gave its recommendations in 1954. The Second Press Commission was established in 1978.

5.2 FIRST PRESS COMMISSION

The first Press Commission was constituted under the Chairmanship of Justice J. S. Rajadhyakhsa on 23rd September 1952 by the Ministry of Information and Broadcasting. It was formed to inquire into the state of the Press in India. Some of the other members of the 11-member working group were Dr. C.P. RamaswamyAiyer, Acharya NarendraDeo, Dr. Zakir Hussain, and Dr. V.K.V. Rao. It was asked to look into factors, which influence the establishment and maintenance of high standards of journalism in India.

The Commission inquired into the control, management and ownership, the financial structure as well as other important aspects of the newspaper industry in the country.

The Commission, after a careful and detailed study, concluded that there should be indigenisation of both capital and the staff especially at the higher levels and it was highly desirable that proprietorial interests in daily and weekly newspapers should vest predominantly in Indian hands.

After considering the recommendations of the Press Commission and the Note submitted by the Ministry of Information & Broadcasting, Government of India, the Union Cabinet adopted a Resolution on 13 September, 1955, which became the basic policy document in regard to the Press in India. The resolution is as follows:-

“The Cabinet considered the Ministry of Information & Broadcasting’s note dated May 4, 1955, and was of the view that so far as the ownership of newspapers and periodicals by nationals of other countries was concerned, the problem was not a very serious one as there were only a few such newspapers and periodicals. The Cabinet, therefore, felt that no action needs to be taken in regard to these newspapers and periodicals but that no foreign-owned newspaper or periodical should, in future, be permitted to be published in India.

The Cabinet, however, agreed that the other recommendation of the Commission that foreign newspapers and periodicals, which dealt mainly with news and current affairs, should not be allowed to bring out Indian editions should be accepted in principle. During the past 46 years since the above



Resolution came into effect, no foreign newspaper or periodical has been allowed to be published from India nor has any foreign investment in the domestic print media sector been permitted.

However, in the new context of globalization, the demand for foreign participation and investment in the print media has been raised by a section of the newspaper industry. In the public debate which has taken place on this issue, the opinion of the print media has been divided. Since the issue has far reaching consequences for the Press in India, the Committee decided to take up this subject for a detailed study. A public notice was issued.

The commission was appointed because after independence the role of the press was changing from a mission to business. It found that there was a great deal of scurrilous writing often directed against communities or groups, of indecency and vulgarity and personal attacks on individuals. It also noted that yellow journalism was on the increase in the country and was not particularly confined to any area or language. The commission, however, found that the well-established, newspapers on the whole, had maintained a high standard of journalism.

It remarked that whatever the law relating the press may be, there would still be a large quantity of objectionable journalism, which, though not falling within the purview of the law, would still require some checking. It felt that the best way of maintaining professional standards of journalism would be to bring into existence a body of people principally connected with the industry whose responsibility would be to arbitrate on doubtful points and to ensure the punishment of any one guilty of infraction of good journalistic behavior.

As mentioned earlier, on 23rd September 1952, the Ministry of Information and Broadcasting constituted the first Press Commission. The members of the working group were as mentioned below:

Justice J.S. Rajadhyakshya (Chairman)

Dr. C.P. RamaswamyAiyer

AcharyaNarendraDeo

Dr. JakirHussain

Dr. V.K. R.V. Rao

P.H. Patwardhan



TribhuwanNarain Singh

Jaipal Singh

J. Natrajan

A.R. Bhalla

M. Chalpati Rao

5.3 RECOMMENDATIONS OF FIRST PRESS COMMISSION

Main Recommendations were:

To protect the freedom of the Press and to maintain high standards of journalism, Press Council should be established. It was accepted and the Press Council of India was established on July 4, 1966 which started functioning from November 16, (on this date, National Press Day is celebrated) 1966.

To prepare the accounts of the Press and the position of every year, there should be appointment of the Registrar of Newspaper for India (RNI). It was also accepted and in Price-page schedule should be introduced. It was also accepted in 1956.

For maintaining a cordial relationship between the Government and the Press, a Press consultative Committee should be constituted. It was accepted and a Press consultative committee was constituted on 22nd September 1962.

Working Journalists Act should be implemented. The Government implemented this and in 1955 the working journalists and other Newspaper Employees (conditions of services) and Miscellaneous Provisions Act was set up.

There should be establishment of a Fact Finding Committee to evaluate the financial position of the newspapers and news agencies. It was accepted and on 14th April, 1972, a Fact Finding Committee was set up which submitted its report on 14th January, 1975.

For protecting the main principles of the freedom of the Press and to help the newspapers against monopolistic tendencies, a Newspaper Financial corporation should be constituted. It



was accepted in principle and on 4th December 1970, a Bill was also presented in the Lok Sabha, but it lapsed.

5.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

1. First Press Commission was established in
 - i) 1950
 - j) 1951
 - k) 1952
 - l) 1953
2. The first Press Commission was constituted under the chairmanship of
 - a) Justice J. S. Rajadhyakhsa
 - b) Justice P.N.Bhagwati
 - c) Justice P.K.Goswami
 - d) Justice R.S.Sarkaria
3. First Press Commission was set up on the date:
 - a) 20 September,1952
 - b) 21 September,1952
 - c) 22 September,1952
 - d) 23 September,1952
4. What was the recommendation of the first Press Commission about Price Page Schedule
 - i) Price Page Schedule should be introduced
 - j) Price Page Schedule should not be introduced
 - k) Price Page Schedule is redundant
 - l) None of the above
5. 1st Press Commission also recommended that
 - i) Working Journalist Act should be considered
 - j) Working Journalist Act should be implemented



- k) Working Journalist Act should not be implemented
- l) None of the above

B. FILL IN THE BLANKS.

1. To protect the freedom of the Press and to maintain high standards of journalismshould be established.
2. To prepare the accounts of the Press and the position of every year, there should be appointment of the
3. First Press Commission recommended that there should be establishment of
4. For maintaining a cordial relationship between the Government and the Press,should be constituted
5. For protecting the main principles of the freedom of the Press and to help the newspapers against monopolistic tendencies,should be constituted.

5.5 SUMMARY

- The very first such attempt was the establishment of the First Press Commission in 1952. The first Press Commission was constituted under the Chairmanship of Justice J. S. Rajadhyakhsa on 23rd September 1952 by the Ministry of Information and Broadcasting. It was formed to inquire into the state of the Press in India. The Commission inquired into the control, management and ownership, the financial structure as well as other important aspects of the newspaper industry in the country. The Commission, after a careful and detailed study, concluded that there should be indigenisation of both capital and the staff especially at the higher levels and it was highly desirable that proprietorial interests in daily and weekly newspapers should vest predominantly in Indian hands.
- After considering the recommendations of the Press Commission and the note submitted by the Ministry of Information & Broadcasting, Government of India, the Union Cabinet adopted a Resolution on 13 September, 1955, which became the basic policy document in regard to the Press in India. The resolution is as follows:-“The Cabinet considered the Ministry of Information & Broadcasting’s note dated May 4, 1955, and was of the view that so far as the ownership of newspapers and periodicals by nationals of other countries was concerned, the



problem was not a very serious one as there were only a few such newspapers and periodicals. The Cabinet, therefore, felt that no action needs to be taken in regard to these newspapers and periodicals but that no foreign-owned newspaper or periodical should, in future, be permitted to be published in India. The Cabinet, however, agreed that the other recommendation of the Commission that foreign newspapers and periodicals, which dealt mainly with news and current affairs, should not be allowed to bring out Indian editions should be accepted in principle. During the past 46 years since the above Resolution came into effect, no foreign newspaper or periodical has been allowed to be published from India nor has any foreign investment in the domestic print media sector been permitted.

- However, in the new context of globalization, the demand for foreign participation and investment in the print media has been raised by a section of the newspaper industry. In the public debate which has taken place on this issue, the opinion of the print media has been divided. Since the issue has far reaching consequences for the Press in India, the Committee decided to take up this subject for a detailed study. A public notice was issued.
- The commission was appointed because after independence the role of the press was changing from a mission to business. It found that there was a great deal of scurrilous writing often directed against communities or groups, of indecency and vulgarity and personal attacks on individuals. It also noted that yellow journalism was on the increase in the country and was not particularly confined to any area or language. The commission, however, found that the well-established, newspapers on the whole, had maintained a high standard of journalism.
- It remarked that whatever the law relating the press may be, there would still be a large quantity of objectionable journalism, which, though not falling within the purview of the law, would still require some checking. It felt that the best way of maintaining professional standards of journalism would be to bring into existence a body of people principally connected with the industry whose responsibility would be to arbitrate on doubtful points and to ensure the punishment of any one guilty of infraction of good journalistic behavior. As mentioned earlier, on 23rd September 1952, the Ministry of Information and Broadcasting constituted the first Press Commission. This Commission gave its recommendations in 1954. To protect the freedom of the Press and to maintain high standards of journalism, Press Council should be established. It was accepted and the Press Council of India was established on July 4, 1966 which started



functioning from November 16, (on this date, National Press Day is celebrated) 1966. To prepare the accounts of the Press and the position of every year, there should be appointment of the Registrar of Newspaper for India (RNI). It was also accepted and in Price-page schedule should be introduced. It was also accepted in 1956. For maintaining a cordial relationship between the Government and the Press, a Press consultative Committee should be constituted. It was accepted and a Press consultative committee was constituted on 22nd September 1962. Working Journalists Act should be implemented. The Government implemented this and in 1955 the working journalists and other Newspaper Employees (conditions of services) and Miscellaneous Provisions Act was set up. There should be establishment of a Fact Finding Committee to evaluate the financial position of the newspapers and news agencies. It was accepted and on 14th April, 1972, a Fact Finding Committee was set up which submitted its report on 14th January, 1975. For protecting the main principles of the freedom of the Press and to help the newspapers against monopolistic tendencies, a Newspaper Financial corporation should be constituted. It was accepted in principle and on 4th December 1970, a Bill was also presented in the Lok Sabha, but it lapsed.

5.6 KEYWORDS

First Press Commission: The very first such attempt was the establishment of the First Press Commission in 1952. The first Press Commission was constituted under the Chairmanship of Justice J. S. Rajadhyaksha on 23rd September 1952 by the Ministry of Information and Broadcasting.

Recommendations of First Press Commission: To protect the freedom of the Press and to maintain high standards of journalism, Press Council should be established. It was accepted and the Press Council of India was established on July 4, 1966 which started functioning from November 16, (on this date, National Press Day is celebrated) 1966. To prepare the accounts of the Press and the position of every year, there should be appointment of the Registrar of Newspaper for India (RNI). It was also accepted and in Price-page schedule should be introduced. It was also accepted in 1956. For maintaining a cordial relationship between the Government and the Press, a Press consultative Committee should be constituted. It was accepted and a Press consultative committee was constituted on 22nd September 1962. Working Journalists Act should be implemented. The Government implemented this and in 1955 the working journalists and other Newspaper Employees (conditions of services) and Miscellaneous



Provisions Act was set up. There should be establishment of a Fact Finding Committee to evaluate the financial position of the newspapers and news agencies. It was accepted and on 14th April, 1972, a Fact Finding Committee was set up which submitted its report on 14th January, 1975. For protecting the main principles of the freedom of the Press and to help the newspapers against monopolistic tendencies, a Newspaper Financial corporation should be constituted. It was accepted in principle and on 4th December 1970, a Bill was also presented in the Lok Sabha, but it lapsed.

5.7 SELF-ASSESSMENT TEST

1. What do you mean by Press Commission? Throw light on the first Press Commission.
2. Explain the various recommendations of the first Press Commission.
3. Write short notes on the followings:
 - (xviii) Press Commission
 - (xix) 1st Press Commission
 - (xx) Working Journalist Act
 - (xxi) Fact Finding Committee
 - (xxii) Functions of 1st Press Commission
 - (xxiii) Importance of 1st Press Commission

5.8 ANSWERS TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

11. c) 1952
12. a) Justice J. S. Rajadhyakhsa
13. d) 23 September, 1952
14. a) Price Page Schedule should be introduced
15. b) Working Journalist Act should be implemented

B. ANSWERS OF FILL IN THE BLANKS.

1. Press Council
2. Registrar of Newspaper For India
3. Fact Finding Committee



4. Press Consultative Committee
5. Newspaper Financial Corporation

5.9 REFERENCES/SUGGESTED READINGS

1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
2. Bhanawat, Sanjeev (L993) - Press KanoonaurPatrakarita, published by SidhashriPrakashan, Jaipur.
3. "Media Problems and Prospects (1983)" published by National Media Centre.
4. Rayudu, C.S. (1993) - "Media and Communication Management" published by Himalaya Published House, New Delhi.

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1. <https://netjrffmasscomm.blogspot.com/2010/04/trace-history-of-first-and-second-press.html>
2. <http://presscouncil.nic.in/OldWebsite/history.htm>



SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 06	
2ND PRESS COMMISSION	

STRUCTURE

- 6.0 Learning Objectives
- 6.1 Introduction
- 6.2 Second Press Commission.
- 6.3 Recommendations of Second Press Commission
- 6.4 Check Your Progress
- 6.5 Summary
- 6.6 Keywords
- 6.7 Self-Assessment Test
- 6.8 Answers to Check Your Progress
- 6.9 References/Suggested Readings

6.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand Second Press Commission.
- Discuss the main recommendations of Second Press Commission.

6.1 INTRODUCTION

The Government of India has, from time to time, constituted commissions and committees in this regard. These commissions and committees study the situation and give expert opinions and suggestions.

The very first such attempt was the establishment of the First Press Commission in 1952. This Commission gave its recommendations in 1954. And then came the Second Press Commission on May 29, 1978.



6.2 SECOND PRESS COMMISSION

The period since the first Press Commission gave its report in 1954, has seen radical changes not only in the growth and significance of the press but also in legal thought affecting the press which, in India and abroad, has become markedly libertarian. Ironically, with the intensification of political conflict in India, the press came under attack from authority whose ideological premises were anything but libertarian.

The Emergency and press censorship left the press in a battered shape. The Second Press Commission was set up, as Mr. L. K. Advani, the Minister for Information & Broadcasting said in the Rajya Sabha on May 18, 1978, for re-examining its (the press') place, status and functioning in a democratic set-up, more so in view of the recent experience when the press was subjected to a series of legal and administrative assaults. To determine the further steps that need to be taken to restore it to full vigour and health was the main charge of the Commission.

The Second Press Commission's report reveals its wilful refusal to address itself to this task, and in this the Government of India fully shares the blame. It completely reconstituted the Commission headed by Mr. P. K. Goswami, a retired judge of the Supreme Court, and selected as his successor Mr. K. K. Mathew, a former Supreme Court judge who had in his dissenting judgment in the Bennett Coleman Case (1973) and also in his report on Mr. L. N. Mishra's death (1977) revealed a concept of press freedom which allowed authority, larger powers of regulation.

A joint minute of dissent by four members of the Commission on diffusion of press ownership, price page schedule and a statutory news-to-advertisement ratio rightly remarks that the relevant section of the Report leans heavily on the theories propounded in the dissenting judgment of Mr. Justice K. K. Mathew. The Government of India constituted the Second Press Commission on May 29, 1978. The members of this commission were as mentioned below:

Justice P. K. Goswami, Retired Judge, Supreme Court (chairman)

Prem Bhatia, Editor Tribune

S. N. Dwivedi, Former MP



M. Harish, Urdu Journalist

Prof. R.J. Mathai, IIM, Ahmedabad

Y.N. Mehta, Advocate

V.K. Narshinghan, Editor, Deccan Herald, Bangalore

F.S. Nariman, Senior Advocate, Supreme Court

H.S. Vatsayayan, Editor Nav Bharat Times, Delhi

Arun Shourie, Senior Fellow, ICSSR (Till September, 1978)

Mr. Nikhil Chakarvartty (appointed in December, 1978, after Arun Shourie's resignation)

After the new Government came to power on the 14th January, 1980, Goswami team resigned and then the Second Press Commission was reconstituted on 21st April, 1980 under the chairmanship of Retired Judge of the Supreme Court, Mr. Justice K.K. Mathew. The members were:

Justice K.K. Mathew

Justice Shishir Kumar Mukherji (Retired Judge of the Calcutta High Court)

Mrs. Amrita Pritam, Poet and Novelist

P.B. Gadgil, Journalist

I.A. Siddhique, Editor, KomiAbag, Lucknow

RajendraMathur, Editor, Naiduria, Indore

Girilal Jain, Editor, The Times of India, Delhi o Madan Bhatia, Advocate, Supreme Court

Ranbit Singh, Editor, Milap

Prof. H.K. Paranjpe, Economist.

6.3RECOMMENDATIONS OF SECOND PRESS COMMISSION

The main recommendations of the Second Press Commission were:

An attempt should be made to establish a cordial relation between the Government and the Press.



For the development of small and medium newspapers, there should be establishment of Newspaper industries should be separated from industries and commercial interests.

There should be appointment of Board of Trustees between editors and proprietors of the newspaper.

Price-page schedule should be introduced.

There should be a fixed proportion of news and advertisement in small, medium and big newspaper.

Newspaper industries should be relieved from the impact of foreign capital.

No predictions should be published in newspapers and magazines.

The misuse of the image of the advertisement should be discontinued.

The Government should prepare a stable Advertisement Policy.

The Press Information Bureau should be reconstituted.

Press laws should be amended.

6.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

1. The Government of India constituted the Second Press Commission in the year
 - a) 1975
 - b) 1976
 - c) 1977
 - d) 1978
2. The second Press Commission was constituted under the chairmanship of
 - e) Justice J. S. Rajadhyaksha
 - f) Justice P.N.Bhagwati
 - g) Justice P.K.Goswami
 - h) Justice R.S.Sarkaria



3. Second Press Commission was set up on the date
 - e) 26 May,1978
 - f) 27 May,1978
 - g) 28 May,1978
 - h) 29 May,1978
4. What was the recommendation of the second Press Commission about Price Page Schedule
 - m) Price Page Schedule should be introduced
 - n) Price Page Schedule should not be introduced
 - o) Price Page Schedule is redundant
 - p) None of the above
5. 2nd Press Commission also recommended that
 - m) Newspapers should be separated from industries and commercial interests.
 - n) Newspapers should not be separated from industries and commercial interests.
 - o) Newspapers should be collaborated with industries and commercial interests.
 - p) None of the above

B. FILL IN THE BLANKS.

1. An attempt should be made to establish a cordial relation between theand the Press.
2. For the development of small and medium newspapers, there should be establishment of
3. Newspaper industries should befrom industries and commercial interests.
4. There should be appointment ofbetween editors and proprietors of the newspaper.
5. Newspaper industries should be relieved from the impact of.....

6.5 SUMMARY

- Since our country became independent in 1947, efforts have been made to find out about the working conditions and ground realities with regard to the media in our country. The Government of India has, from time to time, constituted commissions and committees in this regard. These commissions and committees study the situation and give expert opinions and suggestions. The second Press Commission was constituted on May 29,1978 under the



chairmanship of Justice P.K.Goswami. The main recommendations of the Second Press Commission were: An attempt should be made to establish a cordial relation between the Government and the Press. For the development of small and medium newspapers, there should be establishment of Newspaper industries should be separated from industries and commercial interests. There should be appointment of Board of Trustees between editors and proprietors of the newspaper. Price-page schedule should be introduced. There should be a fixed proportion of news and advertisement in small, medium and big newspaper. Newspaper industries should be relieved from the impact of foreign capital. No predictions should be published in newspapers and magazines. The misuse of the image of the advertisement should be discontinued. The Government should prepare a stable Advertisement Policy.

6.6 KEYWORDS

Second Press Commission: This Press Commission was constituted on May 29, 1978 under the chairmanship of Justice P.K.Goswami.

Recommendations of Second Press Commission: An attempt should be made to establish a cordial relation between the Government and the Press. For the development of small and medium newspapers, there should be establishment of Newspaper Development Commission. Newspaper industries should be separated from industries and commercial interests. There should be appointment of Board of Trustees between editors and proprietors of the newspaper. Price-page schedule should be introduced. There should be a fixed proportion of news and advertisement in small, medium and big newspaper. Newspaper industries should be relieved from the impact of foreign capital. No predictions should be published in newspapers and magazines. The misuse of the image of the advertisement should be discontinued. The Government should prepare a stable Advertisement Policy. The Press Information Bureau should be reconstituted. Press laws should be amended.

6.7 SELF-ASSESSMENT TEST

1. What do you mean by Press Commission? Throw light on the second Press Commission.
2. Explain the various recommendations of the second Press Commission.
3. Write short notes on the followings:

(xxiv) Press Commission



- (xxv) 1st Press Commission
- (xxvi) 2nd Press Commission
- (xxvii) Working Journalist Act
- (xxviii) Fact Finding Committee
- (xxix) Functions of 2nd Press Commission
- (xxx) Importance of 2nd Press Commission

6.8 ANSWERS TO CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

- 16. d) 1978
- 17. c) Justice P.K.Goswami
- 18. d) 29 May, 1978
- 19. a) Price Page Schedule should be introduced
- 20. a) Newspapers should be separated from industries and commercial interests

B. FILL IN THE BLANKS.

- 1. Government
- 2. Newspaper Development Commission
- 3. Separated
- 4. Board Of Trustees
- 5. Foreign Capital

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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 07	
PRESS COUNCIL OF INDIA	

STRUCTURE

- 7.0 Learning Objectives
- 7.1 Introduction
- 7.2 Press Council Act
- 7.3 Structure of Press Council of India
- 7.4 Functions of Press Council of India
- 7.5 Overview of Press Councils of the World
- 7.6 Check Your Progress
- 7.7 Summary
- 7.8 Keywords
- 7.9 Self-Assessment Test
- 7.10 Answer to Check Your Progress
- 7.11 References/Suggested Readings

7.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand Press Council Act.
- Discuss Structure of Press Council of India.
- Describe the Functions of Press Council of India.
- Explain the overview of Press Councils of the World.

7.1 INTRODUCTION

The Press Council of India, according to the preamble to the Press Council of India Act, is established:



"For protecting the freedom of the press and maintaining and improving the standards of both newspapers and news agencies"

M.V. Kamath once pointed out that it is important to remember that the Press Council of India is not a Court of Law. It is a Court of Honour. Its verdicts are not judicial pronouncements. Therefore, there is no question of punishment imposed on an offending journalist or newspaper.

By that same token the Council cannot award damages to the aggrieved party. As justice Mudholkar put it, "The only weapon in the armory of the Press Council of India is moral authority". The sole strength of the Council lies in its appeal to conscience.

The power conferred by section 13 (1 A) requiring a newspaper to publish therein any particulars relating to any enquiry under section 13 does not mean that it has any power to punish a defaulting paper.

The experience of the British Press Council has shown that this power, if properly used and constantly exercised, can become extremely effective. The public rebuke that the Council administers and the moral obligation of the offending newspaper to publish its decisions operates both as a penalty and a deterrent.

The Press Council of India Act, 1965 was later amended on 31st March 1970. The Council's term which expired in December, 1975 was not extended during the Emergency again the Press Council's Act was revised in 1978 which was more or less on the same lines as the Press Council Act, 1965.

7.2 PRESS COUNCIL ACT

The first press commission recommended that in order to protect the freedom of the press and to maintain high standards among journalists of both newspapers and news agencies, Press Council of India should be established. As a result, a Press council of India was set up on the 4th July, 1966 which started functioning from the 16th November (that's why this day is also celebrated as National Press day), 1966.

This type of practice was first initiated by Sweden. Presently more than 40 countries have set up press councils.



In India, the institution of Press Council started functioning from the 6th November 1966 following the enactment of the Indian Press Council Act, 1965. This was later amended on the 31st March 1970. The press council's term, which expired in December 1975, was not extended during the Emergency. The Press Council was dismantled on 1st January 1976.

When the Janata Party came to power, it reconstituted the Press Council of India in April 1979. This reconstitution followed the enactment of a new Press Council Act in 1978. Justice A.N. Grover, a former judge of the Supreme Court was appointed its chairman.

The objectives of the revived press council of India were to assure more freedom of the press and better journalistic standards. This second council was more or less on the same lines as the first press council of India.

The Press Council of India is empowered to hold enquiries on complaints, made to it or otherwise against, made to it or otherwise against offending newspaper and news agencies. For the purpose of performing its functions or holding any enquiry, the council has ample power throughout India, as are vested in a civil court, while trying a suit under the code of civil procedure in certain respects. These powers include summoning and enforcing the attendance of persons and examining them on Oath, requiring discovery and inspection of the documents, receiving evidence on affidavits, requisitioning any public record and issuing commissions for the examination of witness or documents.

7.3 STRUCTURE OF PRESS COUNCIL OF INDIA

Unlike the United Kingdom and other Commonwealth countries, the Press Council of India is a statutory body and not a voluntary organization. It consists of 28 members headed by a chairman who is nominated by a committee made up of the Chairman of the Rajya Sabha, the Speaker of the Lok Sabha, and an elected representative of the council members.

Of the 28 members, 13 are nominated in accordance with the procedure prescribed from among working journalists, of whom 6 are editors of newspapers and the other seven working journalists other than editors.



Six members represent various interests like those of the owners of big, medium and small newspapers, and of news agencies. Besides, there are 5 MPs nominated by the speaker of the Lok Sabha, and 2 from the Rajya Sabha.

Representation is also provided to specialists in law education, literature, science and culture. The professional members should be of at least 10 years standing in the profession and no more or no less. It also favoured grant of additional power to the council in regard to requisitioning of public records.

The Press Council of India recommended that the Press in order to achieve national unity should emphasis those aspects of the national life, which underline the common features of diverse faiths and religions and subordination of sectional interests to national unity and integrity.

The council identified certain aspects of journalism, which offended against journalistic properties and ethics and laid down guidelines for the conduct of newspapers. According to these guidelines, the press should avoid.

Distortion or exaggeration of facts or incidents in relation to communal matters or giving currency.

Employment of intemperate and unrestrained language in the presentation of news or views even as a piece of literary flourish or for the purposes of rhetoric or emphasis.

Encouraging or condoning violence even in the face of provocation as a means of obtaining redress of grievance whether the same be genuine or not;

Scurrilous and untrue attacks on communities or individuals particularly when they are accompanied by charges attributing misconduct to them due to their being members of a particular community or caste.

Falsely giving communal colour to incidents in which members of different communities happen to be involved.

Emphasizing matters that are apt to produce communal hatred or will or fostering feelings of distrust between communities.



Publishing alarming news, which is in substance untrue or making provocative comments on such news or views which are otherwise calculated to embitter relations between different communities or regional or linguistic groups.

Exaggerating actual happenings to achieve sensationalism and publication of news, which adversely affect communal harmony with banner headlines or in distinctive types.

Making disrespectful, derogatory or insulting remarks on or reference to this different religions or faiths or their funders.

While it is the legitimate function of the press to draw attention to the genuine and legitimate grievances of any community with a view to having the same redressed by all peaceful, legal and legitimate means, it is improper and a breach of journalistic ethics to invent grievances, or to exaggerate real grievances, as these tend to promote the communal ill feeling and accentuate discord.

Moreover, the council has constituted a research subcommittee to look into all aspects of the Official Secrets Act, Contempt of Court, Defamation, Parliamentary Privileges and various other enactments to ensure that the freedom of the Press is in no way endangered. But the fact remains that where a newspaper is unyielding, the Press Council is helpless. It is hence a matter of debate in the country today whether the council should have punitive powers.

7.4 FUNCTIONS OF PRESS COUNCIL OF INDIA

The following are the functions of the Press Council of India:

The first and foremost function of the press council of India is to protect the freedom of the press and to maintain and improve the standards of newspaper and news agencies in India.

To help newspapers and news agencies to maintain their independence.

To build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards;

To ensure on the parts of newspaper, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;



To encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;

To keep under review any development likely to restrict the supply and dissemination of news of public interest and importance.

To keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the central government or are brought to its notice by any individual, association of person or any other organizations : provided that nothing in this clause shall prelude.

To keep under reviews cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by any individual, association of persons or any other organization.

To undertake studies of foreign newspapers, including those brought out by any embassy or other representative in India or a foreign State, their circulation and impact.

To promote a proper functional relationship among all classes of persons engaged in the production or publication of newspaper or in news agencies :

To undertake such studies as may be entrusted to the Council and to express its opinion in regard to any matter referred to it by the Central Government.

To do such other acts as may be incidental or conducive to the discharge of the above functions.

Where, on receipt of a complaint made to it or otherwise, the council has reason to believe that a newspaper or news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconducts, the Council may, after giving the newspaper, or news agency, the editor or journalists concerned an opportunity of being heard, hold an enquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary to do so, it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist, as the case



may be : provided that the Council may not take cognizance of a complaint if in the opinion of the Chairman, there is no sufficient ground for holding an inquiry.

If the Council is of the opinion that it is necessary or expedient in the public interest to do so, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particulars, relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.

Nothing in sub-action (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout India as are vested in civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

- ❖ Summoning and enforcing the attendance of persons and examining them on oath
 - ❖ Requiring the discovery and inspection of documents
 - ❖ Receiving evidence on affidavits
 - ❖ Requisitioning any public record or copies thereof from any court of office
 - ❖ Issuing commissions for the examination of witnesses or documents; and
 - ❖ Any other matter, which may be prescribed.
- An important part of this is that nothing can compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by the newspaper or received or reported by that news agency, editor or journalist.

7.5 OVERVIEW OF PRESS COUNCILS OF THE WORLD

Presently more than 40 countries have set up Press Councils in the world. An International Conference on Press Councils of the Worlds was held on October 22-24, 1992 in New Delhi, India. During the Conference the following observations were made and resolutions passed:



The Conference considered the proposal that Press Council be endowed with sanctions and powers in addition to the moral sanctions that they now enjoy, and the requirement that adverse adjudication be published in the newspaper concerned.

Press Councils are based on the premise that they are to provide a democratic, efficient and inexpensive facility for the hearing of complaints about and by the Press.

It was also observed that if Councils were to be endowed with the power to impose other sanctions, it would be equitable that the power to impose sanctions applies also when the

It was again observed that a power to impose meaningful sanctions raises a number of issues, including (a) the onus of proof, (b) the standard of proof, (c) the right to and cost of legal representation (d) whether review and/or appeal would be available.

The effect of any or all of these issues changing Press Council procedures would militate against the basic premise that Press Council provide a democratic efficient and inexpensive facility for the hearing of complaints, and that the consequent inevitability would be that Press Councils would, in effect, become Courts exercising judicial powers, and the well-known problems of access cost, formality and delay would equally apply thus defeating the basic purpose of the Press Council.

The Conference drew inspiration from, these words of Mahatma Gandhi: "The sole aim of journalism should be service. The newspaper press is a great power, but just as unchained torrent of water submerges the whole countryside and devastates crops, even so an uncontrolled pen serves but to destroy. If the control is from within it proves more poisonous than want of control. It can be profitable only when exercised from within".

The Conference, therefore, resolved that for these reasons, Press Councils should not seek nor be granted the power to impose additional sanctions.

The conference warmly welcomed the representatives of the British Press Complaints Commission and received their report with interest; The conference congratulated the BPC on providing so soon after its inception an outstanding, effective and efficient system of non-statutory self-regulation; nothing that the United Kingdom has been and remains an example in legal development and in the



protection of traditional liberties; And nothing that any action in relation to Press regulation in the United Kingdom authorities may, therefore, maintain the traditional liberties of the British Press as well as the concept of non-statutory self-regulation which protects its traditional liberties, and enhances its responsibility.

That the document "A Guide to journalistic Ethics" by the Press Council of India, sorted out from the adjudications of the Council and the guidelines issued by it in their wake, in an effort to 'build up' a code of conduct, be received; and that other Press Councils and similar Bodies be invited to prepare similar outlines with a view to their being discussed by Press Councils and similar bodies in anticipation of a World Association of Press Councils being established; and that the draft code of Ethics from Honolulu and Cyprus be received : and that the Conference expresses its appreciation to our colleagues from Cyprus and Honolulu for their work in drafting these documents.

At the Third Conference of International Press Councils and similar bodies in New Delhi in October 22-24, 1992 the conference noted its appreciation of the efforts and hospitality offered by hosts, the International Youth Centre and the Indian Press Council and the sponsors.

The World Association of Press councils is an umbrella organization of Press Councils and similar Bodies Committed to championing the cause of free speech and freedom of a responsible Press. The chairman of the Indian Press Council, Mr Justice P.B. Sawant has been elected its President in the year 1997 for a six-year term. Other important office bearers include Prof. David Flint, Chairman of the WAPC Executive Council and presently Chairman of Australian Broadcasting Authority, Mr. R. Gunasingam of Malaysia, Secretary general of WAPC and Prof. Christopher Gronholm of Finland its Treasurer.

About 45 foreign delegates attended the Conference from about 17 countries representing various press and media Councils, apart from eminent persons of the Indian media, judiciary, bureaucracy and politics. While detailed suggestions that emerged out of the discussions are being examined the conclusions and recommendations adopted at the Conference follow.

CONCLUSIONS AND RECOMMENDATIONS

The delegates at the International Conference of the World Association of press Councils hosted by the Indian Press Council in the city of New Delhi on the 4th and 5th April, 1998: Recognizing the



contribution made by Mahatma Gandhi to the Freedom of the Press, Peace and amity in the world and noting that he believed that the sole aim of journalism is service, reaffirmed their belief:

That in all democratic States freedom of expression is recognized as an inviolable human right;

That the States of the World have on several occasions solemnly declared their support for freedom of expression;

That under international law freedom of expression and its corollary, freedom of the press, has emerged as a right of all humanity;

That freedom of the press is recognized not simply as a freedom for journalists, editors or proprietor's - but rather as a right of all citizens to be informed on all matters of public interest;

That it is implicit and inherent in the institution of a free press that the press exercises its powers and duties in a responsible manner;

That it is recognized that the free press must be accountable to the public, but not to government;

That the creation of such organs as independent Press Councils and similar bodies and the institutions of the Office of the Press Ombudsman are recognized as methods whereby; the freedom, the responsibility and the accountability of the press may be maintained and enhanced.

That independent Press Councils provide, inter alia, a democratic, efficient and inexpensive forum for the hearing of complaints against and by the press, and for maintaining and assisting in the enhancement of its freedom, responsibility and accountability, and Declared:

That the creation, development and enhancement of Press Councils should be encouraged.

That the WAPC, particularly through the Press Councils accepting responsibility for a particular zone or region should lead in the creation and development of Press Councils;

1. That a responsible media should respect the privacy of all people
2. That the media may only intrude on the privacy of a person including a public figure where it is clearly in the public interest



3. That the principles of a free and responsible media apply equally to new technological methods for the delivery of news and information, education, and entrainment, including the interest and satellite transmission
4. That these principles also apply to news and information transmitted, published or sold across national boundaries.
5. That there is a need for transactional application of the highest media standards..

7.6 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSTHE RIGHT OPTION.

6. Which party reconstituted the Press Council of India in 1979?
 - a) Communist Party of India
 - b) Janata Party
 - c) Congress Party
 - d) None of the above.
7. Press Council of India is a:
 - a) Voluntary organization
 - b) Statutory Body
 - c) Trust
 - d) None of the above
8. The first and foremost function of the Press Council of India is to:
 - a) Control the freedom of the Press
 - b) Protect the freedom of the Press
 - c) Defend the freedom of the Press
 - d) None of the above.
9. Which Commission recommended the setting up of a Press Council of India?
 - a) First Press Commission
 - b) Second Press Commission



- c) Third Press Commission
- d) None of the above.

10. How many members are there any Press Council of India?

- q) 27
- r) 28
- s) 29
- t) 30

B. FILL IN THE BLANKS.

1. The first press commission recommended that in order to protect the freedom of the press and to maintain high standards among journalists of both newspapers and news agencies,should be established.
2. A Press council of India was set up on the 4th July, 1966 which started functioning from
3. 16th November is celebrated as
4. The Press Council of India isto hold enquiries on complaints.
5. Press & Books Registration Act was enacted with a view to evaluating the present position of,..... and
6. The Press Council of India is aand not a voluntary organization.

7.7 SUMMARY

- The first press commission recommended that in order to protect the freedom of the press and to maintain high standards among journalists of both newspapers and news agencies, Press Council of India should be established. As a result, a Press council of India was set up on the 4th July, 1966 which started functioning from the 16th November (that's why this day is also celebrated as National Press day), 1966.
- In India, the institution of Press Council started functioning from the 16th November 1966 following the enactment of the Indian Press Council Act, 1965. This was later amended on the 31st March 1970. The press council's term, which expired in December 1975, was not extended during the Emergency. The Press Council was dismantled on 1st January 1976. When the Janata



Party came to power, it reconstituted the Press Council of India in April 1979. This reconstitution followed the enactment of a new Press Council Act in 1978. Justice A.N. Grover, a former judge of the Supreme Court was appointed its chairman.

- The Press Council of India is empowered to hold enquiries on complaints, made to it or otherwise against, made to it or otherwise against offending newspaper and news agencies. For the purpose of performing its functions or holding any enquiry, the council has ample power throughout India, as are vested in a civil court, while trying a suit under the code of civil procedure in certain respects.
- Unlike the United Kingdom and other Commonwealth countries, the Press Council of India is a statutory body and not a voluntary organization.
- The Press Council of India consists of 28 members headed by a chairman who is nominated by a committee made up of the Chairman of the Rajya Sabha, the Speaker of the Lok Sabha, and an elected representative of the council members. Of the 28 members, 13 are nominated in accordance with the procedure prescribed from among working journalists, of whom 6 are editors of newspapers and the other seven working journalists other than editors. Six members represent various interests like those of the owners of big, medium and small newspapers, and of news agencies. Besides, there are 5 MPs nominated by the speaker of the Lok Sabha, and 2 from the Rajya Sabha. Representation is also provided to specialists in law education, literature, science and culture. The professional members should be of at least 10 years standing in the profession and no more or no less. It also favoured grant of additional power to the council in regard to requisitioning of public records.

7.8 KEYWORDS

Press Council: Press Council is an organization that looks after the functioning of the Press. It is either a voluntary body or statutory body. In many countries, it is a voluntary body. But in India, the Press Council is statutory body. It has both Government nominees and people related to the Press as representatives. The Press Council in India looks after complaints against the working of the Press on India. It also recommends codes of ethics for the Press.



Structure of Press Council of India: Unlike the United Kingdom and other Commonwealth countries, the Press Council of India is a statutory body and not a voluntary organization. It consists of 28 members headed by a chairman who is nominated by a committee made up of the Chairman of the Rajya Sabha, the Speaker of the Lok Sabha, and an elected representative of the council members.

Functions of Press Council of India: The first and foremost function of the press council of India is to protect the freedom of the press and to maintain and improve the standards of newspaper and news agencies in India. To help newspapers and news agencies to maintain their independence. To build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards; To ensure on the parts of newspaper, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship; To encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism; To keep under review any development likely to restrict the supply and dissemination of news of public interest and importance. To keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the central government or are brought to its notice by any individual, association of person or any other organizations : provided that nothing in this clause shall preclude. To keep under reviews cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central.

Overview of Press Councils of World: The delegates at the International Conference of the World Association of press Councils hosted by the Indian Press Council in the city of New Delhi on the 4th and 5th April, 1998: Recognizing the contribution made by Mahatma Gandhi to the Freedom of the Press, Peace and amity in the world and noting that he believed that the sole aim of journalism is service, reaffirmed their belief:

That in all democratic States freedom of expression is recognized as an inviolable human right.

That the States of the World have on several occasions solemnly declared their support for freedom of expression.

That under international law freedom of expression and its corollary, freedom of the press, has emerged as a right of all humanity.



That freedom of the press is recognized not simply as a freedom for journalists, editors or proprietor's - but rather as a right of all citizens to be informed on all matters of public interest.

That it is implicit and inherent in the institution of a free press that the press exercises its powers and duties in a responsible manner.

That it is recognized that the free press must be accountable to the public, but not to government.

That the creation of such organs as independent Press Councils and similar bodies and the institutions of the Office of the Press Ombudsman are recognized as methods whereby; the freedom, the responsibility and the accountability of the press may be maintained and enhanced.

That independent Press Councils provide, inter alia, a democratic, efficient and inexpensive forum for the hearing of complaints against and by the press, and for maintaining and assisting in the enhancement of its freedom, responsibility and accountability, and Declared

That the creation, development and enhancement of Press Councils should be encouraged. That the WAPC, particularly through the Press Councils accepting responsibility for a particular zone or region should lead in the creation and development of Press Councils;

1. That a responsible media should respect the privacy of all people.
2. That the media may only intrude on the privacy of a person including a public figure where it is clearly in the public interest.
3. That the principles of a free and responsible media apply equally to new technological methods for the delivery of news and information, education, and entertainment, including the interest and satellite transmission.
4. That these principles also apply to news and information transmitted, published or sold across national boundaries.
5. That there is a need for transactional application of the highest media standards.

7.9 SELF-ASSESSMENT TEST

1. What is Press Council? Discuss its role in Indian Context.
2. Discuss the structure of Press Council of India.



3. Discuss the various functions of the Press Council of India.
4. Discuss the Press Council's guidelines for communal Writings.
5. "Press Council in India is a paper tiger with a rubber teeth". Discuss this statement briefly.
6. Present an overview of press councils of the world.

7.10 ANSWERS TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

21. b) Janata Party
22. a) Voluntary organization
23. b) Protect the freedom of the Press
24. a) First Press Commission
25. b) 28

B. ANSWERS OF FILL IN THE BLANKS.

1. Press Council Of India
2. 16th November, 1966
3. National Press Day
4. Empowered
5. Statutory Body

7.11 REFERENCES/SUGGESTED READINGS

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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 08	
BROADCASTING CODE FOR NEWS FOR AIR & DD	

STRUCTURE

- 8.0 Learning Objectives**
- 8.1 Introduction**
- 8.2 AIR and Doordarshan Code of Broadcasting News**
- 8.3 Check Your Progress**
- 8.4 Summary**
- 8.5 Keywords**
- 8.6 Self-Assessment Test**
- 8.7 Answer to Check Your Progress**
- 8.8 References/Suggested Readings**
- 8.9**

8.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand AIR and Doordarshan Code of Broadcasting.

8.1 INTRODUCTION

Radio and television have become two very important mass media in India. All India Radio and Doordarshan have been serving our information, entertainment, and education related needs since a long time now. Since 1991, private TV channels have started playing an important role.

Private FM radio channels have revived radio broadcasting in our country.



There are many laws related to the electronic media in India. In this lesson we shall discuss about two of these laws: AIR and Doordarshan Code of Broadcasting News.

8.2 AIR AND DOORDARSHAN CODE OF BROADCASTING NEWS

The nine-point broadcasting code is much more than the reasonable restrictions as mentioned in the Article 19 (2) of the Indian constitution. The code prohibits the following:

- Criticism of friendly countries.
- Attack on religion or communities.
- Anything obscene or defamatory.
- Incitement to violence or anything against maintenance of law and order.
- Aspersions against the integrity of the President, Governorship, Judiciary.
- Anything amounting to contempt of court.
- Attack on a political party by name.
- Hostile criticism of any state or the Centre.
- Anything showing disrespect to the Constitution or advocating change in the Constitution by violence; but advocating changes in a constitutional way should not be debarred.

The above-mentioned code applies to criticism in the nature of personal tirade, either of a friendly government or of a political party or of the Central Government or any State Government. But it does not debar reference to any or dispassionate discussion of policies pursued by any of them.

The Station Director is considered to be the right authority to temporarily interpret whether the code is violated or not. If the broadcaster does not accept the Station Director's points of view, then the Station Director has the instant power to refuse him or her broadcast. In case of unresolved differences of opinion between the Minister of a State Government and the Station Director, about the interpretation of the code, the matter will be referred to the Minister of Information and Broadcasting, who will decide finally whether or not any change in the broadcasting is necessary to conform it to the code.

NEWS POLICY FOR BROADCAST MEDIA

Both Radio and Television play a vital role in the formation of the public opinion. So, the Government of India seriously realized that there should be clear-cut news policy for broadcast media.



Following is the news policy for Broadcast media issued by the Ministry of Information and Broadcasting to AIR & DD on May 4, 1982 and placed before the Lok Sabha on July 13, 1982.

- There should be a clear-cut distinction between news and views. News should be factual, accurate and objective. There should be no editorialization of news.
- News should be selected on the basis of news value.
- Though the selection of news should be done on the basis of news value, yet its presentation should be according to the medium and the audience.
- Apart from factuality and accuracy in the news, attempts should be made to give the background of the news also.
- There should be the highest stage of responsibility in broadcast news. AIR and Doordarshan should not broadcast any news on the basis of its publication in newspapers and magazines. They should develop their own sources for the verification of events.
- In a developing country like India, AIR and Doordarshan should highlight development news, its relevance, its achievements and problems. Other than that, they (AIR & DD) should also motivate the people to participate in development activities. For that they should not only depend on news agencies, but put out well-grounded stories on their own.
- Due to the limitations of time, news in AIR and Doordarshan cannot be like that of newspapers.
- The news relating to the implementation of the Government programmes should get due coverage.
- The main objective of the current affairs programmes should be to enlighten the people on various aspects of political, economic, social and cultural developments. The treatment of the subject should be comprehensive projecting different viewpoints. It should aim at providing adequate background for a proper understanding and interpretation of events and issues.
- Internal evaluation of news and current affairs programmes after their broadcast should be the regular exercise on daily basis.
- The style of language of broadcast medium should be ear pleasing and not eye-pleasing like print media.



- In case of politically controversial news, AIR and Doordarshan should try to maintain a balance while presenting the viewpoints of all the sides. If a variety of viewpoints cannot be projected in the same bulletin, the balance should be achieved within a reasonable period of time.
- Regarding international news, news of developing countries, especially from that of our neighbors should get priority.
- AIR and Doordarshan should aim at creating an informed public opinion on international events and developments. In preparing news, national interest must be kept in mind.
- The provision of regular evaluation of the language of bulletins is a must. There has to be a much greater emphasis on specialization and training of the news/personnel within AIR and Doordarshan. A stylebook in each language should be prepared without delay.
- The professional capacity of the people who run the news and current affairs programmes is vital and important, because they have immensely great role in the implementation of these policies and norms. Again, the choice of personnel is most important. A professional must have had training in news work. He should be able to choose the items well and to rewrite the stories to suit the medium. Professional training and appreciation of the role of the media in a democratic society will give him the confidence to take the right decisions.

BROADCASTING CODE GOVERNING ALL INDIA RADIO AND DOORDARSHAN

Recognizing the immense power of Radio and Television for both good and evil and the solemn responsibilities are placed upon all broadcasters.

- To ensure the objective presentation of news and fair and unbiased comment
- To promote the advancement of education and culture;
- To raise and maintain high standards of decency and decorum in all programmes;
- To provide programmes for the young which, by variety and content, will inculcate the principles of good citizenship;
- To promote communal harmony, religious tolerance and international understanding;
- To treat controversial public issues in an impartial and dispassionate manner;
- To respect human rights and dignity.



- This code was adopted by the fourth Asian Broadcaster Conference convened at Kuala Lumpur in 1962 and to which all India Radio was a party.

8.3 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

11. Who is considered to be the right authority to temporarily interpret whether the code is violated or not.
- m) Station Manager
 - n) Station Director
 - o) Station Supervisor
 - p) None of the above.
12. The broadcasting code does not allow
- i) Criticism of friendly countries
 - j) Appreciation of friendly countries
 - k) Comment on friendly countries
 - l) None of the above
13. How should advertising be prepared under broadcasting code?
- i) According to the laws of the country
 - j) According to the rules of the country
 - k) According to the regulations of the country
 - l) None of the above.
14. News should be selected on the basis of
- q) Importance
 - r) News value
 - s) Goodness
 - t) None of the above
15. AIR and Doordarshan should not broadcast any news on the basis of its publication in
- u) Newspapers & Magazines



- v) Broadcasting policy
- w) Broadcasting regulations
- x) None of the above.

B. FILL IN THE BLANKS.

1. Code of.....should not offend against morality, decency, and the religious susceptibilities of the people.
2. News Policy for Broadcast Media lays down that there should be a clear-cut distinction betweenand views.
3. If thedoes not accept the Station Director's points of view, then the Station Director has the instant power to refuse him or her broadcast.
4. There has to be a much greater emphasis on specialization and training of the news/personnel within.....
5. No advertisement should be allowed, Which mocks at any race, caste, colour, creed orexcept for the specific purpose of effective dramatization in combating prejudice,

8.4 SUMMARY

- The broadcasting code prohibits the following: Criticism of friendly countries, Attack on religion or communities, Anything obscene or defamatory, Incitement to violence or anything against maintenance of law and order, Aspersions against the integrity of the President, Governorship, Judiciary, Anything amounting to contempt of court, Attack on a political party by name, Hostile criticism of any state or the Centre, Anything showing disrespect to the Constitution or advocating change in the Constitution by violence; but advocating changes in a constitutional way should not be debarred.
- The Code of Commercial Broadcasting includes the following points: Advertising should be prepared in accordance with the laws of the country and should not offend against morality, decency, and the religious susceptibilities of the people, No advertisement should be allowed, Which mocks at any race, caste, colour, creed or nationality except for the specific purpose of effective dramatization in combating prejudice, Which is against any of the objectives, principles or provisions of the Constitution, Which provokes people to crime or to promote



disorder, violence or breach of law, Which puts criminality as desirable or furnishes details of crime or initiation thereof, Which is likely to unfavorably affect friendly relations with foreign states, Which exploits national emblems, the Constitution, or the person or personality of national leaders or State dignitaries, and On cigarettes and tobacco products.

8.5 KEYWORDS

Broadcasting Code: The broadcasting code does not allow the Criticism of friendly countries, Attack on religion or communities, Anything obscene or defamatory, Incitement to violence or anything against maintenance of law and order, Aspersions against the integrity of the President, Governorship, Judiciary, Anything amounting to contempt of court, Attack on a political party by name, Hostile criticism of any state or the Centre, Anything showing disrespect to the Constitution or advocating change in the Constitution by violence; but advocating changes in a constitutional way should not be debarred.

Code of Commercial Broadcasting: includes the following points: Advertising should be prepared in accordance with the laws of the country and should not offend against morality, decency, and the religious susceptibilities of the people.

8.6 SELF-ASSESSMENT TEST

1. Discuss briefly the News Policy for Broadcast Media.
2. Discuss the Code of Commercial Broadcasting for AIR & DD.
3. Discuss the Code of Commercial Advertising for TV.
4. Describe the AIR Code for Broadcasting News.
5. Throw light on Doordarshan Code for Broadcasting News.

8.7 ANSWER TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

26. b) Station Director
27. a) Criticism of friendly countries
28. a) According to the laws of the country



29. b) News value

30. a) Newspapers & Magazines

B. ANSWERS TO FILL IN THE BLANKS.

1. Commercial Broadcasting
2. News
3. Broadcaster
4. Air And Doordarshan
5. Nationality

8.8 REFERENCES / SUGGESTED READINGS

1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
2. Bhanawat, Sanjeev (L993) - Press Kanoon aur Patrakarita, published by Sidhashri Prakashan, Jaipur.
3. "Media Problems and Prospects (1983)" published by National Media Centre.
4. Rayudu, C.S. (1993) - "Media and Communication Management" published by Himalaya Published House, New Delhi.
5. Report (1995-96) of the Ministry of Information & Broadcasting (Annexure xiv).



SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 09	
BROADCASTING CODE FOR ADVERTISING	

STRUCTURE

9.0 Learning Objectives

9.1 Introduction

9.2 Code of Commercial Broadcasting

9.3 Code of Commercial Advertising for AIR & DD

9.4 Check Your Progress

9.5 Summary

9.6 Keywords

9.7 Self-Assessment Test

9.8 Answers to Check Your Progress

9.9 References/Suggested Readings

9.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand Code of Commercial Broadcasting.
- Discuss Code of Commercial Advertising for AIR & DD.

9.1 INTRODUCTION

It is said that everything is fair in love, war and advertising. That is to say that advertising provides more freedom in terms of language, body language, posture, gesture, etc. But still we have certain guidelines for advertising as far as All India Radio and Doordarshan are concerned. We have very well defined broadcasting code for advertising for All India Radio and Doordarshan.



9.2 CODE OF COMMERCIAL BROADCASTING

No advertisement shall be accepted which violates AIR and TV Broadcast Code which is reproduced below:- General AIR/TV Code (1) criticism friendly countries; (2) attack on religions or communities; (3) anything obscene or defamatory; (4) incitement to violence or anything against maintenance of law and order; (5) anything amounting to contempt of court; (6) aspersions against the integrity of the President and Judiciary; (7) anything affecting the integrity of the Nation; and (8) criticism by name of any person.

The code for commercial broadcasting spells out the general rules of conduct in advertising, discusses the procedure for the enforcement of the code, gives excerpts from the code of ethics issued by the Advertising Council of India and incorporates the code of standards in relation to the advertisement of medicines and treatments. It also highlights standards of practice for Radio and Television advertising and for advertising agencies. The main points of the code are following:

Advertising should be prepared in accordance with the laws of the country and should not offend against morality, decency, and the religious susceptibilities of the people.

No advertisement should be allowed:

- ❖ Which mocks at any race, caste, colour, creed or nationality except for the specific purpose of effective dramatization in combating prejudice?
- ❖ Which is against any of the objectives, principles or provisions of the Constitution?
- ❖ Which provokes people to crime or to promote disorder, violence or breach of law?
- ❖ Which puts criminality as desirable or furnishes details of crime or initiation thereof?
- ❖ Which is likely to unfavorably affect friendly relations with foreign states?
- ❖ Which exploits national emblems, the Constitution, or the person or personality of national leaders or State dignitaries?
- ❖ On cigarettes and tobacco.

9.3 CODE OF COMMERCIAL ADVERTISING FOR AIR & DD

The code of commercial advertising for AIR & DD is as under:



Advertising should be prepared in accordance with the laws of the country and should not offend against morality, decency and religious susceptibilities of the people.

No advertisement should be allowed:

- ❖ Which mocks at any race, caste, colour, creed, and nationality except for the specific purpose of effective dramatizations such as combating prejudice?
- ❖ Which is against any of the objective, principles, or provisions of the Constitution of India?
- ❖ Which provokes people to crime or to promote disorder, violence or breach of law?
- ❖ Which puts criminality as desirable or furnishes details of crime or initiation thereof?
- ❖ Which may unfavorably affect friendly relations with foreign states?
- ❖ Which exploits the national emblems, or any part of the Constitution, or the person or personality of national leader or state dignitary?
- ❖ On cigarettes and tobacco products,
- ❖ No advertisement shall be permitted the object whereof are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end or have any relation to any industrial dispute.
- ❖ Advertisement for services concerned with the following are not acceptable: Money lenders; Chit funds and saving schemes other than those conducted by nationalized banks; Matrimonial agencies; Unlicensed employment services; Fortune tellers or soothsayers, etc. and Those with the claims of hypnotism would be excluded from advertising on Television.
- ❖ Advertisers or their agents must be prepared to produce evidence to substantiate any claim or illustrations.
- ❖ Advertisements should not contain disparaging reference to another product or service.
- ❖ Visual and verbal representation of actual and comparative prices and costs must be accurate and should not mislead on account of undue emphasis or distortion.



- ❖ Testimonials must be genuine and must not be used in a manner likely to mislead the viewers. Advertisers or the agencies must be prepared to produce evidence in support of any testimonial and any claims it may contain.
- ❖ The Director General, Doordarshan, in all other matters, will be guided for purposes of commercial telecasting in Doordarshan by the code of Ethics for Advertising in India, as modified from time to time.
- ❖ Notwithstanding anything contained here in this code is subject to such modifications as may be made or issued by the Government of India from time to time.

9.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

16. The code for which type of broadcasting spells out the general rules of conduct in advertising
- q) Commercial
 - r) Financial
 - s) Technical
 - t) None of the above.
17. No advertisement should be allowed, which mocks at what?
- a) Laws
 - b) Race, caste, colour, creed or nationality
 - c) Ordinances
 - d) None of the above
18. Advertising shall be so designed to conform to
- a) Laws of country
 - b) Rules of the nation
 - c) General regulations
 - d) None of the above.
19. No advertisement shall be permitted which is against
- m) Any of the directive principles



- n) Anything unnatural
 - o) Anything immoral
 - p) None of the above
20. No advertisement shall be in any way presented as
- u) Views
 - v) News
 - w) Reviews
 - x) None

B. FILL IN THE BLANKS

1. The Director General, Doordarshan, in all other matters, will be guided for purposes of commercial telecasting in Doordarshan by the code offor Advertising in India
2. Advertisements must not be directed towards anyor have any relation to any industrial dispute.
3. No advertisement shall be accepted which violatesBroadcast Code.
4. Advertising should be prepared in accordance with the laws of the country and should not offend againstof the people.
5. No advertisement should be allowed, which is against any of theof the Constitution.

9.5 SUMMARY

- The Code of Commercial Broadcasting includes the following points: Advertising should be prepared in accordance with the laws of the country and should not offend against morality, decency, and the religious susceptibilities of the people. No advertisement should be allowed, Which mocks at any race, caste, colour, creed or nationality except for the specific purpose of effective dramatization in combating prejudice, Which is against any of the objectives, principles or provisions of the Constitution, Which provokes people to crime or to promote disorder, violence or breach of law, Which puts criminality as desirable or furnishes details of crime or initiation thereof, Which is likely to unfavorably affect friendly relations with foreign



states, Which exploits national emblems, the Constitution, or the person or personality of national leaders or State dignitaries, and On cigarettes and tobacco products.

9.6 KEY WORDS

Code Of Commercial Broadcasting: No advertisement shall be accepted which violates AIR and TV Broadcast Code which is reproduced below:- General AIR/TV Code (1) criticism friendly countries; (2) attack on religions or communities; (3) anything obscene or defamatory; (4) incitement to violence or anything against maintenance of law and order; (5) anything amounting to contempt of court; (6) aspersions against the integrity of the President and Judiciary; (7) anything affecting the integrity of the Nation; and (8) criticism by name of any person.

Broadcasting Code: It is a code of practice by the office of Communications in the UK that requires standards of good conduct for broadcasters. This simply elaborates and extends the Communications Act 2003 Section 319 and other, on duties of broadcasters to contribute positively to public life by preventing hate speech, being impartial accurate, reflecting UK plurality and diversity and other duties.

9.7 SELF-ASSESSMENT TEST

15. Discuss the Code of Commercial Broadcasting for AIR & DD.
16. Discuss the Code of Commercial Advertising for TV.
17. Write short notes on the followings:
 - (xxxi) Code of Advertising for AIR
 - (xxxii) Code of Advertising for Doordarshan
 - (xxxiii) Media Laws

9.8 ANSWER TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

31. a) Commercial
32. b) Race, caste, colour, creed or nationality
33. a) Laws of country
34. a) Any of the directive principles



35. b) News

B. ANSWERS OF FILL IN THE BLANKS.

1. Ethics
2. Religious or Political End
3. Air and TV
4. Morality, Decency, and The Religious Susceptibilities
5. Objectives, Principles or Provisions

9.9 REFERENCES / SUGGESTED READINGS

1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
2. Bhanawat, Sanjeev (L993) - Press Kanoon aur Patrakarita, published by Sidhashri Prakashan, Jaipur.
3. "Media Problems and Prospects (1983)" published by National Media Centre.
4. Rayudu, C.S. (1993) - "Media and Communication Management" published by Himalaya Published House, New Delhi.
5. Report (1995-96) of the Ministry of Information & Broadcasting (Annexure xiv).



SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 10	
CABLE TELEVISION REGULATION ACT	

STRUCTURE

- 10.0 Learning Objectives
- 10.1 Introduction
- 10.2 Cable Television Regulation Act
- 10.3 Regulation of Cable Television Network
- 10.4 Check Your Progress.
- 10.5 Summary
- 10.6 Keywords
- 10.7 Self-Assessment Test
- 10.8 Answers to Check Your Progress
- 10.9 References/Suggested Readings

10.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand Cable Television Regulation Act.
- Discuss about Regulation of Cable Television Network.
- Explain the related Offences and Penalties.

10.1 INTRODUCTION

The Cable Television Regulation Act, 1995 is a landmark in this field and has brought about a revolutionary change in the growth and development of Cable Televisions in India.

10.2 CABLE TELEVISION REGULATION ACT

Let us start with a few operational definitions:



- **"Cable Operator" Means:** any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;
- **"Cable Service" Means:** the transmission by cable of programmes including re-transmission by cables of any broadcast television signals
- **"Cable television network" Means:** any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers
- **"Company" Means** a company as defined in section 3 of the Companies Act, 1956
- **"PERSON" Means:** An individual who is a citizen of India;
 - ❖ An association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;
 - ❖ The citizens of India hold a company in which not less than fifty-one percent of the paid-up share capital;
- **"Prescribed" Means:** prescribed by rules made under this Act;
- **"Programme" Means:** any television broadcast and includes-
 - ❖ Exhibition of film, features, dramas, advertisements and serials through videocassette recorders or video cassette players.
 - ❖ Any audio or-visual live performance or presentation and the expression "programming service" shall be construed accordingly;
- **"Registering authority" Means:** such authority as the Central Government may, by notification in the Official Gazette, specifically to perform the functions of the registering authority under this Act;
- **"Subscriber" Means:** a person who receives the signals of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other persons.

10.3 REGULATION OF CABLE TELEVISION NETWORK

- No person shall operate a cable television network unless he is registered as a cable operator under this Act;



- Provided that a person operating a cable television network, immediately before the commencement of this Act, may continue to do so for a period of ninety days from such commencement; and if he has made an application for registration as a cable operator under section 4 within the said period, till he is registered under that section or the registering authority refuses to grant registration to him under that section.
- Any person who is operating or is desirous of operating a cable television network may apply for registration as cable operator to the registering authority.
- An application under sub-section (1) shall be made in such form and be accompanied by such fee as may be prescribed.
- On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information and on being so satisfied, register the applicant as a cable operator and grant to him a certificate of such registration:
- Provided that the registering authority may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant registration to him if it is satisfied that he does not fulfill the conditions specified in clause (e) of section 2.
- No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code;
- Provided that nothing in this section shall apply to the programmes of foreign satellite channels which can be received without the use of any specialized gadgets or decoder.
- No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code;
- Provided that nothing in this section shall apply to the programmes of foreign satellite channels which can be received without the use of any specialized gadgets or decoder.
- Every cable operator shall maintain a register in the prescribed form indicating therein in brief the programmes transmitted or re-transmitted through the cable service during a month and the cable operator shall maintain such register for a period of one year after the actual transmission or re-transmission of the said programmes.



- Every cable operator or using a dish antenna or "Television Receive Only" shall, from the commencement of this Act, re-transmit at least two Doordarshan channels of his choice through the cable service.
- The Doordarshan channels referred to in sub-section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.
- No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standard in accordance with the provisions of the Bureau of Indian Standards Act, 1986, (63 of 1986) use any equipment in his cable television network unless such equipment conforms to the said Indian Standard.
- Every cable operator shall ensure that the cable television network being operated by him does not interfere in any way, with the functioning of the authorized telecommunication systems.
- Seizure and Confiscation of Certain Equipment
- If any officer, not below the rank of a Group 'A' officer of the Central Government authorized in this behalf by the Government (hereinafter referred to as the authorized officer), has reason to believe that the provisions of section 3 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network.
- The authorized officer shall retain no such equipment for a period exceeding ten days from the date of its seizure unless the approval of the District Judge with the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.
- The equipment seized under sub-section (1) of section 11 shall be liable to confiscation unless the cable operator from whom the equipment has been seized registers himself as a cable operator under section 4 within a period of thirty days from the date of seizure of the said equipment.



- No seizure or confiscation of equipment referred to in section 11 or section 12 shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act.
- No order adjudicating confiscation of the equipment referred to in section 12 shall be made unless the cable operator has been given a notice in writing, informing him of the grounds on which it is proposed to confiscate such equipment and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice against the confiscation and if he so desires of being heard in the matter:
- Provided that where no such notice is given within a period of ten days from the date of the seizure of the equipment, such equipment shall be returned after the expiry of that period of the cable operator from whose possession it was seized.
- Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908 shall, so far as may be, apply to every proceeding referred to in sub-section (1).
- Any person aggrieved by any decision of the court adjudicating a confiscation of the equipment may prefer an appeal to the court to which an appeal lies from the decision of such court.
- The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the decision appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence if necessary.
- No further appeal shall lie against the order of the court made under sub-section (2).

OFFENCES AND PENALTIES

- Whoever contravenes any of the provisions of this Act shall be punishable:
 - ❖ For the first offence, with imprisonment for a term, which may extend to two years or with fine, which may extend to one thousand rupees or with both;
 - ❖ For every subsequent offence, with imprisonment for a term, which may extend to five years and with fine, which may extend to five thousand rupees.



- Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.
- Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer, of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- "Company" means anybody corporate and includes a firm or other association of individuals; and
- "Director" in relation to a firm, means a partner in the firm.
- No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by such officer, not below the rank of a Group 'A' officer of the Central Government, as the State Government may, by notification in the Official Gazette, specify in this behalf.

Note: The detailed Act is given in the Annexure-I. Also given in Annexure-II are latest modifications to this Act.

10.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

1. No person shall operate a cable television network unless he is registered as



- u) Cable Operator
 - v) Cable Manager
 - w) Cable Coordinator
 - x) None of the Above.
2. Any person who is operating or is desirous of operating a cable television network may apply for registration as cable operator to
- a) Registering Authority
 - b) Deregistering Authority
 - c) Specific Authority
 - d) None Of The Above
3. Whoever contravenes any of the provisions of this Cable Television Regulation Act shall be
- m) Punishable
 - n) Appreciable
 - o) Commendable
 - p) None Of The Above
4. The transmission by cable of programmes including re-transmission by cables of any broadcast television signals will be described as
- q) Network Service
 - r) Cable Service
 - s) Television Service
 - t) None Of The Above
5. Where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer, of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and:
- a) Punished Accordingly
 - b) Punished Differently
 - c) Punished Permanently
 - d) None of the Above

**B. FILL IN THE BLANKS.**

1. Cable Operator means any person who providesthrough acable television network or otherwise controls or is responsible for the management and operation of a cable television network.
2. Cable Service means the transmission by cable of programmes including re-transmission by cables of anysignals.
3. Cable television network means any system consisting of a set ofclosed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by
4. Subscriber means a person who receives the signals of cable television network ata place indicated by him to the....., without further transmitting it to any other persons.
5. Provided that a person operating a cable television network, immediately before the commencement of this Act, may continue to do so for a period of ninety days from such commencement; and if he has made an application for registration as a cable operator underwithin the said period, till he is registered under that section or the registering authority refuses to grant registration to him under that section.

10.5SUMMARY

- No person shall operate a cable television network unless he is registered as a cable operator under this Act;Provided that a person operating a cable television network, immediately before the commencement of this Act, may continue to do so for a period of ninety days from such commencement; and if he has made an application for registration as a cable operator undersection 4 within the said period, till he is registered under that section or the registering authority refuses to grant registration to him under that section.Any person who is operating or is desirous of operating a cable television network may apply for registration as cable operator to the registering authority.Whoever contravenes any of the provisions of this Act shall be punishable:For the first offence, with imprisonment for a term, which may extend to two years or with fine, which may extend to one thousand rupees or with both;For every subsequent offence, with imprisonment for a term, which may extend to five years and with fine, which may



extend to five thousand rupees. Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer, of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

10.6 KEYWORDS

Cable Operator: Cable Operator means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network.

Cable Service: Cable Service means the transmission by cable of programmes including re-transmission by cables of any broadcast television signals;

Cable television network: Cable television network means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

Subscriber: Subscriber means a person who receives the signals of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other persons.

10.7 SELF-ASSESSMENT TEST

1. Throw light on the Cable Television Regulation Act.
2. Explain the offences and penalties for violating the Cable TV Regulation Act.



10.8 ANSWER TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

- 36. a) Cable Operator
- 37. a) Registering Authority
- 38. a) Punishable
- 39. b) Cable Service
- 40. a) Punished Accordingly

B. ANSWERS OF FILL IN THE BLANKS.

- 1. Cable Service
- 2. Broadcast Television
- 3. Multiple Subscribers
- 4. Cable Operator
- 5. Section 4

10.9 REFERENCES / SUGGESTED READINGS

- 1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
- 2. Bhanawat, Sanjeev (L993) - Press KanoonaurPatrakarita, published by SidhashriPrakashan, Jaipur.
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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 11	
PRASAR BHARATI ACT, FILM CENSORSHIP & CINEMATOGGRAPH ACT	

STRUCTURE

- 11.0 Learning Objectives
- 11.1 Introduction
- 11.2 Prasar Bharti Act
- 11.3 Film Censorship
- 11.4 Cinematograph Act
- 11.5 Check Your Progress
- 11.6 Summary
- 11.7 Keywords
- 11.8 Self-Assessment Test
- 11.9 Answers to Check Your Progress
- 11.10 References/Suggested Readings

11.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

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

11.1 INTRODUCTION

The PrasarBharati (Broadcasting Corporation of India) Amendment Bill, 2010 was introduced in the RajyaSabha on August 31, 2010 by the Minister of Information and Broadcasting, ShrimatiAmbikaSoni.



11.2 PRASAR BHARTI ACT

The Bill was referred to the Standing Committee on Information Technology on September 08, 2010 which is scheduled to submit its report in two months.

- The Bill amends the PrasarBharati (Broadcasting Corporation of India) Act, 1990 which establishes the Broadcasting Corporation (PrasarBharati) and defines its composition, functions and powers.
- The PrasarBharati was established on November 23, 1997 and consists of Akashvani (All India Radio) and Doordarshan. The primary function is to provide public broadcasting services.
- The Act allows the central government to transfer officers and employees serving in Akashvani and Doordarshan to PrasarBharati on certain conditions.
- The Bill amends the provisions to state that all posts in Akashvani and Doordarshan other than some specified posts shall be deemed to have been transferred to the PrasarBharati with effect from April 1, 2000. The specified posts are: officers and employees of the Indian Information Service, the Central Secretariat Service or any cadre outside Akashvani and Doordarshan but connected to PrasarBharati. It also lists the conditions of transfer.
- All employees and officers recruited to Akashvani or Doordarshan shall be deemed to be on deputation till retirement if they were appointed before April 1, 2000. Officers and employees recruited on April 1, 2000 till October 5, 2007 shall be deemed to be on deputation to PrasarBharati.
- Any person recruited after October 5, 2007 shall be officers and employees of PrasarBharati. These officers and employees shall be entitled to the pay benefits of a central government employee but no deputation allowance.
- PrasarBharati shall have the disciplinary and supervisory powers over these employees, except the power to impose compulsory retirement or dismissal from service. These powers can be exercised by the central government.

Major objectives of PrasarBharati Corporation as laid out in the PrasarBharati Act, 1990, are as follows:

- To uphold the unity and integrity of the country and the values enshrined in the Constitution.



- To safeguard the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and to present a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own.
- To promote national integration.
- To pay special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health & family welfare and science & technology.
- To create awareness about women's issues and take special steps to protect the interests of children, aged and other vulnerable sections of the society.
- To provide adequate coverage to diverse cultures, sports and games and youth affairs.
- To promote social justice, safeguarding the rights of working classes, minorities and tribal communities.
- To promote research and expand broadcasting faculties & development in broadcast technology.

11.3 FILM CENSORSHIP

Censorship is defined by the Oxford Dictionary as the 'prohibition or suppression of any part of the news, books, films, etc. that are considered politically unacceptable, obscene, or a threat to security.' Films are considered an excellent medium of communication with the general public. The evolution of technology has brought a sea of change in the way films have been able to reach the public in every corner of India. Additionally, it has boosted the power of films to significantly contribute to the cultural and social development of the country. Generally, Press and Films enjoy the same right and status as far as the constitution freedom related to expression and spreading of an idea is concerned. **Article 19(1)** of the **Constitution of India** guarantees freedom of speech and expression. Hence, both Press and Films are regulated under this provision. It is pertinent to note that the above right is not absolute and has certain limitations. Matters that are against foreign relations, public policy, integrity and sovereignty of the State, decency and morality, public order, etc. are certain limitations to the above, as mentioned in the **Article 19(2)** of the Constitution of India.

Film censorship, the control of the content and presentation of a film, has been a part of the film industry almost as long as it has been around. The activists of current society continue to broaden the



First Amendment rights for the film industry allowing the art to be restricted to a certain limit. In fact, Britain established film censorship in 1912 and the United States followed a decade later. Other early efforts of censoring the film industry include the Hays Code of 1922 and the Motion Picture Production Code of 1930.

Film censorship was born of fire. Early film stock had a compound called nitrocellulose, which was used in explosives as guncotton. Mixed with camphor, it became nitrate film—not explosive, but still violently flammable. In 1897, a year and a half after the first ever film screening, a nitrate fire at the Bazar de la Charité in Paris killed 126 people. A spate of similar incidents over the next decade resulted in the world's first cinematograph legislation being passed in Britain in 1909, to improve safety standards by controlling the issue of cinema licences.

One kind of control led to another. Since the 1909 Act made licences necessary for public screenings, local authorities used this to regulate not just the conditions in which the film would be screened but also the contents of the film itself. After a few confusing years with everyone making up their own rules, the British Board of Film Censors was formed in 1912.

By this time, Indians were not only watching films but also making their own. After dozens of home-grown newsreels and shorts, the first full-length feature, D.G. Phalke's Raja Harishchandra, released in 1913. In 1917, a Bill introduced in the imperial legislative council noted the "rapid growth in the popularity of cinematograph and increasing number of such exhibitions in India". It recommended the creation of a law that would ensure both safety and the "protection of the public from indecent or otherwise objectionable representations". Thus was born the Cinematograph Act of 1918, and, with it, film censorship in India.

11.4 CINEMATOGRAPH ACT

The **Cinematograph Act, 1952** (the Act), ensures that films fulfil the objectives prescribed by law. In the Act is a provision for the establishment of a Central Board of Film Certification (the Board). This is the regulatory body in India that issues a certificate to the makers of films for public exhibition. Once the Board has examined a film, the Board can:

- Sanction the film for unrestricted exhibition;
- Sanction the film for public exhibition limited to adults;



- Direct such modifications and excisions in the film before sanctioning the film to any of the above;
- Refuse to sanction the film for exhibition completely.

One of the first cases where the issue of censorship of film was raised is **K. A. Abbas vs Union of India**, where the Supreme Court of India considered the vital question related to pre-censorship of cinematography in relation to the freedom of speech and expression that is guaranteed under the Constitution of India. It was held by Hidayatullah, C.J, that censorship of films which includes pre-censorship was constitutionally lawful. Though, he added, that unjustified restriction on freedom of expression by the Board should not be exercised. In the case of **S. Rangrajan vs Jagjivan Ram**, Supreme Court faced a similar question, and was of the view that 'if the exhibition of the film could not be validly restricted under **Article 19(2)**, risk of procession and demonstration was not a valid ground to suppress the same.' The Supreme Court added that it was the State's duty to protect the freedom of expression.

The Supreme Court of India in giving its judgement in the case of **Bobby Art International vs Om Pal Singh Hoon** was of the opinion that, a film must be judged in its entirety. The court added that where the theme of the film is to condemn violence and degradation, scenes of expletives to advance the message, which was the main intention of the film, is permissible.

TYPES OF CERTIFICATIONS

There are mainly four kinds of certifications given by the Central Board of Film Certification:

1. Universal (U)

This type of certifications is the Unrestricted Public Exhibition, and the same holds no limitations for the age groups that may watch the same. They could be family, educational or social oriented themes. This category has fantasy violence and minimal foul language. When a movie is being certified U by the Board, it must ensure that the movie is suitable for a family to watch it together including the children.

2. Parental Guidance (UA)



This type of certification explains that the film is appropriate for all age groups. However, it is in the interest of the children below the age of 12 to be accompanied by their parents. The reason could be that the theme of the movie may not be the most appropriate for the child without the guidance of their parents.

3. Adults Only (A)

As the certification suggests, this type of film is restricted to adults only. Persons above the age of 18 are adults, for the meaning of this certification. The theme may contain disturbing, violent, drug abuse and other related scenes which are not considered suitable for viewing by children who may be influenced by the same negatively. Films that meet the requisites of the abovementioned criteria but are not suitable for exhibition to children or those below the age of 18 shall be certified A.

4. Restricted to Special Class of Persons (S)

This is the last type of the certifications under the board, and the same explains that the films which are rated S are meant for a special class of persons only. For example, doctors. If the Board is of the opinion that with regards to content, nature and the theme of the film is to be restricted to members of a class of persons or any profession, the above certification shall be given to such film.

OBJECTIVES OF FILM CERTIFICATION

A. The main objectives of the Board for the above are as follows:

1. To ensure that the medium of the film responsible. Additionally, to safeguard the sensitivity of standards and value of the society.
2. To ensure that creative freedom and expression are not unjustifiably curbed.
3. To ensure to adapt to the social changes.
4. To ensure the theme of the film provides a healthy and clean entertainment.
5. To ensure that the film is of cinematically an adequate standard and aesthetic value.

B. In pursuance of the above, the Board must ensure that:

1. Activities that anti-social such as violence are not justified or glorified;



2. The way criminals are depicted, and other related words or visuals must not incite the commission of any kind of offence;
3. The scenes showing ridicule and abuse of mentally and physically handicapped, cruelty or abuse of animals, involving children as victims of violence and abuse must not be presented needlessly;
4. Avoidable or pointless scenes of cruelty, horror and violence that are intended to provide entertainment but may have the effect of dehumanizing or desensitizing people are not shown;
5. Scenes that glorify or justify drinking are not shown;
6. Scenes that tend to justify, glamourize or encourage drug addiction are not shown. Additionally, similar scenes for the consumption of tobacco or smoking must not be shown;
7. Human susceptibilities are not offended by obscenity, vulgarity or obscenity;
8. Words with dual meanings that cater to dishonourable instincts are not used;
9. Scenes denigrating or degrading women in any manner is not shown;
10. Scenes that involve sexual violence against women in the form of rape or any other form of molestation are avoided. If the theme of the movie requires so, the same must shall be reduced to a minimum and no details are to be shown. The same goes for scenes that involve sexual perversion;
11. Words or visuals contemptuous of religious, racial or other groups must not be presented;
12. Words or visuals that promote obscurantist, communal, anti-national and anti-scientific attitude are not shown;
13. The integrity and sovereignty of the country is not called in question;
14. The security of the country is not endangered or jeopardized;
15. Relations with foreign states are not overwrought;
16. Public order is maintained, and not hindered;



17. Words or visuals involving defamation of a body or an individual, or contempt of court are not shown;
18. National emblems and symbols are not presented except according to the provisions of Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950).

C.The Board shall additionally ensure that a film:

1. Is judged as a whole from the perspective of its overall impact; and
2. Is inspected in the light of the period illustrated in the film along with contemporary standards of India and the people who the movie is related to, to ensure that the film does not corrupt the morality and ethics of the audience.

Applying to all of the above categories, the Board shall ensure the titles of each film is carefully scrutinized to ensure they are not vulgar, violating, provocative or offensive to the guidelines mentioned above.

CONSTITUTION OF THE CENSOR BOARD

The Board consists of a Chairman and non-official members, all of whom are appointed by the Central Government. It is headquartered in Mumbai, Maharashtra. Additionally, it has nine Regional offices, namely, Chennai, Bangalore, Hyderabad, New Delhi, Guwahati, Cuttack, Kolkata and Thiruvananthapuram.\

Regional Offices, as mentioned above, are assisted by the Advisory Panels. The Advisory Panels, like the Board, is selected by the Central government. The members chosen for the panel are from different walks of life, and they are chosen for a period of 2 years.

It has a two-tier jury system, the Examining Committee and the Revising Committee.

COMMON REASONS FOR CENSORSHIP OR BANNING OF A FILM

In light of the history of why a film has been banned, or parts of it are censored, the main categories for why the same is done are as follows:

1. **Sexuality:** A rigid social structure has been followed in Indian society. Hence, a medium which portrays sexuality regardless of the audio, written or visual form, which has not been fathomed



by the society and is concerned a social stigma is banned on the grounds that it might have the effect of undignified morals of Indians.

2. **Politics:** The isolation of political forces is not far when one talks about censorship. The description of an allegorical political scene, directly or indirectly, is banned by the authorized party to it. Overt political overtones are not appreciated by the government and hence is a common reason why certain films are either entirely banned, or such scenes are censored or removed.
3. **Communal Conflict:** Under a heterogeneous nation like India, if a film incites or spurs any type of communal conflict, the same is censored. The aim is to avoid the consequences such a film would have on the audience it intentionally or unintentionally targets. If the state believes that a movie would open a window for riots by a community for the way they have been portrayed in the film, the same is banned by the Board or censored.
4. **Incorrect Portrayal:** Sometimes, a situation arises where a well-known personality objects his own depiction in a medium which would be exhibited, and consequently goes for censoring the same. For more clarity, in a situation where the medium is of biographical nature, and the person on whom it is based does not approve the authenticity of the same, there have been times when the person has sued for the medium not to be released, or be edited and released upon approval of such person.
5. **Religion:** Religion does not appreciate any type of defiance or disobedience towards the values it proliferates. Hence, any medium which directly or indirectly distorts any aspect of the religion including its preaching, values, idols, to name a few, is highly criticized and therefore, censored.
6. **Extreme Violence:** Indubitably, the portrayal of extreme gore and violence may meddle and disturb the human mind. Viewing such scenes may have a negative psychological effect on the mind. If the Board of a similar opinion that such a scene through any medium may have an underlying negative impact on the viewer, contrary to the entertainment or knowledge such scene tries to bestow, the same may be banned, edited or censored by the Board in public interest.



CONCLUSION

In India, the basis on which a film is censored or banned has been evidently traditional norms. That being said, what is censored today, may not be censored tomorrow. The socio-economic dynamics of a country is continually evolving. Hence, all regulations must try to adapt to the same. The Constitution of India guarantees freedom of speech and expression with justifiable limitations on certain expressions like contempt of court, morality and decency, the security of the State, public order, incitement to an offence, defamation, etc. and rightly so.

11.5 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

1. The Prasar Bharti Bill amends the PrasarBharati (Broadcasting Corporation of India) Act, 1990 which establishes the
 - a) Broadcasting Corporation (PrasarBharati)
 - b) Top Information
 - c) Secret Information
 - d) None of the Above
2. Film censorship, the control of the content and presentation of a film, has been a part of
 - q) Television Industry
 - r) Film Industry
 - s) Media Industry
 - t) None of the above
3. In the Act, there is a provision for the establishment of.....:
 - u) Central Board Of Film Certification (The Board)
 - v) Central Board Of Film Censorship
 - w) Central Board Of Film Fare
 - x)None of the above
4. The PrasarBharati was established on November 23, 1997 and consists of :



- a) Akashvani and Doordarshan
 - b) Film and Television
 - c) Radio and Film
 - d) None of the above
5. The Bill was referred to the Standing Committee on Information Technology on September 08, 2010 which is scheduled to submit its report in :
- a) One Month
 - b) Two Months
 - c) Three Months
 - d) Four Months

B. FILL IN THE BLANKS.

1. The Prasar Bharti Bill was referred to theon Information Technology on September 08, 2010 which is scheduled to submit its report in two months.
2. Film censorship, the control of the content and presentation of a film, has been a part of thealmost as long as it has been around.
3. The Cinematograph Act, 1952 (the Act), ensures that films fulfil theprescribed by law.
4. One of the main objectives of PrasarBharati Corporation as laid out in the PrasarBharati Act, 1990, is to uphold theof the country and the values enshrined in the Constitution.
5. The Bill amends the provisions to state that all posts in Akashvani and Doordarshan other than some specified posts shall be deemed to have been transferred to thewith effect from April 1, 2000.

11.6 SUMMARY

- The PrasarBharati (Broadcasting Corporation of India) Amendment Bill, 2010 was introduced in the RajyaSabha on August 31, 2010 by the Minister of Information and Broadcasting, ShrimatiAmbikaSoni.
- Major objectives of PrasarBharati Corporation as laid out in the PrasarBharati Act, 1990, are as follows: To uphold the unity and integrity of the country and the values enshrined in the



Constitution. To safeguard the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and to present a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own. To promote national integration. To pay special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health & family welfare and science & technology. To create awareness about women's issues and take special steps to protect the interests of children, aged and other vulnerable sections of the society. To provide adequate coverage to diverse cultures, sports and games and youth affairs.

- To promote social justice, safeguarding the rights of working classes, minorities and tribal communities. To promote research and expand broadcasting faculties & development in broadcast technology. Censorship is defined by the Oxford Dictionary as the 'prohibition or suppression of any part of the news, books, films, etc. that are considered politically unacceptable, obscene, or a threat to security.' Films are considered an excellent medium of communication with the general public. The evolution of technology has brought a sea of change in the way films have been able to reach the public in every corner of India. Additionally, it has boosted the power of films to significantly contribute to the cultural and social development of the country. Generally, Press and Films enjoy the same right and status as far as the constitution freedom related to expression and spreading of an idea is concerned. Film censorship, the control of the content and presentation of a film, has been a part of the film industry almost as long as it has been around. The activists of current society continue to broaden the First Amendment rights for the film industry allowing the art to be restricted to a certain limit. In fact, Britain established film censorship in 1912 and the United States followed a decade later. Other early efforts of censoring the film industry include the Hays Code of 1922 and the Motion Picture Production Code of 1930.
- The Cinematograph Act, 1952 (the Act), ensures that films fulfil the objectives prescribed by law. In the Act is a provision for the establishment of a Central Board of Film Certification (the Board). This is the regulatory body in India that issues a certificate to the makers of films for public exhibition. Once the Board has examined a film, the Board can: Sanction the film for unrestricted exhibition; Sanction the film for public exhibition limited to adults; Direct such



modifications and excisions in the film before sanctioning the film to any of the above; Refuse to sanction the film for exhibition completely.

11.7 KEY WORDS

Prasar Bharti Act: The Prasar Bharti Bill was referred to the Standing Committee on Information Technology on September 08, 2010 which is scheduled to submit its report in two months. The Bill amends the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 which establishes the Broadcasting Corporation (Prasar Bharati) and defines its composition, functions and powers.

Film Censorship: Film censorship, the control of the content and presentation of a film, has been a part of the film industry almost as long as it has been around. The activists of current society continue to broaden the First Amendment rights for the film industry allowing the art to be restricted to a certain limit.

Cinematograph Act: The Cinematograph Act, 1952 (the Act), ensures that films fulfil the objectives prescribed by law. In the Act, there is a provision for the establishment of a Central Board of Film Certification (the Board).

11.8 SELF-ASSESSMENT TEST

18. What do you mean by Prasar Bharti Act? What are the punishments for the violations of the act?
19. Throw light on film censorship in India.
20. Describe comprehensively the Cinematograph Act.
21. Write short notes on the followings:
 - (xxxiv) Prasar Bharti Act
 - (xxxv) Film Censorship
 - (xxxvi) Cinematograph Act

11.9 ANSWER TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

41. a) Broadcasting Corporation (Prasar Bharati)



42. b) Film Industry
43. a) Central Board Of Film Certification (The Board)
44. a) Akashvani and Doordarshan
45. b) Two Months

B. ANSWERS OF FILL IN THE BLANKS.

1. Standing Committee
2. Film Industry
3. Objectives
4. Unity And Integrity
5. Prasar Bharati

11.10 REFERENCES/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 Kanon aur Patrakarita, published by Sidhashri Prakashan, Jaipur.
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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 12	
REPORTS OF COMMITTEES & COMMISSIONS -I	

STRUCTURE

12.0 Learning Objectives

12.1 Introduction

12.2 Varghese Committee

12.2.1 Main Recommendations of The Verghese Committee

12.3 Chanda Committee

12.3.1 Main Recommendations of The Chanda Committee

12.4 Check Your Progress

12.5 Summary

12.6 Keywords

12.7 Self-Assessment Test

12.8 Answer to Check Your Progress

12.9 References/Suggested Readings

12.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- **Understand Verghese Committee.**
- **Describe Main Recommendations of The Verghese Committee.**
- **Discuss Chanda Committee.**
- **Explain Main Recommendations of The Chanda Committee.**



12.1 INTRODUCTION

Reports of Verghese Committee and Chanda Committee will be discussed in this lesson. Both these committees relate to granting autonomy to electronic media. The former describes about granting autonomy to the television while the latter talks about granting autonomy to radio.

12.2 VERGHESE COMMITTEE (1978-79)

After March 1977 elections the ruling Janata Party declared that it would make Doordarshan and AIR "genuinely autonomous", and constituted a working group on autonomy for DD and AIR on August 17, 1977 with B.G. Verghese as its chairman. The members of the working group were as mentioned below:

B.G. Verghese (Chairman)

V.S. Rajadhyakshya

Chanchal Sarkar

A.G. Noorani

Dr. Malcom S. Adiseshiah

P.L. Deshpandey

Uma Shanker Joshi

Prof. J.D. Sethi

P.J. Phernandes

C.R. Subramaniam

Mrs. NayarnTara Sahgal

Dr. Ishwar Das (Member Secretary)

12.2.1 MAIN RECOMMENDATIONS OF THE VERGHESE COMMITTEE

The working group submitted its report to the Government in February 1978. The main recommendations were:



An autonomous national trust should be established under which Akashvani and Doordarshan would function. This trust was named as - "Akash Bharati": the National Broadcast Trust.

The National Broadcast Trust has to be highly sensitive to react swiftly to the needs and sentiments of its audience. At the same time, it will have steadfastly to withstand the day-to-day political and other pressures to which its power will expose it.

The working group was of the view that there should not be autonomous regional corporations or even a federation of State Government corporations.

Trust is proposed under which a highly decentralized structure is envisaged. There will be a large measure of power delegated to the regional and local level so that the organization enjoys the advantages of a quick decision-making, sensitivity to local problems, familiarity with local customs and taste, and close linkages with various governments and institutions.

Radio and Television should work for the public purpose. They should function within the framework of a broad perspective of national communication policy.

The proposed autonomous broadcasting trust should be owned by the nation and it should be accountable to Parliament.

The priority of broadcasting has to change from urban-elite to rural, semi-urban and urban poor. It should try to bridge the gap between the people of rural and urban areas.

The idea of one autonomous corporation each for All India Radio and Doordarshan did not find support from the working group. It suggested for one autonomous national trust for both Radio and Television. It also rejected the concept of autonomous regional corporations, but envisaged decentralization of the working system of the National Broadcasting Trust.

The autonomy of the authority and independence from the control of the Government should be guaranteed by our Constitution.

The working group was of the opinion that all the national broadcasting services should be vested exclusively in an independent, impartial, and autonomous organization established by Parliament to act as a trustee for the national interest.



A restricted power can legitimately be given to the Government to require the Trust to refrain from broadcasting any matter, which has a clear relation to national security, the preservation of public order, and other matter of grave public importance. A power can also be conferred on the Government to require broadcasting in cases of emergency. In broadcasting such announcements, the Corporation shall announce that such a requirement has been made.

The President and the Prime Minister should have access to Akashvani and Doordarshan for national broadcast. A similar right should extend to the Governors and Chief Ministers of States for State broadcasts over regional network.

Once the National Broadcast Trust comes into being, the Ministry of Information and Broadcasting should shed its direct responsibility for broadcasting and might thereafter appropriately be redesigned "Ministry of Information".

In regard to the relationship between the broadcasting organizations and parliament, the compromise between the claims of autonomy and of accountability is to impose on the Trust a duty to report to Parliament through its budget and an annual report together with its accounts and auditor's comments thereon. The report should also incorporate the report of the Complaints Board and a review of operations of the Licensing Board and the franchise stations. Members of parliament have an Internet right to ask questions.

Financial accountability would be ensured through independent commercial audit. In view of the unique characteristics of the broadcast system, the working group recommended that its accounts be commercially audited by any approved firm of auditors of standing and not be subject to the jurisdiction of the comptroller and Auditor-General of India.

At the top of Akash Bharati or National Broadcast Trust, the working group recommended a Board of Trustees or Nyasi Mandal consisting of 12 persons, but not to exceed 21 if there is need for inducting additional members. The Trustees will be guardians of the charter given to the National Broadcast Trust by statute. The group recommended the appointment of a Board of Trustees of 12 members consisting of a chairman and three other full-time members who would devote themselves to the fields of current Affairs, Extension and Culture respectively. They will operate through the CGB.



In addition, to the chairman and three other full-time Trustees, the working group recommended that of the eight other part-time Trustees at least one other should be highly experienced in the field of finance and management and another should be an eminent scientist or engineer familiar with the technology of broadcasting.

The trustees shall be appointed for a term of six years, one third of the members retiring every alternate year. The order of retirement among the initial 12 Trustees should be settled by draw of lots with the provision that the chairman and the three full-time functional Trustees shall be deemed to have six year term.

The working group recommended that the trustees should enjoy the status of Supreme Court Judges and should be subject to similar disqualifications and procedures for removal. The age bar, however, need not apply.

The working group recommended the establishment of complaints Board of Nyasi Mandal, a quasi-judicial body of four persons selected by the Chief Justice of India.

The National Broadcasting Trust will not be liable to corporate taxation. Its profits, if any, will be ploughed back for programmed improvement and system expansion along lines approved by Parliament, which will scrutinize its annual report and accounts. There should be a Broadcast Review Commission every seven years.

On May 16, 1979 the then Union Minister for Information & Broadcasting Mr. Lal Krishna Advani introduced this Bill to the Lok Sabha, which envisaged setting up of an autonomous corporation known as Prasar Bharati. In 1980, the Government again changes after Mrs. Indira Gandhi took over as Prime Minister; this report was shelved (postponed).

12.3 CHANDA COMMITTEE (1964-66)

A committee under the chairmanship of Mr. Ashok Kumar Chanda was constituted in December 1964. The members of the working group were as mentioned below:

Mr. Ashok Kumar Chanda (chairman)

M. Chalpati Rao

Hazari Prasad Dwivedi



Vidya Charan Shukla

Ashok Mitra

Dr. Laxmi Sighvi

Ms. Mehra Masani (Director of AIR's programme-Member Secretary)

12.3.1 MAIN RECOMMENDATIONS OF THE CHANDACOMMITTEE

The working group presented its report for granting autonomy to All India Radio in April 1966. The main recommendations were:

Akashwani and Doordarshan should be separated. It was accepted w.e.f. 1st April, 1976. o AIR should function like an autonomous corporation. It was not accepted.

The working group recommended, "It is not possible in the Indian context for a creative medium like broadcasting to flourish under a regiment of departmental rules and regulations. It is only by an institutional change that AIR can be liberated from the present rigid, financial and administrative procedures of Government". The Government rejected it and said, "The present is not an opportunity to consider the conversion of an AIR into an autonomous corporation.

A National Council for Mass Communication should be set up. The Government accepted it in principle, but has done nothing so far.

12.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

21. Main Recommendation of the Verghese Committee was

- y) An autonomous national trust
- z) An autonomous regional trust
- aa) An autonomous local trust
- bb) None of the above

22. The main recommendation of the Chanda Committee was



- a) Akashwani and Doordarshan should be separated
 - b) Akashwani and Doordarshan should not be separated
 - c) Akashwani and Doordarshan should be separated
 - d) None of the above
23. This trust was named as
- a) "Akash Bharati" the National Broadcast Trust
 - b) "Akash Bharati" the International Broadcast Trust
 - c) "Akash Bharati" the Regional Broadcast Trust
 - d) None of the above
24. Akashwani and Doordarshan should be separated:
- a) w.e.f. 1st April 1975
 - b) w.e.f. 1st April 1976
 - c) w.e.f. 1st April 1977
 - d) None of the above
25. The working group of the Chanda Committee recommended
- a) It is possible for radio to flourish under a regiment of departmental rules and regulations.
 - b) It is not possible for radio to flourish under a regiment of departmental rules and regulations.
 - c) It is not possible for television to flourish under a regiment of departmental rules and regulations.
 - d) None of the above.

B. FILL IN THE BLANKS.

1. Main Recommendation of the Verghese Committee was: Annational trust should be established under which Akashvani and Doordarshan would function.
2. This national trust was named as - "Akash Bharati":.....
3. The main recommendations of the Chanda Committee were: Akashwani and Doordarshan should be.....
4. The separation of Akashwani and Doordarshan was accepted



5. The working group of the Chanda Committee recommended, "It is not possible in the Indian context for a creative medium like broadcasting tounder a regiment of departmental rules and regulations.

12.5 SUMMARY

- Since our country became independent in 1947, efforts have been made to find out about the working conditions and ground realities with regard to the media in our country. The Government of India has, from time to time, constituted commissions and committees in this regard. These commissions and committees study the situation and give expert opinions and suggestions.
- The major committees set up at different times in India are the Verghese Committee, the Chanda Committee, the P.C. Joshi Committee, and the Bachhawat Committee.
- Main Recommendations of the Verghese Committee were: An autonomous national trust should be established under which Akashvani and Doordarshan would function. This trust was named as - "Akash Bharati": the National Broadcast Trust.
- The main recommendations of the Chanda Committee were: Akashwani and Doordarshan should be separated. It was accepted w.e.f. 1st April 1976. The working group recommended, "It is not possible in the Indian context for a creative medium like broadcasting to flourish under a regiment of departmental rules and regulations. It is only by an institutional change that AIR can be liberated from the present rigid, financial and administrative procedures of Government". The Government rejected it and said, "The present is not an opportunity to consider the conversion of an AIR into an autonomous corporation.
- Main Recommendations of this committee were: Since Doordarshan does not enjoy "functional freedom" and the lack of such freedom is having an adverse effect on the planning and quality of its programmes, the working group recommended the setting up of National Doordarshan Council. Since due to the yawning gap between profession and practice and no proper use of Doordarshan for development and education as per its prior pronouncements, its (DD) credibility has gone down tremendously. Therefore, the development potential of Doordarshan should be fully exploited.

12.6 KEY WORDS



Vergheze Committee: Main Recommendations of the Vergheze Committee were: An autonomous national trust should be established under which Akashvani and Doordarshan would function. This trust was named as - "Akash Bharati": the National Broadcast Trust.

Chanda Committee: The main recommendations of the Chanda Committee were: Akashwani and Doordarshan should be separated. It was accepted w.e.f. 1st April 1976. The working group recommended, "It is not possible in the Indian context for a creative medium like broadcasting to flourish under a regiment of departmental rules and regulations. It is only by an institutional change that AIR can be liberated from the present rigid, financial and administrative procedures of Government". The Government rejected it and said, "The present is not an opportunity to consider the conversion of an AIR into an autonomous corporation.

12.7 SELF-ASSESSMENT TEST

1. What do you mean by Vergheze Committee? Explain its main features.
2. What are the main recommendations of Vergheze Committee Report.
3. What do you mean by Chanda Committee? Explain its main features.
4. What are the main recommendations of Chanda Committee Report.
5. Write short notes on the followings:
 - (xxxvii) Vergheze Committee
 - (xxxviii) Chanda Committee
 - (xxxix) Recommendations of Vergheze Committee
 - (xl) Recommendations of Chanda Committee

12.8 ANSWER TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

46. a) An autonomous national trust
47. a) Akashwani and Doordarshan should be separated
48. a) "Akash Bharati": the National Broadcast Trust
49. b) w.e.f. 1st April 1976
50. b) It is not possible for radio to flourish under a regiment of departmental rules and regulations



B. ANSWERS OF FILL IN THE BLANKS.

1. Autonomous
2. National Broadcast Trust
3. Separated
4. W.E.F. 1st April 1976
5. Flourish

12.11 REFERENCES/SUGGESTED READINGS

14. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
15. Bhanawat, Sanjeev (L993) - Press Kanoon aur Patrakarita, published by Sidhashri Prakashan, Jaipur.
16. "Media Problems and Prospects (1983)" published by National Media Centre.
17. Rayudu, C.S. (1993) - "Media and Communication Management" published by Himalaya Published House, New Delhi.



SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 13	
REPORTS OF COMMITTEES & COMMISSIONS-II	

STRUCTURE

13.0 Learning Objectives

13.1 Introduction

13.2 P.C.Joshi Committee

13.2.1 Recommendations of P.C.Joshi Committee

13.3 Bachhawat Committee

13.4 Check Your Progress

13.5 Summary

13.6 Keywords

13.7 Self-Assessment Test

13.8 Answers to Check Your Progress

13.9 References/Suggested Readings

13.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand P.C.Joshi Committee.
- Describe the recommendations of P.C.Joshi Committee.
- Discuss Bachhawat Committee.

13.1 INTRODUCTION

This lesson shall give an overview about the various committees like P.C. Committee and Bachhawat Committee. The former relates to granting autonomy and bringing India Inness to the television while the latter relates to the wages of the working journalists.



13.2 P. C. JOSHI COMMITTEE (1984-85)

For granting autonomy to Doordarshan, a working group under the chairmanship of Dr. P.C. Joshi, the then Director, Indian Institute of Economic Growth, New Delhi, was constituted in 1983. The other members were as mentioned below:

Sai paranjpye

A. Padmasee

G.N.S. Raghavan

Mrs. Rani Chhabra

Miss Rina Gill

Prof. Yogendra Singh

Mohan Upreti

Dr. Bhupen Hazarika

Dr. K.S. Gill

R.B.L. Shrivastav

Manzurul Amin (Member Secretary)

13.2.1 MAIN RECOMMENDATIONS OF THE P. C. JOSHI COMMITTEE

Main Recommendations of this committee were:

Since Doordarshan does not enjoy "functional freedom" and the lack of such freedom is having an adverse effect on the planning and quality of its programmes, the working group recommended the setting up of National Doordarshan Council which would have roles to perform: To review and guide the Doordarshan's performance as a guardian of Doordarshan's functional and professional autonomy.

Since in a developing country like India, there is a threat to its national, cultural identity, so there is a need for checking the imported programmes from the outside.



Since due to the yawning gap between profession and practice and no proper use of Doordarshan for development and education as per its prior pronouncements, its (DD) credibility has gone down tremendously. Therefore, the development potential of Doordarshan should be fully exploited.

On the basis of the evidence presented by Doordarshan personnel and media experts, the working group was convinced that instead of providing support and encouragement to creativity, the present structure and management style hampers creativity and initiative at all levels. The working group, therefore, was persuaded that the overall planning, reorientation and specific proposals for relevant software couldn't be implemented effectively within the existing framework.

The issue of reforms in structure and in management style is much more complex and subtle than is captured by the fashionable cliché "government control vs. autonomy". A structure may be fully autonomous from government control and yet still be a formidable constraint on the release of creativity. An institution may continue to be within the government framework and yet be so restructured as to assist creativity and innovation as, for instance in the case of the Atomic Energy and Space Research Centres.

A hierarchical administrative framework with an anti-interaction management style operates Doordarshan, which is a product of the most advanced, post-industrial technology and values. The user of the medium within this obsolete framework is reduced to an unenthusiastic and uninspired operator without either vision or involvement. Urgent reforms in this structure and management style are necessary if we are to enter a new era of software planning and production which is relevant to the needs and problems of the country and which can also inspire the creative instincts and talents of the communicators.

Though the government has not accepted the Verghese Group's recommendations of statutory autonomy for Akashwani and Doordarshan, its spokesmen have said that they are for functional freedom for the two organizations. It is not clear from their pronouncements whether it is proposed to confer such freedom, or whether the claim is that functional freedom is already available. From the study of the working of Doordarshan the working group were persuaded that



it did not enjoy functional freedom, and that the lack of such freedom was having a detrimental effect on the planning and quality of its programmes.

It is impossible and desirable, even while Indian television continues to be run by the Government as a departmental undertaking, to effect a substantial delegation of powers to Doordarshan and within it from level to level, and to insulate the organization's day-to-day functioning, within the parameters of clearly spelt out policy, from non-professional pressure and interference.

13.3 BACHHAWAT COMMITTEE

A committee under the chairmanship of Mr. Justice Bachhawat was constituted in 1988 to review the wages of the journalists.

The committee severely commented on the national wage policy and recommended that there should be equitable national wage policy.

The committee recommended that somehow journalism has turned out to be a "poorly paid profession" and thus there is extreme dearth of high creativity, originality and professionalism. So, their wages must be suitably and desirably raised.

The committee also recommended that there should be grouping of newspapers according to their circulation and revenue and there should be a salary slab for different groups of newspapers.

The committee also defined and fixed different salary slabs for different group:

After the submission of Bachhawat committee report several newspapers started dividing into small groups to show less circulation and less revenue. For example earlier, there was "Free Press Journal" published from Bombay and Indore. But after this report this organization was divided into two groups "Free Press Journal" Bombay and "Free Press" Indore. Similarly Times of India group started treating its different editions separately. Its categories, its Bombay and Delhi edition as group 1A whereas Patna, Jaipur, Lucknow etc. as lower group. The situation was even worse in the Nav Bharat Times. As a result, there were long strikes in Nav Bharat Times, Patna and also Lucknow.



As a result its Patna and Lucknow editions were closed down.

Rajasthan Patrika was the first newspaper to totally implement the report of Bachhawat committee. Then comes "The Hindu". After that it was "The Hindustan Times". It treated equally to both its Patna edition and Delhi edition.

13.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.

26. P. C. Joshi Committee recommended the setting up
- cc) Local Doordarshan Council
 - dd) Regional Doordarshan Council
 - ee) National Doordarshan Council
 - ff) None of the Above
27. A committee under the chairmanship of Mr. Justice Bachhawat was constituted in 1988 to review
- u) Wages of Management
 - v) Wages of the Journalists
 - w) Wages of the Circulation Staff
 - x) None of the Above
28. The Bachhawat committee severely commented on the national wage policy and recommended that there should be
- a) Equitable Regional Wage Policy
 - b) Equitable Local Wage Policy
 - c) Equitable National Wage Policy
 - d) None of the Above
29. The Bachhawat committee recommended that somehow journalism has turned out to be a
- a) Peculiar Profession
 - b) Poorly Paid Profession



- c) Unique Profession
- d) None of the Above

30. Since due to the yawning gap between profession and practice and no proper use of Doordarshan for development and education as per its prior pronouncements, its (DD) credibility has tremendously

- a) Gone Down
- b) Gone Up
- c) No Change
- d) None of the Above

B. FILL IN THE BLANKS.

1. Since Doordarshan does not enjoy "functional freedom" and the lack of such freedom is having an adverse effect on the planning and quality of its programmes, the working groupthe setting up of National Doordarshan Council.
2. Since due to the yawning gap between profession and practice and no proper use of Doordarshan for development and education as per its prior pronouncements, its (DD)has gone down.
3. The Bachhawat Committee also recommended that there should be grouping ofaccording to their circulation and revenue and there should be a salary slab for different groups of newspapers.
4. Since in a developing country like India, there is a threat to its national, cultural identity, so there is a need for checking theprogrammes from the outside.
5. On the basis of the evidence presented by Doordarshan personnel and media experts, the working group was convinced that instead of providing support and encouragement to....., the present structure and management style hampers creativity and initiative at all levels.

13.5 SUMMARY

- Main Recommendations of P C Joshi Committee were: Since Doordarshan does not enjoy "functional freedom" and the lack of such freedom is having an adverse effect on the planning and quality of its programmes, the working group recommended the setting up of National Doordarshan Council. Since due to the yawning gap between profession and practice and no



proper use of Doordarshan for development and education as per its prior pronouncements, its (DD) credibility has gone down tremendously. Therefore, the development potential of Doordarshan should be fully exploited.

- A committee under the chairmanship of Mr. Justice Bachhawat was constituted in 1988 to review the wages of the journalists. The committee severely commented on the national wage policy and recommended that there should be equitable national wage policy. The committee recommended that somehow journalism has turned out to be a "poorly paid profession" and thus there is extreme dearth of high creativity, originality and professionalism.

13.6 KEYWORDS

P. C Joshi Committee: Main Recommendations of P C Joshi Committee were: Since Doordarshan does not enjoy "functional freedom" and the lack of such freedom is having an adverse effect on the planning and quality of its programmes, the working group recommended the setting up of National Doordarshan Council. Since due to the yawning gap between profession and practice and no proper use of Doordarshan for development and education as per its prior pronouncements, its (DD) credibility has gone down tremendously. Therefore, the development potential of Doordarshan should be fully exploited.

Bachhawat Committee: A committee under the chairmanship of Mr. Justice Bachhawat was constituted in 1988 to review the wages of the journalists. The committee severely commented on the national wage policy and recommended that there should be equitable national wage policy. The committee recommended that somehow journalism has turned out to be a "poorly paid profession" and thus there is extreme dearth of high creativity, originality and professionalism.

13.7 SELF-ASSESSMENT TEST

1. What do you mean by P.C.Joshi Committee? Elaborate.
2. What are the various recommendations of P.C.Joshi Committee
3. What is Bachhawat Committee? Explain with suitable examples.
4. Write short notes on the followings:
 - (xli) P.C Joshi Committee
 - (xlii) Bachhawat Committee



(xliii) Media Laws

13.8 ANSWERS TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

- 51. c) National Doordarshan Council
- 52. b) Wages of the Journalists
- 53. c) Equitable National Wage Policy
- 54. b) Poorly Paid Profession
- 55. a) Gone Down

B. ANSWERS OF FILL IN THE BLANKS.

- 1. Recommended
- 2. Credibility
- 3. Newspapers
- 4. Imported
- 5. Creativity

13.9 REFERENCES/SUGGESTED READINGS

- 1. Basu, Durga Das (1996) - "Law of the Press published by prentice Hall of India Private Limited, New Delhi.
- 2. Bhanawat, Sanjeev (L993) - Press Kanoon aur Patrakarita, published by Sidhashri Prakashan, Jaipur.
- 3. "Media Problems and Prospects (1983)" published by National Media Centre.
- 4. Rayudu, C.S. (1993) - "Media and Communication Management" published by Himalaya Published House, New Delhi.



SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 14	
CODE OF ETHICS FOR JOURNALIST AND ADVERTISEMENTS	

STRUCTURE

14.0 Learning Objectives

14.1 Introduction

14.2 Code of Conduct for Journalists

14.2.1 Self –Regulation and Censorship

14.3 Code of Ethics for Advertising in India by ACI

14.3.1 DAVP's Code

14.4 Check Your Progress

14.5 Summary

14.6 Keywords

14.7 Self-Assessment Test

14.8 Answers to Check Your Progress

14.9 References/Suggested Readings

14.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Understand the Concept and Definition of Ethics.
- Explain Code of Conduct for Journalists.
- Describe Self –Regulation and Censorship.
- Discuss Code of Ethics for Advertising in India by ACI.
- Throw light on DAVP's Code.



14.1 INTRODUCTION

Principles such as objectivity, impartiality, truthfulness and freedom of information are some very contentious issues before the mass media today. Most of these issues refer to the important concepts of safeguarding freedom of information, freedom of access to information sources; objectivity, accuracy, truthfulness or the non-misrepresentation of facts; responsibility vis-à-vis the public and its rights and interests and in relation to national, racial and religious communities, the nation, the state and maintenance of peace; unfounded accusations, violation of privacy, right of reply, etc.

We shall try to discuss about the attempts by both the media and other institutions like Governments, advertisers, etc., with regard to formulation of codes of ethics. We shall discuss about ethics. We shall also discuss the Ethical practices in the field of journalism along with the industry codes of ethics in India including the prevalent advertising codes of ethics.

In subject of ethics, right from the ancient days of Plato to the present has been a matter of serious preoccupation with philosophers, social reformers, academics and concerned citizens of society. The subject is important not only because it is fundamental to the survival of civilized society, but also because it eludes proper definition in concrete terms.

By general understanding, ethics has to do with conduct-with conduct that is "right" in view of given society and time period, with conduct that is good out of sense of duty or conviction rather than from fear of punishment. By common consent, various Modes of behaviour and conduct are viewed as "good" and various others as "bad" even though in today's society there may be wide Individual differences as to the understanding of what is "good" or what is "bad".

In short ethics are rules of conduct or principles of morality that point us towards the right or best way to act in a situation. Over the years, philosophers have developed a number of general ethical principles that serve as guidelines for evaluating our behaviour. These principles, however, do not contain magic answers to every ethical dilemma. In fact, different ethical principles often suggest different ethical principles often suggest different and conflicting courses of action. There is no "perfect" answer to every problem. Also, these ethical principles are based on western thought. Other cultures may have developed totally different systems. Nonetheless, these principles can provide a framework for analyzing what is proper for examining choices and for justifying our actions.



14.2 CODE OF CONDUCT FOR JOURNALISTS

There is general recognition of the fact that journalists have responsibilities not only vis-à-vis their own convictions but also towards the public. Summarily, four kinds of responsibility may be defined:

- Contractual responsibility in relation to the media and their internal organization;
- A social responsibility entailing obligations towards public opinion and society as a whole;
- Responsibility or liability deriving from the obligation to comply with the law;
- Responsibility towards the international community, relating to respect of universal values.

These four types of responsibilities may in certain respects be contradictory or even conflicting.

The International Commission for the Study of Communication Problems, appointed by UNESCO pointed out: Profession ethical norms first began to be codified in all regions of the world. They vary considerably both in their form and scope. In some countries, different codes govern the press, broadcasting and the cinema. These codes are formulated and adopted voluntarily by the professionals and their associations; in other cases, however, the law imposes these.

OMBUDSMAN

Some newspapers have tried to incorporate an idea from Scandinavia into their operations in order to provide some internal criticism. An individual employed by the paper (called an ombudsperson), is assigned to handle complaints from readers who feel that they have got a raw deal and to criticize in general the performance of the paper's staff. The idea, however, has not made a big splash nationwide, and only a few papers maintain such an institution. In India The Times of India had appointed Justice P.B. Bhagwati as the ombudsman.

All these laws, regulations, codes evolved by the government and professional bodies tend to serve the media and society towards regulating their working. It is done in a manner so as to have a positive impact and serve the larger societal objectives. To what extent these professional codes actually serve their purpose would largely depend on the journalists and professional working in the media and the implementation through regulatory mechanism evolved over a period of time.

In India, the Press Council of India (PCI) has been mandated to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards. The PCI has



brought out an updated and succinct compilation of principles of journalistic ethics, sorted out from the adjudicators of the Council and the guidelines issued from time to time.

In the 'Preface to the publication, A Guide to Journalistic Ethics, brought out by PCI in 1995, it has been stated that most of these principles are not cast-iron statutory rules but broad general principles which will help the journalist to self-regulate his or her conduct along the path to professional ethics.

NORMS OF JOURNALISTIC ETHICS

Some of the important norms of Journalistic Ethics enumerated in the above publication are as under:

1. **Accuracy and fairness:**The fundamental objective of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. Publication of inaccurate, baseless, graceless, misleading or distorted material should be avoided.
2. **Caution against defamatory writing:**Newspapers should not publish anything, which is manifestly defamatory or libelous against any individual or organization unless after due care and checking, they have sufficient reason to believe that it is true and its publication will be for public good.
3. **Privacy:**Intrusion or invasion of the privacy of individuals is not permissible unless outweighed by genuine public interest. The private life, even of a public figure is his or her own. Exposure or invasion of his or her personal privacy or private life is not permissible. Unless of course there is clear evidence that the wrong-doings in question have a reasonable nexus with the misuse of his or her public position or power and has an adverse impact on public interest.
4. **Victims of sex crimes-Caution against publication of names or pictures:**While reporting crime involving rape, abduction or kidnap of women/females or sexual assault on children, on raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs or the victims or other particulars leading to their identity should not be published. While such publication serves no legitimate public purpose, it may bring social ostracism to the victims and social embarrassment to their relations, family, friends, community, religious order or the institution to which they belong.
5. **Paramount interests of state, society and rights of individuals not be jeopardized:**Newspapers should, as a matter of self- regulation, exercise due restraint and



caution in presenting any news comment or information which is likely to jeopardize, endanger or harm the paramount interests of the state and society, or the rights of individuals with respect to which reasonable restrictions may be imposed by law on the right to freedom of speech and expression under clause (2) of Article 19 of the Constitution of India.

6. **Governing communal disputes/clashes:** News, views or comments relating to communal or religious disputes/clashes should be published after proper verification of facts and presented with due caution and restraint in a manner which is conducive to the creation of an atmosphere congenial to communal harmony, amity and peace. Sensational, provocative and alarming headlines are to be avoided. Acts of communal violence or vandalism should be reported in a manner as may not undermine the people's confidence in the law and order machinery of the State. Writing about the incident in a style, which is likely to inflame passions, aggravate the tension, or accentuate the strained relations between the communities/religious groups concerned, or which has a potential to exacerbate the trouble, should be avoided.

7. **Headings must not be sensational:** In general, and particularly, in the context of communal disputes or clashes;

Provocative and sensational headlines should be avoided.

Headings must reflect and justify the matter printed under them.

Headings containing allegations made in statements should either identify the body or the source making it or at least carry quotations marks.

8. **Newspapers should avoid crass commercialism:** While newspapers are entitled to ensure, improve or strengthen their financial viability by all legitimate means, they should not engage themselves through the print media, in crass commercialism or unseemly cut-throat commercial competition with their rivals, for earning ever-more profits for their proprietors, in a manner which is repugnant to high professional standards and good taste, and tends to downgrade the primary role of the free Press as an essential institution of democracy to a secondary, subservient place.



LOWERING OF ETHICAL VALUES IN JOURNALISM

During the past few years, the lowering of ethical values in the media have been widely reported. The pernicious practice of accepting envelopes containing gift cosponsor hard cash by the press reporters in India at the press conferences where new issues are launched has been widely commented upon.

Writing in The Tribune ‘Strange Results of Liberalization of the eminent columnists M.V. Kamath says: What journalists should be concerned about is the corruption of their brethren on a scale that is mind-boggling. Giving a graphic account of the process of cash collection in a day in the life of a reporter, Kamath also points to another aspect of the problem-Conformity. “Does that mean there are no honest journalists in the profession? The issue is not honesty but conformity. If the honest journalist refuses to accept the gifts given to him he falls foul of his colleagues. Everyone accepts gifts. That is done thing.”

Writing of Business, Journalists in Vidura (July 1995), NandiniSahai opined: Then there is another class of journalists who are not doing too badly. They call at announcing share-issues. They stand to take home quite a neat sum at the end of the month, mostly in the form of gift coupons and gifts. The Vidura issue of June 1994 has Mr. Dilip Cherian saying, “My own personal experience is that in business journalism the chances of becoming corrupt are much higher. It has also succeeded in creating a breed of journalists who badly “offer to pay” the newspaper for the privilege of being their financial correspondent.”

Not that the phenomenon of journalists getting rich in the course of newsgathering is peculiar to India. In China, a lot of Chinese journalists write advertisements in the guise of news after receiving various benefits. In April 1994, the Chinese Communist Party launched a drive to root out the spreading phenomenon of paid news coverage (cheque-book journalism) in the country’s media. A circular put out by the Central Committee’s propaganda department called for, “unremitting efforts by party organizations to educate journalists on press ethics.”

There is also a need to look into financial inducements that are offered to newsmen by political ties and companies. Similarly, a fiscal ceiling needs to be arrived at regarding the gifts that companies disburse to newsmen. Should they be limited to calendars or diaries? Or should they include products like watches or suit lengths? How far can one go in accepting such freebies - a free trip, a free lunch? Or



may be more? This is a grave ethical question again, and needs to be attended to if doubts have to be removed from people's minds regarding the integrity of the media.

It is suggested that a code of ethics needs to be formulated by media men, which should be displayed in the reporter's room and on the news desk. It should also be published once a year in all newspapers so that readers know the ethical standards to which newspapers subscribe.

INDUSTRY CODES

There are many apex organizations that have codes of ethics for members and organizations. Here are a few of these industry codes:

1. **AINEC CODE OF ETHICS:** Some of the professional bodies connected with the Indian press have formulated voluntary codes of conduct as part of their efforts at self-regulation. The Code of Ethics, evolved by the All India Newspapers Editor's Conference (AINEC), which is applicable to the members of that body. This code, though drafted in general terms, emphasizes the need for journalists to attach due importance to human and social rights in discharge of their professional obligation, to observe special restraint in reporting or commenting on communal matters and to promote national unity. The code is essentially persuasive in character; no sanctions have been prescribed for its breach or any machinery created for its enforcement.
2. As the Press is a primary instrument in the creation of public opinion. Journalists should regard their calling as a trust and be eager to serve and guard their public interests.
3. In the discharge of their duties journalists should attach due value to fundamental, human rights and social rights, and shall hold good faith and fair play in news reports and comments as essential professional obligations.
4. Journalists should observe special restraint in reports and comments dealing with tensions, likely to lead, or leading to civil disorder.
5. Journalists shall particularly observe maximum restraint in publishing reports and comments relating to communal tension, incidents, riots, and incipient situations likely to lead to communal disturbances. The identification of communities, which may lead to chain reactions, should be avoided.
6. Journalists should endeavour at all times to promote the unity of the country and nation, pride in the country, its people, its achievements and its strength in diversity. Journalists should be most



circumspect in dealing with movements and ideas, which promote regionalism at the cost of national unity.

7. Any reportage on ideas of fresh partition and secessionism must be treated with the greatest caution; any comment likely to give comfort to the proponents of such ideas and further their interests should be avoided. The integrity of the country and of Indian people must be considered sacrosanct and beyond question.
8. Journalists should endeavour to ensure that information disseminated is factually accurate. No fact shall be distorted or the essential facts deliberately omitted. No information known to be false shall be published.
9. Responsibility shall be assumed for all information and comment published. If responsibility is disclaimed, this will be explicitly stated.
10. Confidences shall always be respected. Professional secrecy must be preserved.
11. Any report found to be inaccurate and any comment on inaccurate reports shall be voluntarily rectified. It shall be obligatory to give fair publicity to a correction of contradiction when a report published is shown to be false or inaccurate in material particulars.
12. Journalists shall not exploit their status for non-journalistic purposes.
13. Journalists shall not allow personal interest to influence professional conduct.
14. There is nothing so unworthy as the acceptance or demand of a bribe or inducement for the exercise by a journalist of his power to give or deny publicity to news or comments.
15. Freedom in the honest collection and publication of news and facts and the rights of their comments and criticism and principles, which every journalist should always defend.
16. Journalists shall be very conscious of their obligation to their fellows in the profession and shall not seek to deprive fellow-journalists of their livelihood by unfair means.
17. The carrying on of personal controversies in the press in which no public interest is involved shall be regarded as derogatory to the dignity of the profession.
18. It is unprofessional to give currency to rumors or loose talk affecting the private life of individuals. Even verifiable news affecting the private life of individuals shall not be published unless the public interest as distinguished from public curiosity demands its publication.
19. The Press shall refrain from publishing matters likely to encourage vice and crime.



14.2.1 SELF –REGULATION AND CENSORSHIP

Self-regulation means controlling the self. It can be interpreted and defined in various ways. In a broader spectrum and larger perspective, it involves controlling one's behavior, emotions, and thoughts in the pursuit of long-term goals. More specifically, emotional self-regulation refers to the ability to manage disruptive emotions and impulses.

In the field of journalism, media and mass communication, in addition to codes of ethics, many news organizations maintain an in-house Ombudsman whose role is, in part, to keep news organizations honest and accountable to the public. An alternative is the Press Council which is capable of applying fairly consistent standards and of dealing with a higher volume of complaints, but may not escape criticisms of being toothless.

No restrictions should be imposed on the media. It should be self-imposed and self-controlled. Media or Press can be self-regulated by the following 10 steps:

1. All media groups whether print, electronic or social networking sites involved in Independent Press Standards Organisation (IPSO) need to negotiate with those who refuse to join. They should reach consensus on establishing a self-regulatory body that they can all support and participate in.
2. The media and press industry needs to take the initiative. It should outmanoeuvre politicians and aggressive lobbying groups by creating an organisation that is truly open and beyond reproach – and not viewed as in thrall to the industry.
3. The newly created body should be a trust truly independent of the industry. It should investigate, resolve and soothe anger and hurt when journalists do wrong, whether ethically or legally. It should campaign for and assert the constitutional role of the media in a democratic society. It should advocate the holding of the powerful to account. It should carry out that function with courage, dignity and in good faith to win widespread public support.
4. The new trust should be well funded, so it is able to properly investigate and respond to public complaints of media abuses. At the same time it should investigate and protect the purposes of journalism in a free society – to prevent journalism itself turning instead into a social problem that leads to criminal prosecutions, closures or increased calls for legislative controls and government approval.



5. The trust should set up an ethical code committee that produces a charter of principles that inspires and invigorates journalism.
6. Since all UK media print and online publishers now communicate in the global sphere of cyberspace, the controlling trust body should be truly international. The biggest UK news publishers are courting US and international English-speaking audiences. They should embrace the traditions of American free speech and the common global values of journalism – independent of sovereign state and corrupt corporate interference.
7. The new trust should involve the journalists’ trade unions. Having the direct participation of members of the key professional journalism associations will enhance understanding. They are at the grassroots of what is going right and wrong. They can be vital allies and partners.
8. The new trust should invest generously and imaginatively into a complaints resolution process that is far superior to litigation or arbitration. It should offer a package of non-legal adjudicatory processes of conciliation, negotiation and restorative justice case conferencing. These kinds of encounter are all about achieving mutual consent and understanding. If this is cost-free to all parties there is a clear prospect of settlement and satisfaction. This will avoid the full thrust of adversarial and inquisitorial legal combat. If the parties are not happy with the package of dispute resolution on offer, they can be provided with an open arbitration process that is binding and cost free for all parties.
9. The new trust should turn the “moral obligation” to protect journalist sources into a legal one. The new trust should recharge the democratic necessity and protection of sources from corporate negligence, state surveillance and judicial indifference.
10. The new trust should be the catalyst for researching and finding solutions to the catastrophe of falling newspaper circulation and insufficient income from online publication. It should campaign to educate young people about the value of the printed form. It should also lobby for copyright licensing income from social media platforms, public advertising investment and tax relief for local and regional publishers.

In short, we need to agree on an independent system of press regulation which delivers justice to media victims and at the same time restores the reputation and role of journalism in society. To do so would be good news for everyone.



CENSORSHIP

Censorship is controlling, regulating and suppressing of speech, public communication, or other information, on the basis that such material is considered objectionable, harmful, sensitive, or "inconvenient." Censorship can be conducted by governments, private institutions, and other controlling bodies.

Governments, semi-governments and private organizations may engage in censorship. Other groups or institutions may propose and petition for censorship. When an individual such as an author or other creator engages in censorship of their own works or speech, it is referred to as self-censorship. General censorship occurs in a variety of different media, including speech, books, music, films, and other arts, the press, radio, television, and the Internet for a variety of claimed reasons including national security, to control obscenity, child pornography, and hate speech, to protect children or other vulnerable groups, to promote or restrict political or religious views, and to prevent slander and libel.

14.3 CODE OF ETHICS FOR ADVERTISING IN INDIA BY ACI

The advertising industry has made rapid strides especially since the early nineties. The policy of economic liberalization and growth of economy have largely been contributory factors, apart from technological advances.

The advertising industry has been frequently criticized for putting out misleading or exaggerated claims in respect of product, goods and services advertised. It has also been perceived as guilty of glorifying certain habits or tendencies regarded as undesirable, and encouraging consumerist culture. This has quite often led to demands for stricter legal controls. The industry, on the other hand, promises to meet the situation through a system of self-regulation.

The one general difficulty about self-regulating measures or industry codes is the enforcement of such regulations. In this context, K.S. Venkateswaran, in his book *Mass Media Laws and Regulations in India*, says: Exaggerated claims, appalling bad taste, economy of truth in providing information about products and services, and a general lack of concern for consumer's interest have given the industry a bad side to its reputation which it could do without.



Most of the countries have a number of institutions and professional bodies designed to perform a self-regulatory role. Their performance has been sometimes termed as ‘media accountability system’- which is meant to increase the social responsibility of media. Such bodies evolve codes for self-regulation and monitor their implementation. They have also been called media monitors.

Media monitors also perform another useful function. They provide a valuable forum to the users of the media to express their criticisms or opinions concerning the performance of the media. In the case of newspapers, for example, an effective press council can ensure that the reader is not short-charged by unscrupulous or shoddy journalistic practices. The council can give him a platform from which to ventilate his grievances against biased, inaccurate or inadequate reporting on matters of legitimate public interest.

Similarly, a good broadcasting standards council can go a long way in ensuring that the general public is protected from the evils of gratuitous violence or sex on radio and television without having to suffer the harsher alternative of statutory censorship.

In the field of advertising, the Advertising Standards Council of India (ASCI) an umbrella trade body of advertising agencies in the country, drew up a Code of Self-Regulation in 1985 which seeks inter alia: to ensure the truthfulness and honesty of representations and claims made in advertisements and to safeguard against misleading advertisements; to ensure that advertisements are not offensive to generally accepted standards of public decency; to safeguard against the indiscriminate use of advertising for the promotion of hazardous or otherwise unacceptable products; and to ensure that advertisements observe fairness in competition.

The Code is administered by a Consumer Complaints Council of the ASCI consisting of 14 members, eight of whom are from professions or backgrounds unrelated to advertising.

Complaints can be brought to the Council by any one alleging a breach of the code and the council investigates them. If after proper enquiry the Council comes to the conclusion, by a simple majority, that a complaint is justified, it would make a report to the Board of Governors of the ASCI who will then proceed to implement it as expeditiously as possible.



As Advertising Agencies Association of India (AAAI) is another representative body of the advertising, the AAAI has adopted a code of standards of advertising practice, which covers advertising ethics vis-à-vis the customers and advertisers.

CODE OF ETHICS FOR ADVERTISING IN INDIA

Some excerpts from the Code of Ethics for Advertising in India, issued by the Advertising Council of India, are reproduced below. The excerpts include general rules of conduct in advertising, instructions to avoid vulgarity and indecency, and use of National Emblems.

Along with the development of a very complex distribution system, the requirements of a market economy, faced with the need for ensuring a regular flow of mass production, have given rise to the development of new techniques of sales promotion.

Of these, advertising has proved itself to be inestimable value for producers and distributors as well as for consumers. It enables the former to maintain contact with customers who are widely scattered and often unknown, and it assists the latter in choosing those goods and services that are the best suited to their particular requirements.

Advertising has become an important social and economic force in the world of today. It is, therefore, essential that any unfair advertising practice likely to alienate public confidence should be eliminated. Hence the need for rules of conduct drawn up for the purpose of preventing possible abuses and of promoting responsibility towards the consumer on the part of the advertisers, advertising agencies and media owners and suppliers.

Recognizing that the legitimate function of advertising is the advocacy of the merits of particular products or services this code is intended to be applied in the spirit as well as in the letter and should be taken to set out the minimum standards to be observed by the parties concerned. This Code does override all ethical standards in advertising laid down by individual organizations, but it does not supersede the standards of practice laid down by individual organizations as incumbent upon their own members and applying to their particular trade or industry.

1. Advertising should be so designed as to conform not only to the law but all of the moral, aesthetic and religious sentiments of the country in which it is published.



2. No advertisement likely to bring advertising into contempt or disrepute should be permitted. Advertising should not take advantage of the superstition or ignorance of the general public.
3. No advertisements of talismans, charms and character reading from photographs or such other matter as will trade on the superstition of the general public shall be permitted.
4. Advertising should be truthful, avoid distorting facts and misleading the public by means of implications and omissions. For instance, it should not mislead the consumer by false statements as to:
 - a. The character of the merchandise i.e. its utility, materials, ingredients, origin, etc.
 - b. The price of the merchandise, its value, its suitability or terms of purchase.
 - c. The services accompanying purchase, including delivery, exchange, return, upkeep etc.
 - d. Personal recommendations of the article or service. Testimonials which are fictions and/or fraudulent or the originals of which cannot be produced must not be used. Anyone using testimonials in advertisements is as responsible for the statements made in them, as he should be if he had made them himself.
 - e. The quality of the value of competing goods or the trustworthiness to statements made by others.
5. No advertisement should be permitted to contain any claim so exaggerated as to lead inevitably to disappointment in the mind of the public. Special care is called for in the following cases:
 - a. Advertisement addressed to those suffering from illness. (In this respect the Code of Standards of Advertising in relation to medicine must be adhered to).
 - b. Advertisements inviting the public to invest money. Such advertisements should not contain statements which may mislead the public in respect of the security offered, rates of return, etc.
 - c. Advertisements inviting the public to take part in lotteries or competitions such as are permitted by law or which hold out the prospect of gifts. Such advertisements should state clearly all the conditions for the lottery or competition or the conditions for the distribution of the gifts.



- d. The publication of employment notices requiring fees for application forms, prospects, etc and security deposits should be forbidden except when such advertisement emanate from Government or quasi-Government sources.
6. Methods of advertising designed to create confusion in the mind of the consumer as between goods by one maker and another maker are unfair and should not be used. Such methods may consist in:
 - a. The imitation of the trademark or name of the competitor or the packaging or labeling of goods; or
 - b. The imitation of advertising devices, copy, layouts or slogans.
7. Advertising should endeavour to gain the goodwill of the public on the basis of the merits of the goods or services advertised. Direct comparison with competing goods or firing and disparaging references are in no circumstances permitted.
8. Indecent, vulgar, suggestive, repulsive or offensive themes of treatment should be avoided in all advertisements. This also applies to such advertisements themselves are not objectionable as defined above but which advertise objectionable books, photographs or other matter and thereby lead to their sale and circulation.
9. No advertisement should offer to refund money paid.
10. Law in advertisements prohibits the use of National Emblems in trademarks, etc. except by Governments or governmental agencies. Also the use of the pictures of Mahatma Gandhi, the President, the Vice-President and the Prime Minister of India is forbidden in such advertisements, trademarks, etc. except by previous permission. This rule does not apply to advertising of books, films or other items in which these personages form the chief subject.

CONSUMER REDRESSAL FORUMS

Having recognized the need to protect consumers from unfair treatment at the hands of suppliers of goods and services, including advertisers, the government passed a law in 1986-the 'Consumer Protection Act'. The Act affords a legally enforceable right and offers remedies against misleading or false representation.



Under this Act, any consumer who feels that he has suffered harm or damage as a result of such advertisements can lodge a complaint with a Consumer Redressal Forum at district, state or national level. It will, however, be important to note that Code of Ethics would not be effective, unless there is a strong mechanism to oversee its implementation. The ASCI also will have to decentralize its functioning so that even a lay man becomes aware as to where and to whom the complaints could be addressed. At present there is a long road ahead in India for the advertising industry to adopt these ethical practices.

Whereas it is difficult to say how far such efforts in enforcing ethical standards would succeed, the fact remains that professional bodies of working journalists will have to do lot more to enforce codes of conduct evolved by these bodies for their members.

14.3.1 DAVP'S CODE

The full form of DAVP is Directorate of Advertising and Visual Publicity. It is the nodal agency of the Central Government of India for advertising by various Ministries and organisations, including public sector undertakings and autonomous bodies. At the time of the Second World War, the Government of India asked the leading advertisement agencies to form a consortium and set up a publicity unit in Shimla to handle war propaganda, tackle rumour mongering, put out messages about black-outs and handle recruitment to the armed forces. When the war ended, this consortium was converted into its present form. It was established in 1955 and has its headquarters in Delhi and regional offices in Bangalore and Guwahati. Its work is further facilitated by two regional distribution centres at Kolkata and Chennai. The Directorate includes 4 Campaign wings, an advertising wing for print, Audio-Visual (AV) wing, New Media & Personal Media wing, exhibition wing, mass mailing wing, outdoor publicity wing, research wing, distribution wing and language wing in addition to an audio visual publicity cell.

14.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.



31. By general understanding, ethics has to do with:
- gg) Conduct
 - hh) Behavior
 - ii) Character
 - jj) None of the above.
32. In India The Times of India had appointed Justice P.B. Bhagwati as the
- a) Chairman
 - b) Ombudsman
 - c) Editor
 - d) None of the above
33. Publication of inaccurate, baseless, graceless, misleading or distorted material should be
- a) Accepted
 - b) Entertained
 - c) Avoided
 - d) None of the above
34. Newspapers should not publish anything, which is manifestly defamatory or libelous against any individual or organization unless after due care and checking, they have sufficient reason to believe that it is true and its publication will be for
- a) Public good
 - b) Public development
 - c) Public loss
 - d) None of the above
35. In the field of journalism, media and mass communication, in addition to codes of ethics, many news organizations maintain an in-house Ombudsman whose role is ,in part is to keep news organizations honest and accountable to the
- a) Private
 - b) Public
 - c) Joint
 - d) None of the above

**B. FILL IN THE BLANKS.**

1. Principles such as objectivity, impartiality, truthfulness and freedom of information are some very contentious issues before thetoday.
2. The fundamentalof journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner.
3. Censorship is....., regulating and suppressing of speech, public communication, or other information.
4. In a broader spectrum and larger perspective,involves controlling one's behavior, emotions, and thoughts in the pursuit of long-term goals.
5. It is suggested that a needs to be formulated by media men, which should be displayed in the reporter's room and on the news desk.

14.5 SUMMARY

- Principles such as objectivity, impartiality, truthfulness and freedom of information are some very contentious issues before the mass media today. Most of these issues refer to the important concepts of safeguarding freedom of information, freedom of access to information sources; objectivity, accuracy, truthfulness or the non-misrepresentation of facts; responsibility vis-à-vis the public and its rights and interests and in relation to national, racial and religious communities, the nation, the state and maintenance of peace; unfounded accusations, violation of privacy, right of reply, etc. By general understanding, ethics has to do with conduct-with conduct that is "right" in view of given society and time period, with conduct that is good out of sense of duty or conviction rather than from fear of punishment. By common consent, various Modes of behavior and conduct are viewed as "good" and various others as "bad" even though in today's society there may be wide Individual differences as to the understanding of what is "good" or what is "bad". Journalists have the following responsibilities: Contractual responsibility in relation to the media and their internal organization; A social responsibility entailing obligations towards public opinion and society as a whole; Responsibility or liability deriving from the obligation to comply with the law; Responsibility towards the international community, relating to respect of universal values. These four types of responsibilities may in certain respects be contradictory or even conflicting. Some



newspapers have tried to incorporate an idea from Scandinavia into their operations in order to provide some internal criticism. An individual employed by the paper (called an ombudsperson), is assigned to handle complaints from readers who feel that they have got a raw deal and to criticize in general the performance of the paper's staff. The idea, however, has not made a big splash nationwide, and only a few papers maintain such an institution. In India The Times of India had appointed Justice P.B. Bhagwati as the ombudsman. The fundamental objective of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. Publication of inaccurate, baseless, graceless, misleading or distorted material should be avoided. Newspapers should not publish anything, which is manifestly defamatory or libelous against any individual or organization unless after due care and checking, they have sufficient reason to believe that it is true and its publication will be for public good. Intrusion or invasion of the privacy of individuals is not permissible unless outweighed by genuine public interest. The private life, even of a public figure is his or her own. Exposure or invasion of his or her personal privacy or private life is not permissible. Unless of course there is clear evidence that the wrongdoings in question have a reasonable nexus with the misuse of his or her public position or power and has an adverse impact on public interest. In general, and particularly, in the context of communal disputes or clashes: Provocative and sensational headlines should be avoided, Headings must reflect and justify the matter printed under them, Headings containing allegations made in statements should either identify the body or the source making it or at least carry quotations marks. While newspapers are entitled to ensure, improve or strengthen their financial viability by all legitimate means, they should not engage themselves through the print media, in crass commercialism or unseemly cut-throat commercial competition with their rivals, for earning ever-more profits for their proprietors, in a manner which is repugnant to high professional standards and good taste, and tends to downgrade the primary role of the free Press as an essential institution of democracy to a secondary, subservient place. While reporting crime involving rape, abduction or kidnap of women/females or sexual assault on children, on raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs or the victims or other particulars leading to their identity should not be published. While such publication serves no legitimate public purpose, it may bring social ostracism to the victims and social embarrassment to their relations, family, friends, community, religious order or the



institution to which they belong. Self-regulation means controlling the self. It can be interpreted and defined in various ways. In a broader spectrum and larger perspective, it involves controlling one's behavior, emotions, and thoughts in the pursuit of long-term goals. More specifically, emotional self-regulation refers to the ability to manage disruptive emotions and impulses. In the field of journalism, media and mass communication, in addition to codes of ethics, many news organizations maintain an in-house Ombudsman whose role is, in part, to keep news organizations honest and accountable to the public. An alternative is the Press Council which is capable of applying fairly consistent standards and of dealing with a higher volume of complaints, but may not escape criticisms of being toothless. Censorship is controlling, regulating and suppressing of speech, public communication, or other information, on the basis that such material is considered objectionable, harmful, sensitive, or "inconvenient." Censorship can be conducted by governments, private institutions, and other controlling bodies.

14.6 KEYWORDS

Ethics: By general understanding, ethics has to do with conduct-with conduct that is "right" in view of given society and time period, with conduct that is good out of sense of duty or conviction rather than from fear of punishment. By common consent, various Modes of behaviour and conduct are viewed as "good" and various others as "bad" even though in today's society there may be wide Individual differences as to the understanding of what is "good" or what is "bad".

Journalists' Responsibilities: Journalists have the following responsibilities: Contractual responsibility in relation to the media and their internal organization; A social responsibility entailing obligations towards public opinion and society as a whole; Responsibility or liability deriving from the obligation to comply with the law; Responsibility towards the international community, relating to respect of universal values. These four types of responsibilities may in certain respects be contradictory or even conflicting.

Ombudsman: Some newspapers have tried to incorporate an idea from Scandinavia into their operations in order to provide some internal criticism. An individual employed by the paper (called an ombudsperson), is assigned to handle complaints from readers who feel that they have got a raw deal and to criticize in general the performance of the paper's staff. The idea, however, has not made a big



splash nationwide, and only a few papers maintain such as institution. In India The Times of India had appointed Justice P.B. Bhagwati as the ombudsman.

Accuracy and Fairness: The fundamental objective of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. Publication of inaccurate, baseless, graceless, misleading or distorted material should be avoided.

Caution against Defamatory Writing: Newspapers should not publish anything, which is manifestly defamatory or libelous against any individual or organization unless after due care and checking, they have sufficient reason to believe that it is true and its publication will be for public good.

Privacy: Intrusion or invasion of the privacy of individuals is not permissible unless outweighed by genuine public interest. The private life, even of a public figure is his or her own. Exposure or invasion of his or her personal privacy or private life is not permissible. Unless of course there is clear evidence that the wrong-doings in question have a reasonable nexus with the misuse of his or her public position or power and has an adverse impact on public interest.

Paramount Interests not be Jeopardized: Newspapers should, as a matter of self-regulation, exercise due restraint and caution in presenting any news comment or information which is likely to jeopardize, endanger or harm the paramount interests of the state and society, or the rights of individuals with respect to which reasonable restrictions may be imposed by law on the right to freedom of speech and expression under clause (2) of Article 19 of the Constitution of India.

Headings Must not be Sensational: In general, and particularly, in the context of communal disputes or clashes: Provocative and sensational headlines should be avoided, Headings must reflect and justify the matter printed under them, Headings containing allegations made in statements should either identify the body or the source making it or at least carry quotations marks.

Consumer Redressal Forums: Having recognized the need to protect consumers from unfair treatment at the hands of suppliers of goods and services, including advertisers, the government passed a law in 1986-the 'Consumer Protection Act'. The Act affords a legally enforceable right and offers remedies against misleading or false representation. Under this Act, any consumer who feels that he has suffered



harm or damage as a result of such advertisements can lodge a complaint with a Consumer Redressal Forum at district, state or national level.

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In the field of journalism, media and mass communication, in addition to codes of ethics, many news organizations maintain an in-house Ombudsman whose role is, in part, to keep news organizations honest and accountable to the public. An alternative is the Press Council which is capable of applying fairly consistent standards and of dealing with a higher volume of complaints, but may not escape criticisms of being toothless.

Censorship: Censorship is controlling, regulating and suppressing of speech, public communication, or other information, on the basis that such material which is considered objectionable, harmful, sensitive, or "inconvenient." Censorship can be conducted by governments, private institutions, and other controlling bodies.

14.7 SELF-ASSESSMENT TEST

1. What do you mean by Media Ethics? Discuss.
2. Why are media ethics important? Discuss.
3. What are the major ethical codes in print media in India? Discuss.
4. What are the major ethical codes in electronic media in India? Discuss.
5. What are the major ethical codes in the field of advertising in India? Discuss.
6. What are the major ethical codes in the field of PR in India? Discuss.
7. What do you mean by self-regulation? Describe.
8. Throw light on censorship
9. Describe the DAVP's Code.
10. Write short notes on the followings:
 - (xlv) Self-regulation
 - (xlv) DAVP's Code



(xlvi) Censorship

(xlvii) Media ethics

14.8 ANSWERS TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

1. a) Conduct
2. b) Ombudsman
3. c) Avoided
4. a) Public good
5. b) Public

B. ANSWERS OF FILL IN THE BLANKS.

1. Mass media
2. Objective
3. Controlling
4. Self-regulation
5. Code of ethics

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SUBJECT: MEDIA LAW	
COURSE CODE: MSM-513	AUTHOR: PROF. MANOJ DAYAL
LESSON NO.: 15	
REGULATIONS FOR PUBLIC RELATIONS (IPRA CODE OF ETHICS)	

STRUCTURE

15.0 Learning Objectives

15.1 Introduction

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15.3 IPRA Code of Ethics

15.4 Check Your Progress

15.5 Summary

15.6 Keywords

15.7 Self-Assessment Test

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15.9 References/Suggested Readings

15.0 LEARNING OBJECTIVES

After reading this lesson you will be able to:

- Explain PRSI Code of Ethics.
- Discuss IPRA Code of Ethics.

15.1 INTRODUCTION

Public relations are wonderful activities and communication is the name of the game here. But it should not be left absolutely free. Freedom to a desirable extent is of course desirable to make it creative and attractive. However, reasonable and desirable regulations are equally important for its responsible



functioning. We must remember that freedom and responsibility must go hand in hand with. Therefore, some ethical guidelines are not only relevant and important but essential as well. Therefore, **International Code of Ethics for Public Relations was adopted by the Public Relations Society of India at its 1st National Conference at New Delhi on 21-4-1968.**

International Public Relations Associations, throughout its existence, has always sought to provide intellectual leadership for the public relations profession.

A key part of this has been the development of a number of Codes and Charters seeking to provide an ethical framework for the activities of the profession. Upon joining IPRA all members undertake to uphold these Codes and in doing so benefit from the ethical climate that they create.

In the year 2011 all these Codes were consolidated into a single document updated to reflect the age in which we now live. The code was reviewed in 2020 and no changes were deemed necessary.

Established in 2011, the IPRA Code of Conduct is an affirmation of professional and ethical conduct by members of IPRA and recommended to public relations practitioners worldwide.

15.2 PRSI CODE OF ETHICS

To maintain the dignity and integrity of the PR profession, PR societies of different countries including India came to an agreement to adopt the International Code of Ethics for Public Relation, which is sometimes called as the Code of Athenes. This is mainly because of the fact that it was first drawn up, imbibed and adopted at a meeting of the International Public Relations Association in Athenes in 1965.

Understanding and then seriously considering that all member countries of the United Nations Organization have agreed to abide by its Charter which reaffirm “its faith in fundamental human rights, in the dignity and worth of the human person” and that have regard to the very nature of their profession, Public Relations practitioners in these countries should undertake to ascertain and observe the principles set out in this Charter, Again understanding and considering that apart from “rights”, human beings have not only physical or material needs but also intellectual, moral and social needs, and that their rights are of real benefit to them only insofar as these needs are essentially met, Considering that, in the course of their professional duties and depending on how these duties are performed, Public Relations practitioners can substantially help to meet these intellectual, moral and social needs, And



lastly, understanding and considering that the use of techniques enabling them to come simultaneously into contact with millions of people gives Public Relations practitioners a power that has to be restrained by the observance of strict moral code. On all these grounds, the Public Relations Society of India hereby declares that it accepts, as its moral charter the principle of the following Code of Ethics, and that if, in the light of evidence submitted to the Society, a member of this Society should be found to have infringed this Code in the course of his professional duties, he will be deemed to be guilty of serious misconduct calling for an appropriate penalty. Accordingly, each Member of this Society, Shall endeavor

1. To contribute to the achievement of the moral and cultural conditions enabling human beings to reach their full stature and enjoy the indefeasible rights to which they are entitled under the “Universal Declaration of Human Rights”;
2. To establish communication patterns and channels which, by fostering the free flow of essential information, will make each member of the group feel that he is being kept informed, and also give him an awareness of his own personal involvement and responsibility and of his solidarity with other members;
3. To conduct himself always and in all circumstances in such a manner as to deserve and secure the confidence of those with whom he comes into contact;
4. To bear in mind that, because of the relationship between his profession and the public, his conduct – even in private – will have an impact on the way in which the profession as a whole is appraised;

Shall Undertake

1. To observe, in the course of his professional duties, the moral principles and rules of the “Universal Declaration of Human Rights”;
2. To pay due regard to, and uphold, human dignity, and to recognize the right of each individual to judge for himself;
3. To establish the moral, psychological and intellectual conditions for dialogue in its true sense, and to recognize the right of the parties involved to state their case and express their views;



4. To act, in all circumstances in such a manner as to take account of the respective interest of the parties involved: both the interests of the organisation which he serves and the interests of the public concerned;
5. To carry out his undertakings and commitments which shall always be so worded as to avoid any misunderstanding, and to show loyalty and integrity in all circumstances so as to keep the confidence of his clients or employers, past or present, and of all the public's that are affected by his actions;

Shall Refrain From

1. Subordinating the truth to other requirements;
2. Circulating information which is not based on established and ascertainable facts;
3. Taking part in any venture or undertaking which is unethical or dishonest or capable of impairing human dignity and integrity;
4. Using any "manipulative" methods or techniques designed to create subconscious motivations which the individual cannot control of his own free will and so cannot be held accountable for the action taken on them.

15.3 IPRA CODE OF ETHICS

The International **Public Relations Associations**, throughout its existence, has always sought to provide intellectual leadership for the public relations profession and hence it is considered to be an important and valuable body from various points of views.

The Code consolidates the 1961 Code of Venice, the 1965 Code of Athens and the 2007 Code of Brussels.

1. RECALLING the Charter of the United Nations which determines "to reaffirm faith in fundamental human rights, and in the dignity and worth of the human person";
2. RECALLING the 1948 "Universal Declaration of Human Rights" and especially recalling Article 19;



3. RECALLING that public relations, by fostering the free flow of information, contributes to the interests of all stakeholders;
4. RECALLING that the conduct of public relations and public affairs provides essential democratic representation to public authorities;
5. RECALLING that public relations practitioners through their wide-reaching communication skills possess a means of influence that should be restrained by the observance of a code of professional and ethical conduct;
6. RECALLING that channels of communication such as the Internet and other digital media, are channels where erroneous or misleading information may be widely disseminated and remain unchallenged, and therefore demand special attention from public relations practitioners to maintain trust and credibility;
7. RECALLING that the Internet and other digital media demand special care with respect to the personal privacy of individuals, clients, employers and colleagues;

In the conduct of public relations practitioners shall:

- 1. Observance:** Observe the principles of the UN Charter and the Universal Declaration of Human Rights;
- 2. Integrity:** Act with honesty and integrity at all times so as to secure and retain the confidence of those with whom the practitioner comes into contact;
- 3. Dialogue:** Seek to establish the moral, cultural and intellectual conditions for dialogue, and recognise the rights of all parties involved to state their case and express their views;
- 4. Transparency:** Be open and transparent in declaring their name, organisation and the interest they represent;
- 5. Conflict:** Avoid any professional conflicts of interest and to disclose such conflicts to affected parties when they occur;
- 6. Confidentiality:** Honor confidential information provided to them;
- 7. Accuracy:** Take all reasonable steps to ensure the truth and accuracy of all information provided;



- 8. Falsehood:** Make every effort to not intentionally disseminate false or misleading information, exercise proper care to avoid doing so unintentionally and correct any such act promptly;
- 9. Deception:** Not obtain information by deceptive or dishonest means;
- 10. Disclosure:** Not create or use any organization to serve an announced cause but which actually serves an undisclosed interest;
- 11. Profit:** Not sell for profit to third parties copies of documents obtained from public authorities;
- 12. Remuneration:** Whilst providing professional services, not accept any form of payment in connection with those services from anyone other than the principal;
- 13. Inducement:** Neither directly nor indirectly offer nor give any financial or other inducement to public representatives or the media, or other stakeholders;
- 14. Influence:** Neither propose nor undertake any action which would constitute an improper influence on public representatives, the media, or other stakeholders;
- 15. Competitors:** Not intentionally injure the professional reputation of another practitioner;
- 16. Poaching:** Not seek to secure another practitioner's client by deceptive means;
- 17. Employment:** When employing personnel from public authorities or competitors take care to follow the rules and confidentiality requirements of those organisations;
- 18. Colleagues:** Observe this Code with respect to fellow IPRA members and public relations practitioners worldwide.

IPRA members shall, in upholding this Code, agree to abide by and help enforce the disciplinary procedures of the International Public Relations Association in regard to any breach of this Code.

This code was formally adopted by the IPRA Board 5 November 2010 and launched in 2011.

15.4 CHECK YOUR PROGRESS

Note: 1) Use the space below for your answers.

2) Compare your answers with those given at the end of this lesson.

A. CHOOSE THE RIGHT OPTION.



36. **International Code of Ethics for Public Relations** was adopted by

- kk) **Public Relations Society of India**
- ll) **Public Relations Association of India**
- mm) **Public Relations Security of India**
- nn) None of the above

37. Public Relations Society of India hereby declares that it accepts, as its moral charter

- a) Principle of the conduct of ethics
- b) Principle of the code of ethics
- c) Principle of the center of ethics
- d) None of the above

38. **International Public Relations Associations**, throughout its existence, has always sought to provide intellectual leadership for

- a) Public relations body
- b) Public relations association
- c) Public relations profession
- d) None of the above

B. FILL IN THE BLANKS.

1. Public Relations Society of India hereby declares that it accepts, as itsthe principle of the Code of Ethics.
2. **International Public Relations Associations**, throughout its existence, has always sought to providefor the public relations profession.
3. **Code of Ethics for Public Relations** was adopted by theat its **1st National Conference at New Delhi on 21-4-1968**.
4. In the year....., all these Codes were consolidated into a single document updated.
5. To maintain the dignity and integrity of the PR profession, PR societies of different countries including India came to an agreement to adopt thefor Public Relation.

15.5SUMMARY



- Public relations are tremendous and charming activities and communication is the name of the game here. But it should not be left absolutely free. Freedom to a desirable extent is of course desirable to make it creative and attractive. However, reasonable and desirable regulations are equally important for its responsible functioning. We must remember that freedom and responsibility must go hand in hand with. Therefore some ethical guidelines are not only relevant and important but essential as well. Thus, **International Code of Ethics for Public Relations was adopted by the Public Relations Society of India at its 1st National Conference at New Delhi on 21-4-1968.**
- **International Public Relations Associations**, throughout its existence, has always sought to provide intellectual leadership for the public relations profession.
- A key part of this has been the development of a number of Codes and Charters seeking to provide an ethical framework for the activities of the profession. Upon joining IPRA all members undertake to uphold these Codes and in doing so benefit from the ethical climate that they create.
- In the year 2011, all these Codes were consolidated into a single document updated to reflect the age in which we now live. The code was reviewed in 2020 and no changes were deemed necessary. To maintain the dignity and integrity of the PR profession, PR societies of different countries including India came to an agreement to adopt the International Code of Ethics for Public Relation, which is sometimes called as the Code of Athenes. This is mainly because of the fact that it was first drawn up, imbibed and adopted at a meeting of the International Public Relations Association in Athenes in 1965.
- Understanding and then seriously considering that all member countries of the United Nations Organization have agreed to abide by its Charter which reaffirm “its faith in fundamental human rights, in the dignity and worth of the human person” and that have regard to the very nature of their profession, Public Relations practitioners in these countries should undertake to ascertain and observe the principles set out in this Charter, Again understanding and considering that apart from “rights”, human beings have not only physical or material needs but also intellectual, moral and social needs, and that their rights are of real benefit to them only insofar as these needs are essentially met, Considering that, in the course of their professional duties and depending on



how these duties are performed, Public Relations practitioners can substantially help to meet these intellectual, moral and social needs,

- And lastly, understanding and considering that the use of techniques enabling them to come simultaneously into contact with millions of people gives Public Relations practitioners a power that has to be restrained by the observance of strict moral code. On all these grounds, the Public Relations Society of India hereby declares that it accepts, as its moral charter the principle of the following Code of Ethics, and that if, in the light of evidence submitted to the Society, a member of this Society should be found to have infringed this Code in the course of his professional duties, he will be deemed to be guilty of serious misconduct calling for an appropriate penalty. Accordingly, each Member of this Society, Shall endeavor. Established in 2011, the IPRA Code of Conduct is an affirmation of professional and ethical conduct by members of IPRA and recommended to public relations practitioners worldwide. **The International Public Relations Associations**, throughout its existence, has always sought to provide intellectual leadership for the public relations profession and hence it is considered to be an important and valuable body from various points of views.
- The Code consolidates the 1961 Code of Venice, the 1965 Code of Athens and the 2007 Code of Brussels.

15.6 KEYWORDS

PRSI Code of Ethics: Public Relations Society of India hereby declares that it accepts, as its moral charter the principle of the Code of Ethics, and that if, in the light of evidence submitted to the Society, a member of this Society should be found to have infringed this Code in the course of his professional duties, he will be deemed to be guilty of serious misconduct calling for an appropriate penalty.

IPRA Code of Ethics: **International Public Relations Associations**, throughout its existence, has always sought to provide intellectual leadership for the public relations profession. A key part of this has been the development of a number of Codes and Charters seeking to provide an ethical framework for the activities of the profession. Upon joining IPRA all members undertake to uphold these Codes and in doing so benefit from the ethical climate that they create.



15.7 SELF-ASSESSMENT TEST

1. What do you mean by PRSI Code of Ethics? Explain.
2. Throw light on IPRA Code of Ethics.
3. Why is a Code of Ethics necessary for PR people? What do they have to guard against in their profession?
4. Write short notes on the followings:
 - (xlviii) PRSI code of ethics
 - (xlix) IPRA code of ethics
 - (l) Necessity of Code of Ethics in PR.

15.8 ANSWER TO CHECK YOUR PROGRESS

A. ANSWERS OF CHOOSE THE RIGHT OPTION.

6. a) **Public Relations Society of India**
7. b) Principle of the code of ethics
8. c) Public relations profession

B. ANSWERS OF FILL IN THE BLANKS.

1. Moral charter
2. Intellectual leadership
3. **Public Relations Society of India**
4. 2011
5. International code of ethics

15.9 REFERENCES/SUGGESTED READINGS

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