

Department: Journalism and Mass Communication

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Note: This is for the purpose of reading only but not for any publication.

UNIT-3

1. PRASAR BHARTI ACT

(BROADCASTING COOPERATION OF INDIA) ACT. 1990

Prasar Bharti (Broadcasting Cooperation of India) Act provides for grant of autonomy to electronic media, namely, AIR and Doordarshan, which was under the Government control before enactment of this law. The Act received the assent of President of India on September, 12, 1990 after being unanimously passed by Parliament. The main aim of the act is that Media should be under the control of the public as distinct from Government. It should be operated by a public statutory corporation or corporations, as the case may be, whose constitution and composition must be such as to ensure their impartiality in political, economic and social matters and on all other public issues.

Functions and Powers of Prasar Bharti Corporation:

*The primary **duty** of the PBC:*

1. organise and conduct Public Broadcasting Services;
2. inform, educate & entertain the public and ensure a balanced development of broadcasting on Radio & TV.

*The PBC will be **guided** by the following facts:*

1. uphold the unity and integrity of the country and the values enshrined in the Constitution;
2. safeguard the citizens' right to be informed freely, truthfully and objectively on all matters of public interest, national or international issues, and present a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own;
3. pay special attention to the fields of education and spread literacy, news related to agriculture and rural development, environment, health and family welfare, science and technology;
4. provide adequate coverage to diverse cultures and languages of various regions of the country by broadcasting appropriate programmes;

5. provide adequate coverage to sports and games so as to encourage healthy competition and the spirit of sportsmanship;
6. provide appropriate programmes keeping in view the special needs of the youth;
7. inform and stimulate the national feelings regarding the status and problems of women and pay special attention to the upliftment of women;
8. promotes social justice and combat exploitation, inequality, and evils like untouchability, and advance the welfare of the weaker sections;
9. safeguard the rights of the working classes and advance their welfare;
10. serve the rural and weaker sections of the people and those residing in border regions, backward or remote areas;
11. provide suitable programmes keeping in view the special needs of minorities and tribal communities;
12. take special steps to protect the interest of children, the blind, the aged, handicapped, and other vulnerable sections of the people;
13. promote national integration by broadcasting in a manner that promotes communication in the languages of India and facilitate the distribution of regional broadcasting services in every state;
14. provide comprehensive broadcast coverage through the choice of appropriate technology and the best utilization of the broadcast frequencies available and ensure high quality reception;
15. promote research and development activities in order to ensure that Radio and TV broadcast technology are constantly updated;
16. expand broadcasting facilities by establishing additional channels of transmission at various levels;
17. ensure that broadcasting is conducted as a Public Service to provide and produce programmes;
18. establish a system for gathering of views;
19. negotiate for purchase of programmes and rights of privileges of sports and others programmes, films, serials, occasions, meetings, functions or incidents of public interest for broadcasting and establish producers for the allocation of such programmes;
20. establish and maintain library of Radio & TV;
21. conduct or commission audience research;
22. the Central Govt. has the power to determine the maximum limit of broadcast time regarding advertisements;
23. the PBC shall be subject to no civil liability on the grounds that it fails to comply with any of these provisions;
24. it has the power to determine and levy fees and other service charges regarding advertisements and programmes but it should not exceed the limits fixed by the Central Govt. from time to time.

Parliamentary Committee: consisting of 22 members of Parliament of whom 15 from the Lok Sabha and 7 from the Rajya Sabha to be elected by members will be constituted to oversee that the PBC discharges its functions in accordance with the provisions of the Act. This committee will function according to the rules made by the Lok Sabha speaker.

Broadcast Council: consisting of a President and 10 members to be appointed by the President of India comprising eminent people in public life. This Council will receive and consider complaints received from various quarters. 4 members of Parliament – 2 from Lok Sabha and 2 from Rajya Sabha as nominated by the Chairman will be members of the Broadcast Council.

Jurisdiction & Powers of Broadcast Council:

- it shall receive complaints from any person or group of persons in specific cases where the Corporation is not working in accordance with its prescribed objectives.
- it will advise executive members to take appropriate action
- if the executive member is unable to accept the recommendation of the Broadcasting Council, he shall place such recommendation before the PBC Board. If the Board is also unable to accept the recommendation of the Council, it will record its reasons and inform the Broadcast Council.
- the Broadcast Council may record in writing and inform about the complaint.

PRASAR BHARATI ACT 1990 – a regulation aimed to give autonomy to the Public Broadcasting System, was introduced in December 1989, passed in September 1990, and notified in 1997. Its assets of Rs.550 billion were transferred to Prasar Bharati Board. Its aim was autonomy with accountability. It is a statutory body (by govt. act) unlike the Election Commission which is a Constitutional Body (mentioned in the Constitution).

The need for an autonomous public broadcast system was first felt in 1977 soon after the emergency. B.G. Varghese Committee recommended in its findings the establishment of an autonomous PBS in India against the backdrop of gross misuse of DD and AIR during the days of emergency. The Lok Sabha admitted the Prasar Bharati Bill in May 1979, but following the return of the Congress to power, it was put into cold storage.

2. Right to Information Act- 2005

FREEDOM OF INFORMATION ACT, 2005

Revolutions in democracies are bloodless and take place in the confines of Legislatures - RTI 2005 is one of them. It is a law enacted by the Parliament of India and aimed at giving access to records of Central and State governments. All the States and Union Territories, except Jammu & Kashmir come under this Act. J&K is covered by a state-level law.

- Any citizen of India, including from J&K can seek information from a public authority under this law. A public authority means any authority or body or institution of self-government, established or constituted by or under the Constitution of India, by any other law made by Parliament or State Legislatures. Reply should be given expeditiously or within 30 days

The Act requires the public authority to computerise their records for wide dissemination. Parliament passed the RTI Bill on June 15, 2005. It came into force on Oct 13, 2005. Disclosure of official information was prevented by OSA 1923 and various other special laws. RTI Act has relaxed this.

In 1975, the Supreme Court of India issued a judgment on the citizen's right to know. This was a major turning point and it awaited the citizens to their right to know. OSA 1923 which was modeled on the British law of OSA 1899 kept a lid on people's right to know. This lid was blown off. OSA prohibited disclosure of information related to security of the State, sovereignty of the country, friendly relations with foreign states, non-classified information, etc. Besides OSA, Civil Service Conduct Rules and Indian Evidence Act give ample powers to keep away information from people. In 2000, the NDA government had passed Freedom of Information Bill 2000. This was based on an extremely diluted form of a draft prepared by veteran civil right's activist, H D Shourie. This eventually became a law known as Freedom of Information Act 2002. This act came under fire from various quarters as it gave too many exemptions. These included not only the usual exemptions on the grounds of national security and sovereignty, but also requests such as disclosure of information regarding disproportionate diversion of the resources of a public authority for example. Similarly, there was no upper limit on the charges that could be levied for seeking information. Also there were no penalties prescribed to impose on government officials for not complying with the request for information. So FOI Act never became an effective force.

RTI activists kept pressure on the Central Government to come up with a better version of this Act replacing the toothless FOI Act 2002. The first draft of the RTI Bill was presented to Parliament in December 2004 during the UPA rule. It is applicable to all constitution authorities, executive, legislature, and judiciary, any institution or body established or constituted by an Act of Parliament or a State Legislature, or bodies owned, controlled or substantially financed by government or non-government organisations substantially financed directly or indirectly by funds provided by the government. Private bodies are not directly under the Act. However, information that can be accessed

under any other law in force by public authority can also be requested for. Privatized Public Utility companies (though they are privatized), have been brought under the RTI Act by Central Information Commission under the verdict. The Act overwrites OSA 1923.

The **RTI Act** specifies that the citizen's have a right to request and obtain any information as defined; take copies of documents; inspect documents, works and records; take certified samples of materials of work; obtain information from printouts, disks and floppies, tapes and video cassettes, or in any other electronic mode. The Act prescribes that all those authorities covered by it must appoint a Public Information Officer (PIO). Any citizens can submit a request to the PIO in writing for any information. It is the duty of the PIO to provide this information. If the request concerns some other Public Authority, it is the responsibility of the PIO to transfer or forward the request to his counterpart within five days. PIO will be assisted by Asst. PIOs. The citizen who wants information needs to disclose only his name and contact details; the citizen doesn't need to disclose the reason for seeking information.

TIME LIMIT FOR REPLYING: If the request is made to the PIO, the reply should be given within 30 days of receipt. If it is made to the APIO, the reply should be given within 35 days of receipt. If the PIO transfers the request to any other Public Authority, the reply should be given within 30 days from the receipt of transfer by the PIO concerned.

- Information concerning corruption and Human Rights violation by scheduled security agencies (CSF, BSF, etc.) is to be provided within 45 days, but with prior approval of the Central Information Commission (CIC).
- If life or liberty of any person is involved, the PIO should reply within 48 hours.
- The applicant has to deposit an amount for obtaining the information.

FEE: Initially for Central Departments, the fee fixed for filing of a request was Rs.10/-, Rs.2/- per page of information, Rs.5/- for each hour of inspection after the first hour. There will be no fee for BPL persons (who have to produce their ID). If information is not provided within the stipulated time, it is treated as refusal. Refusal with or without reason could be the ground for filing an appeal or complaint.

SUB-SECTION 7(3) of the Act permits the PIO to demand unprescribed further fees or additional fees from the applicants for providing information. This had generated a heated debate and a raging controversy.

SECTION 8 of the Act gives exemption from disclosure of information...

- disclosure of which would be prejudicially affect the sovereignty and integrity of India; the security, strategic, scientific or economic interest of the state; relations with foreign states, or lead to incitement of the offence
- (ii) Information which has been forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court
- (iii) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature (iv) information including commercial confidence, trade secrets, or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority (PIO / CIC) is satisfied that larger public interest warrants the disclosure of such information
- (v) Information received in confidence from a foreign government
- (vi) Cabinet members including records of deliberations with the council of ministers, secretaries and other officers.

THERE ARE (X) SUCH ITEMS REGARDING EXEMPTION FROM DISCLOSURE...

In terms of the Section 2(f) of the Act, information has been defined as any material in any form including records, documents, memos, emails, opinions, advises, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law

ORGANISATIONS EXEMPTED FROM RTI: Scheduled Central Intelligence and Security Agencies like: Intelligence Bureau, Research Analysis Wing, Directorate of Revenue Intelligence, Central Economic Intelligence Bureau, Directorate of Enforcement, Narcotics Controlled Bureau, Central Investigation Bureau are excluded from the ambit of RTI Act. However, their exclusion is not absolute. They have an obligation to provide information related to ‘corruption’ and ‘human rights violations’, information regarding violation of Human Rights could be given after the prior approval of the Central or State Information Commission.

SECTION 11: If a request is made by a citizen for the disclosure of confidential information given by a third party, the Central or State Information Officers can oblige if it is in the public interest and the same outweighs in importance and any possible harm or injury to the interest of such third party. In the case of trade or commercial secrets protected by law such third party information would not be disclosed. Within 5 days of a request of this kind, the third party who gave the confidential information should be issued a written notice and his submission should be taken into account.

SECTION 12 & 15 AND THEIR SUB-SECTIONS: deal with Central and State Information Commissions, terms of office and conditions, service, and removal of Chief Information Commissioners.

SECTION 20: Imposes penalties on Central or State PIOs for not accepting applications or for not replying within the stipulated time or for giving incomplete or misleading information or for destroying information. It shall impose a penalty of Rs.250/- each day till the application is received or information is furnished. However, the total amount of such penalty shall not exceed Rs.25, 000/-.

Section 26: calls upon the Central and State governments excluding J&K to promote RTI Act through wide publicity and educational programmes. According to unofficial sources, in the first year of RTI Act about 42,000 applications for information were filed by citizens to Central government authorities.

This shows the popularity and urgency of the Act and the crave for transparency. This also shows the extent of grievances among the public. Over 878 cases had reached up to the final appellate stage (Central Information Commission- New Delhi); a few of them had further been taken to High Courts of various States. In 2006, the UPA Government made an attempt to make certain amendments to the RTI Act. This was opposed by RTI activists and public. Subsequently the government shelved the move.

RTI Act, as it is stated in its introduction itself was intended “to secure access (to citizens) to information under the control of public authorities in order to promote transparency and accountability in the working of every public authority...” The Right to Information Movement and its culmination – the RTI Act, were the result of this. Though it may still need some fine-tuning, it is a vital piece of law.

3. Cable Television Network Regulation Act

CABLE TELEVISION NETWORKS (REGULATION) ACT 1995 & RULES

Almost everybody in the country is familiar with the cable television. It has been spreading its wings from the initial urban cities, right to the remote villages. There has been a haphazard mushrooming of cable television networks all over the country due to the availability of signals of foreign television networks via satellites. To check the screening of undesirable programmes and advertisements which are screened on these channels and to regulate the operation of the cable television networks in the

country, so as to bring uniformity in their functioning, the Cable Television Networks (Regulation) Act was passed in both the Houses of the Parliament.

WHAT IS THE AIM OF THE ACT: The Cable Act is accompanied at the start with a statement of aims and objects for regulating this medium. It states that the cable television has spread its wings in every corner of the country.

UNDESIRABLE PROGRAMMING: The programmes that are being telecast on the cable are often alien to the Indian culture and way of life. Further more undesirable programmes and advertisements are being screened without any fear of being checked or censorship.

AWARENESS OF RIGHTS OF THE VIEWERS: The subscribers of these networks are not aware of their rights, responsibilities and obligations, use of material that is protected by copyright and other important laws which cover such broadcast.

HOW DOES THE ACT SEEK TO REGULATE: The act clearly states that unless a cable operator registers under the Act; he cannot operate a cable network. Furthermore, any such programme has to be in conformity with the programme codes and the advertisement codes.

It also requires that at least two of the Doordarshan channels should be telecast through the cable service without any deletion or alteration.

What is the programme code:

- It offends good taste and decency.
- Contains criticism of friendly countries.
- Attacks religions, communities.
- Contains obscene, defamatory, false statements.
- Encourages or incites violence or anything that is likely to encourage anti- national attitudes.
- Contains anything which is a contempt of court.
- Contains aspersions against the President or the Judiciary, integrity of the nation.
- Criticises or maligns a person, or group or social, public or moral life in the country.
- Encourages superstition.
- Offends women through depiction which is indecent and is likely to corrupt public morality.
- Offends children.
- Is against the Cinematograph Act.

The code also lays down the following rules:

- All adult programmes must be carried only after 11.00 pm and before 6.00 a.m.

- Programmes for children should be aired at a time when the largest numbers of children are viewing.
- Such programmes for children should not contain bad language, explicit scenes of violence.
- Programmes showing women should depict her in a positive leadership role.

The following advertisements are prohibited

- Which abuse a race, colour, caste, creed, nationality.
- Is against Constitution of India.
- Incites people to crime, cause disorder, or is obscene.
- Encourages criminality.
- Exploits the national emblem or any part of the Constitution.
- Depiction of women in a derogatory manner.
- Exploiting social evils like dowry, child marriage.
- Advertisements that are of a political nature.
- Advertisements of goods that suffer from a defect of deficiency.
- Advertisements those are loud.
- Endanger the safety of children or are derogatory, like showing them begging.
- Indecent, vulgar, repulsive, offensive themes and treatment.
- Advertisements that violate the Standards of Practice for advertising agencies.

What happens in the event of contravention -

- Any person who does not follow these laws can be punished with an imprisonment from two to five years or then a fine from Rupees One thousand to five thousand.
- In recent development in the act, government proposed to amend and put the news channels under the surveillance of a nodal agency. Top editors of major television news channels unanimously opposed the proposed amendments to the Cable Television Networks (Regulation) Act after 26/11 Mumbai attack. Editors are of the view that the amendments are a “serious assault on the principles of free media and right to speech and expression.
- The government proposal for news channels states that in situations deemed “nationally important”, the channels must get their visuals and footage cleared by a nodal agency. “What it means is television channels can no longer cover communal riots and even agitations like the one seen in Rajasthan during the Gujjar Andolan,” the editors said.
- Under the proposed amendments, government officials will have the power to decide whether repeat telecast of a footage is necessary or not, and whether any information is unauthenticated and therefore be blocked. These authorities will also decide whether any phone-in of a reporter and victim or their interviews disturbs public order or are against national interest.

4. Information Technology Act-2000 and subsequent amendments

The IT Amendment Bill 2008 has been passed by the Lok Sabha and the Rajya Sabha in the last week of December, 2008. The said Bill aims to make sweeping changes in the existing Indian cyber law, namely the Information Technology Act, 2000. The Information Technology Act, 2000 is India’s mother legislation regulating the use of computers, computer systems and computer networks as also data and information in the electronic format. The said legislation has provided for the legality of the electronic format as well as electronic contracts. This legislation has touched varied aspects pertaining to electronic authentication, digital signatures, cybercrimes and liability of network service providers.

From 17th October, 2000 , when the IT Act, 2000 came into implementation till date, the said legislation has seen some very interesting cases and challenges, being brought within its ambit. As time passed by, the inadequacies of the said legislation came to the forefront. There were various practical difficulties in the implementation of the said legislation. The inadequacy of the IT Act, 2000 to address some of the emerging phenomena, challenges and cybercrimes, led to voices clamouring for change in the Indian cyber law.

CRITICAL EVALUATION OF IT ACT (AMENDMENT) 2008: Given the magnitude of the amendments, it is indeed strange and amazing that this Bill was passed in an unprecedented hurry, without any discussion in both the houses of the Parliament in the last week of December, 2008.

Issues related to confidential information and data of corporations and their adequate protection have not been adequately addressed. The said law is not a comprehensive law on data protection or on digital secrets. Having a couple of sections on data protection does not serve the requirements of corporate India.

India has neither learnt from America's or the European Union's experiences in the area of data protection. The proposed provisions will not aid victim entities, whose data and information is often misused by their employees or their agents with impunity.

The IT Act amendments are also deficient in the sense that they do not create rebuttable presumptions of confidentiality of trade secrets and information. A large number of companies and individuals today save their confidential data, information and trade secrets in the electronic form on their computers. Given the apparent increase in the adoption of technology, it is increasingly being found that despite all precautions, the employees are still going ahead and taking away confidential data from companies.

The inability of the law to create enabling presumptions of confidentiality regarding corporate and individual data and information in the electronic form is likely to complicate matters further for Indian companies and netizens. Given the move to make most cyber crimes bailable offences, corporations can forget about being able to get their errant employees, who misuse confidential data and information, behind bars.

IT Act 2000 deals with 4 aspects: (i) legal recognition of electronic documents; (ii) legal recognition of digital signatures; (iii) offences and contraventions; and (iv) justice dispensation system for cyber crimes.

IT Act 2000 is the result of the emergence of e-commerce, e-governance, cyber crimes (like hacking, generation of virus, worm attacks, cyber terrorism, credit card frauds, pornography). The UN General Assembly by a resolution dated January 30, 1997 adopted the model law on e-commerce which was earlier adopted by the UN Commission of International Trade Law (UNCITRAL). This UN resolution recommended all member nations favourable consideration to the model law when they enact or revise their laws, in view of the need for uniformity of the law applicable to alternatives to paper-based methods of communication and storage of information.

5. Cyber crime and Cyber Laws in India

Introduction

A distributed denial of service (DoS) attack is accomplished by using the Internet to break into computers and using them to attack a network. Hundreds or thousands of computer systems across the Internet can be turned into “zombies” and used to attack another system or website. Cyber law India is an organization that is dedicated to the passing of relevant and dynamic Cyber laws in India. Considering India is one of the biggest economies impacting electronic commerce and the biggest markets to target, it is but natural to accept that India should have in place appropriate enabling legal provisions for effective and secure cyber transactions.

Cyber law India as an organization, has been active since late 1990's in India. This organization has been spreading awareness through various means, amongst the people at large about the necessity of the Cyber laws and the need for having strong and vibrant Cyber laws in India. Cyber law India was responsible for conducting various programmes directing at creating more awareness about the needs for Cyber law in India. The Information Technology Bill 1999 when presented in Parliament, was appropriately analyzed at Cyber law India. Mr. Pavan Duggal, President, Cyber law India, was responsible for demonstrating various draw backs and lacuna of the said legislation. After the passage of the Indian Information Technology Act 2000, Cyberlaw India was engaged in initiatives, programmes and events that were targeting at creating more awareness amongst the relevant stake holders

about the Indian Cyber law namely the Information Technology Act 2000, its salient features and how the said law impacts their day to day operation. Cyber law India was also responsible for demonstrating the draw backs, grey areas and loopholes in the Information Technology Act 2000.

Cyber law India has been in the forefront of creating more awareness about effectively strengthening the law impacting Internet and computers within India. Mr. Pavan Duggal, has been actively associated with the Government of India, Ministry of Information Technology for the last so many years and has been actively contributing his inputs in this regard.

Mr. Duggal of Cyber law India was also part of various governmental committees that were suggesting appropriate amendments to the Information Technology Act 2000. Meanwhile, the Government of India had tabled the Information Technology Amendment Bill of 2006 before Parliament. The Parliament referred the said Bill to the Parliamentary Standing Committee for its comments.

Cyber law India was once again responsible for creating awareness about the new proposed amendments to the Information Technology Act 2000 in India. It was also the platform where the said amendments, their scope, ambit and ramifications were discussed in detail. Cyber law India was also responsible for identifying various loopholes and the inadequacies of the proposed amendments.

Types of Cyber Crimes

Internet Violations of Law

There are three basic types of attack

- a. Consumption of scarce, limited, or non-renewable resources like NW bandwidth, RAM, CPU time. Even power, cool air, or water can affect.
- b. Destruction or Alteration of Configuration Information
- c. Physical Destruction or Alteration of Network Components

Pornography

The literal meaning of the term 'Pornography' is “describing or showing sexual acts in order to cause sexual excitement through books, films, etc.” This would include pornographic websites; pornographic material produced using computers and use of internet to download and transmit pornographic videos, pictures, photos, writings etc. Adult entertainment is largest industry on internet. There are more than 420 million individual pornographic web pages today.

Research shows that 50% of the web-sites containing potentially illegal contents relating to child abuse were ‘Pay-Per-View’. This indicates that abusive images of children over Internet

have been highly commercialized. Pornography delivered over mobile phones is now a burgeoning business, “driven by the increase in sophisticated services that deliver video clips and streaming video, in addition to text and images.”

Effects of Pornography

Research has shown that pornography and its messages are involved in shaping attitudes and encouraging behavior that can harm individual users and their families. Pornography is often viewed in secret, which creates deception within marriages that can lead to divorce in some cases.

In addition, pornography promotes the allure of adultery, prostitution and unreal expectations that can result in dangerous promiscuous behavior. Some of the common, but false messages sent by sexualized culture. Sex with anyone, under any circumstances, any way it is desired, is beneficial and does not have negative consequences. Women have one value - to meet the sexual demands of men. Marriage and children are obstacles to sexual fulfillment. Everyone is involved in promiscuous sexual activity, infidelity and premarital sex.

IPR Violations

These include software piracy, copyright infringement, trademarks violations, theft of computer source code, patent violations. etc.

Cyber Squatting- Domain names are also trademarks and protected by ICANN’s domain dispute resolution policy and also under trademark laws. Cyber Squatters registers domain name identical to popular service provider’s domain so as to attract their users and get benefit from it.

Cyber Terrorism

Targeted attacks on military installations, power plants, air traffic control, banks, trail traffic control, telecommunication networks are the most likely targets. Others like police, medical, fire and rescue systems etc.

Cyber terrorism is an attractive option for modern terrorists for several reasons.

1. It is cheaper than traditional terrorist methods.
2. Cyber terrorism is more anonymous than traditional terrorist methods.
3. The variety and number of targets are enormous.
4. Cybe terrorism can be conducted remotely, a feature that is especially appealing to terrorists.
5. Cyber terrorism has the potential to affect directly a larger number of people.

Banking/Credit card Related crimes

In the corporate world, Internet hackers are continually looking for opportunities to compromise a company's security in order to gain access to confidential banking and financial information. Use of stolen card information or fake credit/debit cards is common.

Bank employee can grab money using programs to deduce small amount of money from all customer accounts and adding it to own account also called as salami.

E-commerce/ Investment Frauds

Sales and Investment frauds An offering that uses false or fraudulent claims to solicit investments or loans, or that provides for the purchase, use, or trade of forged or counterfeit securities. Merchandise or services that were purchased or contracted by individuals online are never delivered.

The fraud attributable to the misrepresentation of a product advertised for sale through an Internet auction site or the non-delivery of products purchased through an Internet auction site. Investors are enticed to invest in this fraudulent scheme by the promises of abnormally high profits.

Sale of Illegal articles

This would include trade of narcotics, weapons and wildlife etc., by posting information on websites, auction websites, and bulletin boards or simply by using email communication.

Research shows that number of people employed in this criminal area. Daily peoples receiving so many emails with offer of banned or illegal products for sale.

Online gambling

There are millions of websites hosted on servers abroad, that offer online gambling. In fact, it is believed that many of these websites are actually fronts for money laundering.

Cyber Defamation

Defamation can be understood as the intentional infringement of another person's right to his good name.

Cyber Defamation occurs when defamation takes place with the help of computers and / or the Internet. E.g. someone publishes defamatory matter about someone on a website or sends e-mails containing defamatory information to all of that person's friends. Information posted to a bulletin board can be accessed by anyone. This means that anyone can place Cyber defamation is also called as Cyber smearing. Cyber torture including libel and defamation is another common crime against women in the net. This occurs when defamation takes place with the help of computers and /or the Internet, e.g. someone publishes defamatory matter about an individual on a website or send e-mails containing defamatory information.

Hacking

Hacker is a computer expert who uses his knowledge to gain unauthorized access to the computer network.

Cracking

Crackers, on the other hand, use the information to cause disruption to the network for personal and political motives.

Email bombing

Email bombing refers to sending a large number of emails to the victim resulting in the victim's email account (in case of an individual) or mail servers (in case of a company or an email service provider) crashing.

Spamming

A popular name for e-mail sent to many unwilling recipients in order to sell products or services (or sometimes to cheat naïve customers)

Cyber Stalking

It is the use of Internet or other electronic means to stalk someone. The use of information and communication technology, particularly the Internet, by an individual or group of individuals, to harass another individual, group of individuals, or organisation is known as Cyber stalking. It involves following a person's movements across the Internet by posting messages (sometimes threatening) on the bulletin boards frequented by the victim, entering the chat-rooms frequented by the victim, constantly bombarding the victim with emails etc. In general, the harasser intends to cause emotional distress and has no legitimate purpose to his communications.

Morphing

Morphing is editing the original picture. It was identified that pictures of females are downloaded by the fake users and again re-posted / uploaded on different websites by creating fake profiles after editing it. This amounts to violation of I.T. Act, 2000 and attracts Sections 43 and 66 of the said Act. The violator can also be booked under IPC.

Harassment through e-mails and SMS

Harassment includes blackmailing, threatening, bullying, abusing with obscene pictures and messages and even cheating. E-harassments are similar to the letter harassment but creates problem quite often when posted from a fake ID.

Pedophiles

Also there are persons who intentionally prey upon children. Especially with a teen they will let the teen know that they fully understand the feelings towards adults and in particular teen parents. They earn teens trust and gradually seduce them into sexual or indecent acts.

Pedophiles lure the children by distributing pornographic material, and then they try to meet them for sex or to take their nude photographs including their engagement in sexual positions.

Cyber Pornography

It includes pornographic websites; pornographic magazines produced using computers (to publish and print the material) and the Internet (to download and transmit pornographic pictures, photos, writings etc). Pornographic materials can be reproduced more quickly and cheaply on new media like hard disks, floppy discs and CD-Roms.

Identity Theft

Identity theft is the fastest growing crime in countries like America. Identity theft occurs when someone appropriates another's personal information without their knowledge to commit theft or fraud. Identity theft is a vehicle for perpetrating other types of fraud schemes.

Data diddling

Data diddling involves changing data prior or during input into a computer. In other words, information is changed from the way it should be entered by a person typing in the data, a virus that changes data, the programmer of the database or application, or anyone else involved in the process of having information stored in a computer file. It also includes automatic changing the financial information for some time before processing and then restoring original information.

Theft of Internet Hours

Unauthorized use of Internet hours paid for by another person. By gaining access to an organization's telephone switchboard (PBX) individuals or criminal organizations can obtain access to dial-in/dial-out circuits and then make their own calls or sell call time to third parties. Additional forms of service theft include capturing 'calling card' details and on-selling calls charged to the calling card account, and counterfeiting or illicit reprogramming of stored value telephone cards.

Phishing

Used a forged or spoofed e-mail or website that imitates or duplicates an official communication or page to trick victims into revealing logon or other confidential information that can be used for penetration, financial fraud or identity theft.

Internet pharming

Redirecting the website used by the customer to another bogus website by hijacking the victim's DNS server (they are computers responsible for resolving internet names into real addresses) and changing his I.P. address to fake website by manipulating DNS server. This

redirects user's original website to a false misleading website to gain unauthorized information.

Theft of computer system (Hardware)

This type of offence involves the theft of a computer, some part(s) of a computer or a peripheral attached to the computer.

Physically damaging a computer system-

Physically damaging a computer or its peripheral either by shock, fire or excess electric supply etc.

Breach of Privacy and Confidentiality

Privacy refers to the right of an individual/s to determine when, how and to what extent his or her personal data will be shared with others. Breach of privacy means unauthorized use or distribution or disclosure of personal information like medical records, sexual preferences, financial status etc.

Confidentiality It means non disclosure of information to unauthorized or unwanted persons. In addition to Personal information some other type of information which useful for business and leakage of such information to other persons may cause damage to business or person, such information should be protected. Generally for protecting secrecy of such information, parties while sharing information forms an agreement about the procedure of handling of information and to not to disclose such information to third parties or use it in such a way that it will be disclosed to third parties. Many times party or their employees leak such valuable information for monetary gains and causes breach of contract of confidentiality. Special techniques such as Social Engineering are commonly used to obtain confidential information.

Department: Journalism and Mass Communication

Course Name: M.A. JMC

Semester - 2nd Semester

Paper name: Media Law and Ethics

Teacher Name: Prof. Manukonda Rabindranath

Note: This is for the purpose of reading only but not for any publication.

UNIT-4

1. RNI and its duties; I&B Ministry

Some of the responsibilities entrusted with RNI include compilation and maintenance of a Register of Newspapers, issue of Certificate of Registration to the newspapers (RNI Registration), scrutiny and analysis of annual statements sent by the publishers of newspapers, ensuring newspaper published are in accordance with

Office of the Registrar of the Newspapers for India (official name), more popularly known as Registrar of Newspapers for India (RNI), is a Government of India statutory body of Ministry of Information and Broadcasting for the registration of the publications, such as newspapers and magazines, India.

Office of Registrar of Newspapers of India:

The office came into existence in 1956 with headquarters at New Delhi. There was also a Regional Office at Shimla, looking after certain functions related to Registration, till 1977. In 1977, Shimla Office was closed and the entire registration records were shifted to Delhi. The Press in India 2016-17 Headquarters. In Delhi, the office functioned at various places beginning from P Block (in Lutean Zone of Delhi). Later, it was moved to Shastri Bhawan, thereafter to 4, Tolstoy Marg and then to Vandana Building (11, Tolstoy Marg). Later, it was shifted to the Present Building at West Block 8, Wing No. 2, R K Puram, New Delhi in 1981. Regional Offices of RNI at Chennai, Kolkata and Mumbai were created in 1990 under VIII Plan. Further, under the XI Plan Regional Offices were created at Bhopal and Guwahati as well. Consequent upon the order dated 14.07.2016 regarding the closure of regional offices of RNI received from the Ministry, the regional offices of RNI at Mumbai, Kolkata, Chennai,

Bhopal and Guwahati were closed and the assets of these offices were taken over by Press Information Bureau offices in respective stations.

FUNCTIONS OF RNI

The duties and functions of the RNI can be classified into two broad categories: (i) Statutory, and (ii) Non-statutory. With the passage of time the RNI has assumed various other duties and responsibilities.

(i). Statutory Functions:

- ✓ Compilation and maintenance of a register of newspapers published and registered with RNI;
- ✓ Issuance of Certificate of Registration to the newspapers under Section 19(C) of the PRB Act, published under valid declaration;
- ✓ Scrutiny and analysis of annual statements sent by the publishers of newspapers every year under Section 19(D) of the Act, containing information on circulation, ownership, etc;
- ✓ Informing the District Magistrates about the availability of proposed titles for intending publishers for filing declaration under proviso to Section 6 of the Act;
- ✓ Preparation and submission to the Government on or before 31st December each year, a report containing all available information and statistics about the Press in India, with particular reference to the emerging trends in circulation;
- ✓ Verification of Circulation claims of newspapers, under Section 19(F) of the Act.

(ii). Non-statutory Functions:

- ✓ Issuance of Eligibility Certificates to the registered newspapers to enable them to import newsprint.
- ✓ Issuance of Essentiality Certificates to import printing and composing machinery and allied materials.
- ✓ Issuance of No Newspaper Certificates under Foreign Contributions [Regulation] Act, 1976.

(iii). Present Status of Non--statutory Functions:

- ✓ In place of Eligibility Certificates, Authentication of Self-declaration Certificate is being done by this office for import of newsprint w.e.f. 16-07-2017 via Order No. 09/2015-2020 dated 3.6.2016 issued by DGFT.
- ✓ During the period 01-April-2016 to 31-March-2017, no Essentiality Certificate as well as No Newspaper Certificate has been issued by this office.

I& B Ministry Units

1. Bureau of out reach and communication.
2. Central Board of Film Certification
3. Directorate of Film Festivals
4. Electronic Media Monitoring center
5. Film Division
6. National Film Archives of India
7. New Media Wing
8. Press Information Bureau

9. Publication Division

10. Registrar of Newspapers of India.

2. Press Commissions and their recommendations

A press commission was established under the chairmanship of Justice Rajadhyaksha in September 1952. It was an important event in the history of press in India. The commission submitted its report in 1954. It recommended the establishment of press council, appointment of registered for newspaper in India etc.

First Press Commission (1952-54): The first Press Commission was formed under the Chairmanship of Justice J. S. Rajadhyaksha on 23rd September 1952 by the Ministry of Information and Broadcasting to inquire into the state of the Press in India.

The First Press Commission (1954) came across in some section of the Press,

1. instances of yellow journalism of one type or another,
2. scurrilous writing-often directed against communities or groups,
3. sensationalism,
4. bias in presentation of news and lack of responsibility in comment, indecency and vulgarity and personal.

The Second Press 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

Recommendations of second press commission :-

1. Press should act as a vital body for the development of the society.
2. Press should be widely accessible to all and also accountable for every one in the society.
3. Press should act as a lesioning between the government and people.

3. Press Council of India

Press Council Act, 1978 is an Act to establish a Press Council for the purpose of preserving the freedom of the press and of maintaining and improving the standards of newspaper and news agencies in India. It extends to the whole of India.

Under the Press Council Act, the Council by the name Press Council of India has been established *w.e.f* 1st March 1979. The Council is a body corporate having perpetual succession. The Council consist of Chairman and 28 other members. Section 13 of the Press Council Acts lays down the objects and functions of the Council. The important functions of the Council are:

- To help newspaper and news agencies to maintain their independence
- To build up a code of conduct for newspapers, news agencies and journalists
- To keep under review any development likely to restrict supply and dissemination of news of public interest and importance
- To concern itself with the development such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the press.

The Press Council Act empowers the Press Council to make observations in respect of conduct of any authority including Government, if considered necessary for performance of its functions under the Act. It can warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist if it finds that a newspaper or a news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct.

One year after emergency PCA came into act. The PCA was set up in 1966 under the Act of 1965 when Indira Gandhi was I&B Minister. IT WAS AIMED AT PRESERVING THE FREEDOM OF THE PRESS & MAINTAINING AND IMPROVING THE STANDARDS OF NEWSPAPERS AND NEWS AGENCIES IN INDIA. IT WAS ESTABLISHED IN 1975 AFTER THE PROCLAMATION OF EMERGENCY. The government enacted a new PCI Act in 1978 and the new PCI came into Act in 1976.

PCI consists of a chairman and 28 members. Chairman is usually a highly experienced judicial person, usually a former Supreme Court Judge. He is appointed by a committee

headed by the Chairman of Rajya Sabha. --- 20 members are dominated by the panels submitted by working journalist bodies consisting editors and owners. Of these 13 are located from among the working journalists rest from Editors of language press owners, small earned media newspapers and news agencies. Five member of the parliament (2 from Rajya Sabha and 3 from Lok Sabha) are also included. The term of the chairman is 3 years.-----The term of the members which is normally 3 years ends with the term of the council. The chairman can continue till the next council. The chairman can continue till the new council takes over but not beyond 6 months.

- A retired member can be re-nominated only once 3 members can be nominated by UGC University if Bar and Council of India and Science Academy.
- Press council does not deal with Electronic Media. It has quasi judicial function and has therefore been vested with the powers of the civil court i.e. it can summon and examine witnesses, documents, receive evidence and affidavit issue commission for examining witnesses, documents or any other matter which may be prescribed. The council holds open enquiries or complains received against newspapers, news agencies, journalists etc. on the basis of the enquiry the council declares its adjudication.
- It has issued guidelines on some important matters like the riots, Jatt riots, communal tension and their reporters. The council has powers to levy a graded fee on newspapers and news agencies to meet its expenditure and to reduce its dependence and government financial support.
- In times of absence of self regulation by newspaper industry the PCA steps in *suo-moto* complains received from quarters.
- The council deals with professional and industrial aspects of newspapers editorial and circulation. The act defines what is a big newspaper, what is a medium newspaper and what is small newspaper.
- a big newspaper means the newspaper which has a circulation exceeding 50,000 copies in all editions put together and the medium newspaper means minimum 15,000 copies and maximum 50,000 copies circulation. A small newspaper means a circulation not exceeding 15,000.
- A common code in broadcasting was evolved in 1962 by the fourth Asian broadcaster's conference at Kuala Lumpur to which India was party.

According to certain cardinal principle should be followed by broadcasters and television organizations these are;

- They should ensure the objectives presentation of news and fair unbiased content.
- They should promote the advancement of agitation and culture.
- They should raise and maintain high standards of decency and decorum in all programmes.
- They should provide programmes for which by variety and content will inculcate the principles of good citizenship.
- They should come out with communal harmony and, religious tolerance, and international understanding.
- They should treat controversial public issues in an impartial and dispassionate manner.

4. Censor board, Censorship Act and procedures

Definitions - In this Act, unless the context other wise requires,-

- (a) "Adult" means a person who has completed his eighteenth year
- (b) [(Note:- Subs. by Act No.49 of 1981 (w.e.f. 1-6-1983) "Board" means the Board of Film Certification constituted by the Central Government under Section 3]
- (bb) [(Note:- Ins. by ibid) "certificate" mean the certificate granted by the Board under Section 5-
- A.]
- (c) "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures,
- (d) "District magistrate" in relation to presidency town, means the commissioner of police.
- (dd) [(Note:- Ins. of Act 3 of 1959, S.3.) "film" means a cinematograph film
- (e) "Place" includes a house, building, tent and any description of transport, whether by sea, land or air,
- (f) "Prescribed" means prescribed by rules made under this Act.
- (g) [(Note:- Ins. by ibid) "regional officer" means a regional officer appointed by the Central Government under Section 5 and includes an additional regional officer and an assistant regional

officer.]

(h) [(Note:- Ins. by ibid) "Tribunal" means the Appellate Tribunal constituted under Section 5-D.]

3. Board of Film Censors - (1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the official Gazette, constitute a Board to be called the [Board of Film Certification (Note:- Subs. by Act No.49 of 1981 (w.e.f.1-6-1983)] which shall consist of a Chairman and [(Note:- Subs. by Act No.49 of 1981 (w.e.f.1-6-1983) not less than twelve and not more than twenty five] other members appointed by the Central Government.

(2) The Chairman of the Board shall receive such salary and allowance as may be determined by the Central Government and the other members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.

(3) The other terms and conditions of service of the members of the Board shall be such as may be prescribed

4. Examination of films

(1) Any person desiring to exhibit any film shall in the prescribed manner make an application to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner-

(i) Sanction the film for unrestricted public exhibition (Note:- Omitted by ibid).

[(Note:- Ins. by ibid) Provided that, having regard to any material in the film, if the Board is of the opinion that it is necessary to caution that the question as to whether any child below the age of twelve years may be allowed to see such a film should be considered by the parents or guardian of such child, the Board may sanction the film for unrestricted public exhibition with an endorsement to that effect or;];

(ii) Sanction the film for public exhibition restricted to adults, or

(iia) [(Note:- Subs. by Act 49 of 1981 (w.e.f. 1-6-1983) sanction the film for public exhibition restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film; or;];

(iii) [(Note:- Subs. by Act 49 of 1981 (w.e.f. 1-6-1983) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for public exhibition under any of the foregoing clauses; or]

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

(2) No action under [the proviso to clause (I), clause (ii), clause (iia), clause (iii) or clause (iv) (Note:- Subs. by Act 49 of 1981 (w.e.f. 1-6-1983)] of sub section (1) shall be taken by the Board

except after giving an opportunity to the applicant for representing his views in the matter.

The Central Board of Film Certification (CBFC) is a statutory film-certification body in the Ministry of Information and Broadcasting of the Government of India. It is tasked with "regulating the public exhibition of films under the provisions of the Cinematograph Act 1952. Films screened in cinemas and on television may only be publicly exhibited in India after certification by the board. The board, which has been associated with a number of scandals, is blamed for overly-harsh censorship and right-wing domination.

The board currently issues four certificates. Originally, there were two: U (unrestricted public exhibition) and A (restricted to adult audiences). Two more were added in June 1983: U/A (unrestricted public exhibition, with parental guidance for children under age twelve) and S (restricted to specialised audiences, such as doctors or scientists). The board may refuse to certify a film

The certificates are:

-] U: Unrestricted public exhibition
-] U/A: Parental guidance for children under age 12
-] A: Restricted to adults
-] S: Restricted to a specialised groups of people, such as engineers, doctors or scientists

Guidelines[edit]

The board's guidelines are:

-] Anti-social activities (such as violence) may not be glorified
-] Criminal acts may not be depicted
-] The following is prohibited:
 - o a) Involvement of children in violent acts or abuse
 - o b) Abuse or ridicule of the physically or mentally handicapped
 - o c) Unnecessary depictions of cruelty to animals
-] Gratuitous violence, cruelty, or horror
-] No scenes encouraging alcohol consumption, drug addiction or smoking

-] No vulgarity, obscenity, depravity, double entendres or scenes degrading women, including sexual violence (as much as possible)
-] No denigration by race, religion or other social group
-] No promotion of sectarian, obscurantist, anti-scientific and anti-national attitudes
-] Relations with foreign countries should not be affected.
-] No national symbols or emblems, except in accordance with the Emblems and Names (Prevention of Improper Use) Act, 1950 (12 of 1950)

Enforcement

Since 2004, censorship has been rigorously enforced. An incident was reported in which exhibitor staff – a clerk who sold the ticket, the usher who allowed minors to sit, a theater manager and the partners of the theater complex – were arrested for non-compliance with certification rules.

Composition and leadership

The board consists of a chairperson and 23 members, all of whom are appointed by the central government. Prasoon Joshi chairs the board; Joshi became its 28th chairperson on 11 August 2017, after Pahlaj Nihalani was fired. Nihalani had succeeded Leela Samson after Samson quit in protest of an appellate tribunal's overturning of a board decision to refuse certification for *MSG: The Messenger*. Samson had succeeded Sharmila Tagore.

The board, headquartered in Mumbai, has nine regional offices:

5. Working Journalists Act, 1955 and Wage Boards

As its preamble says, this is an Act to regulate certain conditions of service of Working Journalists and other persons employed in newspaper establishments. The provisions of Industrial Disputes Act 1947 are applicable to Working Journalists Act. This Act deals with various aspects of Working Journalists and other employees regarding their wages, bonus, gratuity, compensation, service conditions, retrenchment, service disputes, hours of work, leave, maternity leave, wage board, interim relief, constitution of wage revising tribunals, etc.

Working Journalist Fixation of Rates of Wages, ACT -1958.

This is an Act to provide for the fixation of rates of wages in respect of working journalists and for matters connected with this. The previous act included other employees as well.

This Act deals with among other things the constitution of a committee by Central Government to fix wages of Working Journalists in the light of a Supreme Court judgment dated March 19, 1958. It details out the functions formation and powers of the committee. It also deals with the powers if the Central Government to enforce the recommendations of the Committee, recovery of money, due to a working journalist from an employer, etc. For example, section 12 A of the Act deals with the penalty for the employer for violation of wage law which is Rs.200.

DEFINITIONS:

- **"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.
- **"Newspaper Employees"** means any working Journalists and includes any other person employed to do any work in or in relation to any newspaper establishment.
- **"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.
- **"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;
 1. is employed mainly in a managerial or administrative capacity or
 2. 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.

WORKING JOURNALIST: Sec 25-f of the aforesaid act, in its application to working journalist, shall be construed as in Cl. (a) thereof, 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.

Termination of Service without notice-Effect thereof-where a journalist was permitted to continue into employment even after he has attained the age of superannuation, but later on his service was terminated without giving him notice or retrenchment compensation, it was held by the court that the action of the management of the company in terminating the services was illegal and improper.

SPECIAL PROVISIONS IN RESPECT OF CERTAIN CASES OF RETRENCHMENT: Where at any time between 14 July 1954 and 12 March 1955, any working journalist had been retrenched he shall be entitled to receive from employer -

- wages for one month at the rate to which he was entitled immediately before his retrenchment , unless he has been given one month notice in writing before such retrenchment; and
- compensation which shall be equivalent to 15 days average pay for every completed years of service under that employer or any part thereof in excess of six months.

5) PAYMENT OF GRATUITY : 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

- 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
- 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 resign on or after 1st day of July 1961 from services in that newspaper establishment on any ground what so ever other than on the ground of conscience or
- 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

6) Hours of Work: 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.) The maximum hour of work for any period of consecutive weeks is 144 hours.

SPECIAL PROVISION REGARDING EDITOR, ETC. (HOURS OF WORK): **1.** The provision of this chapter shall not apply to editor, or to correspondents, reporters or news photographers, **2.** Notwithstanding any thing contained in sub rule (1) the following provision shall apply to every correspondent, reporter , news photographer stationed at the place at which the newspaper (in relation to person is employed) namely

- A) 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.
- B) 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.

NORMAL WORKING DAYS: 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.

COMPENSATION FOR OVER TIME WORK: 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.

HOLIDAYS: The number of holidays in a year - 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.

LEAVES:

- Without prejudice to such holidays, casual leave or other kind of leave as may be prescribed, every working journalists shall be entitled to
- 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.
- Leave on medical certificate: 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.

Earn Leave:

- 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.
- The period spent on duty shall include weekly days of rest, holidays, casual leave and quarantine leave.

Maternity Leave:

- 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 which ever is earlier.
- Leave of any other may be granted in continuation of maternity leave.

- Maternity leave shall also be granted in case of miscarriage, including abortion, subject to the condition that the leave does not exceeds six weeks.

Quarantine Leave: Quarantine leave on full wage shall be granted by newspaper establishment on the certificate of authorized medical practitioner for a period not exceeding 21 days or in exceptional circumstances, 30 days.

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.

Casual Leave: A working journalist shall be eligible for casual leave at the discretion of newspaper establishment for 15 days in a calendar year.

SETTING OF 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 -

- Three persons representing employers in relation to newspaper establishments
- Three persons representing working journalists
- 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.

Department: Journalism and Mass Communication

Course Name: M.A. JMC

Semester - 2nd Semester

Paper name: Media Law and Ethics

Teacher Name: Prof. Manukonda Rabindranath

Note: This is for the purpose of reading only but not for any publication.

UNIT-5

1. Media Ethics and Social Responsibilities

OBJECTIVITY:

- ✓ Unequivocal separation between news and opinion. *Editorials* and *op-eds* are clearly separated from news pieces. News reporters and editorial staff are distinct.
- ✓ Unequivocal separation between advertisements and news. All advertisements must be clearly identifiable as such.
- ✓ Reporter must avoid conflicts of interests—incentives to report a story with a given slant. This includes not taking bribes and not reporting on stories that affect the reporter's personal, economic or political interests. See envelope journalism.
- ✓ Competing points of view are balanced and fairly characterized.
- ✓ Persons who are the subject of adverse news stories are allowed a reasonable opportunity to respond to the adverse information before the story is published or broadcast.
- ✓ Interference with reporting by any entity, including censorship, must be disclosed.

SOURCE:

- ✓ Confidentiality of anonymous sources
- ✓ Avoidance of anonymous sources if possible.
- ✓ Accurate attribution of statements made by individuals or other news media.
- ✓ Pictures sound, and quotations must not be presented in a misleading context (or lack thereof). Simulations, re-enactments, alterations, and artistic imaginings must be clearly labelled as such, if not avoided entirely.
- ✓ Plagiarism is strongly stigmatized and in many cases illegal.

ACCURACY AND STANDARDS FOR FACTUAL REPORTING:

- ✓ Reporters are expected to be as accurate as possible given the time allotted to story preparation and the space available, and to seek reliable sources.

- ✓ Events with a single eyewitness are reported with attribution. Events with two or more independent eyewitnesses may be reported as fact. Controversial facts are reported with attribution.
- ✓ Independent fact-checking by another employee of the publisher is desirable
- ✓ Corrections are published when errors are discovered
- ✓ Defendants at trial are treated only as having "allegedly" committed crimes, until conviction, when their crimes are generally reported as fact (unless, that is, there is serious controversy about wrongful conviction).
- ✓ Opinion surveys and statistical information deserve special treatment to communicate in precise terms any conclusions, to contextualize the results, and to specify accuracy, including estimated error and methodological criticism or flaws.

SLANDER AND LIBEL CONSIDERATIONS:

- ✓ Reporting the truth is never libel, which makes accuracy very important.
- ✓ Private persons have privacy rights that must be balanced against the public interest in reporting information about them. Public figures have fewer privacy rights in U.S. law, where reporters are immune from a civil case if they have reported without malice. In Canada, there is no such immunity; reports on public figures must be backed by facts.
- ✓ Publishers vigorously defend libel lawsuits filed against their reporters, usually covered by libel insurance.

HARM LIMITATION PRINCIPLE: During the normal course of an assignment a reporter might go about - gathering facts and details, conducting interviews, doing research, background checks, taking photos, video taping, recording sound -- harm limitation deals with the questions of whether everything learned should be reported, and if so, how. This principle of limitation means that some weight needs to be given to the negative consequences of full disclosure, creating a practical and ethical dilemma. The Society of Professional Journalists' code of ethics offers the following advice, which is representative of the practical ideals of most professional journalists:

- ✓ Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- ✓ Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- ✓ Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- ✓ Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention.
- ✓ Only an overriding public need can justify intrusion into anyone's privacy.

- ✓ Show good taste. Avoid pandering to lurid curiosity.
- ✓ Be cautious about identifying juvenile suspects or victims of sex crimes.
- ✓ Be judicious about naming criminal suspects before the formal filing of charges.
- ✓ Balance a criminal suspect's fair trial rights with the public's right to be informed.

PRESENTATION:

- ✓ Ethical standards should not be confused with common standards of quality of presentation, including:
- ✓ Correctly spoken or written language (often in a widely spoken and formal dialect, such as Standard English)
- ✓ There should be clarity in the presentation of the news
- ✓ Brevity (or depth, depending on the niche of the publisher)

SOCIAL RESPONSIBILITY: In addition to codes of ethics, many news organizations maintain an in-house Ombudsman whose role is, in part, to keep news organizations honest and accountable to the public. The ombudsman is intended to mediate in conflicts stemming from internal and or external pressures, to maintain accountability to the public for news reported, and to foster self-criticism and to encourage adherence to both codified and uncoded ethics and standards. This position may be the same or similar to the public editor, though public editors also act as a liaison with readers and do not generally become members of the Organisation of News Ombudsmen.

An alternative is a news council, an industry-wide self-regulation body, such as the Press Complaints Commission, set up by UK newspapers and magazines. Such a body is capable perhaps of applying fairly consistent standards, and of dealing with a higher volume of complaints, but may not escape criticisms of being toothless.

NEWS MANIPULATION: News can manipulate and be manipulated. Governments and corporations may attempt to manipulate news media; governments, for example, by censorship, and corporations by share ownership. The methods of manipulation are subtle and many. Manipulation may be voluntary or involuntary. Those being manipulated may not be aware of this. Journalists must ensure that news is not manipulated.

STANDARDS AND REPUTATION: Among the leading news organizations that voluntarily adopt and attempt to uphold the common standards of journalism ethics described herein, adherence and general quality varies considerably. The professionalism, reliability and public accountability of a news organization are three of its most valuable assets. An organization earns and maintains a strong

reputation, in part, through a consistent implementation of ethical standards, which influence its position with the public and within the industry.

TRUTH:

- ✓ Public interest. Revelation of military secrets and other sensitive government information may be contrary to the public interest, even if it is true. The definition of public interest is hard.
- ✓ Privacy. Salacious details of the lives of public figures are a central content element in many media. Publication is not necessarily justified simply because the information is true. Privacy is also a right, and one which conflicts with free speech. See: paparazzi.
- ✓ Fantasy. Fantasy is an element of entertainment, which is a legitimate goal of media content. Journalism may mix fantasy and truth, with resulting ethical dilemmas.
- ✓ Taste. Photo journalists who cover war and disasters confront situations which may shock the sensitivities of their audiences. For example, human remains are rarely screened. The ethical issue is how far one risk shocking an audience's sensitivities in order to correctly should and fully reports the truth.

CONFLICT WITH THE LAW: Journalistic ethics may conflict with the law over issues such as the protection of confidential news sources. There is also the question of the extent to which it is ethically acceptable to break the law in order to obtain news. For example, undercover reporters may be engaging in deception, trespass and similar torts and crimes. See undercover journalism, investigative journalism.

TASTE, DECENCY AND ACCEPTABILITY: Audiences/readers have different reactions to depictions of violence, nudity, coarse language, or to people in any other situation that is unacceptable to or stigmatized by the local culture or laws (such as the consumption of alcohol, homosexuality, illegal drug use, scatological images, etc.). Even with similar audiences, different organizations and even individual reporters have different standards and practices. These decisions often revolve around what facts are necessary for the audience to know.

CAMPAIGNING IN THE MEDIA: Many print publications take advantage of their wide readership and print persuasive pieces in the form of unsigned editorials that represent the official position of the organization. Despite the ostensible separation between editorial writing and news gathering, this practice may cause some people to doubt the political objectivity of the publication's news reporting.

Other publications and many broadcast media only publish opinion pieces that are attributed to a particular individual (who may be an in-house analyst) or to an outside entity. One particularly

controversial question is whether media organizations should endorse political candidates for office. Political endorsements create more opportunities to construe favouritism in reporting, and can create a perceived conflict of interest.

INVESTIGATIVE METHODS: Investigative journalism is largely an information-gathering exercise, looking for facts that are not easy to obtain by simple requests and searches, or are actively being concealed, suppressed or distorted. Where investigative work involves undercover journalism or use of whistleblowers, and even more if it resorts to covert methods more typical of private detectives or even spying, it brings a large extra burden on ethical standards.

SENSATIONALISM: Sensationalism is the major factor that lowering journalistic standards. The media professional must address this question while reporting/presenting news events. They must also see that the presentation of sensational story does not exceed the proportion of the meaningful items in the media. If journalists regard media as being eroded by sensationalism, media values that may be affected are honesty, objectivity, priority, commitment to action, secularism, freedom of reporting and reality.

DEMOCRATIC VALUES: The mass media function as watchdog and critics of the government. Media functioning has also been recognised as more effective in a democratic polity that offers scope for diverse opinions and views. Democratic values in communication encourage free and fair dialogue. Political communication in the mass media influences political theorising as well as shifts in thought and opinion. In fact, many political parties have their press and disseminate ideas through newspapers and publications. Therefore, journalists in democratic country like India must work towards ensuring pluralism of voices and opinion.

2. Media and pressure groups, social audit, ombudsman

Pressure Group is the interest groups which try to secure their interests by influencing the formulation and administration of public policy. They referred to as Civil Society Organization (CSO). They are a non-partisan organization which attempts to influence some phases of public life. The role of pressure group is indirect, ordinarily, invisible and intermittent yet very important part of the administrative system. The emergence of trusts and monopolies and the struggle over tariffs led to the formation of a pressure group. And its role is as vital as that of political party existing in any country.

Pressure Group in India

In India Political parties and pressure groups together play a big role in the struggle of power. In India, the pressure group arose even during the colonial period. All India trade union congress was the first countrywide pressure group of the working class. India was a developing country having a scarcity of resources and acute poverty, resulting in the significant role of the pressure group. The aim of this pressure group was to secure economic and political concessions for themselves. Providing crucial component of the structural equilibrium i.e. maintenance function.

-) **What is a Pressure Group?** A pressure group is an organisation whose members share common interest and seeks to influence governmental policy.
-) Sectional Pressure Groups.
-) Cause or Promotional Pressure Groups.
-) Local groups.
-) National Groups.
-) Transnational Groups.

Economic pressure groups: These pressure groups focus on the economic wellbeing of their members. ... **Religious pressure groups:** These are pressure groups of people that belong to the same religion and wish to influence government decisions in favour of their belief or members

An ombudsman is someone who handles complaints and attempts to find mutually satisfactory solutions. Ombudsmen can be found in government, corporations, hospitals, universities and other institutions. The first ombudsman was appointed in 1809 in Sweden to handle citizens' complaints about the government. The word is pronounced "om-BUDS-man" and is Scandinavian in origin.

WHAT IS A NEWS OMBUDSMAN: A news ombudsman receives and investigates complaints from newspaper readers or listeners or viewers of radio and television stations about accuracy, fairness, balance and good taste in news coverage. He/she recommends appropriate remedies or responses to correct or clarify news reports.

WHY SHOULD A NEWSPAPER OR BROADCASTER HAVE AN OMBUDSMAN?

1. To improve the quality of news reporting by monitoring accuracy, fairness and balance.
2. To help his or her news provider to become more accessible and accountable to readers or audience members and, thus, to become more credible.
3. To increase the awareness of its news professionals about the public's concerns.
4. To save time for publishers and senior editors, or broadcasters and news directors, by channelling complaints and other inquiries to one responsible individual.
5. To resolve some complaints that might otherwise be sent to attorneys and become costly lawsuits.

HOW DO NEWS OMBUDSMEN WORK: No two ombudsmen work exactly alike. But typically, they monitor news and feature columns, photography and other graphic materials for fairness, accuracy and balance. They bring substandard items to the attention of the appropriate members of the news staff.

- ✓ They investigate and reply to comments and complaints concerning published or broadcast news and feature material. They obtain explanations from editors and other staff members for readers, viewers or listeners.
- ✓ Some supervise the preparation of corrections. Others write internal newsletters about readers' views and complaints. Many news ombudsmen write regular columns that deal with issues of broad public interest, or with specific grievances. Where appropriate, columns may criticize, explain or praise.
- ✓ Other ombudsmen initiate or coordinate public forums or reader advisory boards in an effort to connect more closely with readers. Many speak before various public and private groups to help explain media practices. Some send accuracy questionnaires to persons whose names have appeared in news stories and ask for comments.
- ✓ In some smaller news organizations ombudsmen find it necessary to assume other news-related duties. But in any event, news ombudsmen generally function in an advisory capacity only, not as disciplinarians.

HOW DOES THE PUBLIC BENEFIT? - An ombudsman helps to explain the news-gathering process to the public, a process that often is mysterious and, therefore, suspect to many readers. Having a contact person can help overcome the belief that news media are aloof, arrogant or insensitive to concerns of the public and generally inaccessible to average citizens. An ombudsman's column provides still another useful forum for readers, particularly in one-newspaper cities.

WHO PAYS? - Most ombudsmen are selected from within the senior staff of the newspaper or broadcaster they monitor. A few are on fixed-term, non-cancellable contracts. In any case, they

typically have deep experience in journalism and are chosen also because they have the ability to relate easily and undefensively to readers.

MISSION STATEMENT: THE NEWS OMBUDSMAN IS DEDICATED TO PROTECTING AND ENHANCING THE QUALITY OF JOURNALISM BY ENCOURAGING RESPECTFUL AND TRUTHFUL DISCOURSE ABOUT JOURNALISM'S PRACTICES AND PURPOSES.

-) The news ombudsman's primary objective is to promote transparency within his / her news organization.
-) The ombudsman works to protect press freedom and promote responsible, high-quality journalism.
-) Part of the ombudsman's role is to receive and investigate complaints about news reporting on behalf of members of the public.
-) The ombudsman recommends the most suitable course of action to resolve issues raised in complaints.
-) The ombudsman is an independent officer acting in the best interests of news consumers.
-) The ombudsman strives to remain completely neutral and fair.
-) The ombudsman refrains from engaging in any activity that could create a conflict of interest.
-) The ombudsman explains the roles and obligations of journalism to the public.
-) The ombudsman acts as a mediator between the expectations of the public and the responsibilities of journalists.

3. Guidelines for election coverage, Code of conduct for TV and Radio

1. AIR and Doordarshan should treat all election news factually, objectively and impartially. 2. TALKS AND BROADCASTS i) Ministers, MPs, MLAs, MLCs, political leaders, election candidates or their agents, and persons who are closely identified with political parties, even though they may not be holding any office in a party organization, should not be invited by AIR and Doordarshan to broadcast on any subject that is related to elections. ii) 'Spotlight', 'Current Affairs', 'Newsreel' and the corresponding programmes in Hindi and other languages will continue to deal with topical issues and problems. 3. NEWS The following may be noticed by AIR and Doordarshan for news coverage: a) Election manifestoes i) Election manifestoes of political parties recognized as all-India parties by the Election Commission should be given fair, impartial and adequate coverage in the central news bulletins. The manifesto of each party should be noticed only once in the major English, Hindi and other Indian language news bulletins. ii) Election manifestoes of parties recognized at the State level

will be noticed in similar manner in the regional news bulletins and the central bulletins concerned. iii) Election manifestoes, if any, of regional units of all- India parties will be covered only in the regional bulletins of the area concerned. iv) Manifestoes will be covered when they are released to the Press and only a brief summary with amendments, if any, will be given when formally and finally adopted.

b) Party alliance Alliances between various parties for election purposes, when announced officially, should be covered in the central news bulletins. Regional news bulletins may also carry such announcements when covered in the central news bulletins. Adjustments made at the state level may be noticed on news value. c) List of candidates i) Both English and language news bulletins broadcast from Delhi should notice final lists of candidates whether in part or as a whole, when officially release by the Central committees of the various political parties. Only the total number of candidates filed by the party should be announced. The news of prominent and well-known personalities contesting the election may be noticed in central and regional news bulletins. The name of the constituency may also be mentioned if it has some special significance. Notice may also be taken, if any prominent person decides not to contest the election. ii) After the withdrawal stage, wherever the name of any one candidate is mentioned, names of other candidates contesting from the same constituency should be given. d) Speeches and announcements i) Speeches made by Central and States Ministers of prominent leaders of political parties may be noticed on the basis of their news value, with the provision that portions which are in the nature of party propaganda or electioneering, should be kept out. ii) Policy announcements or decisions of government even when these are made at election meetings will continue to be noticed. AIR and Doordarshan will continue to provide coverage of Government activities, programmes and achievements. Sober criticism of Government policies and their implementation may also be covered. iii) Attacks or criticism of personal nature should scrupulously be avoided. iv) Constructive activities and programmes unrelated to election will continue to be noticed by AIR and Doordarshan on their news and information value. e) Coverage of Polling Central and regional news bulletins will try to present a picture of the polling scene, giving the various interesting features. The percentage of polling should be reported, but after due verification. The pre-election scene in a state or the country as a whole may also be covered by AIR and Doordarshan, but without expressing views or comments, one way or the other. f) Election Incidents Any serious election incident, if it is of sufficient news value, should be reported but the facts and seriousness of such incidents should be checked with district authorities.

DO's (i) The following could be covered in a balanced manner: • Campaigning and excerpts from campaign speeches. • Symbols, banners, flags and other campaign material of parties. • Results of opinion polls by non political, professional organizations with a proven track record. Opinion/Gallop polls are not to be published/broadcast during the period of 48 hrs before each phase of polling till the

completion of the phase of polling. Exit poll results are not to be published/broadcast before the completion of each phase of polling. • Party manifestoes (critical analysis of which is perfectly legitimate). • Candidates and their views in different constituencies across the country. • The position taken by main parties on different issues important to the electorate. • Debates between major parties and candidates. • Analysis of previous voting patterns, victory margins, swings etc.

AIR Code during elections: Broadcast on All India Radio will not permit: 1. Criticism of friendly countries; 2. Attack on religions or communities; 3. Anything obscene or defamatory; 4. Incitement to violence; 5. Anything amounting to contempt of court; 6. Aspersions against the integrity of the President and Judiciary; 7. Anything affecting the unity and integrity of the nation; 8. Any criticism by name of any person; 9. Sponsored programme by political parties to telecast/broadcast during election period. 10. Songs sung by cine artists themselves in films who have joined politics. 11. Telecast/broadcast of programmes of the Prime Minister/Chief Minister/Ministers having a direct relation or bearing on elections. However, telecast/broadcast of programmes on official activities of the Prime Minister/Chief Ministers will be permitted.

4. Public Relations and Advertising code of conduct

CODE FOR PUBLIC RELATIONS

Advertising and PR organisations are well aware that consumer groups and the public are often critical of the ‘manipulative’ and ‘deceptive’ methods resorted by advertisers and PR professionals. These organisations have drawn up Codes of Ethics with the hope of regulating and disciplining the profession. The Advertising Standard Council of India (ASCI), a body which brings together advertisers, ad agencies and the media, has drawn up a detail and elaborate Code. It has also established a Consumer Complaints Council (CCC) to examine complaints received. The Public Relations Society of India (PRSI) has not yet formulated a Code of Ethics for its members; it claims, however, that its members are committed to the International Code of Ethics, drawn up by the International Public Relations Association (IPRA) in Athens in 1965, and later modified at the annual meeting of the IPRA Council held in Tehran on April 17, 1968.

CODE OF PROFESSIONAL STANDARDS FOR PR:

- ✓ A public relations person shall practice public relations according to the highest professional standards. He/she shall conduct their professional life in a manner that does not conflict with the public interest and the dignity of the individual, with respect for the rights of the public.

- ✓ They shall deal fairly and honestly with the communications media and the public and shall neither propose nor act to improperly influence the communications media, government bodies or the legislative process. Improper influence may include conferring gifts, privileges or benefits to influence decisions.
- ✓ A PR person shall practice the highest standards of honesty, accuracy, integrity and truth, and shall not knowingly disseminate false or misleading information. He/she shall not make extravagant claims or unfair comparisons, nor assume credit for ideas and words not their own.
- ✓ A PR shall deal fairly with past or present employers/clients, with fellow practitioners, and with members of other professions. PR shall not intentionally damage another practitioner's practice or professional reputation. He/she shall understand, respect and abide by the ethical code of other professions with whose members they may work from time to time.
- ✓ A PR shall be prepared to disclose the name of their employer or client for whom public communications are made and refrain from associating themselves from anyone that would not respect such policy. A PR shall be prepared to disclose publicly the name of their employer or client on whose behalf public communications is made. A member shall also not associate themselves with anyone claiming to represent one interest or professing to be independent or unbiased, but actually serving another or undisclosed interest.
- ✓ A PR shall protect the confidences of present, former and prospective employers/clients. Members shall not use or disclose confidential information obtained from past or present employers/clients, without the express permission of the employers/clients or upon the order of a court of law.
- ✓ A PR shall not represent conflicting or competing interests without the express consent of those concerned, given after a full disclosure of the facts. Members shall not permit personal or other professional interests to conflict with those of an employer/client without fully disclosing such interests to everyone involved.

ADVERTISING CODE OF CONDUCT

Advertising is an important and legitimate means for the seller to awaken interest in his/her goods and services. The success of advertising depends on public confidence. Hence no practice should be permitted which tends to impair this confidence. The standards laid down here should be taken as minimum standards of acceptability which would be liable to be reviewed from time to time in relation to the prevailing norms of viewer's susceptibilities.

The following standards are laid down in order to develop and promote healthy advertising practices in Doordarshan. Responsibility for the observance of these rests equally upon the Advertisers

and the Advertising Agency. All those engaged in advertising are strongly recommended to familiarise themselves with the legislation affecting advertising in this country, particularly the following Acts and the Rules framed under them:

- ✓ Drugs and Cosmetics Act, 1940
- ✓ Drugs Control Act, 1950
- ✓ Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954
- ✓ Copyright Act, 1957
- ✓ Trade and Merchandise Marks Act, 1958
- ✓ Prevention of Food Adulteration Act, 1954
- ✓ Pharmacy Act, 1948
- ✓ Prize Competition Act, 1955
- ✓ Emblems and Names (Prevention of Improper Use) Act, 1950
- ✓ Consumer Protection Act, 1986
- ✓ Indecent Representation of Women (Prohibition) Act, 1986
- ✓ AIR/Doordarshan Code
- ✓ Code of Ethics for advertising in India is issued by the Advertising Standard Council of India.
- ✓ Code of Standards in relation to the advertising of medicine and treatments.
- ✓ Standards of practice for Advertising Agencies.

THE CODE: General Rules of Conduct in Advertising

1. Advertising shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the people.
2. No advertisement shall be permitted
 - a. Derides any race, caste, colour, creed and nationality is against any of the directive principles or any other provision of the Constitution of India; tends to incite people to crime, cause disorder or violence, or breach of law or glorifies violence or obscenity in any way.
 - b. Presents criminality as desirable
 - c. Adversely affects friendly relations with foreign States
 - d. Exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or State Dignitary
 - e. Relates to or promotes cigarettes and tobacco products, liquor, wines and other intoxicants
3. No advertisement message shall in any way be presented as News
4. No ad shall be permitted the objects whereof are wholly or mainly of a religious or political nature; ads must not be directed towards any religious or political end or have any relation to any industrial dispute.
5. Ads for services concerned with the following shall not be accepted:
 - a. Money lenders
 - b. Chit Funds
 - c. Saving schemes and lotteries other than those conducted by Central and State govt. organisations, Nationalised or recognised banks and Public Sector Undertakings
 - d. Matrimonial agencies
 - e. Unlicensed employment services
 - f. Fortune tellers or sooth-sellers etc. and those with claims of hypnotism
 - g. Foreign goods and foreign banks
6. The items advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act. 1986
7. No ad shall contain references which are likely to lead to public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved, e.g., cure of baldness, skin whitener, etc.

8. No ad shall contain the words 'Guarantee' or 'Guaranteed' etc., unless the full terms of the guarantee are available for inspection by the Director General, All India Radio and are clearly set out in ad and are made available to the purchaser in writing at the point of sale or with the goods, in all cases terms must include details of the remedial action available to the purchaser.
9. Ads shall not contain disparaging or derogatory references to another product or service
10. Testimonials must be genuine and used in a manner not to mislead the listeners. Advertisers or Advertising Agencies must be prepared to produce evidence in support of their claims.
11. No ad of any kind of jewellery (except artificial jewellery) or precious stones shall be accepted.
12. Information to consumers on matters of weight, quality or prices of products where given shall be accurate.
13. Ads indicating price comparisons or reductions must comply with relevant laws.
14. No Ads shall be accepted which violates AIR Broadcast Code.

ADVERTISING AND CHILDREN

- 18.** No ad for a product or services shall be accepted if it suggests in any way that unless the children themselves buy or encourage other people to buy the products or services, they will be failing in their duty or lacking in loyalty to any person or organisation.
- 19.** No ad shall be accepted which leads children to believe that if they do not own or use the products advertised they will be inferior in some way to other children or that they are liable to be condemned or ridiculed for not owning or using it.
- 20.** No ad likely to bring advertising into, contempt or disrepute shall be permitted. Advertising shall not take advantage of the superstition or ignorance of the general public.
- 21.** No ad of talismans, charms and character-reading from photographs or such other matter as well as those which trade on the superstition of general public shall be permitted.
- 22.** Advertising shall be truthful, avoid distorting facts and misleading the public means of implications of false statements.
- 23.** Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all ads.

5. Govt. media Units and their code of conduct

I & B Ministry Units

1. Bureau of out reach and communication.
2. Central Board of Film Certification
3. Directorate of Film Festivals
4. Electronic Media Monitoring center
5. Film Division
6. National Film Archives of India
7. New Media Wing
8. Press Information Bureau
9. Publication Division
10. Registrar of Newspapers of India.

Broadcast codes do not permit:

- a. Criticism of friendly countries
- b. Attack on religions or communities
- c. Anything obscene or defamatory
- d. Incitement to violence or anything against maintenance of law and order
- e. Anything amounting to contempt of court
- f. Aspersions against the integrity of the President, Governors and the Judiciary
- g. Attack on a political party by name
- h. Hostile criticism of any state or the centre
- i. Anything showing disrespect to the Constitution or advocating change in the Constitution by violence, but advocating changes in a constitutional way should not be debarred.
- j. Appeal for funds except for the Prime Minister's National Relief Fund, at a time of External Emergency or if the Country is faced with a natural calamity such as floods, earthquake or cyclone
- k. Direct publicity for or on behalf of an individual or organisation which is likely to benefit only that individual or organisation
- l. Trade names in broadcasts which amount to advertising directly (except in commercial services).
