



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

Subject : Media law & Ethics

Syllabus

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



UNIT-I

Right to freedom of speech and expression

(Article 19 (A))

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

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

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

Introduction:

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

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

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

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

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



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

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

Main Elements of Right of freedom of Speech and Expression:

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

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

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

Contempt of Court

(Article 129)

Contempt of court, often referred to simply as "**contempt**", is the offense of being disobedient to or disrespectful toward a court of law and its officers in the form of behavior that opposes or defies the authority, justice, and dignity of the court. A similar attitude toward a legislative body is termed contempt



of Parliament or contempt of Congress. The verb for "to commit contempt" is **contemn** (as in "to contemn a court order") and a person guilty of this is a **contemnor**.

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

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

In India, contempt of court is of two types:

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

Purpose and object of law of contempt

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



Economical use of jurisdiction is desirable.

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

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

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

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

Official secrets act 1923

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

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

1. Short title, extent and application

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

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

2. Definitions

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

(1) any reference to a place belonging to Government includes a place occupied by any department of the Government, whether the place is or is not actually vested in Government;

(2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself, or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of any sketch, plan, model, article, note or document;

(3) "document" includes part of a document;

(4) "model" includes design, pattern and specimen;

(5) "munitions of war" includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine intended or adopted for use in war, and any other article, material or device, whether actual or proposed, intended for such use;

(6) "Office under Government" includes any office or employment in or under a department of the Government 2[***];



- (7) "photograph" includes an undeveloped film or plate;
- (8) "Prohibited place" means
- (a) any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, camp, ship or aircraft belonging to, or occupied by or on behalf of Government, any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory, dockyard or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plants, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war;
- (b) any place not belonging to Government where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten or stored under contract with, or with any person on behalf of Government, or otherwise on behalf of Government;
- (c) any place belonging to or used for the purpose of Government which is for the time being declared by the Central Government, by notification in the Official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality;
- (d) any railway, road way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of Government, which is for the time being declared by the Central Government, by notification in Official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality;
- (9) "sketch" includes any photograph or other mode of representing any place of thing; and
- (10) "Superintendent of Police" includes any police officer of a like or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the Central Government.

Right to Information (RTI)

Act 2005

The Right to Information (RTI) Act is a law enacted by the Parliament of India to provide for setting out the practical regime of right to information for citizens. It was passed by Parliament on 15 June 2005 and came fully into force on 13 October 2005. The RTI Act mandates timely response to citizen requests for



government information. It applies to all States and Union Territories of India, except the State of Jammu and Kashmir, which is covered 'under a State-level law.

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

Under the provisions of the Act, any citizen (excluding the citizens within J&K) may request information from a 'public authority' (a body of Government or 'instrumentality of State') which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain .. categories of information so that the citizens need minimum recourse to request for information formally.

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

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

Steps to file an RTI

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



7. If a citizen belongs to Non BPL category, he has to select the option 'No' in 'Is the applicant below poverty line?' field and has to make a payment of Rs 10 as prescribed in the RTI Rules, 2012.
8. 'Text for RTI request application' should be upto 3000 characters. If the text is more than 3000 characters, then the application can be uploaded in supporting document field.
9. After filling all the details in the form, click on the 'make payment' option.
10. On clicking the option, Online Request Payment form will be displayed. The payment mode can be selected in this form, which can be; internet banking, ATM-cum-debit card or credit card.
11. After clicking on the 'Pay' button, applicant will be directed to SBI payment gateway for payment. After completing the payment process, applicant will be redirected back to RTI Online Portal.
12. The applicant will get an email and sms alert on submission of application.

Civil & Criminal law of Defamation

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

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

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

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

Indian penal code 1860

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



systems until the 1940s. The Code has since been amended several times and is now supplemented by other criminal provisions.

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

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

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

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

Section 153A of the Indian Penal Code (IPC) deals with the offence of promoting disharmony, enmity or feelings of hatred between different groups on the grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony. The offence is a cognizable offence



and the punishment for the same may extend to three years, or with fine, or with both. However, the punishment of the offence committed in a place of worship is enhanced up to five years and fine.

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

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

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

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

Criminal Procedure Code 1973

The **Code of Criminal Procedure** commonly called **Criminal Procedure Code (CrPC)** is the main legislation on procedure for administration of substantive criminal law in India. It was enacted in 1973 and came into force on 1 April 1974. It provides the machinery for the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the



accused person and the determination of punishment of the guilty. It also deals with public nuisance, prevention of offences and maintenance of wife, child and parents.

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

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

(b) where such document or thing is not known to the Court to be in the possession of any person, or

(c) where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection, it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance there with and the provisions here in after contained.

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

(a) any newspaper, or book, or

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

96. Application to High Court to set aside declaration of forfeiture.—(1) Any person having any interest in any newspaper, book or other document, in respect of which a declaration of forfeiture has been made under section 95, may, within two months from the date of publication in the Official Gazette of such declaration, apply to the High Court to set aside such declaration on the ground that the issue of the newspaper, or the book or other document, in respect of which the declaration was made, did not contain any such matter as is referred to in sub-section (1) of section 95.

(2) Every such application shall, where the High Court consists of three or more Judges, be heard and determined by a Special Bench of the High Court composed of three Judges and where the High Court consists of less than three Judges, such Special Bench shall be composed of all the Judges of that High



Court.

(3) On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the declaration of forfeiture was made.

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

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



UNIT II

Prasar bharti

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

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

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

The Prasar Bharati Act vests the general superintendence, direction, and management of affairs of the Corporation in the Prasar Bharati Board which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation.^[5]

The Prasar Bharati Board consists of:

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

The President of India appoints the Chairman and the other Members, except the *ex officio* members, nominated member and the elected members. Board meetings must be held at least once in every three months each year.



Cable Television Networks (Regulation) Act, 1995

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

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

Object of the Act

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

There were three amendments made to the Act.

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

Regulation of Cable Television Network

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



Registration of Cable Operators

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

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

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

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

Content Regulation

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

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

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

Offences and Penalties

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

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



Section Ingredients of the Offence

Penalty/ Fine

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

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

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

Cinematography act

CENSORSHIP OF FILMS IN INDIA

I. Introduction

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

II Censorship of Films

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



regulatory body in India that issues a certificate to the makers of films for public exhibition. Once the Board has examined a film, the Board can:

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

One of the first cases where the issue of censorship of film was raised is *K A Abbas v Union of India*, where the Supreme Court of India considered the vital question related to pre-censorship of cinematography in relation to the freedom of speech and expression that is guaranteed under the Constitution of India. It was held by Hidayatullah, C.J, that censorship of films which includes pre-censorship was constitutionally lawful. Though, he added, that unjustified restriction on freedom of expression by the Board should not be exercised. In the case of *S. Rangrajan v Jagjivan Ram*, Supreme Court faced a similar question, and was of the view that '*if the exhibition of the film could not be validly restricted under Article 19(2), risk of procession and demonstration was not a valid ground to suppress the same.*' The Supreme Court added that it was the State's duty to protect the freedom of expression. The Supreme Court of India in giving its judgement in the case of *Bobby Art International v Om Pal Singh Hoon* was of the opinion that, a film must be judged in its entirety. The court added that where the theme of the film is to condemn violence and degradation, scenes of expletives to advance the message, which was the main intention of the film, is permissible.

III Types of Certifications

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

1. Universal (U)

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

2. Parental Guidance (UA)

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

3. Adults Only (A)

As the certification suggests, this type of film is restricted to adults only. Persons above the age of 18 are adults, for the meaning of this certification. The theme may contain disturbing, violent, drug abuse and other related scenes which are not considered suitable for viewing by children who may be influenced by



the same negatively. Films that meet the requisites of the abovementioned criteria but are not suitable for exhibition to children or those below the age of 18 shall be certified A.

4.Restricted to Special Class of Persons (S)

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

IV OBJECTIVES OF FILM CERTIFICATION

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

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

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

1. Activities that anti-social such as violence are not justified or glorified;
2. The way criminals are depicted, and other related words or visuals must not incite the commission of any kind of offence;
3. The scenes showing ridicule and abuse of mentally and physically handicapped, cruelty or abuse of animals, involving children as victims of violence and abuse must not be presented needlessly;
4. Avoidable or pointless scenes of cruelty, horror and violence that are intended to provide entertainment but may have the effect of dehumanizing or desensitizing people are not shown;
5. Scenes that glorify or justify drinking are not shown;
6. Scenes that tend to justify, glamourize or encourage drug addiction are not shown. Additionally, similar scenes for the consumption of tobacco or smoking must not be shown;
7. Human susceptibilities are not offended by obscenity, vulgarity or obscenity;
8. Words with dual meanings that cater to dishonourable instincts are not used;
9. Scenes denigrating or degrading women in any manner is not shown;
10. Scenes that involve sexual violence against women in the form of rape or any other form of molestation are avoided. If the theme of the movie requires so, the same must shall be reduced to a minimum and no details are to be shown. The same goes for scenes that involve sexual perversion;
11. Words or visuals contemptuous of religious, racial or other groups must not be presented;



12. Words or visuals that promote obscurantist, communal, anti-national and anti-scientific attitude are not shown;
13. The integrity and sovereignty of the country is not called in question;
14. The security of the country is not endangered or jeopardized;
15. Relations with foreign states are not overwrought;
16. Public order is maintained, and not hindered;
17. Words or visuals involving defamation of a body or an individual, or contempt of court are not shown;
18. National emblems and symbols are not presented except according to the provisions of Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950).

C. The Board shall additionally ensure that a film:

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

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

Introduction of Information Technology Act 2000, Objectives and Features

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

Objectives of the Act

Let us know about the objectives of the Act.

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



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

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

Features of the Information Technology Act, 2000

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

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



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

Convergence Law

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

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

Some examples

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

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

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

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

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

Scenario in India

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

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



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

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

Bill's objectives

The main objectives of the Convergence Bill are:

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

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

Conclusion

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

FIRST PRESS COMMISSION (1952-54)

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

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



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

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

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

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

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

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

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

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

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

SECOND PRESS COMMISSION (1978/80-82)

The second Press Commission came barely 15 months after the first experience of government censorship that the Indian Press went through during Emergency, 1975- 1977. After the emergency was lifted, the new government of India constituted the Second Press Commission on May 29, 1978. The Commission was set up under the chairmanship of Justice P.C. Goswami but he and his colleagues resigned in January 1980, with the formation of new government. The commission was reconstituted in April 1980 under the chairmanship of Justice K.K.Mathew. Objectives of the Second Press Commission The second press commission wanted the press to be neither a mindless adversary nor an unquestioning ally to the government. Its terms of reference included studying..

- ◆ the role of the press in a developing and democratic society.



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

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

The main recommendations were as follow:

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

PRESS COUNCIL OF INDIA

The Press Council is a statutory and quasi-judicial body, which acts as a watchdog of the press. It adjudicates the complaints against and by the press for violation of ethics and for violation of the freedom of the press respectively. The Press Council of India governs the conduct of the print media. The Press



Council of India was first set up on 4 July 1966 by the Parliament to regulate the press in India. The council was formed on the recommendations of the first Press Commission (1952-1954). The stated objectives were "to help newspapers maintain their independence" and to "raise the standards" through a code of conduct, maintaining "high professional standards" and "high standards of public taste". However, after 1978, the Council functions under the Press Council Act 1978 which arose from the recommendations of the Second Press Commission of India (1978) which argued, among other things, for a "cordial relationship between the government and the press".

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

Organizational structure

The Press Council is headed by a Chairman: usually a retired judge of supreme court of India (except for the first chairman, Justice Mudholkar, who was a sitting judge of Supreme Court of India in 1968). The Council consists of 28 other members of whom 20 represent the press and are nominated by the press organisations/news agencies recognised and notified by the Council as all India bodies of categories such as editors, working journalists and owners and managers of newspaper; 5 members are nominated from the two houses of Parliament, i.e. Lok Sabha and 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;
- 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.



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.
- 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 journalists has been in continuous service, whether before or after the commencement of this Act for not less than 3 years in any newspaper establishment and
 - i) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever, otherwise than a punishment inflicted by way of disciplinary action or
 - ii) he retires from services on reaching the age of superannuation or



- any working journalist has been in continuous service whether before or after the commencement of this Act for not less than 10 years in any newspaper establishment and he voluntarily resigns
- any working journalist has been in continuous service whether before or after the commencement of this Act for not less than 3 years in any newspaper establishment and he voluntarily resigned on or after 1st day of July 1961, from services in that newspaper establishment on any ground whatsoever other than on the ground of conscience or
- any working journalist dies while he is in service in any newspaper establishment

Autonomy of Public Broadcasting

The topic is same as Prasar Bharti which is described in previous unit.

Intellectual property (IP)

Intellectual property (IP) is a category of property that includes intangible creations of the human intellect. There are many types of intellectual property, and some countries recognize more than others. The best-known types are copyrights, patents, trademarks, and trade secrets. The modern concept of intellectual property developed in England in the 17th and 18th centuries. The term "intellectual property" began to be used in the 19th century, though it was not until the late 20th century that intellectual property became commonplace in the majority of the world's legal systems.

The main purpose of intellectual property law is to encourage the creation of a wide variety of intellectual goods. To achieve this, the law gives people and businesses property rights to the information and intellectual goods they create, usually for a limited period of time. This gives economic incentive for their creation, because it allows people to benefit from the information and intellectual goods they create, and allows them to protect their ideas and prevent copying. These economic incentives are expected to stimulate innovation and contribute to the technological progress of countries, which depends on the extent of protection granted to innovators.

Intellectual property rights include patents, copyright, industrial design rights, trademarks, plant variety rights, trade dress, geographical indications, and in some jurisdictions trade secrets. There are also more specialized or derived varieties of *sui generis* exclusive rights, such as circuit design rights (called mask work rights in the US), supplementary protection certificates for pharmaceutical products (after expiry of a patent protecting them), and database rights (in European law). The term "industrial property" is sometimes used to refer to a large subset of intellectual property rights including patents, trademarks, industrial designs, utility models, service marks, trade names, and geographical indications.



COPYRIGHT ACT 1957

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-

- Original literary, dramatic, musical and artistic works;
- Cinematograph films; and
- 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
- 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;
- 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,

- 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.*

Cyber Laws and Regulation

Technology has grown exponentially over the past two decades. As time goes by, we continuously benefit from and increase our dependence on technology. Web applications, drones, mobile applications, industrial automation, machine learning applications, and other technologies have changed our lives. But there are immense dangers that these technologies bring us. Therefore, our governments have introduced cyber security laws.

The Scale of the cyber threat

The United States government spends approximately 19 billion dollars every year on cybersecurity. But cyber-attacks continue to increase every year rapidly.

There are three main threats cybersecurity efforts attempt to mitigate:

Cybercrime: includes single or colluded acts to target systems for financial gain or to cause disruption.

Cyber-attacks: often involves politically motivated information gathering

Cyber-terrorists: are intended to undermine electronic systems to cause panic or fear.

With this in mind, cyber security laws are designed to provide protection and counter cyber-attacks.



Virtually all organizations today have an online component, so cybersecurity laws apply to nearly every business.

What do cybersecurity laws cover?

Cyber security laws and regulations tend to cover the most common matters that arise from cyber threats. These matters include a focus on criminal activity, corporate governance, insurance matters, and law enforcement jurisdiction.

Cybersecurity Laws of the Past

In the previous century, cybersecurity laws did not hold much weight. The type of cyber-crime being committed at that time was not as damaging as it is today. The laws of the time were comparable to copyright protection or laws about software piracy.

But now the threat has elevated and much more severe cyber-crimes the norm. These crimes range from the deployment of ransomware to actual treason. Now, serious action must be taken to counter and deter such crimes. The increased threat has led to increased legislative action.

Current Cybersecurity Laws

Fines as significant as five million dollars and lengthy jail terms have been put in place to curb such activities. The institution of such penalties for cyber-crimes may still not be enough given the damage hackers can cause.

Before 2015, the federal government of the United States was unaware of several attempted data breaches on private institutions. All this changed with the **Cybersecurity Act of 2015**. After numerous attempts, Congress passed legislation that allowed companies in the U.S to share personal information related to cybersecurity with the government. The government could use this information as evidence to prosecute crimes.

Difficulty in Prosecution

In the past, cybersecurity crimes were difficult to prosecute for the following reasons:

Area of jurisdiction

One of the reasons prosecutors had trouble was a result of Jurisdiction. Many times the person committing the crime was outside of the country or legal jurisdiction of the court. This is why the United States is focused on the international stage and establishing allies in the cyber world.

Many cybercrimes go unreported.

A majority of cyber-crimes do not get prosecuted because they do not report the crime to the authorities. Small, medium, and even large organizations have failed to disclose breaches because of the negative impact and loss of trust that would occur.



Evidence collection was quite difficult.

Digital Forensics has evolved dramatically in recent years. Best practices and strict processes have been developed to identify and preserve evidence that can be used to prosecute cyber-criminals. But in the not-so-distant past, it was challenging to prosecute cyber-criminals because few people had the expertise needed to gather and preserve the evidence.

Cyber-criminals use advanced methods to cover their tracks.

The use of TOR and VPNs allows hackers to operate with a certain degree of anonymity. Beyond this, hackers work tirelessly to cover their tracks. Cyber-criminals are on the cutting edge of research, and they continuously work to be more challenging to identify, track, and apprehend.

What sorts of activities are criminalized by law?

Cyber security laws and regulations affect the crimes in the various sectors where they are committed. The sectors include federal law or county law.

Activities that are made criminal by cybersecurity laws include:

- Computer hacking
- Economic espionage
- Corporate espionage
- Identity theft
- Breaking into computer systems, accessing unauthorized data, modifying or deleting the data
- Stealing confidential information
- Unauthorized publication or use of communications
- Criminal infringement of copyright
- Spreading of fake news
- Sexual exploitation of children
- Defacing internet websites
- Flooding websites with increased volumes of irrelevant internet traffic make sites unavailable to the actual users who are supposed to be viewing them.

Are you concerned about cybercrime? Understanding exactly what cybercrime is, the different types, and how to protect yourself from it will help put your mind at rest.

This article explores cybercrime in depth so that you know exactly what threats you need to protect yourself against to stay safe online. We discuss:

- What cybercrime is.
- Types of cybercrime.
- What counts as cybercrime with examples?
- How to protect yourself against cybercrime.



Cyber Crime

What is cybercrime?

Cybercrime is criminal activity that either targets or uses a computer, a computer network or a networked device.

Most, but not all, cybercrime is committed by cybercriminals or hackers who want to make money.

Cybercrime is carried out by individuals or organizations.

Some cybercriminals are organized, use advanced techniques and are highly technically skilled. Others are novice hackers.

Rarely, cybercrime aims to damage computers for reasons other than profit. These could be political or personal.

Types of cybercrime

Here are some specific examples of the different types of cybercrime:

- Email and internet fraud.
- Identity fraud (where personal information is stolen and used).
- Theft of financial or card payment data.
- Theft and sale of corporate data.
- Cyber extortion (demanding money to prevent a threatened attack).
- Ransom ware attacks (a type of cyber extortion).
- Crypto jacking (where hackers mine crypto currency using resources they do not own).
- Cyber espionage (where hackers access government or company data).

Most cybercrime falls under two main categories:

- Criminal activity that *targets*
- Criminal activity that *uses* computers to commit other crimes.

Cybercrime that *targets* computers often involves viruses and other types of malware.

Cybercriminals may infect computers with viruses and malware to damage devices or stop them working.

They may also use malware to delete or steal data.

Cybercrime that stops users using a machine or network, or prevents a business providing a software service to its customers, is called a Denial-of-Service (DoS) attack.

Cybercrime that *uses* computers to commit other crimes may involve using computers or networks to spread malware, illegal information or illegal images.

Sometimes cybercriminals conduct both categories of cybercrime at once. They may target computers with viruses first. Then, use them to spread malware to other machines or throughout a network.

Cybercriminals may also carry out what is known as a Distributed-Denial-of-Service (DDoS) attack. This is similar to a DoS attack but cybercriminals use numerous compromised computers to carry it out.



The US Department of Justice recognizes a third category of cybercrime which is where a computer is used as an accessory to crime. An example of this is using a computer to store stolen data.

The US has signed the *European Convention of Cybercrime*. The convention casts a wide net and there are numerous malicious computer-related crimes which it considers cybercrime. For example:

- Illegally intercepting or stealing data.
- Interfering with systems in a way that compromises a network.
- Infringing copyright.
- Illegal gambling.
- Selling illegal items online.
- Soliciting, producing or possessing child pornography.

Examples of cybercrime

So, what exactly counts as cybercrime? And are there any well-known examples?

In this section, we look at famous examples of different types of cybercrime attack used by cybercriminals. Read on to understand what counts as cybercrime.

Malware attacks

A malware attack is where a computer system or network is infected with a computer virus or other type of malware.

A computer compromised by malware could be used by cybercriminals for several purposes. These include stealing confidential data, using the computer to carry out other criminal acts, or causing damage to data.

A famous example of a malware attack is the WannaCry ransomware attack, a global cybercrime committed in May 2017.

Ransomware is a type of malware used to extort money by holding the victim's data or device to ransom.

WannaCry is type of ransomware which targeted a vulnerability in computers running Microsoft Windows.

When the WannaCry ransomware attack hit, 230,000 computers were affected across 150 countries.

Users were locked out of their files and sent a message demanding that they pay a BitCoin ransom to regain access.

Worldwide, the WannaCry cybercrime is estimated to have caused \$4 billion in financial losses.

Phishing

A phishing campaign is when spam emails, or other forms of communication, are sent en masse, with the intention of tricking recipients into doing something that undermines their security or the security of the organization they work for.



Phishing campaign messages may contain infected attachments or links to malicious sites. Or they may ask the receiver to respond with confidential information

A famous example of a phishing scam from 2018 was one which took place over the World Cup. According to reports by *Inc*, the World Cup phishing scam involved emails that were sent to football fans.

These spam emails tried to entice fans with fake free trips to Moscow, where the World Cup was being hosted. People who opened and clicked on the links contained in these emails had their personal data stolen.

Another type of phishing campaign is known as spear-phishing. These are targeted phishing campaigns which try to trick specific individuals into jeopardizing the security of the organization they work for.

Unlike mass phishing campaigns, which are very general in style, spear-phishing messages are typically crafted to look like messages from a trusted source. For example, they are made to look like they have come from the CEO or the IT manager. They may not contain any visual clues that they are fake.

Distributed DoS attacks

Distributed DoS attacks (DDoS) are a type of cybercrime attack that cybercriminals use to bring down a system or network. Sometimes connected IoT (internet of things) devices are used to launch DDoS attacks.

A DDoS attack overwhelms a system by using one of the standard communication protocols it uses to spam the system with connection requests.

Cybercriminals who are carrying out cyberextortion may use the threat of a DDoS attack to demand money. Alternatively, a DDoS may be used as a distraction tactic while other type of cybercrime takes place.

A famous example of this type of attack is the 2017 DDoS attack on the UK National Lottery website. This brought the lottery's website and mobile app offline, preventing UK citizens from playing.

How to protect yourself against cybercrime

So, now you understand the threat cybercrime represents, what are the best ways to protect your computer and your personal data? Here are our top tips:

Keep software and operating system updated

Keeping your software and operating system up to date ensures that you benefit from the latest security patches to protect your computer.

Use anti-virus software and keep it updated

Using anti-virus or a comprehensive internet security solution like Kaspersky Total Security is a smart way to protect your system from attacks.



Anti-virus software allows you to scan, detect and remove threats before they become a problem. Having this protection in place helps to protect your computer and your data from cybercrime, giving you piece of mind.

If you use anti-virus software, make sure you keep it updated to get the best level of protection.

Use strong passwords

Be sure to use strong passwords that people will not guess and do not record them anywhere. Or use a reputable password manager to generate strong passwords randomly to make this easier.

Never open attachments in spam emails

A classic way that computers get infected by malware attacks and other forms of cybercrime is via email attachments in spam emails. Never open an attachment from a sender you do not know.

Do not click on links in spam emails or untrusted websites

Another way people become victims of cybercrime is by clicking on links in spam emails or other messages, or unfamiliar websites. Avoid doing this to stay safe online.

Do not give out personal information unless secure

Never give out personal data over the phone or via email unless you are completely sure the line or email is secure. Make certain that you are speaking to the person you think you are.

Contact companies directly about suspicious requests

If you get asked for data from a company who has called you, hang up. Call them back using the number on their official website to ensure you are speaking to them and not a cybercriminal.

Ideally, use a different phone because cybercriminals can hold the line open. When you think you've re-dialed, they can pretend to be from the bank or other organization that you think you're speaking to.

Be mindful of which website URLs you visit

Keep an eye on the URLs you are clicking on. Do they look legitimate? Avoid clicking on links with unfamiliar or spammy looking URLs.

If your internet security product includes functionality to secure online transactions, ensure it is enabled before carrying out financial transactions online.

Keep an eye on your bank statements

Our tips should help you avoid falling foul of cybercrime. However, if all else fails, spotting that you have become a victim of cybercrime quickly is important.

Keep an eye on your bank statements and query any unfamiliar transactions with the bank. The bank can investigate whether they are fraudulent.

Now you understand the threat of cybercrime, protect yourself from it.



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