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**UNIT I**

**WORKING JOURNALIST ACT**

Working Journalists & other Newspaper Employees (Conditions of service) and Miscellaneous Provisions Act, 1955

This act is called Working Journalists & other Newspaper Employees (Conditions of service) and Miscellaneous Provisions Act, 1955. It extends to the whole of India, except the state of Jammu & Kashmir. As per this act-

- "Newspaper" means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as many, from time to time, be notified in this behalf by central Government in the official Gazette.
- c) "Newspaper Employees" means any working Journalists and includes any other person employed to do any work in or in relation to any newspaper establishment.
- d) "Newspaper Establishment" means an establishment under the control of any person or body of persons, whether incorporated or not for any production or publication of one or more newspaper or for conducting any news agency or syndicate.
- (f) "Working Journalists" means a person whose principal avocation is that of a journalist and (who is employed as such, either whole-time or part-time in, or in relation to, one or more newspaper establishment), and includes an editor, a leader writer, news-editor, sub-editor, feature-writer, copy-tester, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include any such person who
  - a) is employed mainly in a managerial or administrative capacity or
  - b) being employed in a supervisory capacity, performs, either by the nature of duties attached to his office or by reasons of the power vested in him, and function mainly of a managerial nature.



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For the period of notice referred to therein in relation to the retrenchment of a workman, the following periods in relation to the retrenchment of a working journalist has been substituted, namely - a) six months, in case of an editor, b) three months, in case of any other working Journalists.

### **Special provisions of this act-**

- Subject to any rules that may be made under this Act, no working journalist shall be required or allowed to work in any newspaper establishment for more than 144 hours during any periods of 4 consecutive weeks, exclusive of time for meals.
- Every working journalist shall be allowed during any period of 7 consecutive days rest for a period of not less than 24 consecutive hours, the period between 10 pm and 6 pm being included therein (Explanation - for the purpose of this section , "week" means a period of 7 days beginning at midnight on Saturday.)
- Notwithstanding anything contained in sub rule, the following provision shall apply to every correspondent, reporter, news photographer stationed at the place-
- Subject to such agreement as may be arrived at either collectively or individually between the parties concerned, every correspondent, reporter or news photographer shall, once he enters upon duty on any day, be deemed to be on duty throughout that day till he finishes all the work assigned to him during the day.
- Provided that if such correspondent, reporter or news photographer has had at his disposal for rest any interval or intervals for a total period of two hours or less between any two or more assignments of work , he shall not be on duty during such period, provided further that where the total period of such interval or intervals exceeds two hours he shall be deemed to be on duty during the period which is in excess of the said period of two hours.
- Any period of work in excess of 36 hours during any week (which shall be considered as a unit of work for the purpose of this subrule) shall be compensated by rest during the succeeding week and shall be given in one or more spells of not more than three hours each. Provided that where the



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aggregate of the excess hours worked falls short of three hours, the duration of rest shall be limited only to such excess.

- The number of hours which shall constitute a normal working day for working journalists exclusive of time for meals shall exceed six hours per day in case of a day shift and five and half hours per day in case of night shift and no working journalist shall ordinarily be required or allowed to work for longer than the number of hours constituting a normal working day.
- When a working journalist works for more than six hours on any day in the case of day shift and more than five and half hours in case of night shift, he shall in respect of that overtime work, be compensated in the form of hours of rest equal in number to the hours for which he has worked overtime.
- A working journalist shall be entitled to 10 holidays in a calendar year and shall be entitled to wages on all holidays if he was on duty. A working journalist shall be entitled to wages for weekly day of rest if he was on duty.
- Without prejudice to such holidays, casual leave or other kind of leave as may be prescribed, every working journalists shall be entitled to-
  - a) Earned leave on full wages for not less than one-eleventh of the period spent on duty, provided that he shall cease to earn such leave when the earned leave due amounts to ninety days. A working journalist shall be entitled to earned leave on full wages for a period not less than one month for every eleven months spent on duty provided that he shall cease to earn such leave due amount to 90 days.
  - b) Leave on medical certificate: 1) A working journalists shall be entitled to leave on medical certificate on one-half of wages for not less than one-eighteenth of the period of service  
2) The period spent on duty shall include weekly days of rest, holidays, casual leave and quarantine leave.
  - c) Maternity Leave-
    - 1) A female working journalist who has put in not less than one years service in the newspaper establishment in which she is for the time being employed shall be granted maternity leave on full wages on production of a medical certificate from an authorized medical practitioner for a period which may extend for three months



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from the date of its commencement or six weeks from the confinement whichever is earlier.

2) Leave of any other may be granted in continuation of maternity leave.

3) Maternity leave shall also be granted in case of miscarriage, including abortion, subject to the condition that the leave does not exceeds six weeks.

d) Quarantine Leave -

Quarantine leave on full wage shall be granted by newspaper establishment on the certificate of authorized medical practioner for a period not exceeding 21 days or in exceptional circumstances, 30 days.

e) Extraordinary Leave -

A working journalist who has no leave to his credit may be granted, at the discretion of newspaper establishment in which such working journalist is employed leave not due. Study leave may be granted in same pattern. A working journalist shall be eligible for casual leave at the discretion of newspaper establishment for 15 days in a calendar year.

### **The Wage Board-**

For the purpose of fixing or revising rates of wages in respect of working journalists the Central Government shall as and when necessary constitute a wage board which shall consist of -

a) Three persons representing employers in relation to newspaper establishments

b) Three persons representing working journalists

c) Four independent persons, one of whom shall be a person who is or has been a judge of High court or Supreme court and who shall be appointed by the Government as the Chairman.



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### Payment of Gratuity where-

- any working journalists has been in continuous service, whether before or after the commencement of this Act for not less than 3 years in any newspaper establishment and  
i) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever, otherwise than a punishment inflicted by way of disciplinary action or  
ii) he retires from services on reaching the age of superannuation or
- any working journalist has been in continuous service whether before or after the commencement of this Act for not less than 10 years in any newspaper establishment and he voluntarily resigns
- any working journalist has been in continuous service whether before or after the commencement of this Act for not less than 3 years in any newspaper establishment and he voluntarily resigned on or after 1st day of July 1961, from services in that newspaper establishment on any ground whatsoever other than on the ground of conscience or
- any working journalist dies while he is in service in any newspaper establishment

### **THE PRESS AND REGISTRATION OF BOOKS ACT, 1867**

The Bill for this act 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). This is an Act for the regulation of Printing - presses and Newspapers, for the preservation of copies of books and newspapers printed in India, and for the registration of such book and newspapers. This Act was declared by the Laws Local Extent Act, 1874 (15 of 1874), sec.3 to be in force in all the Provinces of India, except the Scheduled Districts. According to this act "Book" includes every volume, part of division of a volume, and pamphlet, in any language, and every sheet of music, map, chart of plan separately printed, editor means the person who controls the selection of the matter that is published in a newspaper, newspaper means any printed periodical work containing public news or comments on public news, paper means any document, including a newspaper, other than a book, "Press Registrar" means the



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Registrar of Newspapers for India appointed by the Central Government under section 19A and includes any other person appointed by the Central Government to perform all or any of the functions of the Press Registrar.

**The main provisions of this act are as follows-**

- Every book or paper printed within shall have printed legibly on it the name of the printer and the place of printing, and if the book or paper be published the name of the publisher, and the place of publication.
- No person shall within India, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the District, Presidency or Sub-divisional Magistrate within whose local jurisdiction such press may be:
- Newspaper shall be published in India, except in conformity with the rules hereinafter laid down:
  - Without prejudice to the provisions of section 3, every copy of every such newspaper shall contain the names of the owner and editor thereof printed clearly on such copy and also the date of its publication.
  - The printer and the publisher of every such newspaper shall appear in person or by agent authorized in this behalf in accordance with rules made under section 20, before a District, Presidency or Sub-divisional Magistrate within whose local jurisdiction such newspaper shall be printed or published and shall make and subscribe, in duplicate, the following declaration-
- "I....., declare that I am the printer (or publisher, or printer and publisher) of the newspaper entitled and to be printed or published, or to be printed and published]. And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted.
- Every declaration under rule shall specify the title of the newspaper, the language in which it is to be published and the periodicity of its publication and shall contain such other particulars as may be prescribed.
- Where the printer or publisher of a newspaper making a declaration under rule is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorizing such person to make and subscribe such declaration.



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- A declaration in respect of a newspaper made under rule (2) and authenticated under section 6 shall be necessary before the newspaper can be published.
- Where the title of any newspaper or its language or the periodicity of its publication is changed, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.
- As often as the ownership of a newspaper is changed, a new declaration shall be necessary.
- As often as the place of printing or publication is changed, a new declaration shall be necessary:
- As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave India for a period exceeding ninety days or where such printer or publisher is by infirmity or otherwise rendered incapable of carrying out his duties for a period exceeding ninety days in circumstances not involving the vacation of his appointment, a new declaration shall be necessary.
- Every declaration made in respect of a newspaper shall be void, where the newspaper does not commence publication
  - within six weeks [of the authentication of the declaration under section 6], in the case of a newspaper to be published once a week or oftener; and
  - within three months [of the authentication of the declaration under section 6], in the case of any other newspaper. And in every such case, a new declaration shall be necessary before the newspaper can be published.
- Where, in any period of three months, any daily, tri-weekly, bi-weekly, weekly or fortnightly newspaper publishes issues the number of which is less than half of what should have been published in accordance with the declaration made in respect thereof, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.
- Where any other newspaper has ceased publication for a period, exceeding twelve months, every declaration made in respect thereof shall cease to have



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effect, and a new declaration shall be necessary before the newspaper can be re-published.

- If any person has subscribed to any declaration in respect of a newspaper under section 5 and the declaration has been authenticated by a Magistrate under section 6 and subsequently that person ceases to be the printer or publisher of the newspaper mentioned in such declaration, he shall appear before any District, Presidency or Sub-divisional Magistrate, and make and subscribe in duplicate the following declaration:--
- "I,..... declare that I have ceased to be the printer or publisher or printer and publisher of the newspaper entitled.
- Each original of the latter declaration shall be authenticated by the signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration.
- The Officer-in-charge of each original of the latter declaration shall allow any person applying to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees.
- Printed 3 copies of the whole of every book which shall be printed 3 in 4 India after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the State Government shall, by notification in the Official Gazette, from time to time direct, and free of expense to the Government, as follows, that is to say:-
- in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy, and,
- if within one calendar year from such day the State Government shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the
- The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing there for.



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- The copy delivered pursuant to clause (a) of the first paragraph of section 9 of this Act shall be disposed of as the State Government shall from time to time determine.
- Any copy or copies delivered pursuant to clause (b) of the said paragraph shall be 3[transmitted to the Central Government]
- Subject to any rules that may be made under this Act, the publisher of every newspaper in India shall deliver free of expense to the Press Registrar one copy of each issue of such newspaper as soon as it is published.
- Whoever shall keep in his possession any such press as aforesaid shall, on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, or by simple imprisonment for a term not exceeding <sup>2</sup>[six months]. or by both.
- Any person who shall, in making any declaration or other statement under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall on conviction before a Magistrate, be punished by fine not exceeding two thousand rupees, and imprisonment for a term not exceeding <sup>2</sup>[six months].
- Whoever shall print or publish newspaper, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published any newspaper, knowing that the said rules have not been observed with respect to that newspaper, shall, on conviction before a magistrate, be punished with fine not exceeding two thousand rupees, or imprisonment for a term not exceeding six months or both.
- If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the some pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and , in addition to such sum, such further sum as the Magistrate may determine to the value of the copies which the printer ought to have delivered.
- If any publisher or other person employing any such printer shall neglect to supply him, in the matter prescribed in the second paragraph of section 9 of



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this Act with the maps, prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.]

- If any printer of any newspaper published in India neglects to deliver copies of the same in compliance with section 11A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default.
- If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11B, he shall, on the complaint of the Press Registrar, be punishable, on conviction by Magistrate having jurisdiction in the place where the newspaper was printed, by fine which may extend to fifty rupees for every default.



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### UNIT III

#### PRESS COUNCIL

The Press Council is a statutory and quasi-judicial body, which acts as a watchdog of the press. It adjudicates the complaints against and by the press for violation of ethics and for violation of the freedom of the press respectively. The Press Council of India governs the conduct of the print media. The Press Council of India was first set up on 4 July 1966 by the Parliament to regulate the press in India. The council was formed on the recommendations of the first Press Commission (1952-1954). The stated objectives were "to help newspapers maintain their independence" and to "raise the standards" through a code of conduct, maintaining "high professional standards" and "high standards of public taste". However, after 1978, the Council functions under the Press Council Act 1978 which arose from the recommendations of the Second Press Commission of India (1978) which argued, among other things, for a "cordial relationship between the government and the press".

This organization works to establish and maintain democracy in its true meaning as it has supreme power in regards to the media to ensure that freedom of speech is maintained. However, it is also empowered to hold hearings on receipt of complaints and take suitable action where appropriate. It may either warn or censure the errant journalists on finding them guilty. The Council's actions may not



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be questioned unless it is proved to be in violation of the constitution, which makes it an exceedingly powerful body.

### **Organizational structure**

The Press Council is headed by a Chairman: usually, a retired judge of supreme court of India (except for the first chairman, Justice Mudholkar, who was a sitting judge of Supreme Court of India in 1968). The Council consists of 28 other members of whom 20 represent the press and are nominated by the press organisations/news agencies recognised and notified by the Council as all India bodies of categories such as editors, working journalists and owners and managers of newspaper; 5 members are nominated from the two houses of Parliament, i.e. Lok Sabha and Rajyasabha and 3 represent cultural, literary and legal fields as nominees of the Sahitya Academy, University Grants Commission (U.G.C.) and the Bar Council of India. The members serve on the Council for a term of three years.

The Council is funded by revenue collected by it as fees levied on the registered newspapers in the country on the basis of their circulation. No fee is levied on newspapers with a circulation of less than 5000 copies. The deficit is made good by grants by the ministry of Information and Broadcasting.

### **Functioning**

The council hears the complaints of the Press and against the press. The process of complaining is very simple. A complaint against a newspaper for any publication the complainant finds objectionable and affecting him personally, or for non-



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publication of any material, should first be taken up with the editor or other representative of the publication concerned.

If the complaint is not resolved satisfactorily, it may be referred to the Press Council of India. The complaint must be specific and in writing and should be filed/lodged within two months of the publication of the impugned news item in case of dailies and weeklies and four months in all other cases, along with the original/photo copy of the impugned clipping (an English translation if the matter is in a South Asian language). The complainant must state in what manner the publication/non-publication of the matter is objectionable within the meaning of the Press Council Act, 1978, and enclose a copy of the letter to the editor, pointing out why the matter is considered objectionable. The editor's reply thereto or published rejoinder, if any, may also be attached to it. A declaration stating that the matter is not pending in any court of law is also required to be filed.

If a newspaper or journalist is aggrieved by any action of any authority that may impinge on the freedom of the press, he can also file a complaint with the Council. The aggrieved newspaper or journalist may inform the Council about the possible reason for the action of the authorities against him.

On receipt of a complaint made to it or otherwise, if the Council is prima facie satisfied that the matter discloses sufficient ground for inquiry; it issues a show cause notice to the respondents and then considers the matter through its Inquiry Committee on the basis of written and oral evidence tendered before it. If, on inquiry, the Council has reason to believe that the respondent newspaper has violated journalistic norms, the Council keeping in view the gravity of the misconduct committed by the newspaper, warns, admonishes or censures the newspaper or disapproves of the conduct of the editor or the journalist as the case



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may be. It may also direct the respondent newspaper to publish the contradiction of the complainant or a gist of the Council's decision in its forthcoming issue.

Similarly, when the Council upholds the complaint of the aggrieved newspaper/journalist the Council directs the concerned government to take appropriate steps to redress the grievance of the complainant. The Council may, if it considers necessary, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government.

### **Functions of the Council-**

- 1) The objects of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India.
- 2) The Council may, in furtherance of its objects, perform the following functions, namely:
  - a) To help newspapers and news agencies to maintain their independence;
  - b) To build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards;
  - c) To ensure on the part of newspapers, 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;
  - d) To encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;
  - e) To keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;
  - f) 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 an individual, association of persons or any other organization.



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- g) To undertake studies of foreign newspapers, including those brought out by any embassy or other representative in India of a foreign State, their circulation and impact.
- h) To promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies.
- i) To concern itself with developments such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press;
- j) 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.
- k) To do such other acts as may be incidental or conducive to the discharge of the above functions.



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## UNIT II

### Official Secrets Act 1923

The **Official Secrets Act 1923** is [India's](#) anti-[espionage](#) act held over from the British [colonial period](#). 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 or [passwords](#), to the enemy.

Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (1) any reference to a place belonging to Government includes a place occupied by any department of the Government, whether the place is or is not actually vested in Government;
- (2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself, or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model article, note or document;
- (3) “document” includes part of a document;
- (4) “model” includes design, pattern and specimen;
- (5) “munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine intended or adopted for use in war, and any other article, material or device, whether actual or proposed, intended for such use;
- (6) “Office under [Government]” includes any office or employment in or under any department of the Government
- (7) “photograph” includes an undeveloped film or plate;
- (8) “prohibited place” means—
  - (a) any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, camp, ship or aircraft belonging to, or occupied by or on behalf of [Government], any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory, dockyard



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or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plants, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war;

(b) any place not belonging to Government where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of Government, or otherwise on behalf of Government

(c) any place belonging to or used for the purpose of Government which is for the time being declared by the [Central Government], by notification in the Official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality;

(d) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of<sup>3</sup> [Government], which is for the time being declared by the<sup>5</sup> [Central Government], by notification in the Official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality;

(9) "sketch" includes any photograph or other mode of representing any place or thing

(10) "Superintendent of Police" includes any police officer of a like or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the

## **COPYRIGHT ACT**

The statutory meaning of copyright is the exclusive right to do or authorize others to do certain acts in relation to literary, dramatic or musical work, artistic works, cinematograph film and sound recording. Trespassing the above right is considered as infringement of the right of the author and be punished. Hence every writer,



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especially journalists must be well versed with copyright law. Copyright is a unique kind of intellectual property the importance of which is increasing day by day. The basis areas which are under the copyright protection are in the field of printing, music, communication, entertainment and computer industry.

The copyright act in India was made in 1957 and was amended subsequently time to time. The act extends to the whole India. Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, *inter alia*, rights of reproduction, communication to the public, adaptation and translation of the work. There could be slight variations in the composition of the rights depending on the work. Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create.

Subject to certain conditions, a fair deal for research, study, criticism, review and news reporting, as well as use of works in library and schools and in the legislatures, is permitted without specific permission of the copyright owners. In order to protect the interests of users, some exemptions have been prescribed in respect of specific uses of works enjoying copyright. Some of the exemptions are the uses of the work

- i. for the purpose of research or private study,
- ii. for criticism or review,
- iii. for reporting current events,
- iv. in connection with judicial proceeding,



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- v. performance by an amateur club or society if the performance is given to a non-paying audience, and
- vi. the making of sound recordings of literary, dramatic or musical works under certain conditions.

**The classes of works for which copyrights protection is available in India-**

- o Original literary, dramatic, musical and artistic works;
- o Cinematograph films; and
- o Sound recordings.

**An artistic work means-**

- o a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;
- o a work of architecture; and
- o any other work of artistic craftsmanship.

**What is a musical work?**

"Musical work" means a work consisting of music and includes any graphical notation of such work but does not include any words or any action intended to be sung, spoken or performed with the music. A musical work need not be written down to enjoy copyright protection.

**What is a sound recording?**

"Sound recording" means a recording of sounds from which sounds may be produced regardless of the medium on which such recording is made or the method by which the sounds are produced. A phonogram and a CD-ROM are sound recordings.

**What is a cinematograph film?**

"Cinematograph film" means any work of visual recording on any medium produced through a process from which a moving image may be produced by any means and includes a sound recording accompanying such visual recording and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography including video films.



### **What is a government work?**

"Government work" means a work which is made or published by or under the direction or control of

- the government or any department of the government
- any legislature in India, and
- any court, tribunal or other judicial authority in India.

### **What is an Indian work?**

"Indian work" means a literary, dramatic or musical work,

- the author of which is a citizen of India; or
- which is first published in India; or
- the author of which, in the case of an unpublished work is, at the time of the making of the work, a citizen of India.

### **Various terms related with the copyright-**

The first owner of copyright in a work-

Ordinarily the author is the first owner of copyright in a work.

Who is an author?

In the case of a literary or dramatic work the author, i.e., the person who creates the work

- In the case of a musical work, the composer.
- In the case of a cinematograph film, the producer.
- In the case of a sound recording, the producer.
- In the case of a photograph, the photographer.
- In the case of a computer generated work, the person who causes the work to be created.

### **Ownership in various fields related with copyright-**

- There are many right holders in a musical sound recording. For example, the lyricist who wrote the lyrics, the composer who set the music, the singer who sang the song, the musician (s) who performed the background music, and the person or company who produced the sound recording.



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- Is it necessary to obtain any licence or permission to use a musical sound recording for public performance?
- A sound recording generally comprises various rights. It is necessary to obtain the licences from each and every right owner in the sound recording. This would ,*inter alia*, include the producer of the sound recording, the lyricist who wrote the lyrics, and the musician who composed the music.
- In the case of a government work, government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.
- In the case of a work made or first published by or under the direction or control of any public undertaking, such public undertaking shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.
- In the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work.
- In the case of a work made in the course of the author's employment under a contract of service or apprenticeship, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.
- In the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.

**In the case of a dramatic work, copyright means the exclusive right-**

- To reproduce the work
- To communicate the work to the public or perform the work in public
- To issue copies of the work to the public
- To include the work in any cinematograph film



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- To make any adaptation of the work
- To make translation of the work.

**In the case of an artistic work, copyright means the exclusive right-**

- To reproduce the work
- To communicate the work to the public
- To issue copies of the work to the public
- To include the work in any cinematograph film
- To make any adaptation of the work.

**In the case of a musical work, copyright means the exclusive right-**

- To reproduce the work
- To issue copies of the work to the public
- To perform the work in public
- To communicate the work to the public
- To make cinematograph film or sound recording in respect of the work
- To make any translation of the work
- To make any adaptation of the work.

**In the case of a cinematograph film, copyright means the exclusive right-**

- To make a copy of the film including a photograph of any image forming part thereof
- To sell or give on hire or offer for sale or hire a copy of the film
- To communicate the cinematograph film to the public.

**The rights in a sound recording-**

- To make any other sound recording embodying it
- To sell or give on hire, or offer for sale or hire, any copy of the sound recording
- To communicate the sound recording to the public.

**Right of reproduction-**

The right of reproduction commonly means that no person shall make one or more copies of a work or of a substantial part of it in any material form including sound and film recording without the permission of the copyright owner. The most



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common kind of reproduction is printing an edition of a work. Reproduction occurs in storing of a work in the computer memory.

### **Right of communication to the public-**

Communication to the public means making any work available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion. It is not necessary that any member of the public actually sees, hears or otherwise enjoys the work so made available. For example, a cable operator may transmit a cinematograph film, which no member of the public may see. Still it is a communication to the public. The fact that the work in question is accessible to the public is enough to say that the work is communicated to the public.

### **Adaptation-**

Adaptation involves the preparation of a new work in the same or different form based upon an already existing work. The Copyright Act defines the following acts as adaptations:

- a. Conversion of a dramatic work into a non dramatic work
- b. Conversion of a literary or artistic work into a dramatic work
- c. Re-arrangement of a literary or dramatic work
- d. Depiction in a comic form or through pictures of a literary or dramatic work
- e. Transcription of a musical work or any act involving re-arrangement or alteration of an existing work.

The making of a cinematograph film of a literary or dramatic or musical work is also an adaptation.

### **Translation-**

A person cannot translate a work enjoying copyright without the permission of the copyright owner.

### **The guidelines regarding registration of a work under the Copyright Act-**

Chapter VI of the Copyright Rules, 1956, as amended, sets out the procedure for the registration of a work. Copies of the Act and Rules can be obtained from the Manager of Publications, Publication Branch, Civil Lines, Delhi or his authorised dealers on payment. The procedure for registration is as follows:



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- a. Application for registration is to be made on Form IV ( Including Statement of Particulars and Statement of Further Particulars) as prescribed in the first schedule to the Rules ;
- b. Separate applications should be made for registration of each work;
- c. Each application should be accompanied by the requisite fee prescribed in the second schedule to the Rules ; and
- d. The applications should be signed by the applicant or the advocate in whose favour a Vakalatnama or Power of Attorney has been executed. The Power of Attorney signed by the party and accepted by the advocate should also be enclosed.

Each and every column of the Statement of Particulars and Statement of Further Particulars should be replied specifically.

Both published and unpublished works can be registered. Copyright in works published before 21<sup>st</sup> January, 1958, i.e., before the Copyright Act, 1957 came in force, can also be registered, provided the works still enjoy copyright. Three copies of published work may be sent along with the application. If the work to be registered is unpublished, a copy of the manuscript has to be sent along with the application for affixing the stamp of the Copyright Office in proof of the work having been registered. In case two copies of the manuscript are sent, one copy of the same duly stamped will be returned, while the other will be retained, as far as possible, in the Copyright Office for record and will be kept confidential. It would also be open to the applicant to send only extracts from the unpublished work instead of the whole manuscript and ask for the return of the extracts after being stamped with the seal of the Copyright Office.

When a work has been registered as unpublished and subsequently it is published, the applicant may apply for changes in particulars entered in the Register of Copyright in Form V with prescribed fee.

Application for registration of copyright along with statement of particulars and instructions for filling up the statement of particulars are at Appendix - I.

**Terms of copyright-**



The general rule is that copyright lasts for 60 years. In the case of original literary, dramatic, musical and artistic works the 60-year period is counted from the year following the death of the author. In the case of cinematograph films, sound recordings, photographs, posthumous publications, anonymous and pseudonymous publications, works of government and works of international organizations, the 60-year period is counted from the date of publication.

### **Administration of Copyright Law-**

The Copyright Act provides for a quasi-judicial body called the Copyright Board consisting of a Chairman and two or more, but not exceeding fourteen, other members for adjudicating certain kinds of copyright cases. The Chairman of the Board is of the level of a judge of a High Court. The Board has the power to:

- i. hear appeals against the orders of the Registrar of Copyright;
- ii. hear applications for rectification of entries in the Register of Copyrights;
- iii. adjudicate upon disputes on assignment of copyright;
- iv. grant compulsory licences to publish or republish works (in certain circumstances);
- v. grant compulsory licence to produce and publish a translation of a literary or dramatic work in any language after a period of seven years from the first publication of the work;
- vi. hear and decide disputes as to whether a work has been published or about the date of publication or about the term of copyright of a work in another country;
- vii. fix rates of royalties in respect of sound recordings under the cover-version provision; and
- viii. fix the resale share right in original copies of a painting, a sculpture or a drawing and of original manuscripts of a literary or dramatic or musical work.

The Registrar of Copyrights has the powers of a civil court when trying a suit under the Code of Civil Procedure in respect of the following matters, namely,

- a. summoning and enforcing the attendance of any person and examining him on oath;
- b. requiring the discovery and production of any document;
- c. receiving evidence on affidavit;
- d. issuing commissions for the examination of witnesses or documents;



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- e. requisitioning any public record or copy thereof from any court or office;
- f. any other matters which may be prescribed.

### **Copyright infringements-**

The following are some of the commonly known acts involving infringement of copyright:

- i. Making infringing copies for sale or hire or selling or letting them for hire;
- ii. Permitting any place for the performance of works in public where such performance constitutes infringement of copyright;
- iii. Distributing infringing copies for the purpose of trade or to such an extent so as to affect prejudicially the interest of the owner of copyright ;
- iv. Public exhibition of infringing copies by way of trade; and
- v. Importation of infringing copies into India.

### **The civil remedies for copyright infringement-**

A copyright owner can take legal action against any person who infringes the copyright in the *work*. *The copyright owner is entitled to remedies by way of injunctions, damages and accounts.*



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### **UNIT- III**

#### **Press council of india**

The Press Council of India was first established in the year 1966 by the Parliament of India, recommended by the first Press Commission. The object was to preserve the freedom of the press and for maintaining and improving the standards of the press in India. Presently, the function of the council is governed under the Press Council Act, 1978. It is a statutory, quasi-judicial body which acts as the watchdog of the press. It adjudicates the complaints against and by the press for violation of ethics and for violation of the freedom of the press respectively. It is headed by the Chairman, who should be a retired judge of the Supreme court of India. The Council has 28 members of which 20 have to represent the press by being nominated by the press organisations, agencies and other bodies. 5 members are nominated by the 2 houses of the parliament and 3 represents cultural and legal fields and one nominee of the Bar Council of India. They serve for a term of 3 years. The Council was reconstituted on 22nd May 2001.

It is being basically funded by revenue which is being collected as fee levied on the registered newspaper in the country on the basis of the regulation. No fees are levied on newspaper which has circulation less than 5000 copies.

#### **Functions of the Press Council of India**

1. It helps the newspaper to maintain the independence.
2. It builds a code of conduct for the newspapers in accordance with the high professional standards
3. It works to promote technical and other research areas related to the news
4. It helps provide proper training to new journalists



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5. It helps to spread the news all over India
6. It promotes the supply of newspaper from one place to another and on time
7. It helps to promote the proper function of production or publication of the newspaper in a proper manner
8. It helps to keep a review of on all the functioning, the production and processing of the newspaper.
9. It ensures that maintenance of the taste of the people should be kept in mind and see over both the rights and responsibility of the citizenship.

### **Powers of the Council**

1. They have the power to censure any rule which generally violates the journalists' ethics and the public taste.
2. They can hold any enquiry against any editor of the journal if they found that any misconduct has been taken place with regard to any matter related to the press.
3. The proceedings should be taken place with regard to the judicial hearing under Section 193 and 228 of the Indian Penal Code.

### **Complaint Procedure**

If we have to make any complaint against the newspaper then the Press Council of India is the best place to start. If the complaint is not resolved by the journalist and the individuals are not satisfied then they can approach the Press Council for justice.



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- The complaints should be in writing within two months of the publication of the news on a weekly or daily basis and four months in other cases. It should also be mentioned that how the publication is objectionable within the meaning of the Act.
- The copy of the letter should be given to the editor and its reply should also be attached their within. A declaration form should also be attached. In declaration form, it should be clearly mentioned that this case is not pending in any other courts.
- On the other side if the editor or the journalist feels that he is aggrieved by the action then he can also file a complaint under this Act. The journalist should inform the Council about the reason for the action of the authorities against him. Declaration against any matter is going on in any of the courts is also to be mentioned.
- On seeing the complaint, if the Council feels that the matter discloses the sufficient ground then for the inquiry then they will issue a show cause notice to the respondent and then they will consider the matter through the committee on the basis of both the written and the oral evidence. If the council comes to know that the respondent newspaper has violated the norms of the journalism then the council while keeping in mind the misconduct which was committed by the newspaper will warn the journalist or will disapprove the journalist of not publishing anything as the case may be.
- When the council takes up the case of the misconduct it also directs the government to take the appropriate steps with regard to the grievances of the complainant. The decision of the council will be final it cannot be challenged in any of the courts. The licence of the journalist can also get cancelled if any misconduct has taken place with regard to them.

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## **Meeting Session**

For the meeting of the press, a notice should be issued to every member of the council at least 21 days before the meetings being taken place. The start date of 21 days should be counted from the date of the proceedings.

### *Questions being Raised in such Meetings*

A member shall bring a question before the council after giving 10 days clear notice to the secretary and put a agenda of the meeting as what has to be done in the meeting. A chairman has a power to give rise to that question or can cancel that question. The chairperson has also such powers that he can raise any question without giving prior notice.

## **Expectation from the Clients**

It is being expected from the client that only if they feel like any misconduct have been taken place then only they should come to the committee otherwise it is of no use. Neither the committee nor any other person has that much of time to go through the case which is vague. So there are somethings which are expected from the customers and they are as follows:

1. The case which they are going to file should be according to the provision as being mentioned in the act.
2. All the news agencies should remit the levy to the council properly.



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### **Press commission I**

The first Press Commission was appointed in September 1952, under the chairmanship of Justice G.S. Rajadhyaksha. The other 10 members included Dr C.P. Ramaswami Aiyar, Dr. Zakir Hussain, Dr. V.K.R.V. Rao, P.H. Patwardhan, J. Natarajan and Chalapathi Rau. The Commission which submitted its report in 1954, made several important recommendations which helped in constituting a number of institutions and organizing the profession of journalism in a systematic manner. It was the first enquiry of its kind which delved into the working of the press and its report has been a kind of Bible for the Press hitherto. Some of the recommendations and observations of the First Press Commission are as follows:

To safeguard the freedom of the press and help the press to maintain its independence.

To censure objectionable types of journalistic conduct and by all other possible means to build up a code in accordance with the highest professional standards.

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

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

To study the developments in the press which may tend towards concentration or monopoly and if necessary, to suggest remedies.

To publish reports at least once an year, recording its work and reviewing the performance of the press, its developments and factors affecting them



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To improve methods of recruitment, education and training for the profession by the creation of suitable agencies for the purpose such as Press Institutes.

The news agencies should not merely keep themselves from bias and follow strictly the principles of integrity, objectivity and comprehensiveness in its coverage of news, but it should also appear to the public that the news agencies are maintaining such a course.

The Commission found that the emoluments received by the journalists were on the whole unsatisfactory and recommended the appointment of a Wage Board for the working journalists.

The Commission recommended the appointment of Registrar of Newspapers for India(RNI). As a result of this recommendation the office of RNI verifies and regulates the availability of newspapers, registers them, containing detailed information on newspaper. The office also issues entitlement certificates to the newspapers/periodicals for the import of news print and printing machinery and allied materials required by newspapers

**SECOND PRESS COMMISSION (1978/80-82)** The second Press Commission came barely 15 months after the first experience of government censorship that the Indian Press went through during Emergency, 1975- 1977. After the emergency was lifted, the new government of India constituted the Second Press Commission on May 29, 1978. The Commission was set up under the chairmanship of Justice P.C. Goswami but he and his colleagues resigned in January 1980, with the formation of new government. The commission was reconstituted in April 1980 under the chairmanship of Justice K.K.Mathew. Objectives of the Second Press Commission The second press commission wanted the press to be neither a



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mindless adversary nor an unquestioning ally to the government. Its terms of reference included studying..

- ◆ the role of the press in a developing and democratic society.
- ◆ the present constitutional guarantee with regards to freedom of speech and expression; whether this is adequate to ensure freedom of the press, adequacy and efficacy of the laws, rules and regulations for maintaining this freedom.
- ◆ means of safeguarding the independence of the press against economic and political pressures from proprietors and management
- ◆ role of the press and the responsibilities it should assume in developmental policies
- ◆ ownership patterns, management practices and financial structures of the press, their relation to growth, editorial independence and professional integrity
- ◆ chain newspapers, links with industry, their effects on competition and on the readers' right to objective news and free comments
- ◆ the economics of the newspapers industry.

**Recommendations of the Second Press Commission:** The commission submitted its report in 1982. It wanted free press works as a responsible and constructive critic of the government. The commission felt that the editors' authority should extend not only to the contents of the advertisements but also to the proportion of space devoted to them. The commission said that for development to take place, internal stability was as important as safeguarding national security. The commission MEDIA ORGANISATION Odisha State Open University 12 said that the press has a social responsibility and accountability to the public and it cannot enjoy absolute freedom at least in developing country like India.

The main recommendations were as follow:



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- ◆ An attempt should be made to establish a cordial relation between the government and the press.
- ◆ For the development of small and medium newspaper, 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 advertisements 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



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## UNIT IV

### Cinematography act

#### CENSORSHIP OF FILMS IN INDIA

##### I. Introduction

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.

##### II Censorship of Films

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;



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- 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 v 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 v 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 v 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.

### III 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)



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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.

## **IV 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 is 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:***



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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:**



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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.

### **Prasar bharti**

**Prasar Bharati** is [India's](#) largest public broadcasting agency. It is a statutory autonomous body set up by an Act of Parliament and comprises the [Doordarshan Television Network](#) and [All India Radio](#), which were earlier media units of the [Ministry of Information and Broadcasting](#). The [Parliament of India](#) passed the Prasar Bharati Act to grant this autonomy in 1990, but it was not enacted until 15 September 1997.

Dr A. Surya Prakash is the current chairperson of Prasar Bharati (he succeeded Dr Mrinal Pandey). Shashi Shekhar Vempati is the CEO of Prasar Bharati (he succeeded Jawhar Sircar who was the CEO until November 2016)

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The Prasar Bharati Act provides for the establishment of a Broadcasting Corporation, to be known as Prasar Bharati, and define its composition, functions, and powers.<sup>[5]</sup> The Act grants autonomy to All India Radio and to Doordarshan, both of which were previously under government control. The Act received the assent of the President of India on 12 September 1990<sup>[1]</sup> after being unanimously passed by Parliament. It was finally implemented in November 1997. By the Prasar Bharati Act, all property, assets, debts, liabilities, payments of money due, as well as all suits and legal proceedings involving Akashvani (All India Radio) and Doordarshan were transferred to Prasar Bharati.

The Prasar Bharati Act vests the general superintendence, direction, and management of affairs of the Corporation in the Prasar Bharati Board which may



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exercise all such powers and do all such acts and things as may be exercised or done by the Corporation.<sup>[5]</sup>

The Prasar Bharati Board consists of:

- Chairman
- One Executive Member
- One Member (Finance)
- One Member (Personnel)
- Six Part-time Members
- Director-General ([Akashvani](#)), *ex officio*
- Director-General ([Doordarshan](#)), *ex officio*
- One representative of the Union [Ministry of Information and Broadcasting \(India\)](#), to be nominated by that Ministry and
- Two representatives of the employees, of whom one shall be elected by the engineering staff from amongst themselves and one shall be elected by the other employee from amongst themselves.

The [President of India](#) appoints the Chairman and the other Members, except the *ex officio* members, nominated member and the elected members. Board meetings must be held at least once in every three months each year. The actress [Kajol](#) has been named as part-time member for five years, until November 2021.

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## UNIT V

### Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

The **Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954** is an [Act](#) of the [Parliament of India](#) which controls advertising of drugs in [India](#). It prohibits advertisements of drugs and remedies that claim to have magical properties, and makes doing so a [cognizable offence](#).

The act defines "magic remedy" as any [talisman](#), [mantra](#), [amulet](#) or any other object which is claimed to have miraculous powers to cure, diagnose, prevent or mitigate a disease in humans or animal. It also includes such devices that are claimed to have power to influence structure or function of an organ in humans or animals.<sup>[1]</sup>

The law prohibits advertising of drugs and remedies for

- inducing miscarriage or preventing conception in women
- improving or maintaining the capacity for sexual pleasure
- correction of menstrual disorders
- curing, diagnosing or preventing any disease or condition mentioned in an included schedule

### Lok Adalat

**Lok Adalat** (People's Court) is one of the [Alternative dispute resolution](#) mechanism in India, it is a forum where cases pending on panchayat or at pre litigation stage in a court of law are settled. They have been given statutory status under the Legal Services Authorities Act, 1987. Under this Act, the award (decision) made by the Lok Adalats is deemed to be a case of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law. If the parties are not satisfied with the award of the Lok Adalat (though there is no provision for an appeal against such an award), they are free to initiate litigation by approaching the court of appropriate jurisdiction.

- The first lok adalat was held in Gujrat in 1982.
- First time held in Chennai in 1986.



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- Accepts cases pending in regular court under their jurisdiction.
- The Lok Adalat are presided over by Members of Lok Adalat; they have the role of statutory conciliators only and do not have any judicial role, therefore they can only persuade the parties to come to a settlement
- Main condition of the Lok Adalat is that both parties in dispute should agree for settlement.
- There is no court fee and if a matter pending in the court of law is referred to the Lok Adalat and is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties.
- The procedural laws and the [Evidence Act](#) are not strictly followed while assessing the merits of the claim by the Lok Adalat.
- The decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process.

Lok Adalat is very effective in settlement of money claims. Disputes like partition suits, [damages](#) and [matrimonial](#) cases can also be easily settled before Lok Adalat, as the scope for compromise through an approach of give and take is high in these cases. A Lok Adalat can take up civil cases (including marriage, and family disputes) and compoundable criminal cases .First time lok adalat was held in Gujrat in 1999

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