



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.M. 1st Semester

GROUP: Constitutional Law

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NAME OF FACULTY: Ms. Anjali Dixit

Lecture-13



LECTURE 13: Major Media Laws

MAJOR MEDIA LAWS IN INDIA:

Some of the major laws related to mass media in India include the following:

- o First Press Regulations,
- o Gagging Act,
- o Indian Press Act,
- o Vernacular Press Act,
- o Constitutional Provisions regarding Press Freedom,
- o Official Secrets Act,
- o Press and Registration of Books Act,
- o Sea Customs Act,
- o Contempt of Court Act,
- o Young Persons (Harmful Publications) Act,
- o Parliamentary Proceedings Act,
- o Delivery of Books and Newspapers Act,
- o Copyright Act,
- o Defense of India Act,
- o Press Council of India Act,
- o Police Act,
- o Drugs and Magic Remedies Act,
- o Cable Television Regulation Act,

o Right to Information Act.

FIRST PRESS REGULATIONS, 1799:

On 13th May 1799, Lord Wellesley promulgated the First Press Regulations. According to these regulations it was mandatory for the newspapers to print the names and addresses of printers, editors and publishers. However, these regulations were abolished during the administration of Warren Hastings in 1813.

GAGGING ACT, 1857:

In 1857, a law was enacted known as the "Gagging Act". This Act introduced mandatory licensing for running or owning a printing press. It empowered the Government to prohibit the publication or circulation of any newspaper, book or any printed matter. It allowed the Government to ban the publications or dissemination of statements or news stories, which had a tendency to cause hatred or contempt for the Government, incite disaffection or unlawful resistance to its orders or weaken its lawful authority. The Act was, however, abolished in June 1858.

VERNACULAR PRESS ACT, 1878:

This Act was enacted on March 1, 1878. This Act empowered the then British Government to exercise more stringent control over publications in the Indian languages. Under this Act, any District Magistrate or Police Commissioner could demand security from the printer and publisher of a newspaper, forfeit such security or confiscate any printed matter considered objectionable in the interest of the British Government.

INDIAN PRESS ACT, 1910:

Under this Act, owners of presses were required to tender security deposits. These securities were to be forfeited if they printed any objectionable matter. In addition, the police was given extensive powers of search and seizure. The harshness of the legislation was matched by vigorous enforcement of its provisions. The British Government, between 1910 and 1914, initiated no fewer than 355 cases.

OFFICIAL SECRETS ACT, 1923:

This is an act, which consolidates the law relating to official secrets, and deals with offences like spying and wrongful communication of secret information.

Section 3 of the Act makes it an offence if any person for any purpose prejudicial to the public safety and the interests of the state:

- o Approaches, inspects, passes over or is in the vicinity of or enters any prohibited place,
- o Makes any sketch, plan, model or note which is calculated to be or-might be or is intended to be directly or indirectly useful to an enemy, or
- o Obtains, collects, records or publishes or communicates to any person such sketch, etc. In a prosecution for an offence punishable under Section 3(1) of the Act, with imprisonment for a term which may extend to 14 years.

THE PRESS AND REGISTRATION OF BOOKS ACT, 1867:

This Act was enacted with a view to evaluating the present position of books, newspapers, and magazines in the country at any given time. The most important aspect of this Act is that every copy of a newspaper shall contain the names of the owner, publisher, and editor printed clearly on all the copies. The printer of every newspaper is required to deliver to the State Government free of expense two copies of each issue of the newspaper as soon as it is published. Failure to do so is treated as an offence.

SEA CUSTOMS ACT, 1878:

Section 8 (c) of the Act prohibits the bringing into India whether by land, or by sea "any obscene book, pamphlet, paper, drawing, painting, representation, figure or article." These items can be confiscated.

CONTEMPT OF COURT ACT:

Contempt of Court is one of the reasonable restrictions under Article 19(2) of the Indian Constitution. This Act was enacted for the first time in the year 1952. Later on this was again enacted in 1971, which was further amended in 1976.

YOUNG PERSON'S (HARMFUL PUBLICATIONS) ACT, 1956:

This Act seeks to prohibit the publication in India of such literature as glorifies crime, violence or vice.

PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) ACT, 1956:

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

DELIVERY OF BOOKS AND NEWSPAPERS (PUBLIC LIBRARIES) ACT, 1954:

This Act enjoins upon the publisher of every newspaper to deliver at his own expense one copy of each issue of such newspaper as soon as it is published to each public library as may be notified by the Central Government. Contravention of any provision of this Act becomes punishable.

COPYRIGHT ACT, 1957:

Section 52 of this Act lays down that certain acts shall not constitute an infringement of Copyright, such as fair use, fair quotation, bonafide abridgements and the like.

DEFENSE OF INDIA ACT, 1962:

According to Justice Mudholkar, "upon the declaration of emergency, the Parliament will be empowered to make laws affecting the freedom of the Press. It is as if the freedom of media disappears in a situation of emergency. Any law made by the Parliament, under a situation of emergency, cannot be challenged on the ground of legislative incompetence for as long as emergency lasts. Citizens cannot claim any protection under Article 19. Further, clause 7 of section 3 of the Defense of India Act deals with the entire gamut of printing and publishing of any newspaper or book and the imposition of Censorship.

PRESS COUNCIL OF INDIA ACT, 1965:

The Press Council of India, according to the preamble to the Press Council of India Act, is established:

"For protecting the freedom of the press and maintaining and improving the standards of both newspapers and news agencies"

M.V. Kamath once pointed out that it is important to remember that the Press Council of India is not a Court of Law. It is a Court of Honour. Its verdicts are not judicial pronouncements. Therefore, there is no question of punishment imposed on an offending journalist or newspaper.

By that same token the Council cannot award damages to the aggrieved party. As Justice Mudholkar put it, "The only weapon in the armory of the Press Council of India is moral authority". The sole strength of the Council lies in its appeal to conscience.

The power conferred by section 13 (1 A) requiring a newspaper to publish therein any particulars relating to any enquiry under section 13 does not mean that it has any power to punish a defaulting paper.

The experience of the British Press Council has shown that this power, if properly used and constantly exercised, can become extremely effective. The public rebuke that the Council administers and the moral obligation of the offending newspaper to publish its decisions operates both as a penalty and a deterrent.

The Press Council of India Act, 1965 was later amended on 31st March 1970. The Council's term which expired in December, 1975 was not extended during the Emergency again the Press Council's Act was revised in 1978 which was more or less on the same lines as the Press Council Act, 1965.

POLICE (INCITEMENT TO DISAFFECTION) ACT, 1972:

This Act penalizes any act, which causes or is likely to cause disaffection toward the Government among the member of the police force or which induces or attempts to induce any member of the police force to withhold his services or to commit a breach of discipline.

DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENT) ACT, 1954:

The Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 was enacted to control wrong practices in the advertisement of drugs. In certain cases, this Act is meant to prohibit the advertisement for certain drugs for matters connected therewith.

Any person who contravenes any of the provisions of the Drugs and Magic Remedies Act is punishable by the Act. It takes two forms such as:

- o In the case of a first conviction, with imprisonment may extend up to six months or with fine or with both.
- o In the case of a subsequent conviction, with imprisonment may extend to one year or with fine or with both (Section 7 of the Act).

CABLE TELEVISION REGULATION ACT, 1995:

This is one of the most recent Acts. According to this Act:

- o No person shall operate a cable television network unless he is registered as a cable operator under this Act.
- o No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code.

o Every cable operator using a dish antenna or "Television Receiver only" shall, from the commencement of this Act, re-transmit at least two Doordarshan Channels of his choice through the cable service. Moreover, the Doordarshan Channels referred to in sub section

(1) shall be retransmitted without any deletion or alteration of any programme transmitted on such channels.

Whoever contravenes any of the provisions of this Act shall be punishable as under:

o For the first offence, with imprisonment for a term, which may extend to two years or with fine, which may extend to one thousand rupees or with both.

o For every subsequent offence, with imprisonment for a term, which may extend to five years and with fine, which may extend to five thousand rupees.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	On 13th May 1799, Lord Wellesley promulgated the First Press Regulations.	True	False
2.	In 1857, a law was enacted known as the "Gagging Act".	True	False
3.	Under the Vernacular Press Act, 1878, any District Magistrate or Police Commissioner could demand security from the printer and publisher of a newspaper, forfeit such security or confiscate any printed matter considered objectionable in the interest of the British Government.	True	False
4.	Defence of India Act, 1962 came into force during the Emergency proclaimed in 1962	True	False
5.	Under Indian Press Act, 1910 owners of presses were required to tender security deposits.	True	False

Answers: 1-(b),2-(a), 3-(a),4-(a),5-(a)