



renaissance

college of commerce & management

Class-B.A. (Hons.) Mass communication IV sem.

Sub.: Indian Constitution & Media Law

SYLLABUS

Class – B.A. (Hons.) Mass Communication IV Sem.

Subject: Indian Constitution & Media Law

UNIT – I	Salient features of Indian constitution Fundamental Rights Fundamental duties
UNIT – II	Laws relating to the freedom & press Right to information Cinematography Act
UNIT – III	The working journalism Act Press & Registration of Books Act Official Secrets Act.
UNIT – IV	Prasar Bharti Press Council Copyright Act
UNIT – V	Code of Ethics Drug education & Youth Legal Awareness & Lok Adalat



UNIT-I

Salient Features of Indian Constitutions

- 1) **Longest Constitution** – Indian constitution is the longest written constitution, consist of 395 articles and 12 schedules. It's basic framework is taken from British Constitution.
- 2) **Sovereignty** – It declares the country as a sovereign state. It means there will be no foreign interruption in the nation's affairs.
- 3) **Socialistic approach** – India is a socialist and secular country. These words are added in the preamble by 42nd amendment.
- 4) **Democracy** – The concept of democracy, i.e. “for the people, of the people by the people” is mentioned in it.
- 5) **Mixture of Rigidity & Flexibility** – The Indian constitution is partly rigid & partly flexible. Flexibility means some parts of it could be amended easily by simple majority of votes. But some parts are difficult to be amended.
- 6) **A republic** – The constitution declare India to be a republic country. It means the highest official post of the country, i.e. the president, is not a hereditary post and he is elected for a fixed term.
- 7) **Parliamentary system** – The Indian parliamentary system is based on British parliamentary system. In this system, the execution is responsible to the legislature, it remains in power only as long & it enjoys the confidence of the legislature. The executive head is Prime Minister While actual head in president.
- 8) **A Federation** – India is a union of states. State is federal when there is two sets of government & the powers are distributed between them. The judiciary is independent which settles disputes between the centre & the states.
- 9) **Single Citizenship** – The Indian constitution recognizes single citizenship. It is either by birth or could also be earned in some special conditions, mentioned in details in the constitution. This provision promotes unity & integrity of the nation.
- 10) **Fundamental rights** – These are mentioned in the part III of the constitution and are described in details from article 12-35. These are adopted from the constitution of United States of America.
- 11) **Fundamental duties** – These are adopted from the constitution of the then USSR & they are mentioned in the article 51(A).
- 12) **Concept of directive principle:** These are mentioned in part IV, from article no 36-51. They are adopted from constitution of Ireland.



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13) **Adult Franchise** – It means every adult citizen of India can cast the vote in the elections. Balance between judiciary and parliamentary supremacy.

Fundamental Rights –

The fundamental rights are the most important part of Indian constitution which are mentioned in part III. There are initially seven fundamental rights but the “Right to property” was removed from the list by 44th amendment (1978). Hence right now there are six fundamental rights. They are determined by a committee which was headed by Sardar Vallabh Bhai Patel.

By 86th amendment the right to education also became a fundamental right according to it Free & compulsory education will be a fundamental right for the children from 6-14 years age group.

The basic fundamental rights are as follows –

Right to equality – this is most important right which are mentioned from article 14-18. They are as follows.

- Article 14 - Equality before law and equal protection of law
- Article 15 - Prohibition of discrimination on grounds only of religion, race, caste, sex or place of birth
- Article 16 - Equality of opportunity in matters of public employment
- Article 17 - End of untouchability
- Article 18 - Abolition of titles, Military and academic distinctions are, however, exempted.

Right of Freedom –

- Article 19 – It guarantees the citizens of India the following six fundamental freedoms –
 1. Freedom of speech and expression.
 2. Freedom of assembly
 3. Freedom of form associations
 4. Freedom of movement
 5. Freedom of Residence and settlement
 6. Freedom of profession, occupation, trade and business.
- Article 20 - Protection in respect of conviction for offences
- Article 21 - Protection of life and personal liberty
- Article 22 - Protection against arrest and detention in certain cases

Right against Exploitation –

- Article 23 - Traffic in human beings prohibited
- Article 24 - No child below the age of 14 can be employed.

Right to Freedom of Religion –

- Article 25 - Freedom of conscience and free profession, practice and propagation of religion
- Article 26 - Freedom to manage religious affairs
- Article 27 - Prohibits taxes on religious grounds.



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- Article 28 - Freedom as to attendance at religious ceremonies in certain educational institutions

Cultural and Educational Rights -

- Article 29 - Protection of interests of minorities
- Article 30 - Right of minorities to establish and administer educational institutions
- Article 31 - Omitted by the 44th Amendment Act

Right to Constitutional Remedies -

- Article 32 - The right to move the Supreme Court in case of their violation
- Forms of Writ check
- Habeas Corpus - Equality before law and equal protection of law.

Fundamental Duties -

The fundamental duties are that code of conduct for every Indian citizen which is necessary for the stability and prosperity of the state. They are added in Indian Constitution by the 42nd constitutional amendment in 1976. They are described in article 51(A). The concept of fundamental duties is adopted from Russian constitution. According to it -

It shall be duty of every citizen of India -

- a) To abide by the constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- b) To cherish and follow the noble ideals which inspired our national struggle for freedom;
- c) To uphold and protect the sovereignty, unity and integrity of India;
- d) To defend the country and render national service when called upon to do so;
- e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- f) To value and preserve the rich heritage of our composite culture;
- g) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- h) To develop the scientific temper, humanism and the spirit of inquiry and reform;
- i) To safeguard public property and to abjure violence.
- j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.



UNIT-II

Laws of Press related to freedom

The freedom of press is not separately mentioned in Indian constitution it is rather mentioned with freedom of expression in article 19. According to this article "Everyone has the right to free of opinion & expression. The right including freedom to hold opinions without interference & to seek, receive & import information and ideas through any media regardless of frontiers.

Freedom of press or freedom of media is basically meant with freedom of communication & expression through various media like print & electronic media. This freedom implies non-interference from on over reacting state.

The Indian Constitution does not specifically mention the freedom of press separately. It is implied in article 19(7)(a). Thus the press is subject to the restrictions that are provided under the article 19(2) of the constitution. Freedom of press is a post-independence concept, which was not prevailing in British regime.

The freedom of press is not on absolute right in India clause (2) of article 19 enable the legislature to impose certain restrictions in freedom of press. These appropriate restrictions are as follows –

Security of the State: Reasonable restrictions can be imposed on the freedom of speech and expression, in the interest of the security of the State. All the utterances intended to endanger the security of the State by crimes of violence intended to overthrow the government, waging of war and rebellion against the government, external aggression or war, etc., may be restrained in the interest of the security of the State. It does not refer to the ordinary breaches of public order which do not involve any danger to the State.

Friendly relations with foreign States: This ground was added by the Constitution (First Amendment) Act of 1951. The State can impose reasonable restrictions on the freedom of speech and expression, if it tends to jeopardise the friendly relations of India with other State.

Public order: This ground was added by the Constitution (First Amendment) Act, 1951 in order to meet the situation arising from the Supreme Court's decision in Romesh Thapar's case (AIR 1950 SC 124). The expression 'public order' connotes the sense of public peace, safety and tranquility.

In *Kishori Mohan v. State of West Bengal*, the Supreme Court explained the differences between three concepts: law and order, public order, security of State. Anything that disturbs public peace or public tranquility disturbs public order. But mere criticism of the government does not necessarily disturb public order. A law punishing the utterances deliberately tending to hurt the religious feelings of any class has been held to be valid as it is a reasonable restriction aimed to maintaining the public order.

It is also necessary that there must be a reasonable nexus between the restriction imposed and the achievement of public order. In *Superintendent, Central Prison v. Ram Manohar Lohiya* (AIR 1960 SC 633), the Court held the Section 3 of U.P. Special Powers Act, 1932, which punished a person if he incited a single person not to pay or defer the payment of Government dues, as there was no reasonable nexus between the speech and public order. Similarly, the court upheld the validity of the provision empowering a Magistrate to issue directions to protect the public order or tranquility.

Decency and morality: The word 'obscenity' is identical with the word 'indecent' of the Indian Constitution. In an English case of *R. v. Hicklin*, the test was laid down according to which it is seen 'whether the tendency of the matter charged as obscene tend to deprave and corrupt the minds which are open to such immoral influences'. This test was upheld by the Supreme Court in *Ranjit D. Udeshi v. State of Maharashtra* (AIR 1965 SC 881). In this case the Court upheld the conviction of a book seller who was prosecuted under Section 292, I.P.C., for selling and keeping the book *Lady Chatterley's Lover*. The standard of morality varies from time to time and from place to place.



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Contempt of court: The constitutional right to freedom of speech would not allow a person to contempt the courts. The expression Contempt of Court has been defined Section 2 of the Contempt of Courts Act, 1971. The term contempt of court refers to civil contempt or criminal contempt under the Act. But judges do not have any general immunity from criticism of their judicial conduct, provided that it is made in good faith and is genuine criticism, and not any attempt to impair the administration of justice. In *E.M.S. Namboodripad v. T.N. Nambiar* ((1970) 2 SCC 325; AIR 1970 SC 2015), the Supreme Court confirmed the decision of the High Court, holding Mr. Namboodripad guilty of contempt of court. In *M.R. Parashar v. Farooq Abdullah* ((1984) 2 SCC 343; AIR 1984 SC 615.), contempt proceedings were initiated against the Chief Minister of Jammu and Kashmir. But the Court dismissed the petition for want of proof.

Defamation: The clause (2) of Article 19 prevents any person from making any statement that injures the reputation of another. With the same view, defamation has been criminalised in India by inserting it into Section 499 of the I.P.C.

Incitement to an offence: This ground was also added by the Constitution (First Amendment) Act, 1951. The Constitution also prohibits a person from making any statement that incites people to commit offence.

Sovereignty and integrity of India: This ground was also added subsequently by the Constitution (Sixteenth Amendment) Act, 1963. This is aimed to prohibit anyone from making the statements that challenge the integrity and sovereignty of India.

RTI

Right to information

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 (2000), 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.



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At the national level, given the experience of state governments in passing practicable legislation, the Central Government appointed a working group under H.D. Shourie to draft legislation. The Shourie draft, in an extremely diluted form, became the basis for the Freedom of Information Bill, 2000 which eventually became law under the Freedom of Information (Fol) Act, 2002. The Fol Act, however, never came into effective force as it was severely criticised for permitting too many exemptions, not only under the standard grounds of national security and sovereignty, but also for requests that would involve 'disproportionate diversion of the resources of a public authority'. Further, there was no upper limit on the charges that could be levied and there were no penalties for not complying with a request for information.

The failure of Fol Act led to sustained pressure for a better National RTI enactment. The first draft of the Right to Information Bill was presented to Parliament on 22 December 2004. Subsequently, more than a hundred amendments to the draft Bill were made before the bill was finally passed. The Law is applicable to all constitutional authorities, including the executive, legislature and judiciary; any institution or body established or constituted by an act of Parliament or a state legislature.

Bodies or authorities established or constituted by order or notification of appropriate government including bodies "owned, controlled or substantially financed" by government, or non-Government organizations "substantially financed, directly or indirectly by funds" provided by the government are also covered by the Law. While private bodies are not within the Act's ambit directly, in a landmark decision of 30 November 2006 (Sarbjit Roy versus DERC) the Central Information Commission reaffirmed that privatised public utility companies continue to be within the RTI Act their privatisation notwithstanding.

Under the Act, all authorities covered must appoint their Public Information Officer (PIO). When any person submits a request to the PIO for information in writing, it is the PIO's obligation to provide information. Further, if the request pertains to another public authority (in whole or part) it is the PIO's responsibility to transfer/forward the concerned portions of the request to a PIO of the other authority within five days. In addition, every public authority is required to designate Assistant Public Information Officers (APIOs) to receive RTI requests and appeals for forwarding to the PIOs of their public authority.

The RTI Act specifies that a citizen making the request is not obliged to disclose any information except his/her name and contact particulars. The Act also specifies time limits for replying to the request. If the request has been made to the PIO, the reply is to be given within 30 days of receipt. In the case of APIO, the reply is to be given within 35 days of receipt. If the request is transferred by to PIO to another public authority the time allowed to reply is computed from the day on which it is received by the PIO of the transferee authority.

In case of information concerning corruption and Human Rights violations by scheduled Security agencies, the time limit is 45 days but with the prior approval of the Central Information Commission. However, if life or liberty of any person is involved, the PIO is expected to reply within 48 hours.

The information under RTI has to be paid for except for Below Poverty Level Card (BPL Card) holders. Hence, the reply of the PIO is necessarily limited to either denying the request (in whole or part) and/ or providing a computation of further fees. The time between the reply of the PIO and the time taken to deposit the further fees for information is excluded from the time allowed. If information is not provided within the time limit, it is treated as deemed refusal. Refusal with or without reasons may be ground for appeal or complaint. Further, information not provided in the times prescribed is to be provided free of charge.



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Considering that providing each and every information asked for under the Act may severely jeopardise national interest, some exemptions to disclosure are provided for in the Act. Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court; information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature; information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party.

Information available to a person in his fiduciary relationship; information received in confidence from foreign Government; information which would impede the process of investigation or apprehension or prosecution of offenders; and cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers are some of the exemptions. Notwithstanding any of these exemptions, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

The officer who is the head of all the information under the Act is Chief Information Commissioner (CIC). At the end of year CIC is required to present a report which contains: the number of requests made to each public authority; the number of decisions when applicants were not given permission to access to the documents which they request, the provisions of the Act under which these decisions were made and the number of times such provisions were filed; details of disciplinary action taken against any officer in respect of the administration of the Act; and the amount of charges collected by each public authority under the Act.

Cinematograph act

This is an Act to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs. The act came into force all over India except in the State of Jammu and Kashmir. In Sikkim it came in to effect in 1983.

Any reference in this Act to any law which is not in force, or any functionary not in existence, in the state of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.

Note: As far as the issue of granting license to exhibit cinema shows is concerned, the provisions of the Cinematograph Act, 1918 (Act 2 of 1918) are still in force in Part A and Part B States. The other provisions apply to the whole of India.

Under this Act "Adult" means a person who has completed his eighteenth year, "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures, "film" means a cinematograph film, "regional officer" means a regional officer appointed by the Central Government and "Tribunal" means the Appellate Tribunal.

For the purpose of sanctioning films for public exhibition, the Board of Film Certification formed by the Central Government shall consist of a Chairman and 12-25 other members. The Chairman shall receive salary and allowance and the other members shall receive such allowances or fees for attending the meetings of the Board.

Examination and certification of films:

Any person desiring to exhibit any film shall make an application to the Board for a certificate and after examining the film the Board may:

- (i) Sanction the film for unrestricted public exhibition and grant "U" certificate.



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[Regarding any material in the film, if it is necessary to caution that any child below the age of twelve years may be allowed to see such a film should be considered by the parents or guardian of such child, the Board may sanction the film for unrestricted public exhibition and grant a "UA" certificate.]

(ii) Sanction the film for public exhibition restricted to adults and issue "A" certificate, or

(iii) (A) sanction the film for public exhibition restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film and issue "S" certificate; or

A certificate granted by the Board under this Section shall be valid throughout India for a period of ten years.

(iv) Direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for public exhibition under any of the foregoing clauses; or

(v) Refuse to sanction the film for public exhibition.

The Board shall take any decision only after giving an opportunity to the applicant for representing his views in the matter.

Advisory panel:

For helping the Board efficiently discharge its functions the Central Government may establish at such regional centers advisory panels. The advisory panel when asked by the Board has to examine the film and make recommendations it thinks fit. The number of members is to be decided by the government.

Principles for guidance in certifying films: The film or any part of it should not be against the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or involve defamation or contempt of court or incite any offence. Censorship in India has full justification in the field of the exhibition of cinema films in the interest of society. It is justified under the Constitution.

Appeal:

Any Person applying for a certificate, if not satisfied by the order of the Board, may, within thirty days from the date of such order, appeal by a petition in writing (mentioning the reasons for the order along with the prescribed fees) to the Tribunal: If the Tribunal is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the aforesaid period of thirty days, it may allow appeal within a further period of thirty days.

Constitution of Appellate Tribunal: For hearing such an appeal, the Central Government shall, by notification in the Official Gazette, constitute an Appellate Tribunal consisting of a chairman and not more than four other members. The Chairman of the Tribunal should be a retired Judge of a High Court, or one qualified to be a Judge of a High Court. The Central Government may appoint a Secretary and such other employees as it may think necessary for the efficient performance of the functions of the Tribunal. The head office of the Tribunal shall be at New Delhi or where the Central Government may specify. The Tribunal, after making inquiry into the matter, and after giving the appellant and the Board an opportunity of being heard, make order, it thinks fit and the Board shall dispose of the matter in conformity with such order.

Suspension and revocation of certificate:

The Central Government may, by notification in the Official Gazette, suspend a certificate granted for a period or may revoke altogether if it is satisfied that-The film, in respect of which the certificate was granted, was being exhibited in a form other than the one in which it was certified.

Note: No action under this section shall be taken except after giving an opportunity to the person concerned for representing his views in the matter.



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Review of orders by Central Government:

If an applicant is aggrieved by any order of the Central Government under Section 5-E, he may, within sixty days of the date of publication of the notification in the Official Gazette, make an application to the Central Government for review of the order, setting out in such application the grounds on which he considers such review to be necessary. If Central Government is satisfied that the applicant was prevented by sufficient cause from filing an application for review within the aforesaid period of sixty days, it may allow such application to be filed within a further period of sixty days. The Central Government, may, after making further inquiry, pass such order as it thinks fit, confirming, modifying or reversing its decision and the Board shall dispose of the matter in conformity with such order.

Provisional powers of the Central Government:

The Central Government may, at any stage, call for the record of any proceeding in relation to any film which is pending before, or has been decided by the Board or decided by the Tribunal (but not any matter which is pending before the Tribunal) and after making inquiry, make order and the Board shall dispose of the matter accordingly. No such order shall be made, except after giving the concerned an opportunity for representing his views in the matter. Until the government decides the film will be considered uncertified.

Information and documents to be given to distributors and exhibitors with respect to certified films:

The title, the length of the film, the number and the nature of the certificate granted in and the conditions, if any, subject to which it has been so granted, and any other particulars respecting the film which may be prescribed.

Penalties for contraventions of this:

If any person exhibits or permits to be exhibited, in any place, any film not conforming to the conditions as in section 6(a) or alters or tampers or fails to comply with any order, he shall be punishable with imprisonment for a term up to three years, or with fine up to one lakh rupees, or with both. In the case of a continuing offence, a further fine up to twenty thousand rupees for each day during which the offence continues might be imposed.

Power of seizure:

If a film for which no certificate has been granted under this Act is exhibited, or if a film is exhibited in contravention of any of the other provisions of this Act or of any order made by the Central Government, the Tribunal or the Board, then any public officer may, enter any place and search it and seize the film.

Power to exempt:

The Central Government may, by order in writing exempt the exhibition of any film or class of films from any of the provisions of this Part or of any rules made there under.

Cinematograph exhibitions to be licensed (10):

No person shall give an exhibition elsewhere other than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such license. The Central Government may from time to time so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure and adequate opportunity of being exhibited. Such directions shall be deemed to be additional conditions and restrictions.

Power of Central Government or local authority to suspend exhibition of films in certain cases:

The Lieutenant- Governor or, as the case may be, the Chief Commissioner and the district magistrate within his jurisdiction can suspend the exhibition of the film, if he is of opinion that public exhibition is likely to cause a breach of the peace and order. Central Government may either confirm or discharge the order.

Power to revoke licence:

If the licensee has been convicted of an offence the licence may be revoked by the licensing authority.



UNIT-III 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.

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.



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- 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 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.



Payment of Gratuity where-

- 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 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 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.



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- 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.
- 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 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 4India 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 calender month after the day on which any such book shall first be delivered out of the press, one such copy, and,



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- 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 therefor.
- 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 same 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 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.



UNIT-IV PRASAR BHARATI

Prasar Bharati is a statutory autonomous body established under the Prasar Bharati Act and came into existence on 23.11.1997. It is the Public Service Broadcaster of the country. The objectives of public service broadcasting are achieved in terms of Prasar Bharati Act through All India Radio and Doordarshan, which earlier were working as media units under the Ministry of Information & Broadcasting. The Prasar Bharati is established by an act which was made for establishment of a Broadcasting Corporation. The act defines the composition, functions and powers of the Prasar Bharati. The Act grants autonomy to Akashvani and Doordarshan, which were previously under government control. The Act received assent of President of India on September 12, 1990. After being unanimously passed by Parliament, it was finally implemented in November 1997. By the Prasar Bharati Act, all the property, assets, debts, liabilities, payments of money due, all suits and legal proceedings involving Akashvani (All India Radio) and Doordarshan were transferred to Prasar Bharati.

Prasar Bharati Board consists of:

- Chairman- Appointed by the President of India.
- 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 to be nominated by that Ministry and
- Two representatives of the employees of the Corporation, 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 Board shall meet not be less than six meetings every year but three months shall not intervene between one meeting and the next meeting.

Functions and Objectives-

The primary duty of the Corporation is to organise and conduct public broadcasting services to inform, educate and entertain the public and to ensure a balanced development of broadcasting on radio and television.

The Corporation shall, in the discharge of its functions, be guided by the following objectives, namely:

- Upholding the unity and integrity of the country and the values enshrined in the Constitution.
- Safeguarding the citizen's right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and presenting a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own.
- Paying special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health and family welfare and science and technology.
- Providing adequate coverage to the diverse cultures and languages of the various regions of the country by broadcasting appropriate programmes.
- Providing adequate coverage to sports and games so as to encourage healthy competition and the spirit of sportsmanship.
- Providing appropriate programmes keeping in view the special needs of the youth.
- Informing and stimulating the national consciousness in regard to the status and problems of women and paying special attention to the upliftment of women.



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- Promoting social justice and combating exploitation, inequality and such evils as untouchability and advancing the welfare of the weaker sections of the society.
- Safeguarding the rights of the working classes and advancing their welfare.
- Serving the rural and weaker sections of the people and those residing in border regions, backward or remote areas.
- Providing suitable programmes keeping in view the special needs of the minorities and tribal communities.
- Taking special steps to protect the interests of children, the blind, the aged, and the handicapped and other vulnerable sections of the people.
- Promoting national integration by broadcasting in a manner that facilitates communication in the languages in India; and facilitating the distribution of regional broadcasting services in every State in the languages of that State.
- Providing comprehensive broadcast coverage through the choice of appropriate technology and the best utilisation of the broadcast frequencies available and ensuring high quality reception.
- Promoting research and development activities in order to ensure that radio and television broadcast technology are constantly updated.

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 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-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;
 - 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;



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- 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.

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, 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,
- 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



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- Sound recordings.

An artistic work means-

- 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;
- a work of architecture; and
- 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.
- 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
- 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



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- 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 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:

- 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;



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- 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 21st 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,



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- 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;
- 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.*



Code of Ethics

The primary themes common to most codes of journalistic standards and ethics are the following-

- Reporters are expected to be as accurate as possible given the time allotted to story preparation and the space available, and to seek reliable sources.
- Corrections are published when errors are discovered
- Defendants at trial are treated only as having "allegedly" committed crimes, until conviction, when their crimes are generally reported as fact.
- Opinion surveys and statistical information deserve special treatment to communicate in precise terms any conclusions, to contextualize the results, and to specify accuracy, including estimated error and methodological criticism or flaws.
- Reporting the truth is almost never libel, which makes accuracy very important.
- Private persons have privacy rights that must be balanced against the public interest in reporting information about them.
- Publishers vigorously defend libel lawsuits filed against their reporters, usually covered by libel insurance.
- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.
- Ethical standards should not be confused with common standards of quality of presentation, including correctly spoken or written language, clarity and brevity.
- An in house news ombudsman could be appointed who can keep news organizations honest and accountable to the public.
- Media bias and sensationalism must be avoided.
- Among the leading news organizations that voluntarily adopt and attempt to uphold the common standards of journalism ethics described herein, adherence and general quality varies considerably. The professionalism, reliability and public accountability of a news organization are three of its most valuable assets. An organization earns and maintains a strong reputation, in part, through a consistent implementation of ethical standards, which influence its position with the public and within the industry.
- Accuracy is important as a core value and to maintain credibility, but especially in broadcast media, audience share often gravitates toward outlets that are reporting new information first. Different organizations may balance speed and accuracy in different ways.
- Laws with regard to personal privacy, official secrets, and media disclosure of names and facts from criminal cases and civil lawsuits differ widely, and journalistic standards may vary accordingly. Different organizations may have different answers to questions about when it is journalistically acceptable to skirt, circumvent, or even break these regulations.



Society of Professional Journalists: Code of Ethics

The Society of Professional Journalists created a code of ethics that are in effect today. The main mantra of the code is "Seek truth and Report it!" The code also states that: "Journalists should be honest, fair, and courageous in gathering, reporting, and interpreting information. Journalists should:"

- "Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible."
- "Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing."
- "Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability."
- "Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises."
- "Make certain that headlines, news teases, and promotional material, photos, video, audio, graphics, sound bites, and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context."
- "Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations."
- "Avoid misleading reenactments or staged news events. If reenactment is necessary to tell a story, label it."
- "Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story."
- "Never plagiarize."
- "Tell the story of the diversity and magnitude of the human experience boldly, even, when it is unpopular to do so."
- "Examine their own cultural values and avoid imposing on those values on others."
- "Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance, or social status."
- "Support the open exchange of views, even views they find repugnant."
- "Give voice to the voiceless; official and unofficial sources of information can be equally valid."
- "Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or content."
- "Distinguish news from advertising, and shun hybrids that blur the lines between the two."
- "Recognize and special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection."

Minimize Harm "Ethical journalists treat sources, subjects, and colleagues as human beings deserving of respect. Journalists should-

- "Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and in-experiences sources or subjects."
- "Be sensitive when seeking or using interviews or photographs of those affected by tragedy or guilt."
- "Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance."
- "Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence, or attention. Only an overriding public need can justify intrusion into anyone's privacy."
- "Show good taste. Avoid pandering to lurid curiosity."
- "Be cautious of identifying juvenile suspects or victims of sex crimes."
- "Be judicious about naming criminal suspects before the formal filing of charges."



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- "Balance a criminal suspect's fair trial rights with the public's right to be informed."

Act Independently "Journalists should be free of obligation to any interest other than the public's right to know. Journalists should-

- "Avoid conflict of interest, real or perceived."
- "Remain free of associations and activities that may compromise integrity or damage credibility."
- "Refuse gifts, favors, fees, free travel, and special treatment, and shun secondary employment, political involvement, public office, and service in community organizations if they compromise journalistic integrity."
- "Disclose unavoidable conflicts."
- "Be vigilant and courageous about holding those with power accountable."
- "Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage."
- "Be wary of sources offering information for favors or money; avoid bidding for news."

Be Accountable "Journalists are accountable to their readers, listeners, viewers, and each other. Journalists should:"

- "Clarify and explain news coverage and invite dialogue with the public over journalistic conduct."
- "Encourage the public to voice grievances against the news media."
- "Admit mistakes and correct them promptly."
- "Expose unethical practices of journalists and the news media."
- "Abide by the same high standards to which they hold others."

Drug Education and Youth

The drug addiction is one of the major problems in India among the youngsters. The youth is spoiling its career as well as the valuable life in the addiction of various kinds of drugs like smack, brown sugar, LSD, Marizuana, opium products etc. this is not only their personal problem but now has become a national concern. However it is a challenge to keep them away from this bad habit. Today it has become the need of the hour to keep the youngsters at an arms' length from the drug addiction. Hence it is necessary to teach them about the bad impacts of drug addiction in a very early age, if possible from the school days. It requires a proper strategy and planning to keep them away from this bad habit. Planning includes developing strategies for helping children and young people engage with relevant drug-related issues during opportunistic and brief contacts with them as well as during more structured sessions. Drug education enables children, youth and adults to develop the knowledge, skills and attitudes to appreciate the benefits of living healthily (which may or may not include the use of psychoactive substances), promote responsibility towards the use of drugs and relate these to their own actions and those of others, both now and in their future lives. It also provides opportunities for people to reflect on their own and others' attitudes to various psychoactive substances, their use and the people who use them.

Drug education campaigns & programs

Drug education can be given in numerous forms, some more effective than others. Examples include advertising and awareness raising campaigns. In addition there could be school based drug education programs. In efforts to prevent problematic substance use, drug education may perpetuate myths and stereotypes about psychoactive substances and people who use them. along with this activities like sports and arts could also be better weapon to keep the youth engaged and occupied in productive activities rather than drug addiction.

Such activities can act as as catalysts to engage young people on their own turf, putting them in contact with positive role models (coaches/trained youth workers). After building a trusting relationship with a young person, these role models can gradually change attitudes towards drug use and steer the young person back into education, training and employment. This approach reaches young people who have dropped out



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of mainstream education. It also has additional benefits for the community in reduced crime and anti-social behavior.

School-based drug education

School-based drug education began with the anti-alcohol "temperance education". Past research into drug education has indicated that to be effective it must involve engaging, interactive learning strategies that stimulate higher-order thinking, promote learning and be transferable to real life circumstances. Current challenges from this approach exist in adopting evidence-based school drug education programmes. Currently, in the majority of countries where preventive drug education programs and courses exist, they are established and funded by the Government. These education programs aim to educate adolescents about illicit drug use in an effort to prevent illegal drug use while highlighting the dangers of substance abuse.

In addition to government funded programs, a number of not-for-profit organisations and NGOs also provide drug education programs to adolescents. These preventative programs aim to deliver a progressive approach that will motivate and encourage young people to make positive decisions in life. Emphasis within these programs is also placed in focusing on deterring peer pressure as a means of empowering adolescents and promoting autonomy.

Legal Awareness and Lok Adalat

Legal awareness is the empowerment of individuals regarding issues involving the law. Legal awareness helps to promote consciousness of legal culture, participation in the formation of laws and the rule of law. Public legal education comprises a range of activities intended to build public awareness and skills related to law and the justice system. This term also refers to the fields of practice and study concerned with those activities, and to a social and professional movement that advocates greater societal commitment to educating people about the law.

Lok Adalat is a system of alternative disputes resolution developed in India. It roughly means "People's court". India has had a long history of resolving disputes through the mediation of village elders. The system of Lok Adalats is based on the principles of the Panch Parmeshwar of Gram Panchayats which were also proposed by Mahatma Gandhi. The idea of Lok Adalat was mainly advocated by Justice P.N. Bhagwati, a former Chief Justice of India. Lok Adalat is a non-adversarial system, whereby mock courts (called Lok Adalats) are held by the State Authority, District Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee, or Taluk Legal Services Committee. They are held periodically for exercising such jurisdiction as they determine. These are usually presided over by retired judges, social activists, or other members of the legal profession. The Lok Adalats can deal with all Civil Cases, Matrimonial Disputes, Land Disputes, Partition/Property Disputes, Labour Disputes etc., and compoundable criminal Cases. The first Lok Adalat was held in 1985 in Delhi where more than 150 cases were solved within a day. The focus in Lok Adalats is on compromise. When no compromise is reached, the matter goes back to the court. However, if a compromise is reached, an award is made and is binding on the parties. The disputing parties plead their case themselves in Lok Adalats. No advocate or pleader is allowed, even witnesses are not examined. No court fee is levied. Speedy justice is given to the people of all classes of society. Award has same effect as of a Civil Court decree. It was the Legal Services Authority Act 1987, which gave statutory status to Lok Adalat.

NEED FOR LOK ADALATS

As Justice Ramaswamy said: "Resolving disputes through Lok Adalat not only minimizes litigation expenditure, it saves valuable time of the parties and their witnesses and also facilitates inexpensive and prompt remedy appropriately to the satisfaction of both the parties".

Law Courts in India face mainly four problems:



CASES SUITABLE FOR LOK ADALAT

Lok Adalats have competence to deal with a number of cases like:

- Compoundable civil, revenue and criminal cases
- Motor accident compensation claims cases
- Partition Claims
- Damages Cases
- Matrimonial and family disputes
- Mutation of lands case
- Land Pattas cases
- Bonded Labour cases
- Land acquisition disputes
- Bank's unpaid loan cases
- Arrears of retirement benefits cases
- Family Court cases
- Cases which are not sub-judice

ORGANISATION OF LOK ADALAT:

The State Authority and District Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee and Taluk Legal Services Committee (mentioned in Section 19 of the Act) can organize Lok Adalats at such intervals and Permanent Lok Adalat as may be deemed fit. Every Lok Adalat so organized shall consist of:(a) Serving or retired judicial officers,(b) Other persons, as may be specified.

- The experience and qualification of "other persons" in a Lok Adalat conducted by Supreme Court Legal Services Committee shall be prescribed by the Central Government in consultation with the Chief Justice of India. At present, Rule 13 of the National Legal Services Authorities Rules, 1995 prescribes such experience and qualifications as:
 - A member of the legal profession; or
 - A person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes; or
 - An eminent social worker who is engaged in the up-liftment of weaker sections of people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour. The experience and qualification of "other persons" mentioned in clause (b) shall be prescribed by the State Government in consultation with the Chief Justice of High Court.

Process for the Lok Adalat proceeding-

When all the parties to the case agree for referring the case to Lok Adalat, or When one of the party to the case makes an application to court, praying to refer the case to Lok Adalat and the court is prima facie satisfied that there are chances for settlement.

Suo Moto- Where the court is satisfied that the matter is an appropriate one to be taken cognizance of, by the Lok Adalat, then the court shall refer the case to the Lok Adalat, after giving a reasonable opportunity for hearing to all the parties. Further, the Authority or Committee organising Lok Adalat may, on application from any party to a dispute, refer the said dispute to Lok Adalat, after giving a reasonable opportunity for hearing to all the parties. Lok Adalat shall proceed to dispose of a case referred to it expeditiously. It shall be guided by principles of law, justice, equity and fair Permanent Lok Adalat. It shall yearn to reach a settlement or compromise between parties.

When no compromise or settlement is accomplished, the case is to be returned to the court which referred it. Then the case will proceed in the court from the stage immediately before the reference. Then the case will proceed in the court.