

Media, Law and Ethics. submitted to A ...  
How bills are passed as law in the government:

- Introduction of the Bill
- Publication in Gazette.
- First Reading.
- Select committee.
- Second Reading.
- Third Reading.
- Bill in the other house.
- President's assent.
- Law.

Central Government  
Legislative. Executive. Judiciary.  
(Make laws) (Implement Laws) (Interpret Laws)

→ Parliament: President  
Lower House: (Lok Sabha)  
Upper House (Rajya Sabha).

→ Executive: President  
Vice President  
PM & his cabinet.

→ Judiciary: Supreme court.  
High courts.  
Subordinate courts.

# Journey of Bill to an Act (under normal legislative procedure)

- 1. Drafting the Bill**  
→ Govt & Ministers prepare initial draft.
- 2. Parliament.**  
→ Introduction in parliament, Bill is presented in either Lok Sabha or Rajya Sabha.
- 3. Bill.**  
→ Committee Stage, Bill is revised / reviewed & amended by a committee.
- 4. Second Reading.**  
→ Detailed discussions & amendments in parliament.
- 5. Third Reading.**  
→ Final vote on the bill in Parliament.
- 6. Bill goes to other house.**  
→ Bill goes to other house for review.
- 7. President's Approval.**  
→ Passed by both the houses & President gives his assent; He reviews & approves the bill.
- 8. ACT.**  
→ Publication in gazette, law is published and becomes enforceable.

### Sessions of the Parliament:

- Budget Session. (End of Jan to May)
- Monsoon Session. (July to Aug)
- Winter session (Nov to Dec)

### Points to be noted:

- In case of necessity, these sessions can be rescheduled.
- The gap between any 2 sessions, should not be more than 6 months.
- In India, the procedure to make all laws, bills & acts are practiced during these 3 sessions.

### Legislative (Parliament).

↳ Make Laws → Act.

### Executives

↳ Implement → Rules.

### Article 110A

Article 110A states that the President shall have the power to declare that a Bill is a Money Bill if it contains only provisions relating to the imposition or abolition of tax, the raising or borrowing of money, or the payment of money into or out of the Consolidated Fund of India.

### Procedure for Money Bill

- 1. Introduction of Bill
- 2. Discussion of Bill
- 3. Passage of Bill
- 4. Assent of President

## Article 19.

- Article 19 ~~by~~ talks about two types of rights.  
On one hand, article 19(1) gives the citizen, the right to freedom of (FOSE; Assemble, Associate, Movement, Reside & Practice).  
[FOSE - Freedom of speech & expressions]
- Whereas, on the other hand, article 19(2) - 19(6) talks about certain restrictions on the above mentioned rights.
- As per Article 19(2) state can restrict or curtail the fundamental rights or can put certain reasonable restrictions on the fundamental rights of the citizens.
- Article 19 is called the backbone of Part 3 of the constitution. This is extremely important.

## Article 19(1)A.

- This covers three types of rights of citizens.
  - 1<sup>st</sup> right to receive information.
  - 2<sup>nd</sup> right to express their own idea.
  - 3<sup>rd</sup> right to keep any communication as a secret.
- Freedom of speech & expression also includes the right to remain silent.

Article 19(1)(a) has 4 parts explained in it:

- Freedom of speech.
- Freedom of expression.
- Freedom of press.
- Right to information.

## Freedom of Press:

→ Freedom of press or media refers to the rights given by the Constitution of India under the freedom & expression of speech in Article 19(1)(a).

→ Media freedom in democracy: people should be allowed to share information, ideas, and opinions through newspapers, TV, Radio, the internet without restriction from the govt.

## What are the rights of media:

→ Freedom of press is nowhere mentioned in the constitution.

→ Covered under Freedom of speech & expression.

→ Rights of a common citizen are the same as the rights of a media or press house.

→ Media has certain rights to challenge the govt & showcase the issues gaining rapid attention by the people through various media sources & houses. Some rights are:

- o Defamation & free press.
- o FOSE.
- o Right to publish & circulate.
- o Right to receive information.
- o Right to conduct interviews.
- o Right to report court proceedings.
- o Right to advertise.

## Evolution of article 19.

### 1. Original Constitution (1950).

→ Article 19(1) guaranteed 7 freedoms.

→ Article 19(2) allowed the government

to impose 'reasonable restrictions' only on

certain limited grounds like public order or morality.

### 2. The First Amendment (1951) - Major Change

→ Purpose: To allow govt wider powers to impose restrictions when needed.

Changes:

→ Added new grounds for restricting free speech:

o Security of state.

o Friendly relations with foreign states.

o Public order.

o Incitement to an offence.

→ Introduced the word "reasonable restrictions" clearly into Article 19(2).

### → The Sixteenth Amendment (1963).

Reason: Rising internal tensions (e.g. secessionist movements - group to break India).

Added new grounds for restrictions:

o Sovereignty & integrity of India.

o This made it easier to control speeches

threatening unity of a nation.

## RTI ACT, 2005.

- Background.
- MKSS.
- Our Money; Our Accounts.
- The first public hearing the MKSS organized in December 1994.
- In July 1997, the govt of Rajasthan amended the Panchayati Raj Rules.
- The Rajasthan state Right to Information Act was formally passed by the State legislature in May 2000 as the campaign became increasingly visible & popular.
- FOI, 2002.
- RTI Act, 2005.

### Right to Reply:

- The most important of the rules mentioned under Annex 5 of "UNGA".
- The right of reply generally means the right to defend oneself against public criticism in the same venue where it was published.
- Eg: During 74<sup>th</sup>, 75<sup>th</sup>, 76<sup>th</sup> session of United Nations General Assembly (India) (UNGA), India used right to reply to Imran Khan's anti-India rant.

## Right to Privacy

- In 2017, RTP became a fundamental right.
- Privacy simply means the right of an individual to be left alone which is recognized by the common law.
- Right to privacy is a fundamental right of people.
- It is a natural right that subsists as an integral part of the right to life & liberty.

## Obscenity.

- It means any content (words, images, videos, & gestures) that offends public decency, morality.
- In India, anything that is sexually explicit, vulgar or can corrupt the minds of people (especially children) is considered obscene.

## Indian Laws:

- Section 292 IPC → bans sale, distribution or display of obscene material.
- Section 67 (IT Act) → bans publishing or transmitting obscene content online.
- Cable TV Code, Film Certification Rules → restrict vulgar content on TV & films.
- Obscenity is judged by Indian community standards not Western standards.

## Hate speech and politics.

- ⇒ "Hate speech" refers to offensive discourse targeting a group or an individual based on inherent characteristics (such as race, religion or gender) and that may threaten social peace.

## What is Media trial:

- ⇒ Trial by media is where the media oversteps its defined boundaries & unjustifiably and recklessly interferes with the judicial process by initiating its own investigation and trial and negatively affecting the image of the accused/suspect in the society.

- ⇒ The influence of media coverage <sup>via</sup> newspapers & television on an individual by creating a perception of innocence or guilt even before the Court of Law announces its judgement, it is called as 'Media Trial' or 'Trial by media'.

- ⇒ Eg: ⇒ Sanjay Dutt case.  
→ Jessica Lal Murder Case.

## Law of Defamation.

⇒ It means injury to the reputation of a person.  
If a person injures the reputation of another  
he does so at his own risk.

Two kinds/forms of defamations:

→ Libel (Written words).

→ Slander (Spoken).

Two types of defamations:

⇒ Criminal: An act of offending or defaming  
a person by committing a crime or offence.

⇒ Civil Defamation: Civil defamation  
involves no criminal offence, but on  
account of this kind of defamation, you could  
sue the person to get a legal compensation  
for your defamation.

Test - 12<sup>th</sup> December.

Assignment 1. Case Analysis (1-2 pages).

choose

## Defences Available:

- Justification or truth.
- Fair comment.
- Privileges.

(Qualified privilege: public interest & no malice = qualified privilege).

## Contempt of Court:

- It is an act of disrespect / disobedience towards a court or interference with its orderly process.
- Contempt of Courts Act, 1971.
- It is classified into two categories:
  1. Civil contempt: means willful disobedience to any judgement, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to a court, and can be avoided through obedience.
  2. Criminal contempt: means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which
    - (i) scandalizes or tends to scandalize, or lowers or tends to lower the authority of, any court; or
    - (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
    - (iii) interferes or tends to interfere with the administration of justice in any other manner.

## Sedition Law in India.

What is sedition?

→ Conduct or speech inciting people to rebel against the authority of a state.

Sedition: Refers to actions or speech that incite rebellion or violence against a lawful government. It typically includes attempts to create disaffection, hatred or contempt toward the state or its institutions.

→ Shall be punished ~~the~~ with ~~the~~ imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added.

→ It is non-bailable offence.

Background:

→ British law - 17<sup>th</sup> century.

→ Not part of original IPC, 1861.

→ Was ~~used~~ <sup>used</sup> against Bal Gopalhar Tilak in 1897 for the first time.

→ Later used against many freedom ~~fight~~ fighters.

## Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Amendment Rules, 2023.

→ Applicable on Twitter, facebook etc.

CBFC: The regulatory film body of India, regularly orders directors to remove anything it deems offensive, including sex, nudity, violence or subjects considered politically subversive.

At present films are certified under 4 categories: U, UA, A, S.

Penalty: Section 7 of the Cinematograph Act provides penalties for violation of censorship provisions.

→ A person guilty of violation can be punishable with imprisonment for a term which may extend to 3 years, or with fine which may extend to Rs 1/- lakh, or with both and with a further fine up to Rs 20,000 for each day for a continuing offence.

According to officials, the cinematograph act, 1952 needed to be ammended due to several reasons:

- To harmonize the law with various executive orders, supreme court judgements & other legislations.
- To improve the procedure for licensing films for public exhibition by the CBFC.
- To expand the scope of categorisations for certification.

Rajya Sabha on July 27, passed the Cinematograph Bill, 2023 which cracks down on film piracy along with changing how movies are certified by the censor board.

- The bill lays down a three year jail term and a fine up to 5% of a movie's production cost for those making & distributing pirated copies.
- Also empowers the CBFC to give separate certificates for a film's exhibition on television or other media.

3 New categories of Film certification: (under UA)

→ UA 7+, UA 13+ & UA 16+.

(children under the given age limit can access such movies with parental guidance).

Showing films on TV:

- The Cable Television Network (Regulation) Act, 1995 stipulates that only UA category films can be shown on TV.
- The Act allows for a change of category of a film from A (adult) or S (Specialized group) to UA, after making suitable alterations.
- While the earlier Act provided that the certificate issued by the CBFC is valid for 10 years, it would now be valid perpetually.
- The New Act clarified that the Centre will not have any revisional powers over CBFC certificates.

Three categories of film certification (under CA) - UA, U, A, S, A

(Under CA) - UA, U, A, S, A

(Under CA) - UA, U, A, S, A

## Cyber Laws.

Cyber crime: An unlawful act wherein the computer is either a tool / target or both.

- It involves criminal activities such as theft, fraud, forgery, defamation, & mischief, etc.
- It refers to all activities done with criminal intent in cyberspace.

Cyber crime in two ways:

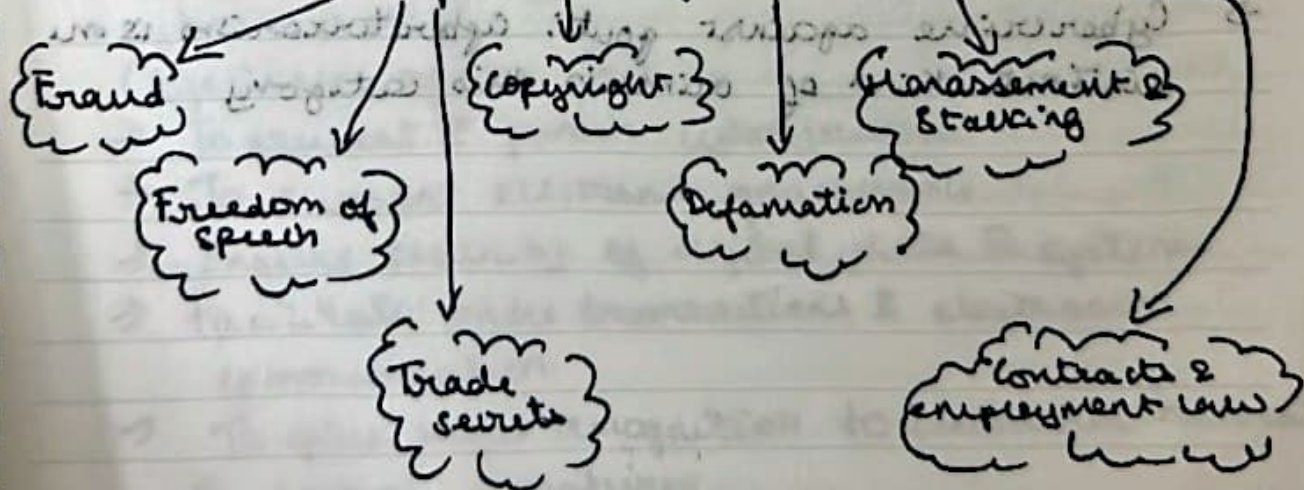
→ Computer as a target: Hacking, Virus / worm attacks, DOS attacks.

→ Computer as a weapon: Cyber terrorism, IP violations, credit card frauds, EFT frauds, Pornography etc.

## Importance of Cyberlaw:

- Covers all transaction over internet.
- Keeps eyes on all activities over internet.
- Touches every action & every reaction in cyberspace. Successful functioning of e-commerce.
- To tackle cybercrime.

## Major areas of Cyber Law:



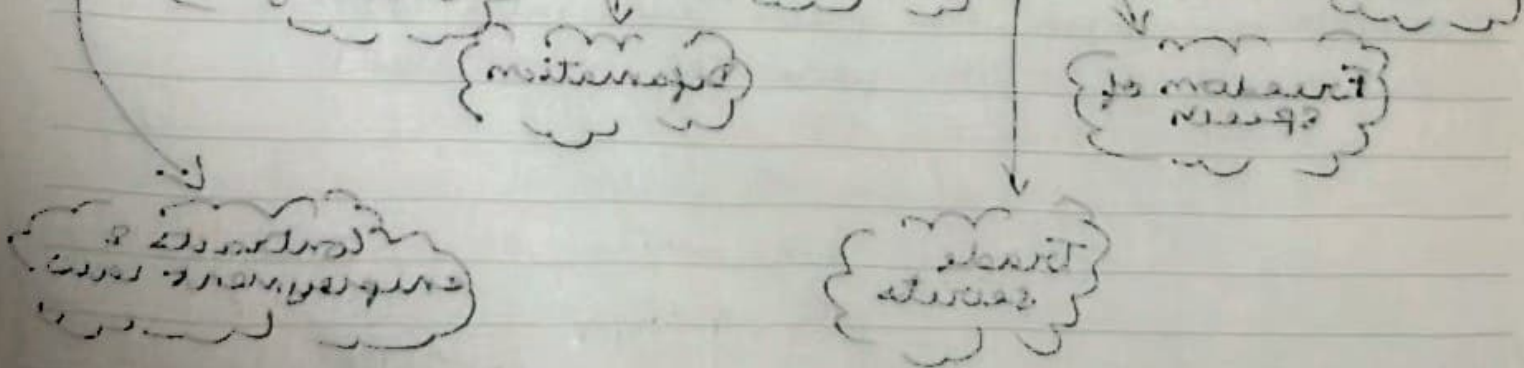
- Types of cyber crimes:
- At individual level: Harassment via email, cyber stalking.
  - Against Organisation: Pirated software, unauthorized information.
  - Against society: Pornography, Trafficking, Cyber Terrorism.

Cyber crimes into 3+ major categories

→ Cyber crimes against persons: crimes committed against persons include various crimes like transmission of child pornography, harassment of any one with the use of a computer, such as mail & cyber stalking.

→ Cyber crimes against property: crimes include unauthorized computer intruding through cyberspace, computer vandalism, transmission of harmful programs & unauthorized possession of computerized information.

→ Cyber crime against govt: Cyber terrorism is one distinct kind of crime in this category



What is Cyberlaw?

- It is the law regarding information technology including computers & internet. It is related to legal informatics & supervises the digital circulation of information, software, information security & e-commerce.
- Cyber law is the term used to describe the legal issues related to use of communications technology, particularly 'cyberspace' is the internet.

Various Cyber laws:

- Information Technology Act, 2000.
- Indian Penal Code (IPC), 1980, new BNS 2023.
- Companies Act of 2013.
- The National Cyber Security Policy, 2013.
- The Cybercrime Investigation Manual.

IT Act.

- IT Act, 2000 is India's primary law for regulating activities in the digital & online space. It was enacted to support e-governance & to deal with cybercrimes.

Objectives of the Act:

- To prevent & punish cybercrimes.
- To support electronic governance.
- Ensure security of digital data & systems.
- Facilitate online transactions & electronic communication.
- To give legal recognition to electronic records & digital signatures.

## Key features :

- Legal Recognition of e-records.
- Digital Signatures.
- Cybercrimes defined.
- Intermediary liability.
- Cyber Appellate Tribunal.
- Penalties & Punishment.
- Data protection & privacy.

## Importance of the Act: (Amendment, 2008).

- Enabled growth of digital India.
- Boosted online banking & e-commerce.
- Created legal safeguards against cybercrime.
- Strengthened trust in digital communication.

## Objectives of Information Technology Act, 2008.

### 1. Promote E-governance & Digital Transactions:

- Make government services available online.
- Encourage safe online transactions & dealings between people & business.

### 2. Prevent & punish cybercrimes.

- Protect people from hacking, data theft, identity theft, cyberstalking etc.

### 3. Regulate online Activities.

- Set rules for safe use of internet, email, e-commerce & online communication.

## Payments for using news content by Google, Facebook etc.

### Google:

- Pays some Indian News publishers.
- News showcase (since 2021) - payments for selected newspapers/websites.
- 2025: New pilot deals with - 20 publishers for AI Tools (chatbots, summaries).
- Voluntary - not required by law.

### Facebook/Meta:

- Stopped paying news publishers in 2023.
- In India (2025): No payments to news publishers.
- Currently talking with big western media companies for AI licensing, but not in India yet.

### Indian Government / Law:

- Other countries like Australia, Canada have laws forcing Big Tech to pay.

India: No such law yet.

- Publishers demand it, but government hasn't

passed it. Equalisation Levy (Digital Tax)

removed in April 2025.

## Intellectual Property Rights - IPRs

What are they:

- Legal Rights
- Protect creations of the mind or intellect.
- Exclusive rights to the creators or owners over their intellectual creations.
- Allowing the creators to control the use of and distribution of their works.
- Prevent others from unauthorized use or exploitation.

## Copy Rights Act

- Copyright Act, 1957 came into effect from January 1958.
- It refers to the legal right of the owner of intellectual property. It is the right to copy. The original creators of the products & anyone they give authorization to are only ones with the right to copy.
- Amended six times till date, i.e. 1983, 1984, 1991, 1994, 1999 & 2012.
- Concept that grants a set of exclusive rights to the author of an original work.
- Works that can be copyrighted include:
  - literature, sound recording, songs, paintings, books, poetry, movies, musical work etc.
- The scope & duration of protection provided under copyright law varies with the nature of the protected work.

- ⇒ The symbol © is used for protection of copyrighted original works. It doesn't mandatorily require registration, but registration provides originality.
- ⇒ Copyright registration is required if you anticipate controversy.
- ⇒ Copyrights are valid for the lifetime of the author + 60 years after his/her death.

### Steps for copyright filing:

- Applicant needs to create an User ID (www.copyright.gov.in).
- After registration, login with your credentials.
- Click on e-filing of the application.
- Click on "Click here for Online Copyright registration".
- Complete the form
- Statement of particulars.
- Statement of Further particulars.
- Payment details & submission.