

MEDIA REGULATIONS:

- Freedom of Speech and Expression
- Law of Defamation
- Contempt of Court
- Cyber Crimes
- Censorship
- RTI
- Copyright
- Self Regulations

FREEDOM OF SPEECH AND EXPRESSION:

- The role of press is to be a watchdog and act as a catalytic agent to hasten the process of socially and economic change in the society. Journalism is the voice of the people about corruption, the government, and the use and misuse of power.
- Legislation in the shape of laws and acts, is a convenient way of controlling the mass media.
- In general press freedom means freedom unless specifically prohibited by law, to gather, print and publish information and to set up technologies in pursuit of such objectives, to claim and gain access to information.
- The press, including individual journalists and media organizations, demand freedom because of the functions they discharge for the benefit of the society.

FREEDOM OF PRESS - ARTICLE 19(1)(A)

- Freedom of press is not specifically mentioned in article 19(1) (a) of the Constitution and what is mentioned there is only freedom of speech and expression.
- In the Constituent Assembly Debates it was made clear by Dr. Ambedkar, Chairman of the Drafting Committee, that no special mention of the freedom of press was necessary at all as the press and an individual or a citizen were the same as far as their right of expression was concerned.
- To preserve the democratic way of life it is essential that people should have the freedom to express their feelings and to make their views known to the people at large.
- The press, a powerful medium of mass communication, should be free to play its role in building a strong viable society.
- The right to freedom of speech and expression carries with it the right to publish and circulate one's ideas, opinions and other views with complete freedom and by resorting to all available means of publication. The right to freedom of the press includes the right to propagate ideas and views and to publish and circulate them.

ARTICLE 19(2)

- The freedom of the press is not absolute, just as the freedom of expression is not. Public Interest has to be safeguard by article 19(1)(2) which lays down reasonable limitations to the freedom of expression in matters affecting:
 - a. Sovereignty and integrity of the State
 - b. Security of the State
 - c. Friendly relations with foreign countries
 - d. Public order
 - e. Decency and morality
 - f. Contempt of court
 - g. Defamation
 - h. Incitement to an offence

LAW OF LIBEL AND DEFAMATION

- Defamation simply means tarnishing somebody's image. It is an injury to a man's reputation.
- It means speaking or writing something damaging or diminishing the status or personality or prestige of a person or an organization.
- There are two types of defamation:
 1. Libel- it is a written form of defamation
 2. Slander- it is a spoken form of defamation

DEFAMATION AND LIBEL

- Section 499 of the Indian Penal Code defines defamation as- ‘Whoever, by words either spoken or intended to be read, or by signs or by visible, representations makes or publishes any imputation concerning any person intending to harm, or having reason to believe that such imputation will harm the reputation of such person, is said except in cases here in after expected, to defame that person.’
- Punishment for Defamation:
- Section 500, 501, and 502 of the Indian Penal Code deals with the punishment for defamation. Section 500 of the Indian Penal Code lays down, ‘whoever defames another shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both.’

CONTEMPT OF COURT

- Contempt of court and legislature is also one of the reasonable restrictions under Article 19 20 of the Indian constitution. Contempt of court was enacted for the first time in the year 1952.
- According to this Act, a person is said to be offender of contempt of courts under following circumstances:
- Charging the judge with unreasonably and inability.
- Expressing doubts on the prestige, status, rights or fairness of the judiciary
- Publication of any comment on the matters which are under the proceedings of the court and which may mislead the general public and which lead them to be prejudiced
- To cast aspersion or to attempt in influence or the judge, jury, advocates or witness of any matters which are under the proceeding of the court
- To interfere in the judicial administration
- To threat the witnesses
- To attempt to obstruct the police inquiry
- Against the order of the judge, publication of the proceedings of the court or the publications of the picture of the accused
- Publications of the report of the proceedings of the court and distorting the facts
- Wrongful publication of the proceeding of the courts and distorting the facts.

CYBER CRIME

- Cybercrimes are covered under **Information Technology Act (IT Act) and the Indian Penal Code**. The IT Act, 2000, which came into force on October 17, 2000, deals with cybercrime and electronic commerce.
- The term “cybercrime” is not defined under any statute in India. But in the wider sense, it could mean, any activity done with criminal intent in cyberspace, where the computer could be a tool as well as the victim.
- Cybercrime could involve traditional criminal activities like theft, fraud, mischief, forgery, or defamation which are subject to the Indian Penal Code, 1860; and the new age crimes are subject to the Information Technology Act, 2000.
- There are various types of cybercrimes which are divided into mainly 3 headings based on their target-
- Cybercrimes against person such as pornography, defamation, harassment via mail, email bombing, cyberstalking, cyber extortion, etc. These are the most important cybercrimes known today and are capable of causing potential harm to humanity.
- Cybercrimes against property such as cyber vandalism, data theft, transmitting the virus, unauthorized computer trespassing, IPR infringement, credit card frauds, etc
- Cybercrimes against the government are like cyber terrorism. Cyberspace is misused by individuals and certain groups to threaten international governments and their citizens by cracking the official governmental or military websites.

CENSORSHIP

- Censorship is the control of speech and other forms of human expression. In many cases, it is exercised by governing bodies.
- The visible motive of censorship is often to stabilize or improve the society that the government would have control over.
- It is most commonly applied to acts that occur in public circumstances, and most formally involves the suppression of ideas by criminalizing or regulating expression.
- Censorship is exercised through legislation such as Section 95 of the CCP which has the power to declare certain publications forfeited and to issue search warrants for the same.
- **Censorship is practiced by institutions such as the CBFC (Central Bureau of Film Certification), established under The Cinematograph Act, 1952. The CBFC is a film regulatory body which not only adheres to primitive standards of censorship but is also rigid about these standards.**
- **The CBFC dismissed the Shyam Benegal Committee Report on amendments to the laws applying to CBFC.**

- With respect to films; in India, we have four categories of films. “U” (unrestricted exhibition), “UA” (unrestricted exhibition except for children below 12 years of age), “A” (restricted to adults only), and “S” (restricted to a specific class of persons).

RTI-Right to Information

- ❖ The **Right to Information (RTI)** is an act of the Parliament of India which sets out the rules and procedures regarding citizens' right to information.
- ❖ Under the provisions of RTI Act, any citizen of India 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.
- ❖ In case of matter involving a petitioner's life and liberty, the information has to be provided within 48 hours.
- ❖ The RTI Bill was passed by Parliament of India on 15 June 2005 and came into force with effect from 12 October 2005.
- ❖ Many activists view the Right to Information Act as a final liberation from British colonialism; they describe the RTI law as “a tool for empowering ordinary citizens and changing the culture of governance by making it transparent, less corrupt, participatory, and accountable”.

COPYRIGHT LAW

- Copyright is a bundle of rights given by the law to the creators of literary, dramatic, musical and artistic works and the producers of cinematograph films and sound recordings.
- The rights provided under Copyright law include the rights of reproduction of the work, communication of the work to the public, adaptation of the work and translation of the work.
- The scope and duration of protection provided under copyright law varies with the nature of the protected work.
- The Indian copyright law protects literary works, dramatic works, musical works, artistic works, cinematograph films and sound recordings.

SELF REGULATIONS OF MEDIA

- **Media in India is mostly self-regulated. The existing bodies for regulation of media such as the Press Council of India which is a statutory body and the News Broadcasting Standards Authority, a self-regulatory organization, issue standards which are more in the nature of guidelines.**
- **The PCI was established under the PCI Act of 1978 for the purpose of preserving the freedom of the press and of maintaining and improving the standards of newspapers and news agencies in India.**
- **The PCI has limited powers of enforcing the guidelines issued.**
- **It cannot penalize newspapers, news agencies, editors and journalists for violation of the guidelines.**
- **The PCI only overviews the functioning of press media. That is, it can enforce standards upon newspapers, journals, magazines and other forms of print media. It does not have the power to review the functioning of the electronic media like radio, television and internet media.**