

## Magazine Journalism

The magazine journalism, also termed as periodical press, bristles with excitement. There are more magazines in English, and more than that, in regional languages on the newsstands, bookstalls and stores today than ever before. And there is place for all kinds of magazines; general-interest magazines, speciality magazines, newsmagazines, house-magazines, etc. In fact, magazine journalism, in India has been, in a way, trendsetter; young editors got a chance to break new grounds, innovate and improvise-posing challenge to their creative ability and talent in the face of stiff competition.

Magazine journalism is vitally different from newspaper journalism in several important aspects. Magazines lend perspective to contemporary events, they serve as interpreters and analysts of trends and events. Comparatively free from the deadline rush of the daily press, magazines are in a position to add a bit of background, researched effort and back reference to the contemporary events. With a more durable cover and stitched pages, magazines are not ephemeral things, to be flipped over and cast aside.

Magazines perform a middle distance role between newspapers and books while newspapers report events as they occur and the books interpret them in historical perspective, magazines add a new dimension—that of investigation, data and analysis. Another basic

difference between the magazine and newspaper is; while a newspaper does not aim at a single special group, and must have something of everything for almost everybody, magazines are generally designed for specific target groups. Magazines provide immense diversity, almost in every aspect—cover design and layout, contents and perspective, variety of subjects, etc.

The modern magazine is essentially a product of advances in printing technology fostered in America in the later quarter of the nineteenth century. In the early twentieth century America witnessed phenomenal industrial growth which perked up magazine industry. In order to create market outlets for consumer goods, publicity and advertisement campaigns launched through magazines helped reduce their production costs and expand circulation. Thus dawned the era of mass circulation magazines. Heavily dependent upon advertising as the main source of revenue, the magazine industry had to face stiff competition from television and films and some magazines were eliminated.

Television offered the advertisers cheaper and more efficient means of reaching the mass audience. When the once-great and eminently successful magazines, Life and Look disappeared in the seventies for lack of advertising, it heralded the beginning of the specialized-audience magazines, which catered to limited groups. These mass magazines were victims of mounting production costs, high mailing rates and diversion of advertisement to television. Reader's Digest, with the largest circulation of any American magazine (it has come out with an Asian edition, is, however an exception).

In the Indian magazine world, general-interest magazine is flourishing and special interest periodicals are growing in number. The Illustrated Weekly of India, after having completed a century of publication was a popular general-interest English magazine, was closed down. It is indeed a sorry state of affairs because the magazine was fairly successful in what may be termed as "pictorial story telling", and in informing and apprising the Indians about India itself, its various communities, castes and sub-castes.

Indian newsmagazines flourished in aftermath of emergency—political gossips, scandals and shady deals all filled the bill. Subsequently some of the newsmagazines, India Today, Sunday Week, Frontline and Outlook have been quite successful in catching the attention and imagination of the reading public.

The growth of India Today, which started as a fortnightly

newsmagazine in 1975, in a way, mirrors the progress of journalism in the country during the quarter century. The birth of the newsmagazine heralded the emergence of a magazine boom. This newsmagazine could not have occurred without the improvements and innovations in printing technology, and support from the advertising industry. Analyzing the factors for the growth and progress of *India Today*, its editor, Artoon Purie wrote in the Tenth Anniversary Issue (31 December 1985—The Decisive Decade) as under:

Fortunately for the country, and *India Today*, the last decade has been a period of enormous innovation and advancement, once the Emergency was ended. There has been a new freshness, a new breed of journalists breaking new ground, new technologies such as the word processor and computer terminal, a broad-basing of mass media ownership following from a new entrepreneurship in journalism, increased advertising support, and much more. If journalists and publishers have benefited from all these, the readers have benefited even more.

The newsmagazine covers a wide range of subjects from politics, which dominates its pages, to sports and films, social themes, human interest stories from AIDS and women's rights to human rights. In 1986, the new magazine branched out into Hindi with the same name from its base in Delhi. This was later extended to other languages like Gujarati, Malayalam and Tamil.

Film magazines, which are referred to as mags by the film writers, have a large readership both in English and regional languages. These magazines inculcate in the readers a sense of film appreciation about Indian and foreign films, undertake detailed coverage of film events, but more than that they trade gossips, rumours and stories about the heroes and heroines. The foremost film magazine is *Stardust of Bombay* with the highest circulation followed by *Filmfare*, *Femina*, *Women's Era* and *New Women* are the magazines brought out by the Times of India group.

In America special interest magazines form a very large segment of the magazine industry—magazines about family living, science-interest publication, youth magazines, travel guides, etc. In India too such magazines—like *Femina*, *Eve's Weekly*, *Science Today* have achieved a very good standard in matters of content, popularity and impact.

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Business newsmagazines—specialized business publications serving specific business industrial or professional audience include *Business India*, *Business World* and *Business Today*. Magazines, for instance those dealing exclusively with photography, gardening, cooking and architecture have also come up. A magazine like *Design* in the field of architecture urban planning, fine arts, graphic arts, can be compared with the best anywhere.

Table 5 : Top Twenty Dailies

S.No.	Paper/Centre of Publication	Language
1.	<i>Malayala Manorama</i> , Kottayam, Kozhikode, Kochi, Thiruvananthapuram, Palakkad	Malayalam
2.	<i>Times of India</i> , Bombay, Delhi, Ahmedabad, Bangalore, Patna, Lucknow	Hindi
3.	<i>Punjab Kesari</i> , Jalandhar, Ambala, Delhi	Hindi
4.	<i>Aj. Varanasi</i> , Kanpur, Gorakhpur, Patna, Allahabad, Ranchi, Agra, Jamshedpur, Lucknow	Gujarati
5.	<i>Gujarat Samachar</i> , Ahmedabad, Baroda, Rajkot, Surat, Bombay	English
6.	<i>Indian Express</i> , Bombay, Delhi, Ahmedabad, Baroda, Chandigarh, Coimbatore, Hyderabad, Kozhikode, Kochi, Nagpur, Madras, Madurai, Pune, Vijayawada, Bangalore, Visakhapatnam	Hindi
7.	<i>Jagran</i> , Kanpur, Agra, Bareilly, Delhi (Noida), Gorakhpur, Jhansi, Lucknow, Meerut, Varanasi	Malayalam
8.	<i>Mahrashtra</i> , Kozhikode, Kochi, Thiruvananthapuram, Trichur	English
9.	<i>Hindu</i> , Madras, Bangalore, Coimbatore, Delhi, Hyderabad, Madurai, Visakhapatnam	Telugu
10.	<i>Evenadu</i> , Hyderabad, Visakhapatnam, Vijayawada, Tirupati, Anantapur, Karimnagar, Rajamundry	Bengali
11.	<i>Ananda-Bazar Patrika</i> , Calcutta	Gujarati
12.	<i>Sandesh</i> , Ahmedabad, Baroda, Surat, Rajkot	Hindi
13.	<i>Navbharat Times</i> , Bombay, Delhi, Patna, Jaipur	English
14.	<i>Hindustan Times</i> , Delhi, Patna	Tamil
15.	<i>Dinathanthri</i> , Madras, Madurai, Coimbatore, Tirunelveli, Tiruchirapalli, Vellore, Cuddalore, Salem, Bangalore, Pondicherry	Hindi
16.	<i>Rajashan Patrika</i> , Jaipur, Jodhpur, Bikaner, Udaipur, Kota	Hindi
17.	<i>Hindustan</i> , Delhi, Patna	Hindi
18.	<i>Navbharat</i> , Nagpur, Bhopal, Raipur, Indore, Jabalpur, Bilaspur	Marathi
19.	<i>Navakal</i> , Bombay	Hindi
20.	<i>Amar Ujala</i> , Agra, Bareilly, Meerut, Moradabad	

Magazine journalism has boosted creative talent in many areas including free lance writing and photojournalism. Magazines have a comparatively smaller number of staff, for they invite and accept articles and commission writings on specific subjects from writers and journalists who free lance for several newspapers and magazines. Magazine editors employ photographers, illustrators and designers for giving aesthetic and bold look to their publications. Young aspiring writers, with luck, find outlet in magazine journalism. Apart from free lance journalists and cartoonists, magazine editors employ photographers, illustrators and designers in literacy, reading habits of the people, urbanization and improvement in purchasing power magazines definitely have a promising future.

### NEWS AGENCIES

A news agency, according to UNESCO, is "an undertaking of which the principal objective, whatever its legal form, is to gather news and news material of which the sole purpose is to express or present facts, and to distribute this to a group of news enterprises, and in exceptional circumstances to private individuals with a view to providing them with as complete and impartial a news service as possible against payment, and under conditions compatible with business laws and usage."

News agencies attained great importance with the invention and progress of telegraph, teleprinters and other technical departments in the field of quick transmission and long distance transmission. They reduce the cost of gathering news.

A news agency generally deals with news coverage. It combines spot coverage with interpretation of the important political and economic events. Although its emphasis is limited, the news agency plays a very important role in shaping public opinion on crucial national and international affairs.

The news agency does not deal directly with the public. It works through the intermediary of the other means of mass communication, namely, the press, radio and television. Essentially, it plays the role of a wholesale supplier of news. The media depend on material supplied by the news agencies mainly put of economic necessity. In order to have a wide coverage the newspaper has to maintain a costly network of staff reporters, correspondents, offices, bureaus and telecommunication equipments on a world-wide scale. We are however aware that many newspapers of our country, and more so most of the

newspapers of the Third World countries cannot even maintain a proper network of correspondents within their own country of operation. Only a few newspapers can afford this investment and recurring expenditure. For a majority of the news media, the news agencies are a major source of news supply. The subscribers to the news agencies include the daily newspapers, the radio and TV stations, the local newspapers, magazines, newspapers and institutions, particularly government agencies, large offices and in the private and public sector, banks and commercial corporations in the private and public sector, banks and commercial establishments. The news agencies account for 40-50 per cent of the total content of a daily paper. For many of the medium and small newspapers which cannot afford to have a number of reporters at outstations, news agencies supply bulk of news, sometimes even 100 per cent. The news agencies contribute almost 40 per cent of news to the AIR; the rest being from its own correspondents. No news organisation can do without the services of a news agency.

The first news agency in the world Reuters was started in Germany by Reuter in 1850, which shifted before long from Germany to London. At present Reuters news service has become a worldwide organisation providing news for thousands of papers in different countries. It is truly regarded as global news agency. The other three large transnational news agencies are : Agence France Presse (AFP), Associated Press (AP) and United Press International (UPI). In addition there are major agencies like Kyodo of Japan and Deutsche Press Agentur (DPA) of Germany.

### Press Trust of India (PTI)

India's largest news agency, PTI is a non-profit sharing cooperative owned by the country's newspapers, to provide efficient and unbiased news to its subscribers.

In 1948 several important editors of the Indian dailies established the PTI which took over the entire business of the Reuters in India. The PTI emerged as a cooperative news agency with its zone from Cairo to Singapore for covering news for the Reuters World Pool. Registered on August 27, 1947, PTI began functioning from February 1, 1949 taking over the Associated Press of India and the Indian operation of Reuters.

Major services of the agency are headed by Editors. The agency has a staff of over 1,600 including 400 journalists. There are over 100 bureaus across the country and 10 bureaus abroad. The agency also

has about 300 stringers spread all over the country. The news services are provided at speeds upto 1,200 bits per second (about 1400 words) by satellite, data channels and ticker lines. For operational purposes, the country is divided into four regions with the offices in Delhi, Mumbai, Calcutta and Chennai functioning as regional headquarters. In Delhi there are also separate bureaus for political, economic and sports coverage. Major services offered by PTI are :

English News Service : PTI news service in English is available in two forms. The 'Core' service covers major developments segmented service allows papers to pick up additional inputs from segments of their choice—National/Regional News, Economics/Commercial News, International News, and Sports News. Core Service puts out about 40,000 words and the full segmented service over 100,000 words per day.

Bhasha : Launched in 1986, the Hindi language news service has its own network in the Hindi-speaking states. Drawing on PTI files as well, *Bhasha* puts out about 40,000 words per day.

Photo Service : Launched in 1987, PTI Photo Service accounts for the bulk of the agency photos in the Indian media. Broadcast by satellite the service is available all over the country. The full colour service of Associated Press of America (AP) is made available with the authorisation of PTI.

Economic Service : The fortnightly economic journal provides analytical reports besides a data update on the Indian economy.

Science Service : Reports on the developments in science and technology both in India and abroad in a fortnightly mailer.

PTI Feature : A package of four weekly features provides an analytical insight on topical national, international and general events. PTI Mag : Provides ten special stories on topics ranging from Arts to Business to Science in mailer weekly package. Also available on the wire service.

Graphics : A weekly mailer package of 14, PTI Graphics covers all major developments—be it economic, sports or elections. On special occasions like the budget the graphics are broadcast via satellite with the photo service.

News-Scan : Displays news in capsule form on video monitors. Major developments in the country and abroad are covered.

Stockscan : Provides stock market information on video terminals for group display. Stockscan Select of individual users is an interactive version of the service.

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Asia Pulse : An on-line data bank on economic developments and business opportunities in Asian countries. Formed by PTI and four other Asian media organisations, Asia Pulse International is registered as a company in Singapore.

PTI-TV : Provides spot and documentary cover for the small screen on contract. Among the more famous programmes done by PTI-TV are 'Money Matters' and 'Tana Bana'.

Non-Aligned News Agencies Pool (NANAP) : PTI is a redistribution centre for this part of the world for news exchange among news agencies of the non-aligned countries. NANAP came into being in 1976.

Organisation of Asia-Pacific News Agencies (OANA) : A grouping of about 30 news agencies of the Asian-Pacific region, includes PTI and UNI of India. Founded in 1961, OANA has been acting as a forum for exchange of news, besides facilitating professional interaction. PTI has covered 50 years of its operation. Its services are available on net too.

#### United News of India

UNI, founded by newspapers themselves to promote competition between the country's two news agencies, started operations in March 1961. Since 1968, the agency's communication network has expanded and it now has one of the largest news agency teleprinter networks in the developing world.

The number of subscribers has increased seven-fold. The agency was reaching about 1100 subscribers by teleprinter. These included a dozen in six Gulf countries, linked to UNI through an exclusive satellite channel. The agency now has reporters in 400 big and small towns manned by 300 staffers and 400 stringers.

The agency's pioneering Gulf news operations launched in 1980, now cover the UAE, Bahrain, Quatar, Kuwait, Oman and Saudi Arabia. The UNI news service now also goes to Singapore and Mauritius.

In May 1982, UNI went bilingual when it launched its Hindi Service—UNIVARTA. Today, UNIVARTA dominates *the news columns of Hindi newspapers in all the Hindi states and even in places as far away as Hyderabad, Ahmedabad and Calcutta*. The service grew fast and in fifteen years, nearly 250 newspapers published from more than 60 centres in Hindi heartland have begun subscribing to UNIVARTA. More than 100 of these newspapers depend exclusively on UNIVARTA.

UNI's foreign news comes mainly from the Associated Press of America (AP) which has been collaborating with UNI from the very first day of its operation. Another foreign collaborator from the very early days is DPA. UNI also has collaboration arrangements with 15 other wire services, including most of the Gulf agencies. UNI's own correspondents ably supplement agency news coverage from abroad. Nepal was the first country where UNI posted a correspondent way back in 1968. Now foreign reports come in from 22 UNI correspondents based in 20 countries in five continents.

### **From Cycle to Satellite**

Initially, UNI news messages were sent out on cycle to subscribers in New Delhi. This was on March 21, 1961. Today, UNI news reaches out to subscribers over a dedicated teleprinter network stretching over 85,000 kilometres, linking more than 100 towns and cities of India. UNI was the first news agency in India to go on to satellite communication. The Bombay-New York satellite channel was commissioned on June 6, 1979, for receipt of AP service. An exclusive UNI Bombay-Dubai channel was commissioned on April 1, 1981. UNI computerised its news operations in metropolitan centres, and at present is poised to upgrade the system all over the country with state of art technology. The present UNI activities include: *Wire Services* : UNI General Service, UNI Overseas Service, UNI Financial Service, UNI Banking Service, UNI Stock Exchange Service, UNI Language Service (UNIVARTA), UNI World TV News Service (UNISCAN) and UNI Urdu Service.

*Mailer Services* : UNI Background Service (Weekly), UNI Agricultural Service (Weekly), UNI Energy Service (Twice a week), and UNI Economic Service (Weekly).

In his book, *The Dynamics of Mass Communication*, Joseph R. Dominick says:

*The next time you read your local newspaper, you will probably notice that many stories have the initial AP or UPI in the datelines. The AP stands for Associated Press and the UPI for United Press International. These two organisations are called wire services, and together they provide you with most of the news about what's going on outside your local community.*

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*All in all, the wire services are the eyes and ears for local papers and broadcasting stations that can't afford to have people stationed all over the country.*

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*The wire services are putting new technology to work virtually all of their material is now delivered by satellite. Noisy typewriters and clattering teletypes have been replaced by computer data based and is linked to several systems that provide teletext services.*

### **Press Laws in India**

Press laws in India have a long history dating back to colonial period. In order to restrict the expression of disaffection and protest against foreign rule, the British government enacted several laws and regulations with the objective of imposing censorship, licensing of the Press and gagging the freedom of the Press.

The earliest regulatory measure was introduced in 1799 when the first Press Regulations were promulgated by Lord Wellesley. Under these regulations the newspapers were called upon to print the names and addresses of printers, editors and publishers. However, these regulations were abolished during the administration of Warren Hastings in 1813.

In 1857 the government passed a legislation which came to be known as the *Gagging Act*. This piece of legislation, among other things, introduced mandatory licensing for the owning or running of printing presses, empowered the government to prohibit the publication or circulation of any newspaper, book or other printed matter, and banned the publication or dissemination of statements or news stories which had a tendency to cause hatred or contempt for the government, incite disaffection or unlawful resistance to its orders, or weaken its lawful authority. The Act was however allowed to expire in June 1858.

Another important piece of legislation was the "Vernacular Press Act", passed in 1878. There was a far reaching measure which allowed government to clamp down on the publication of writings deemed seditious and to impose punitive sanctions on printers and publishers who failed to fall in line. Under the Act, any district magistrate or police commissioner could demand security from the printer and publisher of a newspaper, forfeit such security, or confiscate any printed matter considered objectionable without the aggrieved party having recourse to a court of law.

The rigours of the Vernacular Press Act continued until the appointment of Lord Ripon as Viceroy in 1880. One of Ripon's first acts on assuming office was to repeal that unpopular measure. Ripon also introduced several liberal reforms and earned considerable goodwill amongst Indians.

The founding of the Indian National Congress in 1885 proved to be a turning point in the history of the Indian Press. The birth of the Indian National Congress gave the newspapers an opportunity to give expression to the nationalist feelings with greater force and unprecedented boldness. With the intensification of the nationalist agitation against the British rule and the Press playing supportive role 1910—a comprehensive law aimed at increasing government control over the mass media. Under the Act, owners of presses were required to tender security deposits; these would be forfeited if they printed any 'objectionable' matter and further action, including seizure of presses, could be taken if they persisted in such conduct. The Act also authorized customs and postal authorities to detain and search mail suspected of containing 'objectionable' matter. In addition, the police were given extensive powers of search and seizure. The harshness of the legislation was matched by vigorous enforcement of its provisions—no fewer than 355 cases were initiated by the government between 1910 and 1914 alone.

The Indian press continued to be under constant pressure throughout the pre-independence period in varying degree. The newspapers and presses were quite often asked to furnish security or additional security, quite often the newspapers got their security forfeited and several of them ceased publication. Even as the nationalist movement continued to grow, and the uneasy relationship between the government and the Press persisted, the Second World War broke out. This resulted in the creation of an entirely new framework of regulations : pre-censorship was introduced. The nationalists had, in the meantime, revived their civil disobedience movement under Gandhi and this increased the pressure on the government. It became increasingly clear around the time Lord Wavell took office as Viceroy in 1943 that independence would soon have to be granted to India, and in the circumstances, any intensification of the repressive measures would prove futile. Consequently, as the War ended, talks on the transfer of power began and most of the controls on the Press were dismantled. There are, however, a number of laws with which a journalist should be familiar.

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Defamation : The law of defamation has been described by the Second Press Commission as "a tale of two interests". These interests are : the interest of the individual in his reputation, and the interest of the society that information should pass freely.

In news gathering activities, the press often collides with the government. In addition, the right of free speech and the right of free press sometimes come into conflict with the right of an individual to protect his or her reputation. Protection for a person's reputation is found under the law that deal with defamation.

In order to understand this somewhat complicated area, let us start with some general definitions.

Libel : Libel is a written defamation or statement that tends to damage a person's reputation or good name that brings the person into hatred, contempts or ridicule or injures his or her business or occupational pursuits. Properties must be extremely careful about what they write.

In many cases, a police officer may arrest a person with the intent of asking the prosecutor to file a certain charge. Then, when the prosecutor examines the evidence, the evidence may warrant only a lesser charge. For that reason, most newspaper editors prefer to print the name of an arrested person only after the charge has been filed. Unfortunately, deadline, constraints, sometimes make that impossible, and many newspapers publish the names of those arrested before the charge is filed. A decision to publish a name in such circumstances requires extreme caution. If an individual were arrested in connection with a rape and the newspaper printed that information only to learn later that the prosecutor had filed a charge of assault, a libel suit could result.

Slander : It is a spoken defamation (It may state, if a defamatory statement is broadcast, it is considered to be libel even though technically the words are not written). Libel is considered more harmful and usually carries more serious penalties.

Libel per se : Some words are always libelous. Falsely written accusations, such as labelling a person a "thief" or a "swindler" or "impostor" automatically constitute libel.

Libel per quod : Words that seem perfectly innocent in themselves can become libelous under certain circumstances. Erroneously reporting that Mr. Ashok was seen eating a steak dinner last night may seem

harmless unless Mr. Ashok happens to be the President of the Worldwide Vegetarian Society.

In order to win a libel suit brought against the media, the person must prove five things:

1. that he or she has actually been defamed and harmed by the statements,
2. that he or she has been identified (although not necessarily by name),
3. that the defamatory statements have been published,
4. that the media were at fault, and
5. in most instances, that what was published or broadcast was false.

Not every mistake that finds its way into publication is libelous. To report incorrectly that a person died is not libelous because the death, said the courts is no disgrace. Actual harm might be substantiated by showing the defamatory remarks led to physical discomfort, or loss of income or increased differently in performing a job.

To win a libel suit, some degree of fault or carelessness on the part of the media organization must be shown.

Libel Suit Defences : There are three traditional defences against libel-truth, privilege and fair comments and criticism.

The first is truth. Truth is the best defence against libel. However, knowing the truth is one thing, proving it is another. Of what was reported is proven to be true. There is no libel. This defence, however, is rarely used since it is extremely difficult to prove the truth of a statement. The second defence is privilege. There are certain situations in which the courts have held that the public's right to know comes before a person's right to preserve a reputation. Judicial proceedings, arrest warrants, legislative proceedings are some examples of situations that are generally acknowledged to be privileged. If a reporter gives a fair and accurate report of these events, no law suit can result even if what is reported contain a libelous statement. The third defence is fair comment and criticism. Any person who thrusts himself or herself into the public eye or is at a centre of public attention is open to fair criticism. This means that public officials and all those who invite public attention are fair game for comment. This defence applies only to opinion and criticism not to misrepresentation of facts. So, you are protected as long as you do not mis-state any of the facts on which you base your comments or criticism.

defamation. The section reads as follows :

"Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both".

Punishment for a journalist may be severe in view of the fact that the defamatory statement gets wide publicity.

#### Contempt of Courts Act, 1971

The First Press Commission did not suggest any change in the provisions of the Contempt of Courts Act, 1952. The Sanyal Committee set up in 1961 made a comprehensive study of the law relating to contempt. Its recommendations resulted in the enactment of the Contempt of Courts Act, 1971 and the repeal of the 1952 Act.

The Act of 1971, for the first time, gives a complete definition of contempt of Courts Act, 1971 and the repeal of the 1952 Act. Clause (a) of Section 2 states that there are two categories of contempt under the Act : (i) Civil contempt and (ii) Criminal contempt.

Wilful disobedience to any judgement, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court constitutes 'civil contempt' under Clause (b) of Section 2.

Any publication which interferes with or undermines the administration of justice or has a tendency to do so constitutes 'criminal contempt' under Clause (c) of Section 2; and this is the category to which the Press generally becomes answerable. The definition in Clause (c) of Section 2 is in the following terms.

Criminal contempt means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which :

- (i) scandals 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 proceedings, or
- (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.

Publication of any thing which tends to create in the minds of the

people an apprehension about the integrity, ability or fairness of a judge or which tends to deter litigants from complete reliance upon the judge administration of justice, amounts to contempt. Similarly, a publication which is likely to cause embarrassment in the judge's mind to the discharge of his official duty is a contempt of court. But if it is proved that the concerned writing would undermine the prestige or authority of the court or public confidence in the administration of justice by it, then it is contempt even if the vilificatory criticism relates to the judge's non-judicial functions like the functions of an administrative judge. Imputation of improper motives in deciding a case is obviously a contempt of court.

The Press does have the right which is also its professional function, to criticise and advocate. The whole gamut of public affairs including the administration of justice is the domain for fearless and critical comment. But the public function which belongs to the Press makes it an obligation of honour to exercise this function only with the fullest sense of responsibility. Without such a lively sense of responsibility a free Press might readily become a powerful instrument of injustice. The competing claims of the Court to maintain its authority and of the freedom of the Press to comment on matters of public interest must be reconciled. Without a free Press there can be no free society. Freedom of the Press, however, is not an end in itself but a means to an end of a free society. The independence of the judiciary is no less a means to the end of a free society and in fact the proper functioning of an independent judiciary puts the freedom of the Press in its proper perspective. A free Press is not to be preferred to an independent judiciary, nor an independent judiciary to a free Press either. No judge fit to be one is likely to be influenced consciously except by what he sees and hears in court and by what is judicially appropriate for the deliberation. However, judges are human. There is the powerful pull of the unconscious. Since judges, however, stalwart, are human, the delicate task of administering justice ought not to be made unduly difficult by irresponsible publication.

Publication of reports of crime is a regular feature of the news. Such items are clearly matters of public interest. But it is also clear that a trial for the commission of these crimes will probably follow sooner or later. A report of the crime may, however, accurate it attempts to be, contain a statement of fact which is likely to be hotly disputed at trial. It may be a question of identity or of some small detail on which a criminal trial can sometimes turn. In order to compile a report it is

*Print Media* usually necessary to interview witnesses who may later be witnesses at the trial. The reporter may be able to obtain a very full account of what occurred and be in a position to publish a considerable amount of what the trial and be evidence at the trial. But there are dangers in their occurrence where the circumstances of a crime seem to have particularly affected a particular person. Even the publications of publication upon a question of extreme delicacy as in many cases of an accused is a question of extreme delicacy as in many lay suspicion of an accused person is a vitally important photograph of an accused person is a vitally important identification of the accused might criminal trials identification of the accused might witness, unable to form a mental picture of the accused he quite honestly derive such a picture of the person whose photograph he has seen in the newspaper. Such a publication may cast doubt on the prosecution's identification evidence or jeopardise the accused. Either way it is undesirable. On the other hand, photographs of wanted men are sometimes published at the request of the police either to assist in their apprehension or to warn the public against them, or both. It must, therefore, necessarily be a question of fact and circumstances whether a publication in any particular case offends against the law.

Journalists sometimes investigate suspected crimes, malpractices and abuses and accumulate evidence. Publication of such material is often in the public interest and also helps in boosting the circulation of the newspaper. The law of contempt does not hinder publication of such accumulated evidence before the accused are arrested and charged. But when once judicial proceedings are set in motion, the Press should not publish the evidence. When a person is being tried for an offence, if the Press has evidence that some other person is guilty of the crime, propriety would demand that the evidence in the possession of the Press be placed before the Court. By adopting such a course it will get the credit for its investigative effort though the advantage of increased circulation through publication exclusively in its columns would be lost. However, the power to punish for scandalising the court, is to be used sparingly and in deference to the administration of justice only. It cannot be used for vindicating personal insult to the judge. Bonafide criticism that is fair and reasonable criticism of a judicial act in the interest of the public good does not amount to contempt. But if improper motives are attributed to the judges then it ceases to be bonafide. A judgement can be criticised as erroneous but dishonesty on the part of the judge in delivering the judgement cannot be alleged. If a statement is likely to prejudice or interfere with the due course of justice, then the truthfulness of the facts on which it is based, is no defence. Trial by newspapers has been considered by courts as interference with the

proper administration of justice in pending cases.

However, punishment can be awarded for interference with the course of justice only if the interference is substantial. Similarly, a person will not be guilty of contempt of court for innocent publication of distribution during the pendency of civil or criminal proceedings of a matter which would otherwise deem to constitute contempt.

#### Limitations of Contempt of Court

- Innocent publication and distribution of matter which falls under any of the categories of competent under the Act.
- Fair and accurate report of judicial proceedings; publication of fair and accurate report of a pending judicial proceedings is protected under section 4 provided it is not prohibited under section 7. Section 7 prohibits such publication where it is prohibited by a statute or by the court on certain grounds, such as security of the State, public order and the like.
- Fair criticism of judicial act, publication of a fair criticism of a judicial act including a judicial decision is also protected under section 5 because the public has an interest in the proper administration of justice. Judges and courts are like to open to criticism and if reasonable argument is offered against any judicial act as contrary to law or public good, such criticism is protected and will not amount to contempt. The plea of fair comment on a judgement cannot be availed of if the comment is made before the case is heard and finally decided. Under explanation (a) to Section 3, a case cannot be said to have been finally decided until the period of limitation for preferring appeal or revision after the decision commented upon has expired or, if appeal or revision has been filed, the appeal and revision, too, has been heard and finally decided.
- Bonafide complaint concerning the presiding officer of any subordinate court is not contempt of court.

Many written words may be both contempt and defamation. To court as well as defamation.

Under Section 129 and 215 Criminal Procedure Code, Supreme Court, High Courts and lower courts have been given the powers to

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proper institution, an organisation, a person or any government

punish any institution, an organisation, a person or any government officer for contempt of court.

#### Punishment

In case of civil contempt, the contemnor cannot be sentenced even to simple imprisonment. He can be detained in a civil prison for not more than six months, normally, a fine would be considered sufficient to meet the ends of justice.

In case of criminal contempt, a contemnor can be punished with simple imprisonment only for a term extending upto six months or with a fine upto two thousand rupees or with both. If he makes a satisfactory apology, the accused may be discharged or the punishment awarded may be remitted.

The time limit for action for contempt of court is one year from the date on which the contempt is alleged to have been committed.

#### The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955

This Act regulates certain conditions of service of working journalists and other persons employed in newspaper establishments.

The First Press Commission found that the emoluments received by journalists were on the whole unsatisfactory. It could not undertake a detailed investigation for fixing scales of pay for different categories of employees. But it recognised the necessity of fixing a minimum wage for the journalist employees and made recommendations relating to the minimum wages to be paid to them. In 1955, the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act was enacted and the Industrial Disputes Act, 1947 was made applicable to working journalists also. With the successive revisions of the pay scales through Wage Boards, neutralization of the rise in the cost of living and provision of security of service, the terms and conditions of service of newspaper employees have considerably improved. Some important provisions of the Act are :

- The provisions applicable to workmen under the Industrial Disputes Act, 1947 shall apply to working journalists.
- The working journalists, who have been in continuous service for at least three years in a newspaper establishment are entitled for gratuity equivalent to fifteen days average pay for every completed

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year of service or any part thereof in excess of six months on termination, retirement, resignation or death as per Section 3.

(iii) No working journalist shall be required to work for more than one hundred and forty-four hours during any period of four consecutive weeks, exclusive of the time for meals. Every working journalist shall be allowed during any period of seven consecutive days rest for a period of not less than 24 hours inclusive of the period between 10 P. M. and 6 A. M.

(iv) Every working journalist shall be entitled to earned leave on full wages for not less than one-eleventh of the period spent on duty and leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service.

(v) A Wage Board shall be constituted by the Central Government for fixing and revising rates of wages of working journalists. The Wage Board shall consists of:

- (a) Two representatives of newspaper employees;
- (b) Two representatives of working journalists; and
- (c) Three independent persons, one of whom shall be a person who is or has been a judge of a High Court or the Supreme Court and who shall be appointed by the Government as its Chairman.

The Section 12 of the Act empowers the Central Government to enforce recommendations of the Wage Board and make modifications in the recommendations, if necessary.

(vi) The Central Govt. can fix interim rates of wages in consultation with the Wage Board under Section 13-A.

(vii) A Wage Board shall be constituted by the Central Govt. for fixing or revising rates of wages in respect of non-journalist newspaper employees (Section 13-B). It shall consists of :

- (a) Two representatives of newspaper employees;
- (b) Two representatives of non-journalist newspaper employees;
- (c) Three independent persons one of whom shall be a person who is or has been a judge of a High Court or the Supreme Court and who shall be appointed by the government as its Chairman.

(viii) Provisions of the following Acts shall apply to every newspaper establishment employing twenty or more persons :

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- (a) Industrial Employment (Standing Orders) Act, 1946.
- (b) The Employees Provident Funds Act, 1952.

(ix) If any employer contravenes any of the provisions of this Act, he shall be punishable with fine which may extend to two hundred rupees. If the offence is committed for second time, the fine may extend to five hundred rupees.

#### Contempt of Legislature

Privileges are certain fundamental rights of each house which are generally accepted as necessary for the exercise of its constitutional functions.

Articles 105 and 194 of the Constitution provide for Parliament and State Legislatures the powers, privilege and immunities they have.

Clause (2) confers immunity to publication of proceedings, papers, etc., of a House only when the publication is made by or under the authority of that House. The implication is that even a true newspaper report of proceedings of a House is not protected under this clause.

Clause (3) as it originally stood stated that in all those respects not covered by these provisions, the powers, privileges and immunities of Parliament and State Legislatures, until defined by law, shall be those of the House of Commons of the Parliament of the United Kingdom as existing at the time of the commencement of the Constitution. The forty-fourth amendment of the Constitution made verbal changes in this clause omitting the reference to the House of Commons, but the substance of the clause remains the same. Thus, the position is that if one were to ask what are the privileges of Parliament and State Legislatures in India other than those specified in Articles 105 and 194, the answer is that they are the same as those of the House of Commons as existing on 26th January 1950.

The First Press Commission recommended that both Parliament and State Legislatures should define by legislation the precise powers, privileges and immunities which they possess in regard to contempt and the procedure for enforcing them. This question has been a matter of public debate over the years and several arguments have been propounded for and against codification of privileges. The main argument against codification of privileges which has weighed with the Parliament and State Legislatures appears to be that once codification is done by a law, such a law would automatically become subject to all the fundamental rights guaranteed in Part III of the Constitution and

the matter would become justiciable, conferring powers on the courts to adjudicate on questions of privilege thereby lowering their dignity. It has been said that codification of privileges would expose Parliament and State Legislatures "to an alien body" viz., the judiciary. Second Press Commission stated that the judiciary which is as much a creature of the Constitution as the Parliament or State Legislature is not an alien body under the scheme of our Constitution. In fact, laws enacted by Parliament and State Legislatures are, on occasions, being struck down by the courts when warranted by the constitutional provisions and on that account it cannot be said that the dignity of Parliament or the legislature suffers. Similarly, judges of the highest court in the land are appointed by the executive and for that reason one cannot say that their independence or prestige is affected. They viewed that from the point of view of freedom of the Press it is essential that the privileges of Parliament and State legislatures should be codified as early as possible.

A journalist or editor can be punished with imprisonment or administered a warning, admonition or reprimand for the breach of privilege of the House. His privileges like facilities to enter the precincts of the House and cover its proceedings can be withdrawn. He can be asked to publish an apology. However, no fines are imposed. Contempt can be committed by an act or utterance which undermines the dignity of the House even without violating any particular privilege of the legislature.

But it is not a breach of privilege to publish without malice a substantially true report of the proceedings of the House even if it is defamatory, seditious or obscene in nature. No civil or criminal proceedings can be launched in a court of law for publication of such a report even if it offends the laws relating to official secrets, defamation, sedition, obscenity or other offences under the IPC.

The legislature in India has not enacted any law codifying its privileges, mainly because any such law will be subject to a judicial review in respect of the citizens, fundamental rights, but the action has been taken in use of inaccurate, distorted, unfair, wilful or mendacious rendering of the proceedings. Now there is a strong demand by the Press.

### *The Official Secrets Act, 1923*

This Act was enacted by the Britishers during the British rule. Some amendments have been made after independence but now there is a

strong public opinion by Press Council, Press Commission and Journalistic Associations to revise the whole Act because this Act is very hard and strict. It extends to the whole of India and applies also to government servants and the citizens of India living outside India.

The Official Secrets Act, 1923 is a comprehensive document relating to official secrets and defines a number of offences. The Act is aimed at maintaining the security of the State against leakage of information, sabotage and the like. It consolidates the law relating to official secrets. It deals with two kinds of offence:

- (i) Spying (Sections 3 and 4)
- (ii) Wrongful communication of any other secret official code or password, or any sketch, plan, model, article, note, document or information (Section 5).

Under Section 3 of the Act, it is an offence if any person for any purpose prejudicial to the safety or interests of the State.

- (a) approaches, inspects, passes over or in the vicinity of, or enters any prohibited place, or
- (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or
- (c) obtains, collects, records or publishes or communicates to any other person any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy.

Punishment for spying in relation to the country's defence is upto fourteen years. It is not necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and notwithstanding that no such act is proved against him, he may be convicted, if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State.

Under Section 5 of the Act, it is an offence if any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, or note, document or information which relates to or is used in a prohibited place or relates to anything is such a place, or which has been made or obtained in contravention of this

Act or which has been entrusted in confidence to him by person holding governmental office, wilfully communicates the same to any person other than a person to whom he is authorised to communicate or it is his duty to communicate. It is also an offence under the same section.

- if any person voluntarily receives any secret information,
- person having in possession or in control any unauthorised information,
- retaining information without authority,
- use of information in possession of government officers to help a foreign power,
- communication with foreign agents,
- if the person fails to take a reasonable care of secret information,
- incitement to commission of offence is also an offence.

Under this Act, it is the duty of every citizen to give information regarding commission of offence by any other person. Every citizen is requested to attend courts to testify. This section prescribes punishment within imprisonment upto five years or fine or both.

Under the provision of this Act any publication by a newspaper of an official secret, whether in the form of a note, document, code or pass word, sketch, plan or model, makes not only the correspondent, editor, printer and publisher liable to punishment but also every director and officer of the company or corporation with whose knowledge and consent the offence was committed becomes guilty of a like offence.

In India, it has been widely demanded that Section 5 of the Official Secrets Act which prohibits free reporting should be done away with Press Commission and the Press Council of India also favoured the same opinion. The Council has asked for the repeal of the Official Secrets Act, 1923 *in toto* and to enact a new legislation which may be called Freedom of Information Act. Exceptions or permissible restrictions to this freedom may be specified in the proposed Act.

#### *The Copyright Act, 1957*

Copy right provides the author with protection against unfair appropriation of his or her work. Although its roots go back to the former Copyright Act of 1914. The present act was passed by the Indian Parliament and received the assent of the President in June 1957.

This Act primarily gives proprietary rights (like property) to reproduce, to publish, to perform, to translate, to filmised, to broadcast,

to telecast or just to communicate under by-line or without a by-line in respect of the writings, paintings, sculpture, photographs, cartoons, performance, etc. These rights rest with the first owner.

Copyright is the right which a person acquires in a work which is the result of his intellectual work/labour. The primary function of the law of copyright is to protect from annexation by other people of the fruits of a man's work, labour skill or test. This Act defines who is the first author, owner, writer or performer. If the writing is done by an employee of an organization or a newspaper as part of the service condition employer will be the owner and not the employee.

The owner has the right to licence (permit) to use his work with or without payment. He has the right to transfer, to sell, to assign or bequest (depending on the will), to inherit, to assign counteract, to relinquish or disclaim the copyright. There is no effective only when the work is actually published. First owner has the right to relinquish or disclaim the copyright. Hence, provision of copyright in the government publications. Hence, journalists make full use of such publications in their articles.

#### Registration

Registration is optional not compulsory. Registration is not a condition for acquiring copyright. Section 45 of this Act provides for the registration of works for these purposes. It does not lay down that registration is obligatory for acquiring copyright or for availing of the remedies for its protection. Therefore, even when the copyright is not registered, rights remain with the owner. Although a work is copyrighted from the moment it is fixed in tangible form, there is a provision to receive statutory protection through using the symbol C (which means that the copyright remains with the publisher or the author, name of the copyright owner and the year of publication).

#### Use of Material

Copyright can be used with the permission of the Copyright Board whose Chairman is Registrar, provided a reasonable compensation determined by the Board is paid for.

#### Period for Copyright

Copyright lasts for the life of the author plus sixty years. Earlier it was

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fifty years. Copyright for films is twenty years while copyright for broadcasting is twenty-five years.

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effect of the use on the potential market value of the  
4. copyrighted work.

### Infringement of Copyright

Copyright in a work shall be deemed to infringed when any person without a licence granted by the owner of the copyright makes the copies for sale or hire or way of trade displays or offer for sale, distributors either for the purpose of trade, by way of trade exhibits in public. The reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an infringing of copy.

### Punishment

Under Section 63 of the Act, a person is punishable with imprisonment which may extend to one year or with fine or both if he knowingly infringes the copyright in a work including copies, plates, blocks, etc. can be seized. So, the owner of the copyright is entitled to all such remedies by way of injunction (not to be allowed to produce) forfeited and compensation.

### Limitations

It is important to note that copyright protection extends only to copying the work in question. If a person independently creates a similar work, there is copyright violation. As a result one of the things that a person who brings a copyright suit must prove is that the other person had access to the work under consideration.

The law also provides that people can make fair use of copyrighted materials without violating the provisions of the Copyright Act. Fair use means that copies of the protected work can be made for such legitimate activities as teaching, research, new reporting and criticism, without penalty. In determining fair use, following factors are taken into consideration :

1. The purpose of the use (whether for profit or for non-profit motive),
2. The nature of the copyrighted work,
3. The amount reproduced in proportion to the copyrighted work as a whole,

### The Press and Registration of Books Act, 1867

**The Press** is oldest of the existing press laws. It has been amended a number of times after independence. The provision of Part VA relating to registration of newspapers and the creation of the office of Press Registrar were inserted by the amending Act in 1955. The word 'newspaper' has been defined in sub-section (1) of Section 1 to mean "any printed periodical work containing public news or comments on public news". Therefore, the definition comprehends not only daily newspapers but also news magazines of all periodicities under one category. The publication of a newspaper commences only after the making of a declaration under Section 5(2) and its authentication under Section 6 as laid down in Section 5(2c). This being so, the Magistrate authenticating the declaration cannot ascertain the contents of the publication to make sure that it falls within the definition of 'newspaper'. However, under Section 8 B(iv), the Press Registrar can make an application before the Magistrate for cancellation of the declaration in respect of a newspaper.

### Registration

Under this Act, the intending printer/publisher has to appear in person or through an authorised agent before a specified Magistrate and make a declaration that he is the printer/publication Incharge/Publisher of the newspaper and indicate therein the language and periodicity, the title of the newspaper and also a precise account of the premises where the printing or publication is to be conducted. Then the Magistrate has to write to the Press Registrar to ascertain whether the title proposed for the intended newspaper is free or is the same as or similar to that of any other newspaper published either in the same language or in the same State. The Press Registrar has to give a reply after verification of his records. On receiving clearance from the Press Registrar, the Magistrate has to authenticate the declaration and send copies thereof to the intending printer/publisher and the Press Registrar. After receipt of the authenticated declaration, the Press Registrar has to issue a certificate of Registration. In view of the registration, Second Press Commission recommended that 'there is no need for personal appearance before the magistrate for this purpose. After sending the

declaration and the affidavit regarding title the publisher should be free to commence the publication'.

#### The Parliament Proceedings (Protection of Publication) Act, 1956

This Act is intended to protect the publication of reports of proceedings of Parliament except in newspapers. Section 3 of the Act states that no person shall be liable to any proceedings, civil or criminal in any court, in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament, unless the publication is proved to have been made with malice.

#### The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

This Act aims at preventing advertisements tending to cause the ignorant and unwary consumers to resort to self-medication with harmful drugs and appliances. Sections (3 and 4) of this Act prohibit the advertisement of certain drugs marketed for the treatment of certain diseases and disorders such as prevention of conception, sexual impotence, menstrual disorders, epilepsy, fits, etc. Advertisements making false claims for the drugs are also prohibited. Section (7) of this Act imposes both civil and criminal liabilities for this contravention of its provision.

#### Children Act, 1960

The main objective of this Act is to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children. The Act also provides for the trial of delinquent children in the Union territories. The Act prohibits publication of names, etc. of children involved in any proceedings. Under Section 36(l) of this Act no report in any newspaper, magazine or news sheet of any enquiry regarding a child shall disclose the name, address or shall or any other particular calculated to lead to the identification of the child. Further, picture of any such child cannot be published in newspapers. However, such a disclosure can be made with the permission of the authority holding the enquiry, when in its opinion, such disclosure is in the interest of the child. Contravention of this provision leads to punishment with fine which may extend to one thousand rupees under Section 36(2) of this Act.

#### The Young Persons' (Harmful Publications) Act, 1956

This Act seeks to prohibit the publication in India of such literature as glorifies crime, violence or vice and provides for penalties for contravening its purpose.

The State Govt. is empowered to forfeit harmful publications. The penalty for printing, sale, etc. of harmful publications is imprisonment which may extend to six months with or without fine.

#### The Delivery of Books and Newspapers (Public Libraries) Act, 1954

This Act provides for delivery of books and newspapers to public libraries. Under Section 3-A of this Act, the publisher of every newspaper is required to deliver at his own expense, one free copy of each of the newspaper as soon as it is published to public libraries as notified by the central government. They are :

1. National Library, Calcutta
2. Connemara Public Library, Madras
3. Central Library, Bombay

The Act further provides that any publisher who contravenes this provision shall be punishable with fine which may be to the extent of rupees fifty only.

#### The Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975

This Act provides that every advertisement of cigarette should contain the warning—Cigarette Smoking is Injurious to Health—and such warning must be conspicuously, legible and prominent (Section 5). Further, the advertisement should not contain any matter which is inconsistent with the statutory warning (Section 6). Under this Act, any person who advertises or takes part in the advertisement of cigarettes which does not contain this warning shall be punishable for a term of three years or with a fine extending to rupees five thousand or with both.\*

\*Some of these Acts are based on *Newspaper Management in India*, Gulab Kothari,

and *Law of the Press*, D. D. Basu.