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B.A. (Hons.) Mass communication III Year

Sub.: Indian Constitution & Media Law Paper II

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UNIT - I	The working journalism Act Press & Registration of Books Act
UNIT - II	Official Secrets Act. Copyright Act



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Sub.: Indian Constitution & Media Law Paper II

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



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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B.A. (Hons.) Mass communication III Year Sub.: Indian Constitution & Media Law Paper II

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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Sub.: Indian Constitution & Media Law Paper II

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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B.A. (Hons.) Mass communication III Year

Sub.: Indian Constitution & Media Law Paper II

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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B.A. (Hons.) Mass communication III Year

Sub.: Indian Constitution & Media Law Paper II

- 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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B.A. (Hons.) Mass communication III Year

Sub.: Indian Constitution & Media Law Paper II

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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Sub.: Indian Constitution & Media Law Paper II

- 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 ²[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 ²[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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B.A. (Hons.) Mass communication III Year

Sub.: Indian Constitution & Media Law Paper II

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.