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college of commerce & management

B.A. (HONS.) Mass Communication II Year

Sub. – Public Administration, Society and Media Paper I

B.A. (Hons) Mass Communication- I Year

Subject : Media law & Ethics

Syllabus

Unit-I	Freedom of speech and expression, Contempt of court; Official Secrets act 1923, Right to information, Civil and Criminal law of defamation, Indian Penal Code 1860 (Section 124A, 153AB. 292,293), Criminal Procedure Code 1973 (Section -93, 95, 96,108, 144, 196, 327)
Unit-II	Prasar Bharti Act 1990, Cable TV Network regulation Act 1995. Cinematography Act 1952, Information Technology Act 2000, Convergence Laws, Media Commissions and Committees, Concept of Press Council
Unit-III	Working Journalist Act, Autonomy of public broadcasting, Intellectual property rights, Copy Right Act 1957, Cyber laws & regulations, Cyber crime
Unit-IV	Parliamentary Privileges: article 105, 193 and 361A of constitution, Guidelines for Parliamentary coverage (Geeta Mukherjee Committee's report). AIR Code for election coverage, ASCI codes (Advertising Council of India). Ethical Theory: Historical Perspectives on Ethics, Fairness and Objectivity, Debates on Objectivity Vs Subjectivity
Unit -V	Self-regulation Vs Legal Regulation, Legal rights and responsibilities of Journalists, Social Responsibility of Press and Regulatory bodies like Press Council, Editor's Guild ,Issues related to Media Ethics, Media and Human Rights, Media Vs Market, Media Trials, Sting Journalism, Discussion on Reporting of Issues relating to Violence, Religion, Caste, etc.



UNIT-I

Right to freedom of speech and expression

(Article 19 (A))

Freedom of expression has been humanity's yearning in times ancient and modern. Similarly, censorship or reasonable restrictions are also ancient and universal phenomenon. The founders of Indian constitutions are aware about co-existence of conflicting Right and Restrictions and enacted Article 19 with clear mention of Reasonable restrictions. This has further evolved with progressive judgements of Indian Judicial System.

The freedom of expression cannot be absolute in an orderly society and this raises crucial issues of the permissible limits of restrictions on freedom of expression. Such issues involve consideration of the nature of the restriction, its scope and extent, its duration and the presence or absence of an efficacious corrective machinery to challenge the restriction. Generally it is the judiciary which performs the task of reconciling freedom of expression with certain imperatives of public interest such as national security, public order, public health or morals, and individual rights such as the right to reputation and the right of privacy. The crux of the matter is whether censorship is ever justifiable and, if so, in what circumstances.

In India Judiciary has taken enormous effort to ensure delicate balance between Freedom of Speech and Expression and Reasonable restriction. It has pronounced several land mark judgements.

Introduction:

The essence of free speech is the ability to think and speak freely and to obtain information from others through publications and public discourse without fear of retribution, restrictions or repression by the Government.

The Article 19 (1) of Indian constitution provides 6 fundamental rights in the nature of freedoms which are specifically summarized with sub-clauses of Article 19 (1) as under

- (a) Freedom of speech and expression;
- (b) Assemble peaceably and without arms;
- (c) Form associations or unions;
- (d) Move freely throughout the territory of India;
- (e) Reside and settle in any part of the territory of India; and
- (f) Practise any profession, or to carry on any occupation, trade or business

The article 19(1) (a) of the Constitution of India states that, "all citizens shall have the right to freedom of speech and expression".

The philosophy behind this Article lies in the Preamble of the Constitution, where a solemn resolve is made to secure to all its citizen, liberty of thought and expression. The exercise of this right is, however,



subject to “reasonable restrictions” for certain purposes being imposed under Article 19(2) of the Constitution of India.

The Article 19 (2) states that nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence

Main Elements of Right of freedom of Speech and Expression:

1. This right is available only to a citizen of India and not to foreign nationals.
2. The freedom of speech under Article 19(1) (a) includes the right to express one's views and opinions at any issue through any medium, e.g. by words of mouth, writing, printing, picture, film, movie etc.
3. This right is, however, not absolute and it allows Government to frame laws to impose reasonable restrictions in the interest of sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, decency and morality and contempt of court, defamation and incitement to an offence.
4. This restriction on the freedom of speech of any citizen may be imposed as much by an action of the State as by its inaction. Thus, failure on the part of the State to guarantee to all its citizens the fundamental right to freedom of speech and expression would also constitute a violation of Article 19(1) (a).

Judicial creativity, judicial wisdom and judicial craftsmanship have widened the scope of freedom of speech & expression by including in it the following aspects-

- A. Freedom of Press,
- B. Freedom of Commercial Speech
- C. Right to Broadcast
- D. Right to Information
- E. Right to Criticize
- F. Right to expression beyond national boundaries

Contempt of Court

(Article 129)

Contempt of court, often referred to simply as "**contempt**", is the offense of being disobedient to or disrespectful toward a court of law and its officers in the form of behavior that opposes or defies the authority, justice, and dignity of the court. A similar attitude toward a legislative body is termed contempt of Parliament or contempt of Congress. The verb for "to commit contempt" is **contemn** (as in "to contemn a court order") and a person guilty of this is a **contemnor**.



There are broadly two categories of contempt: being disrespectful to legal authorities in the courtroom, or willfully failing to obey a court order. Contempt proceedings are especially used to enforce equitable remedies, such as injunctions. In some jurisdictions, the refusal to respond to subpoena, to testify, to fulfill the obligations of a juror, or to provide certain information can constitute contempt of the court.

When a court decides that an action constitutes contempt of court, it can issue an order that in the context of a court trial or hearing declares a person or organization to have disobeyed or been disrespectful of the court's authority, called "found" or "held" in contempt. That is the judge's strongest power to impose sanctions for acts that disrupt the court's normal process.

In India, contempt of court is of two types:

1. Civil contempt: Under Section 2(b) of the Contempt of Courts Act of 1971, civil contempt has been defined as wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.
2. Criminal contempt: Under Section 2(c) of the Contempt of Courts Act of 1971, criminal contempt has been defined as the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which:
 - i. Scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court, or
 - ii. Prejudices, or interferes or tends to interfere with the due course of any judicial proceeding, or
 - iii. Interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

Purpose and object of law of contempt

The purpose of the law of contempt is to protect the machinery of justice and the interests of the public. It provides a mechanism to prevent interference in the course of justice and to maintain the authority of the law, but it is a weapon that must be used sparingly. The object of contempt proceedings is not to protect judges personally from criticism but to protect the public by preserving the authority of the court and the administration of justice from undue attack; however, judges cannot use it to wreck personal vengeance. In the case of contempt which is not committed in the face of the court, which may be described as constructive contempt, and which depends upon the interference of an intention to obstruct the course of justice, guidelines for the exercise of the jurisdiction to commit for contempt have been laid down as follows:

Economical use of jurisdiction is desirable.

Harmonisation between free criticism and the judiciary should be the goal.



Confusion between the personal protection of a libelled judge and the prevention of obstruction of public justice should be avoided.

The press should be given free play within responsible limits, even when the focus of its critical attention is the court.

Judges should not be hyper sensitive, even where distortions and criticism overstep the limits.

Official secrets act 1923

An Act to consolidate and amend the law relating to official secrets

WHEREAS it is expedient that the law relating to official secrets should be consolidated and amended; it is hereby enacted as follows:

1. Short title, extent and application

(1) This Act may be called the Official Secrets Act, 1923.

(2) It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India.

2. 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 any 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 an department of the Government 2[***];

(7) "photograph" includes an undeveloped film or plate;

(8) "Prohibited place" means



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- (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 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 Government, which is for the time being declared by the Central Government, by notification in 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; and
- (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 Central Government.

Right to Information (RTI)

Act 2005

The Right to Information (RTI) Act is a law enacted by the Parliament of India to provide for setting out the practical regime of right to information for citizens. It was passed by Parliament on 15 June 2005 and came fully into force on 13 October 2005. The RTI Act mandates timely response to citizen requests for government information. It applies to all States and Union Territories of India, except the State of Jammu and Kashmir, which is covered 'under a State-level law.



The Act relaxes the Official Secrets Act of 1889 which was amended in 1923 and various other special laws that restricted information disclosure in India. In other words, the Act explicitly overrides the Official Secrets Act and other laws in force as on 15 June 2005 to the extent of any inconsistency.

Under the provisions of the Act, any citizen (excluding the citizens within J&K) 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. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain .. categories of information so that the citizens need minimum recourse to request for information formally.

The RTI Act specifies that citizens have a right to: request any information (as defined); take copies of documents; inspect documents, works and records; take certified samples of materials of work; and obtain information in the form of printouts, diskettes, floppies, tapes, video cassettes or in any other electronic mode.

Prior to the Act being passed by the Parliament, the RTI Laws were first successfully enacted by the state governments of Tamil Nadu (1997), Goa (1997), Rajasthan (2000), Karnataka (woo), Delhi (2001), Maharashtra (2002), Madhya Pradesh (2003), Assam (2002) and Jammu and Kashmir (2004). Some of these State level enactments have been widely used. While the Delhi RTI Act is still in force, Jammu & Kashmir has its own Right to Information Act of 2009, the successor to the repealed J&K Right to Information Act, 2004 and its 2008 amendment.

Steps to file an RTI

1. For submitting RTI application click on submit request option.
2. On clicking on submit request option 'Guideliens for use of RTI ONLINE PORTAL' screen will be displayed. This screen contains various guidelines for using RTI online portal. Citizen has to click on the checkbox 'I have read and understood the above guidelines' and then click on submit button.
3. Then Online RTI Request Form screen will be displayed. Ministry or Department for which the applicant wants to file an RTI can be selected from Select Ministry/Department/Apex body dropdown.
4. Applicant will receive sms alerts in case he/she provides mobile number. The fields marked * are mandatory while the others are optional.
5. If a citizen belongs to BPL category, he has to select the option 'Yes' in 'Is the applicant below poverty line?' field and has to upload a BPL card certificate in supporting document field. (No RTI fee is required to be paid by any citizen who is below poverty line as per RTI Rules, 2012)
6. On submission of the application, a unique registration number would be issued, which may be referred by the applicant for any references in future.
7. If a citizen belongs to Non BPL category, he has to select the option 'No' in 'Is the applicant below poverty line?' field and has to make a payment of Rs 10 as prescribed in the RTI Rules, 2012.



8. 'Text for RTI request application' should be upto 3000 characters. If the text is more than 3000 characters, then the application can be uploaded in supporting document field.
9. After filling all the details in the form, click on the 'make payment' option.
10. On clicking the option, Online Request Payment form will be displayed. The payment mode can be selected in this form, which can be; internet banking, ATM-cum-debit card or credit card.
11. After clicking on the 'Pay' button, applicant will be directed to SBI payment gateway for payment. After completing the payment process, applicant will be redirected back to RTI Online Portal.
12. The applicant will get an email and sms alert on submission of application.

Civil & Criminal law of Defamation

(sometimes known as **calumny**, **vilification** or **traducement**) is the oral or written communication of a false statement about another that unjustly harms their reputation and usually constitutes a tort or crime. In several countries, including South Korea and Sweden communicating a true statement can also be considered defamation.

Under common law, to constitute defamation, a claim must generally be false and must have been made to someone other than the person defamed. Some common law jurisdictions also distinguish between spoken defamation, called **slander**, and defamation in other media such as printed words or images, called **libel**. In the United States, false light laws protect against statements which are not technically false but are misleading.

In some jurisdictions, defamation is treated as a crime rather than a civil wrong. The United Nations Human Rights Committee ruled in 2012 that the libel law of one country, the Philippines, was inconsistent with Article 19 of the International Covenant on Civil and Political Rights as well as urging that "State parties [to the Covenant] should consider the decriminalization of libel". In Saudi Arabia, defamation of the state, or a past or present ruler, is punishable under terrorism legislation.

A person who defames another may be called a "defamer", "libeler", "slanderer" or rarely a "famicide". The term *libel* is derived from the Latin *libellus* (literally "small book", or "booklet").

Indian penal code 1860

The **Indian Penal Code (IPC)** is the official criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The code was drafted on the recommendations of first law commission of India established in 1834 under the Charter Act of 1833 under the chairmanship of Thomas Babington Macaulay. It came into force in British India during the early British Raj period in 1862. However, it did not apply automatically in the Princely states, which had their own courts and legal systems until the 1940s. The Code has since been amended several times and is now supplemented by other criminal provisions.



After the partition of the British Indian Empire, the Indian Penal Code was inherited by its successor states, the Dominion of India and the Dominion of Pakistan, where it continues independently as the Pakistan Penal Code. After the separation of Bangladesh from Pakistan, the code continued in force there. The Code was also adopted by the British colonial authorities in Colonial Burma, Ceylon (modern Sri Lanka), the Straits Settlements (now part of Malaysia), Singapore and Brunei, and remains the basis of the criminal codes in those countries.

IPC section 124 A In normal terms, sedition is an offence when any person through its words, signs, or actions, attempts or brings any feeling of hatred or feeling of disaffection in the general public against the government. When anyone incites or attempts to incite hatred or contempt in other people against the government which is established under law, it is said to be an offence committed under sedition. It is necessary that incitement should cause violence in the general public. The incitement can be verbally or in a written form, or it can also be a sign or in any other related form. When anyone commits sedition, then the person can be punished with imprisonment of 3 years or a fine or both, or the imprisonment can be extended for imprisonment for life with a fine or without a fine. The following are the essentials for the offence of sedition:-

1. First and foremost, the words should be spoken verbally or should be in written form, or actions, or it can be through signs.
2. It should incite hatred or contempt or feeling of disaffection or feeling of enmity in the general public against the government.
3. Persons who cause violence or who incite others to cause violence constitute the important elements of seditious activity. It is possible to commit sedition if you attempt to persuade people to disrespect or oppose the government in any way via activities of public disorder or violent protests.

Section 124A is useful in the fight against anti-national, separatist, and terrorist factors, among others. It defends the elected government against attempts to destroy it through the use of violent acts and illegal methods. Maintaining the legitimacy of the government established by law is a necessary condition for the cohesion of a state. If contempt of court results in criminal prosecution, then contempt of government should result in criminal prosecution as well.

Section 153A of the Indian Penal Code (IPC) deals with the offence of promoting disharmony, enmity or feelings of hatred between different groups on the grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony. The offence is a cognizable offence and the punishment for the same may extend to three years, or with fine, or with both. However, the punishment of the offence committed in a place of worship is enhanced up to five years and fine.



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Section 153B of the IPC safeguards the interests of “class of persons” and above all the “national integration” by providing punishment against imputations and assertions prejudicial to national integration.

Section 292 of IPC deals with obscenity and makes sale, hire, distribute, import, export, advertise or in any way connected in the business of any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, illegal and punishable. The important term to consider here is obscene/ obscenity which explained as any figure and object which is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt person, who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

In simple words a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, which is revealing an overt sexual interest or desire, makes/generates someone's too much interest in sex and tend to deprave and corrupt person, who are likely to read, see or hear the matter contained in it, will be considered obscene and all those persons who sells, lets to hire, distribute, has in possession, imports, exports, takes part in or receives profit from any business, advertise, any such obscene objects are for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, shall be punished under this Section

According to section 293 of Indian penal code, Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.

Criminal Procedure Code 1973

The **Code of Criminal Procedure** commonly called **Criminal Procedure Code (CrPC)** is the main legislation on procedure for administration of substantive criminal law in India. It was enacted in 1973 and came into force on 1 April 1974. It provides the machinery for the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the determination of punishment of the guilty. It also deals with public nuisance, prevention of offences and maintenance of wife, child and parents.



At present, the act contains 565 sections, 5 schedules and 56 forms. The sections are divided into 46 chapters.

Section 93 : When search-warrant may be issued.—(1) (a) Where any Court has reason to believe that a person to whom a summons order under section 91 or a requisition under sub-section (1) of section 92 has been, or might be, addressed, will not or would not produce the document or thing as required by such summons or requisition, or,

(b) where such document or thing is not known to the Court to be in the possession of any person, or
(c) where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection, it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provisions hereinafter contained.

Section 95. Power to declare certain publications forfeited and to issue search-warrants for the same.—(1) Where—

(a) any newspaper, or book, or

(b) any document, wherever printed, appears to the State Government to contain any matter the publication of which is punishable under section 124A or section 153A or section 153B or section 292 or section 293 or section 295A of the Indian Penal Code (45 of 1860), the State Government may, by notification, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to Government, and thereupon any police officer may seize the same wherever found in India and any Magistrate may by warrant authorise any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue, or any such book or other document may be or may be reasonably suspected to be.

96. Application to High Court to set aside declaration of forfeiture.—(1) Any person having any interest in any newspaper, book or other document, in respect of which a declaration of forfeiture has been made under section 95, may, within two months from the date of publication in the Official Gazette of such declaration, apply to the High Court to set aside such declaration on the ground that the issue of the newspaper, or the book or other document, in respect of which the declaration was made, did not contain any such matter as is referred to in sub-section (1) of section 95.
(2) Every such application shall, where the High Court consists of three or more Judges, be heard and determined by a Special Bench of the High Court composed of three Judges and where the High Court consists of less than three Judges, such Special Bench shall be composed of all the Judges of that High Court.

(3) On the hearing of any such application with reference to any newspaper, any copy of such



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newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the declaration of forfeiture was made.

(4) The High Court shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained any such matter as is referred to in sub-section (1) of section 95, set aside the declaration of forfeiture.

(5) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges



UNIT II

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)

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.^[5] 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^[1] 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 exercise all such powers and do all such acts and things as may be exercised or done by the Corporation.^[5]

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.



Cable Television Networks (Regulation) Act, 1995

Before the introduction of cable television in India, broadcasting was solely under the control of the State. The Government of India was caught unprepared with the emergence of cable networks and broadcasting through satellites in the early 1990s. The Government was not able to put a check on transmission and broadcast of television through foreign satellites.

The necessity of procuring licence for operating cable networks was first mentioned by the Rajasthan High Court in the case of *Shiv Cable TV System v. State of Rajasthan*. In this case, the district magistrate ordered a ban on cable networks as they were being operated without license. Subsequently the order of the district magistrate was challenged in the Rajasthan High Court on the ground that the order was in violation of fundamental right to freedom trade and profession. The high court held that there was no violation of the right to freedom of trade because cable networks fall within the definition of “wireless telegraph apparatus” under the Indian Wireless Telegraphy Act and therefore it necessary to have license to operate such network. This highlighted the need for having a framework for the regulation of cable networks in India which led to the enactment of the Cable Television Networks (Regulation) Act, 1995.

Object of the Act

The object of the Act was to regulate the ‘haphazard mushrooming of cable television networks’. Due to the lack of licensing mechanism for cable operators; this resulted in large number of cable operators, broadcasting programmes without any regulation. The Act aimed at regulating content and operation of cable networks. This was due to the availability of signals from foreign television networks via satellite communication. The access to foreign television networks was considered to be a “cultural invasion” as these channels portrayed western culture. It also wanted to lay down the “responsibilities and obligations in respect of the quality of service both technically as well content wise, use of materials protected under the copyright law, exhibition of uncertified films, and protection of subscribers from anti-national broadcasts from sources inimical to national interests”.

There were three amendments made to the Act.

The Act is divided into five chapters. The first chapter discusses the scope and extent of the Act and meaning of the terms used in the Act. The second chapter deals with “Regulation of Cable Television Network”. The third chapter relates to “Seizure and Confiscation of certain Equipments”. The fourth chapter focuses on “Offences and Penalties”. The fifth chapter covers other miscellaneous provisions.

Regulation of Cable Television Network

The regulation of cable television network under the Act is ensured through a two step process. In order to keep track of cable operators, it has mandate a compulsory registration for cable operators. It also lays down provisions to regulate content to be broadcasted by the cable operator.



Registration of Cable Operators

In order to regulate cable television networks, it was made mandatory for cable television network operators to be registered. Procedure for registration is laid down in section 5 of the Act. Any person who is operating or desires to operate a cable network may apply for registration to the registering authority.

An application for registration of cable operator has to be made under Form 1 along with the payment of fees of Rs.50 to the head post master within whose territorial jurisdiction the office of cable operator is situated. The registration certificate which is issued by the registering authority after inspection is valid for 12 months and can be renewed.

The registering authority may also refuse the registration of a cable operator. The reason for such refusal has to be recorded in writing and communicated to the applicant.

Section 4A was inserted into the Act by the TRAI (Amendment) Act, 2002. Section 4A deals with "transmission of programmes through addressable system". [Refer to section on "2003- Amendment to the Cable Television Networks (Regulation) Act, 1995 (Amendment Act)"].

Content Regulation

The Central Government, in public interest can put an obligation on every cable operator to transmit or retransmit a programme of any pay channel through addressable system. In public interest the central government may also 'specify one or more free-to-air channels to be included in the package of channels' (basic service tier). The Central Government may also, in public interest specify the maximum amount which can be charged by the operator to the subscriber for receiving the programmes transmitted in the basic service tier provided by such cable operators. The cable operators have to publicize to subscribers the subscription rates of each pay channel at regular intervals.

Sections 5 and 6 of the Act deal with advertisement code and programme code. All cable services should be in conformity with the codes. Under section 7, cable operators have to maintain a register as to the content transmitted or retransmitted. All cable operators shall compulsorily re-transmit Doordarshan channels.

Section 9 of the Act mandates 'use of standard equipment in cable television network'. It is the duty of the cable operator to make sure that the cable television networks do not interfere with authorized telecommunication systems.

Offences and Penalties

Section 11 gives power to the authorized government authority to seize any cable operator's equipment, if such officer has reason to believe that the cable operator is using the equipment without proper registration.

Sections 16, 17 and 18 of the Act deal with offences under the Act. They lay down punishments for any act which is in contravention with the provisions of the Act.



Section Ingredients of the Offence

Penalty/ Fine

16	Anyone who is held to be in violation of the provisions of this Act	For the first offence: Imprisonment for a term which may extend to 2 years or with fine which may extend to Rs. 1000 or with both. For every subsequent offence: Imprisonment for a term which may extend to 5 years and with fine which may extend to Rs. 5000.
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Section 17 deals with when an offence under this Act is committed by a company; in this case the person in charge will be liable.

The Act also gives power to the authorized officer to prohibit the transmission of certain programmes in public interest under section 19 of the Act.

Under section 20 of the Act, the Central Government in public interest may prohibit the operation cable television network. The Central Government may make such an order in the interest of the (i) sovereignty and integrity of India; or (ii) security of India; or (iii) friendly relations of India with any foreign state; or (iv) public order, decency or morality.

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;
- 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 Jaggivan 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)

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 the 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 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.

Introduction of Information Technology Act 2000, Objectives and Features

The Information Technology Act, 2000 was notified on Oct 17, 2000. It was the law that deals with law-breaking and electronic commerce in India and during this article, we are going to verify the objectives and options of the knowledge Technology act 2000. In 1996, the international organization Commission on International Trade Law (UNCITRAL) adopted the model law on electronic commerce (e-commerce) to bring uniformity within the law in several countries. Further, the overall Assembly of the international organization counselled that each one country should think about this model law before creating changes to its laws. India became the 12th country to alter cyber law once it passed the knowledge Technology Act, 2000. While the primary draft was created by the Ministry of Commerce, Government of India because of the E-Commerce Act, 1998, it was redrafted because of the 'Information Technology Bill, 1999', and passed in could 2000.

Objectives of the Act

Let us know about the objectives of the Act.

1. The Information Technology Act, 2000 provides legal recognition to the group action done via electronic exchange of information and alternative electronic suggests that of communication or electronic commerce transactions. This also involves the utilization of alternatives to a paper-



based technique of communication and knowledge storage to facilitate the electronic filing of documents with government agencies. Further, this act amended the Indian legal code 1860, the Indian proof Act 1872, the Bankers' Books proof Act 1891, and also the bank of India Act 1934. The objectives of the Act are as follows:

2. Grant legal recognition to any or all transactions are done via electronic exchange of information or alternative electronic suggests that of communication or e-commerce, intact of the sooner paper-based technique of communication.
3. Offer legal recognition to digital signatures for the authentication of any data or matters requiring legal authentication
4. Facilitate the electronic filing of documents with Government agencies and conjointly departments.
5. Facilitate the electronic storage of information.
6. Offer legal sanction and conjointly facilitate the electronic transfer of funds between banks and money establishments.
7. Grant legal recognition to bankers underneath the proof Act, 1891, and also the bank of India Act, 1934, for keeping the books of accounts in electronic kind.

Features of the Information Technology Act, 2000

Here we will check out the features of the Information Technology Act. They are as follows:

- All electronic contracts created through secure electronic channels were legally valid.
- Legal recognition for digital signatures.
- Security measures for electronic records and conjointly digital signatures are in place. A procedure for the appointment of adjudicating officers for holding inquiries underneath the Act is finalized.
- Provision for establishing a Cyber restrictive Appellant judicature underneath the Act. Further, this judicature can handle all appeals created against the order of the Controller or Adjudicating Officer.
- It charms against the order of the Cyber Appellant judicature is feasible solely within the court.
- Digital Signatures uses an uneven cryptosystem and conjointly a hash operate.
- Provision for the appointment of the Controller of Certifying Authorities (CCA) to license and regulate the operating of Certifying Authorities. The Controller acts as a repository of all digital signatures.
- The Act applies to offences or contraventions committed outside India.
- Senior law enforcement officials and alternative officers will enter any public place and search and arrest while not warrant.



- Provisions for the constitution of a Cyber laws committee to advise the Central.

Convergence Law

The dawn of the 21st century marked the end of Gutenberg era and a sea change in the field of technology, entertainment and media as a new platform was created through convergence. “Convergence” in respect of media and entertainment, in its simplest form, means the combination of new media and old media within a single piece of media work, bringing together different media products and technology.

In other words, convergence means the coalescence and merging of traditionally separated technologies and forms of communication into one, as far as possible.

Some examples

This can be illustrated by the following example: Mobile phones were devised only to make and receive calls and send instant text messages. However, with the evolution of technology, mobile phones now perform several other functions, doubling as cameras, video recorders, radios and mp3 players, and providing access to games and the internet.

This is a result of the convergence of many technologies, which allows one media product to perform many different tasks. A similar example is that of a television which, in addition to its traditional use for watching programmes or movies, is now used to play games through Xbox, PlayStation, etc.

Convergence has been most apparent in the environment of digital communications, with the merging of the television, computer and telecommunications industries. This has taken place to cater to consumer demand for access to content any time and anywhere.

The changing times have brought trans-media exploitation of branded properties including Star Wars, Pokémon and Harry Potter from Hollywood, Tare Zameen Par and Ra-One from Bollywood, and many others. To expand their potential audience and market, such brands have associated other forms of media with their original product.

The level of uncertainty has increased as a result of the drift in technology and the rise of new media markets. Moving to convergent media may prove to be expensive, unpredictable and uncertain in the beginning, but it will open many possibilities and lead to more personalized content, tailored to users’ needs and wants.

Scenario in India

The birth of the 21st century had a magical effect on India. The country entered into a new digital era in which three vital ingredients – communication, information and entertainment – would be the prime drivers of the economy.

In 2000, the government of India introduced a proposed Communication Convergence Bill (known as the Convergence Bill), with the objective of establishing a converged regulatory framework to promote and



develop the communications sector (including broadcasting, telecommunications and multimedia) in an environment of increasing convergence of technologies, services and service providers.

The regulatory framework aims to keep pace with the convergence of telecom, internet and broadcasting services, which is taking place all over the world. The Communication Bill is expected to repeal legislation such as the Indian Telegraph Act, 1885; the Indian Wireless Telegraphy Act, 1933; the Cable Television Networks (Regulation) Act, 1995; and the Telecom Regulatory Authority of India Act, 1997.

Bill's objectives

The main objectives of the Convergence Bill are:

- (a) To facilitate the development of a national communications infrastructure, in order to provide a wide choice of services to consumers;
- (b) To establish a regulatory framework that addresses the convergence of technologies, and defines the powers and roles of a single regulatory and licensing authority for broadcasting, telecommunications and multimedia;
- (c) To establish a basis for codes and standards for broadcasting content.

The bill proposes to achieve these objectives by establishing a new regulatory body, to be known as the Communications Commission of India. The commission would replace the Telecom Regulatory Authority of India, and would become the sole regulator of the broadcasting, telecommunications and multimedia sectors.

Conclusion

Convergence in the media and entertainment sector is at a nascent stage in India. Technological changes at every level are required to make it a reality. The Convergence Bill is a significant step towards the development of future-oriented vision with regard to India's information technology, broadcast, communications and entertainment industries.

FIRST PRESS COMMISSION (1952-54)

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 atleast once an year, recording its work and reviewing the performance of the press, its developments and factors affecting them

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 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:

- ♦ 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

PRESS COUNCIL OF INDIA

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 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 Rajya Sabha 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-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 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;



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- 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.
- 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.