


Media Laws And Ethics
(BAJMC-104)
Unit – 2
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Unit 2: [Press Commissions and Committees] L: 12

1. Press Commissions and Press Council of India
2. Committees: Chanda Committee, P.C. Joshi Committee, Sengupta Committee and Verghese Committee
3. The State: Sedition-incitement to violence (section 124A IPC)
4. Legislature: Parliamentary Privileges - Article 361A, Article 105 (Parliament), Article 194 (State Legislation), Judiciary: Contempt of Court 1971


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Lesson-1


First Press Commission

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 **First Press Commission**

- The first Press Commission was formed under the Chairmanship of Justice J. S. Rajadhyakhsa on 23rd September 1952 by the Ministry of Information and Broadcasting to inquire into the state of the Press in India
- The Commission inquired into:-
 - The control
 - Management and ownership.
 - The financial structure as well as other important aspects of the newspaper industry in the country.

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 **First Press Commission**


- After considering the recommendations of the Press Commission and the Note submitted by the Ministry of Information & Broadcasting, Government of India, the Union Cabinet adopted a Resolution on 13 September, 1955, which became the basic policy document in regard to the Press in India.
- The commission was appointed because after independence the role of the press was changing from a mission to business.

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 **First Press Commission**


- The Cabinet, however, agreed that the other recommendation of the Commission that foreign newspapers and periodicals, which dealt mainly with news and current affairs, should not be allowed to bring out Indian editions, should be accepted in principle.
- The new context of globalization, the demand for foreign participation and investment in the print media has been raised by a section of the newspaper industry.

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 **Recommendations**


- To protect the freedom of the press and to maintain high standards of journalism, a press council should be established.
- To prepare the account of the press and the position of every year, there should be appointment of the Registrar of Newspaper for India (RNI).
- Price-page schedule should be introduced

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 **Recommendations**


- Working Journalists Act should be implemented.
- The government implemented this and in 1955 the working journalist and other newspaper employees (conditions of services) and miscellaneous Provisions Act was set up.
- It recommended establishment of a fact-finding Committee to evaluate the financial position of the newspapers and news agencies.

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 **Recommendations**


- For maintaining a cordial relationship between the government and the Press, a Press Consultative Committee should be constituted.
- It recommended establishment of a fact-finding Committee to evaluate the financial position of the newspapers and news agencies.

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Second Press Commission


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Second Press Commission

- The government of India constituted the Second Press Commission on [May 29, 1978](#) under the chairmanship of [Justice P.C Goswami](#).
- He resigned on January 1980 then commission was reconstituted in April 1980 with [justice K.K Mathew](#) as its chairman.
- [The second press commission submitted its report in 1982.](#)


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Second Press Commission


- The second press commission wanted the press to be [neither a mindless adversary nor an unquestioning ally](#). The commission wanted the press to play a responsible role in the development process.
- The press should be widely accessible to the people if it is to reflect their [aspirations and problems](#).

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 **Separated from industries and commercial interests**


- There should be appointment of Board of Trustees between editors and proprietors of the newspaper.
- Price-page schedule should be introduced.
- There should be a fixed proportion of news and advertisements in small, medium and big newspaper.
- Newspaper industries should be relieved from the impact of foreign capital.

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 **Separated from industries and commercial interests**

- No predictions should be published in newspapers and magazines.
- The misuse of the image of the advertisement should be discontinued.
- The government should prepare a stable Advertisement Policy.
- The Press Information Bureau should be reconstituted.
- Press laws should be amended.

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 **The Press Council Act, 1978**

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 **Press Council Act, 1978**


- The Press Council Act, 1978 is an Act to establish a Press Council for the purpose:-
 - To preserving the freedom of the press and of maintaining.
 - To improving the standards of newspapers.
 - To Improve the standards of news agencies in India.

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 **Objectives of the Press Council**


- To preserve the freedom of the press.
- To maintain and improve the standards of newspapers.
- To maintain and improve the standards of news agencies in India.

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 **Composition of Press Council**


- Chairman and twenty-eight other members.
- Thirteen shall be nominated in accordance with such procedure as may be prescribed from among the working journalists, of whom six shall be editors of newspapers and the remaining seven shall be working journalists.
- 6 members from small medium big Newspaper owners.

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 **Composition of Press Council**


- One **who manages news agencies.**
- 3 Persons having special knowledge or practical experience in respect of education and science, law and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy.
- **5 MP's – 3 from Lok Sabha & 2 from Rajya Sabha.**

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 **Functions of the Council**


- To help **newspapers and news agencies to maintain their independence.**
- To build up a **code of conduct for newspapers**, news agencies and journalists in accordance with high professional standards.
- To ensure on the part of newspapers, news agencies and journalists, the **maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship.**
- To encourage the **growth of a sense of responsibility and public service**, among all those engaged in the profession of journalism.

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 **Functions of the Council**


- To keep **under review any development likely to restrict the supply and dissemination of news of public interest and importance;**
- To keep under **review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by any individual, association persons or any other organizations;**
- To undertake **studies of foreign newspapers, including those brought out by any embassy or other representative in India of a foreign state, their circulation and impact;**
- To promote a **proper functional relationship among all classes of persons engaged in the production or publication of newspaper or news agencies;**

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 **Functions of the Council**


- To concern itself with **developments such as concentration of or other aspects of ownership of newspapers and news agencies** which may affect the independence of the press.
- To undertake such studies as may be **entrusted to the Council** and to express its opinion in regard to any matter referred to it by the Central Government.
- To do such other acts as may be **incidental or conducive to the discharge of the above functions.**

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 **General Powers of the Council**


- (a) **Summoning and enforcing** the attendance of persons and examining them on oath;
- (b) Requiring the **discovery and inspection** of documents;
- (c) Receiving evidence on **affidavits**;
- (d) Requisitioning **any public record or copies thereof from any court or office**;
- (e) **Issuing commissions** for the examinations of witnesses or documents; and
- (f) Any other matter, which may be prescribed.

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 **General Powers of the Council**

- **Power to Censure (sec 14)**, The Council has power to censure:-
 - (a) if a newspaper or news agency has **offended against the standards of journalistic ethics or public taste**, or
 - (b) that an **editor or a working journalist has committed any professional misconduct.**


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General Powers of the Council

- The Council may hold an enquiry on receipt of a complaint made to it or otherwise. The newspaper or news agency, the editor or journalist concerned should be given an opportunity of being heard.
- The Council may,
 - warn;
 - Admonish or censure the newspaper, the news agency the editor or the journalist;
 - Disapprove the conduct of the editor, or the journalist


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Lesson-2

Committees

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Chanda Committee

- It was constituted in December 1964, submitted the report on Radio and Television in April 1966. Ashok Chanda headed the Committee.
- The Chanda Committee recommended that Broadcasting Corporation should be established by an act of Parliament in which its objectives should be clearly laid down.
- It emphasised that the scope of Government's authority should be clearly defined and be free of ambiguity.

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Chanda Committee

- The right to require the Corporation to broadcast certain programmes as also the right to veto broadcasts in certain subjects may be reserved to Government.
- Accordingly, it recommended a Board of Governors (no more than seven) to be headed by a Chairman.
- The Chairman should be a public figure with a national reputation for integrity, ability and independence, and the members should be drawn from diverse fields of national life and enjoying a reputation in his particular field.

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Vergheese Committee

After March 1977 elections the ruling Janata Party declared that it would make Doordarshan and AIR "genuinely autonomous", and constituted a working group on autonomy for DD and AIR on August 17, 1977 with **B.G. Vergheese** as its chairman. The members of the working group were as mentioned below:


1. *B.G. Vergheese (Chairman)*
2. *V.S. Rajadhyakshya*
3. *Chanchal Sarkar*
4. *A.G. Noorani*
5. *Dr. Malcom S. Adisesiah*
6. *P.L. Deshpandey*

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Vergheese Committee


7. *Uma Shanker Joshi*
8. *Prof. J.D. Sethi*
9. *P.J. Phermandes*
10. *C.R. Subramaniam*
11. *Mrs. NayamTara Sahgal*
12. *Dr. Ishwar Das (Member Secretary)*

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 **Vergheese Committee**


- The working group submitted its report to the Government in February 1978. The main recommendations were:-
 - The Committee recommended the setting up of a **National Broadcast Trust** (or Akash Bharti) under which a highly decentralised structure would operate.
 - The National Broadcast Trust has to be highly sensitive to react swiftly to the needs and sentiments of its audience. At the same time, it will have steadfastly to withstand the day to-day political and other pressures to which its power will expose it.,
 - The working group was of the view that there should not be autonomous regional corporations or even a federation of State Government corporations.

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 **Vergheese Committee**


- Radio and Television should work for the public purpose. They should function with in the framework of a broad perspective of national communication policy.
- Proposed autonomous broadcasting trust should be owned by the nation and it should be accountable to Parliament.
- Priority of broadcasting has to change from urban-elite to rural, semi-urban and urban poor. It should try to bridge the gap between the people of rural and urban areas.
- Suggested for one autonomous national trust for both Radio and Television.
- It also rejected the concept of autonomous regional corporations, but envisaged decentralization of the working system of the National Broadcasting Trust.

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 **Joshi Committee**


- For granting autonomy to Doordarshan, a working group under the chairmanship of Dr. P.C. Joshi, the then Director, Indian Institute of Economic Growth, New Delhi, was constituted in 1983. The other members were as mentioned below:-
 - (ii) Sai paranjpye
 - (iii) A. Padmasee
 - (iv) G.N.S. Raghavan
 - (v) Mrs. Rani Chhabra
 - (vi) Miss Rina Gill

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 **Joshi Committee**


(vii) Prof. Yogendra Singh
 (viii) Mohan Upreti
 (xi) Dr. Bhupen Hazarika
 (x) Dr. K.S. Gill
 (xi) R.B.L. Shrivastav
 (xii) Manzurul Amin (Member Secretary)

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 **Joshi Committee**


- It recommended the establishment of a **National Doordarshan Council** to tender advice to the Minister on the broad social objectives and the modes of TV programming.
- The Joshi Working Group however, did not favour the **freeing of broadcasting from the control of the I and B Ministry.**
- It had no objection, Doordarshan receiving directives from the Minister or his deputy.

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 **Joshi Committee**

- On the basis of the evidence presented by Doordarshan personnel and media experts, the working group was convinced that instead of providing support and encouragement to creativity, the present structure and management style hampers creativity and initiative at all levels.
- The working group, therefore, was persuaded that the overall planning, reorientation and specific proposals for relevant software couldn't be implemented effectively within the existing framework.
- The Joshi Working Group however, did not favour the **freeing of broadcasting from the control of the I and B Ministry.**
- It had no objection, Doordarshan receiving directives from the Minister or his deputy.

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 **Joshi Committee**

- From the study of the working of Doordarshan the working group were persuaded that it did not enjoy functional freedom, and that the lack of such freedom was having a detrimental effect on the planning and quality of its programmes.
- It submitted its report in April 1984, sub titled as '**An Indian Personality for Television**' and had formally tabled the report to Lok Sabha in 1985.

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 **Nitesh Sengupta Committee**

- **Sen Gupta Committee** was set up by the Ministry of Information and Broadcasting vide a notification dated **28th December, 1995** under the Chairmanship of **Dr. N.K. Sengupta** to review the provisions of Prasar Bharati (Broadcasting Corporation of India) Act, 1990 and
- To make recommendations regarding the **restructuring of Prasar Bharati**.
- Besides Dr. Sengupta, the other Members are **Brig. M.R. Narayanan** and **Shri Ved Leekha**.

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 **Nitesh Sengupta Committee**

- Prasar Bharati should be a Statutory Corporation as envisaged in the Act and can start operating immediately.
- It is necessary to split **Akashvani** and **Doordarshan** into two completely separate wings under the **corporate umbrella** of the **Prasar Bharati Corporation**, with close coordination in areas clearly defined and delineated by the Corporation. For all practical purposes they should operate as separate entities.
- Recommend that the Chairman of the Prasar Bharati Board shall be appointed by the President of India on the recommendation of a Committee consisting of:-

1. the Chairman of the Council of States, who shall be the Chairman of the Committee.
2. the Leader of the Opposition, in the Lok Sabha; and the Chairman of the Press Council.

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Nitesh Sengupta Committee

- The Committee submitted its report on August 1996 and suggested a creation of Radio and Television authority of India, an independent body which was not part of the Prasar Bharti.
- The Prasar Bharti being one of the many players in the Indian broadcasting arena would also be overseen by the authority as far as complaints function were concerned.
- The authority would perform the following functions:-
 - Licensing of satellite uplinking, terrestrial analog transmission of radio and television, terrestrial digital transmission of radio and television and multiplex providers.
 - Prescribing programming obligations and programming standards to ensure quality and diversity.


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Nitesh Sengupta Committee

- Making arrangements for ascertaining and monitoring public opinion about the programme and services and ascertaining the needs, interests and tastes of members of the public.
- Determining the maximum limit for the quantum of advertising content so that the advertisements were not obtrusive or jarring.
- Receive complaints of violations of norms of decency and of the programming and advertising codes and adjudicate them after hearing the parties concerned.

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Section 124 A: Sedition

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Lesson-3

The State: Sedition-incitement to violence (section 124A IPC)

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Section 124 A: Sedition

- Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in [India], shall be punished with [imprisonment for life], to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.


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Section 124 A: Sedition

- Explanation 1-The expression "disaffection" includes disloyalty and all feelings of enmity.
- Explanation 2-Comments expressing disapprobation of the measures of the Government, or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.
- Explanation 3-Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section

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 **Parliamentary Privileges**


- Parliamentary privilege is the sum of peculiar rights enjoyed by each House (the Lok Sabha or the Rajya Sabha) collectively as constituent part of Parliament.
- By members of each House individually without which it would be impossible for either House to maintain its independence of action.

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 **Parliamentary Privileges**


- **Privileges that are enjoyed by members Individually-**
The Privileges and immunities enjoyed by the members individually are:-
- Freedom of speech,
- Freedom from arrest and
- Exemption from attendance as jurors and witnesses.

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 **Parliamentary Privileges**


- **Privileges of the House collectively:-**
- **The right to publish debates and proceedings.**
- **The right to exclude strangers.**
- **The right to regulate the internal affairs of the House.**

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Article 105 and Article 194


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Article 105 and Article 194

- There shall be freedom of speech in Parliament.
- No member of Parliament (or of Legislature of the State) shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament (or in State Legislature) or any Committee thereof, and no person shall be so liable in respect of the Publication by or under the authority of either House of Parliament (or of a House of a State Legislature) of any report, paper, votes or proceedings.

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Article 105

- 105. Powers, privileges, etc of the Houses of Parliament and of the members and committees thereof
- (1) Subject to the provisions of this constitution and the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament
- (2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings

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Article 105

- (3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined shall be those of that House and of its members and committees immediately before the coming into force of Section 15 of the Constitution (Forty fourth Amendment) Act 1978
- (4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this constitution have the right to speak in, and otherwise to take part in the proceedings of, a House of Parliament or any committee thereof as they apply in relation to members of Parliament

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Article 194


- 194. Powers, privileges, etc, of the House of Legislatures and of the members and committees thereof
- (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature of every State
- (2) No member of the Legislature of a State shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings.

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Article 194


- (3) In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committees of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of that House and of its members and committees immediately before the coming into force of Section 26 of the Constitution forty fourth Amendment Act, 1978
- (4) The provisions of clauses (1), (2) and (3) shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise to take part in the proceedings of a House of the Legislature of a State or any committee thereof as they apply in relation to members of that Legislature.

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Contempt of Court


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Contempt of Court

- Contempt of Court said to be constituted by any conduct that tends to bring the authority & administration of the law into disrespect or disgrace or to interfere with prejudice parties litigant or their witness during the litigation.
- Civil Contempt
- Criminal contempt


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Contempt of Court


- **Civil Contempt** -Civil Contempt means willful disobedience to any judgment, decree, direction, order, writ or other process of a court or willful breach of an undertaking given to court
- **Criminal Contempt**-Criminal Contempt means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which-

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 **Contempt of Court**


- scandalizes to tends to scandalize, or lowers or tends to lower the authority of, any court; or
- prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or
- interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

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 **Summarising the law of Contempt of Court**


- It is contempt of Court to scandalise the Court or offend against the dignity of a Judge by attributing to him dishonesty, impropriety or incompetence regardless of the fact whether the case with reference to which the offending remarks were made is pending in the Court or has been decided.
- It is contempt of Court of publish an article in a newspaper commenting on the proceedings of a pending criminal case or a civil suit, reflecting on the judge, the jury, the parties, their witnesses or Counsel appearing in the case.

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 **Summarising the law of Contempt of Court**

- It is contempt of court of publish any matter affecting the proceedings of a pending case which has a tendency to prejudice the public for or against a party before the case is finally heard.
- General criticism of the conduct of a judge not calculated to obstruct or interfere with the administration of justice or due administration or law in any particular case, even though libellous, does not a constitute contempt of court.

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 **Summarising the law of Contempt of Court**

- Constitutional protection has been given to the publication in newspapers or broadcasts by wireless telegraphy of substantially true reports of any proceedings of either House of Parliament, provided the reports are for the public good and are not actuated by malice.

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