

Unit 1 – Unit 4 – Unit 5

Unit 1 – Media Law & Ethics Class Notes

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Media & Freedom | Unit 1 – Media Law & Ethics Class Notes

The concept of media freedom

Give me the liberty to know, to utter, and to argue freely according to conscience above all liberties – John Milton (1608-74)

I disapprove of what you say, but I will defend to the death your right to say it – Evelyn Beatrice Hall

A free press can ofcourse be good or bad, but, most certainly, without freedom it will never be anything but bad – Albert Camus

Importance of Media Law and Ethics

It is imperative that practitioners in any field have a sound working knowledge of the legal and ethical considerations that apply to their occupation.

- **Public responsibility:** Sound legal and ethical practice enhances the standing of journalism in the broader community when many citizens are calling question the integrity of media professionals and demanding greater accountability on the part of journalists.
- **Self-protection:** Legal and ethical transgressions can prove costly and painful for journalists and their families, friends, colleagues and employers. Defamation actions have the potential to leave journalists in a tough spot. Contempt charges can land journalists in jail for indefinite periods.
- **Professionalism:** Professional awareness of important issues like media law and ethics can set them apart from the amateurs and the charlatans.

Theories of media liberty and democracy

The goal of a news story

The primary goal of a news story is to inform and communicate pertinent facts, together with enough background information to help the audience understand those facts.

Threats to press freedom within the media

- The media's position of independence has become ambiguous as the boundaries between news and comment, advertising and information, journalism and government have blurred.
- There is no enforceable right of reply, meaning the media can carry just one side of a story

Rights and obligation of the media

Accuracy, fairness & lack of bias

- Make sure facts (events, names, dates, statistics, places, quotes) are correct
- Verify facts with multiple sources
- Use reliable sources for statistics
- Use facts as the substance of the story
- Discover and include all necessary facts
- Strive for balance
- Provide context for facts
- Give all relevant sides of the story
- Leave personal bias out of the story
- Use neutral language

Objectivity

- Reliance on observable fact
- Use of transparent techniques for pursuing truth and verifying facts
- Yield best obtainable version of the truth

Pre-publication verification

- The editor should check all the facts

Caution against defamatory writings

- A news agency should not publish anything insulting against any institution or any individual person
- Should not write anything, not in public interest
- No remarks against a dead person unless of public interest

Right to privacy

- Caution against Identification Privacy of women, names, photography like privacy cases of rape, women safety, sexual assault should be restricted even though it is of public interest
- No photography of personal grief unless it is in the public interest such as accident, natural calamities

Recording Interview

- Should not try to record any private conversation without the consent unless it is required to protect the journalism

Prior to Publication

- Delete offensive language by interview to the press

Avoid suggestive guilt

- The reporter should not involve any family member of a crime

Correction:

- A newspaper should correct the publication and apologise if anything wrong were printed.

Obscenity Test

- It is vulgar and indecent
- Pornography should be avoided

Reporting Duties

Before journalists can write about a subject, they must first gather information. They usually conduct several interviews with people involved in or having knowledge of the subject. They may also go to the scene of an event, such as a crime or an accident, to interview witnesses or law enforcement officers and to document what they see. In addition, they often search public records or other databases to find information and statistics to back up their stories.

Researching a story is often similar to conducting an investigation, and journalists must sometimes ask difficult questions. They may have to invest a lot of time tracking down information and people relevant to the story.

Working With People

Even though a news article bears a single journalist's byline, the process requires significant collaboration. How good a journalist's story often depends on how adept he is at

communicating and working with others. For example, journalists take instruction from their editors regarding what angle to approach when writing a story, how long the story should be and whom to interview. They also need strong people and communication skills so they can persuade sources to talk to them. Journalists frequently approach people they don't know, whether when reporting from the scene or calling to request an interview. If they're uncomfortable around strangers, they'll make others uncomfortable as well, making it less likely that people will want to be interviewed.

Ethical Responsibilities

Some aspects of a journalist's job are not subject to any kind of law but are just as important. Journalists must strive to present an accurate, well-balanced explanation of the stories they cover. For example, they have an obligation to present all sides of an issue and to conduct extensive research and talk to several sources knowledgeable about the subject. If they present only popular opinion, or if they conduct minimal research without fully exploring the subject, they don't give readers and viewers the information they need to understand the implications of the event or issue. Journalists must also be honest with the people they interview, telling them before talking to them about what the article is about and that they plan to quote them in the piece.

Fundamental rights

The fundamental rights are the natural rights that cannot be taken away by the State. The fundamental rights can be altered only by making an amendment to the Indian Constitution. All the citizens of the country possess the right to directly move the Supreme Court if their fundamental rights are violated, which is by itself a fundamental right.

Part III of the Indian Constitution deals with the fundamental rights (Article 12-35). The following rights are provided under the fundamental rights: Right to equality, Right to freedom, Right against exploitation, Right to freedom of religion, Cultural and educational rights and right to constitutional remedies.

Right to equality

Articles 14-18 deal with the right to equality. These Articles provide equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, equality of opportunity in matters of public employment, the abolition of untouchability and abolition of titles other than a military or an academic distinction.

Right to freedom – Article 19

1. Protection of certain rights regarding freedom of speech etc
(1) All citizens shall have the right

Introduction

There is often confusion regarding the classification of the news media. Is it a 'business' under **Article 19(1)(g)** of the **Constitution** of India, or an activity deserving protection under **Article 19(1)(a)** as a right to freedom of speech and expression? This question is critical in determining the standards applicable to the conduct of the many news-providing outlets in India today.

The right to express opinions freely is critical in a democracy. Intellectuals have long championed it as a gateway to other liberties, positing that curtailment of free expression inevitably leads to restrictions on other rights such as the right to be informed. This right, however, is confused and equated with the necessity to overlook the media as a business (falling under **Article 19(1)(g)**), which is fundamentally flawed. The rights of a citizen and the rights of a media business owner fall under different baskets and contours, and cannot be considered the same. Freedom of speech and expression includes freedom of circulation, to the extent that the ability to propagate one's expression is inherent in that freedom.^[i]

The constitution of India does not specifically mention the freedom of press. Freedom of press is implied from **Article 19(1)(a)** of the **Constitution**. Thus the press is subject to the restrictions that are provided under **Article 19(2)** of the **Constitution**. Before Independence, there was no constitutional or statutory provision to protect the freedom of press. As observed by the **Privy Council in Channing Arnold v. King Emperor**: "The freedom of the journalist is an ordinary part of the freedom of the subject and to whatever length, the subject in general may go, so also may the journalist, but apart from statute law his privilege is no other and no higher. The range of his assertions, his criticisms or his comments is as wide as, and no wider than that of any other subject".

The Preamble of the Indian Constitution ensures to all its citizens the liberty of expression. Freedom of the press has been included as part of freedom of speech and expression under **Article 19** of the UDHR. The heart of the **Article 19** says: *"Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."*

Judicial Views

In **Romesh Thapar v. State of Madras**, Patanjali Shastri, CJ observed: *"Freedom of speech and of the press lay at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible."*

The Supreme Court observed in **Union of India v. Assn. for Democratic Reforms**:^[ii] *"Onesided information, disinformation, misinformation and non-information, all equally create an uninformed citizenry which makes democracy a farce. Freedom of speech and expression includes right to impart and receive information which includes freedom to hold opinions"*.

In **Indian Express v. Union of India**,^[iii] it has been held that the press plays a very significant role in the democratic machinery. The courts have duty to uphold the freedom of press and invalidate all laws and administrative actions that abridge that freedom. Freedom of press has three essential elements. They are:

1. freedom of access to all sources of information,^[iv]
2. freedom of publication, and
3. freedom of circulation.

In India, the press has not been able to practise its freedom to express the popular views. In ***Sakal Papers Ltd. v. Union of India***,^[v] the Daily Newspapers (Price and Page) Order, 1960, which fixed the number of pages and size which a newspaper could publish at a price was held to be violative of freedom of press and not a reasonable restriction under the **Article 19(2)**. Similarly, in ***Bennett Coleman and Co. v. Union of India***,^[vi] the validity of the Newsprint Control Order, which fixed the maximum number of pages, was struck down by the Supreme Court of India holding it to be violative of provision of **Article 19(1)(a)** and not to be reasonable restriction under **Article 19(2)**. The Court struck down the rebuttal of the Government that it would help small newspapers to grow.

In ***Romesh Thapar v. State of Madras***, entry and circulation of the English journal “Cross Road”, printed and published in Bombay, was banned by the Government of Madras. The same was held to be violative of the freedom of speech and expression, as “without liberty of circulation, publication would be of little value”. In ***Prabha Dutt v. Union of India***^[vii], the Supreme Court directed the Superintendent of Tihar Jail to allow representatives of a few newspapers to interview Ranga and Billa, the death sentence convicts, as they wanted to be interviewed.

There are instances when the freedom of press has been suppressed by the legislature. The authority of the government, in such circumstances, has been under the scanner of judiciary. In the case of ***Brij Bhushan v. State of Delhi*** (AIR 1950 SC 129), the validity of censorship previous to the publication of an English Weekly of Delhi, the Organiser was questioned. The court struck down the **Section 7** of the **East Punjab Safety Act, 1949**, which directed the editor and publisher of a newspaper “to submit for scrutiny, in duplicate, before the publication, till the further orders , all communal matters all the matters and news and views about Pakistan, including photographs, and cartoons”, on the ground that it was a restriction on the liberty of the press. Similarly, prohibiting a newspaper from publishing its own views or views of correspondents about a topic has been held to be a serious encroachment on the freedom of speech and expression.^[viii]

Under Indian law, the freedom of speech and of the press do not confer an absolute right to express one’s thoughts freely. Lord Denning, in his well-known book Road to Justice, stated that press is the watchdog to see that every trial is conducted fairly, openly and above board, but the watchdog may sometimes break loose, pointing out facts and incidences which the authorities do not wish the public to know, and has to be punished for ‘misbehaviour’. With the same token Clause (2) of **Article 19** of the Indian constitution enables the legislature to impose certain restrictions on free speech under the following heads:

1. security of the State,
2. friendly relations with foreign States,
3. public order,
4. decency and morality,
5. contempt of court,
6. defamation,
7. incitement to an offence, and
8. sovereignty and integrity of India.

The word 'obscenity' is identical with the word 'indecenty' of the Indian Constitution. In an English case of *R. v. Hicklin*,^[ix] the test was laid down according to which it is seen 'whether the tendency of the matter charged as obscene tend to deprave and corrupt the minds which are open to such immoral influences'. This test was upheld by the Supreme Court in *Ranjit D. Udeshi v. State of Maharashtra* ^[x] In this case the Court upheld the conviction of a book seller who was prosecuted under **Section 292**, I.P.C., for selling and keeping the book *Lady Chatterley's Lover*. The standard of morality varies from time to time and from place to place. The constitutional right to freedom of speech would not allow a person to contempt the courts. The expression Contempt of Court has been defined **Section 2** of the Contempt of Courts Act, 1971. The term contempt of court refers to civil contempt or criminal contempt under the Act. But judges do not have any general immunity from criticism of their judicial conduct, provided that it is made in good faith and is genuine criticism, and not any attempt to impair the administration of justice.

In *re Arundhati Roy*^[xi], the Supreme Court of India followed the view taken in the American Supreme Court (Frankfurter, J.) in *Pennkamp v. Florida*^[xii] in which the United States Supreme Court observed: "If men, including judges and journalists, were angels, there would be no problem of contempt of court. Angelic judges would be undisturbed by extraneous influences and angelic journalists would not seek to influence them. The power to punish for contempt, as a means of safeguarding judges in deciding on behalf of the community as impartially as is given to the lot of men to decide, is not a privilege accorded to judges. The power to punish for contempt of court is a safeguard not for judges as persons but for the function which they exercise".

In *E.M.S. Namboodripad v. T.N. Nambiar*^[xiii], the Supreme Court confirmed the decision of the High Court, holding Mr.Namboodripad guilty of contempt of court. In *M.R. Parashar v. Farooq Abdullah*^[xiv], contempt proceedings were initiated against the Chief Minister of Jammu and Kashmir. But the Court dismissed the petition for want of proof.

The freedom of press cannot be misused for sedition as well. According to the English Law, sedition embraces all the practices whether by word or writing which are calculated to disturb the tranquillity of the State and lead an ignorant person to subvert the Government.^[xv] Basic criticism of the government is not seen as sedition unless the Government believes that it was calculated to undermine the respect for the government in such a way so as to make people cease to obey it.^[xvi]

Section 124A of the **Indian Penal Code** defines the offence of sedition as follows: "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". But Explanation 3 says "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". In *Kedar Nath v. State of Bihar*^[xvii], the court upheld the constitutional validity of the **Section 124A** of I.P.C .

While any restrictions of free speech and expression must be reasonable, there is no provision exhorting the individual to be reasonable in the exercise of their rights. It could be argued, in

fact, that, “If liberty means anything at all, it means the right to tell people what they do not want to hear.” Nevertheless, the right to free speech and expression does not exist in a vacuum, and must be balanced with other rights. It is in maintaining this balance that the idea of responsibility as part of a right comes into play. Thus the tension between freedom of expression and intervention by authorities remains. As noted above, the reasonableness of restrictions on freedom of speech are decided on a case by case basis. Any intervention by the state would be dictated by societal standards of acceptability. The laws currently in place show the state will step in to prevent violence and harm to reputations. The popular reactions to other government measures, such as the policing of the internet, show that in these cases the government seems to be going too far.

Conclusion

Once the way is clear for the government to intervene, the extent and result of that intervention must be specified. There needs to be a clearly-defined spectrum, with cautions or fines at one end, and imprisonment at the other, which can be applied to reign in infringing expressions. The punishment will, of course, depend on the circumstances of the intervention, with proportionality the key principle to follow.

While individuals will have to rely on authorities being fair and just, the media industry may be able to pre-empt government action. If the industry was to regulate itself, any offences could be dealt with at that level. In order to maintain effective self-regulation, the industry first needs to create an architecture which supports it. In the first place, any industry association or body responsible for regulation would need universal membership. Allowing potential members to opt-out defeats the point of self-regulation and leaves the system vulnerable.

In addition, the association should endorse a basic code of ethics and guidelines on transparency, so that providers of news adhere to a minimum standard. Finally, it is important that this association or advisory body has real punitive powers. The threat of real and meaningful sanctions—beyond fines which may not even register with corporate-sponsored entities— must be used to ensure press quality.

If an association or body within the media industry is incapable of functioning as described above, another possible option is the introduction of an independent regulator. Such a body would need to be independently mandated and maintained. It would have to function impartially, free from both government and media control. Another important aspect of an independent regulator would be the scope of its powers. Ideally, it should cut across platforms to reflect a convergence in policy, so that providers of news are held to equivalent standards no matter what their method of dissemination.

Meanwhile, merging superfluous associations would increase efficiency. The independent regulator could act in conjunction with the self-regulatory body. This would allow the industry to monitor itself, while avoiding bias by leaving the punitive powers with an independent body.

As with any suggestion of introducing new laws or administrative bodies, balance is integral to the equation; the two must work in tandem. If reliance on the independent regulator is too great, then there is a risk that the regulator will act unilaterally, side-stepping legal scrutiny. At the same time, the level of discretion afforded to judges should not be such that the regulator is undermined. The judiciary and the administrative sector must support each other.

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Unit 5

<https://www.thoughtworks.com/en-in/insights/blog/information-technology-act-and-internet-censorship-india>

Censorship Law and internet – Law and Cyberspace – emerging trends – Laws relating to Cable and Satellite TV.

Indian law dealing with these two issues is contained in various statutes of which the most important are the Information Technology Act, 2000 (IT Act) and the Indian Penal Code, 1860 (IPC)

The IPC contains broad penal provisions that apply across media platforms while the IT Act applies specifically to computer systems.

Both these enactments (as well as other ancillary enactments such as the Insults to National Honor Act, 1971, The Emblems and Names (Prevention of Improper Use) Act, 1950), etc.,) suffer from numerous deficiencies in terms of substantive content as well as enforcement mechanisms.

Censorship Under the IT Act:

Indian law regarding censorship in traditional media is fairly developed and relatively liberal (at least in theory). Article 19(1)(a) of the Constitution protects the right to free speech and expression irrespective of the medium of communication.

While the Courts have interpreted this right in a broad manner, Article 19(2) permits reasonable restrictions to be placed on the right in view of public policy concerns. ²

Purportedly in accordance with A 19(2), the IT Act contains numerous provisions that can be used to censor online content – notably in Sections 66A, 69A and 79. Most tellingly almost all these instances involve executive action with no system of judicial oversight – in fact under Section 79, the law actively encourages private censorship.

Section 66A has probably received the most media attention over the last year or so due to the many arrests made under this section (notably the arrest of two teenage girls in Palghar, Maharashtra in November 2012 ³).

This provision criminalizes the practice of sending an offensive message using a computer resource. The biggest concern in this regard is the extremely wide and ambiguous scope of the provision which could include anything that is considered offensive, menacing, that causes annoyance or inconvenience, that insults, that causes enmity, hatred or ill-will, etc. The punishment for such an offence is three years imprisonment.

The wide phrasing of the provision has ensured that it can be used to criminalize almost any behavior on the Internet (including that which would not constitute a crime in the physical world) and this has been seen in practice as various activists and others have been arrested for posting comments critical of political parties or persons (usually, as illustrated by the aforementioned Palghar case, for posting completely innocuous comments).

The widespread public uproar following the numerous instances of misuse of this provision led to a Public Interest petition being filed in India's Supreme Court, which read down the provision holding that the powers under the section (of arrest) were to be used only upon instructions from a senior police official. The provision however continues to remain on the statute books.⁴

Two other sections of the Act - Section 69A and 79 have received far less attention from the public, possibly as these are substantive provisions of law and not punitive provisions (as S 66A is). These provisions however set up a system of censorship that is arguably unconstitutional.

S 69A authorizes the government to block any content from being accessed by the public on various grounds.⁵ An intermediary who fails to comply with directions to block content is liable to be imprisoned for up to seven years.

This provision ensures that the government can block any content it deems to fall within the fairly broad conditions and has been used with mixed results – while no doubt there are instances where content does need to be censored (for instance one of the sparks for the recent communal violence in Uttar Pradesh was the distribution through **Facebook of a fake video** purportedly showing violence committed against the majority community), practice shows that directions issued by the government lack precision (leading to whole domains and websites being **blocked**), lack appropriate oversight and accountability mechanisms, etc. The broad and ambiguous nature of the conditions to be satisfied before invoking this power are also cause for concern.

Section 79 of the IT Act requires an Intermediary to observe certain guidelines in order to avail of exemption from liability. These guidelines (issued in 2011) mandate that the Intermediary must take down any information that is *inter alia* grossly harmful, harassing, blasphemous, defamatory, obscene, pornographic, paedophilic, libellous, invasive of another's privacy, hateful, or racially, ethnically objectionable, disparaging, relating or encouraging money laundering or gambling, harm minors in any way or otherwise unlawful in any manner whatever, acting upon private complaint or if they discover such content on their own.

This provision essentially makes all intermediaries into watchdogs of the Internet with very limited provisions as to recourse or safeguards – for instance there is no requirement to produce a court order before (or after) mandating a take down. The requirement to act on private complaint for such a wide variety of 'offences' (some of which again are not crimes in

the physical world – for instance blasphemy is not a crime in India) is disturbing and could be used as a back-door means of censorship. This system also sets up an alternate system of criminal offences and censorship for online media as opposed to traditional media (therefore a physical newspaper can carry an article questioning the existence of God while its online version cannot!).

Various organizations have been campaigning for an amendment to this provision and in fact the Parliament's Subordinate Committee on Legislation has recommended revisiting these guidelines in order to make them compliant to the Constitution. Further steps are yet to be taken by the Government, which has, however, assured the country that it is not interested in censoring content.

Conclusion:

The issue of censorship of online content in India is a tricky one – the Constitution permits censorship in certain limited circumstances. This is a problem as due to the global nature of the Internet, it is very difficult to control content being uploaded in foreign countries and being viewed in India. Further, the thorny issue of who gets to decide to censor content and under what circumstances is a nuanced debate – which unfortunately tends to be hijacked by arguments based on security concerns / need for broad emergency provisions. Most attempts at censorship have therefore been haphazard and inconsistent.

Further, issues raised by communal, defamatory and violent content (particularly towards women) continue to receive very little attention. Particularly worrying is the lack of accountability, transparency and oversight in the system.

One hopes that the Supreme Court will take appropriate action by striking down the relevant provisions in the IT Act thereby forcing the legislature and executive to put in place a more open, equitable and just systems of censorship that truly abides by the Constitutional spirit embodied in A 19(1)(a).

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<https://www.myadvo.in/blog/what-is-the-cyber-law-in-india/>

Cyber law in India is not a separate legal framework. Its a combination of Contract, Intellectual property, Data protection, and privacy laws. With the Computer and internet taking over every aspect of our life, there was a need for strong cyber law. Cyber laws

supervise the digital circulation of information, software, information security, e-commerce, and monetary transactions.

The Information Technology Act, 2000 addresses the gamut of new-age crimes. Computer technology, mobile devices, software, and the internet are both medium and target of such crimes.

All Traditional criminal activities are such as theft, fraud, forgery, defamation, and mischief are part of cyberspace. These were addressed in the Indian Penal Code already.

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Strong cyber Law was needed to address:

- Cyber Crimes
- Electronic and Digital Signatures
- [Intellectual Property](#)
- Data Protection and Privacy

Importance of Cyber Law in India

Cyber laws in India or cybercrime law in India are important because of the prime reason that cybercrime act in India encompasses and covers all the aspects which occur on or with the internet - transactions, and activities which concern the internet and cyberspace.

"The Cyber Laws in India has paved the way for electronic commerce and electronic governance in the country by ensuring maximum connectivity and minimum cybersecurity risks. Also, enhancing the scope and expanding the use of digital mediums," says [Advocate Krishnamohan K Menon](#).

Types of Cyber Crimes

Different types of cybercrimes have different punishments in India.

- Identity theft - When personal information of a person is stolen with the purpose of using their financial resources or to take a loan or credit card in their name then such a crime is known as Identity theft.
- Cyberterrorism - When a threat of extortion or any kind of harm is being subjected towards a person, organization, group or state, it is known as the crime of Cyber

Terrorism. Generally, it includes the well-planned attack strategies on the Government and corporate computer system.

- Cyberbullying - When a teenager or adolescent harasses, defames, or intimidates someone with the use of the internet, phone, chat rooms, instant messaging or any other social network then the person is said to be committing the crime of Cyberbullying. When the same crime is done by adults it is known as Cyberstalking.
- Hacking - The most common cybercrime is Hacking. In this crime, the person gets access to other people's computers and passwords to use it for their own wrongful gain.
- Defamation - While every individual has his or her right to speech on internet platforms as well, but if their statements cross a line and harm the reputation of any individual or organization, then they can be charged with the Defamation Law.
- Copyright - With the massive surge in internet users, when the data/ information is distributed on all platforms, copyrighting your work aids you to restrict the use of your work. Any use of your copyrighted without your permission is a punishable offence.
- Trade Secrets - Internet organization spends a lot of their time and money in developing softwares, applications, and tools and rely on Cyber Laws to protect their data and trade secrets against theft; doing which is a punishable offence.
- Freedom of Speech - When it comes to the internet, there is a very thin line between freedom of speech and being a cyber-offender. As freedom of speech enables individuals to speak their mind, cyber law refrains obscenity and crassness over the web.
- Harassment and Stalking - Harassment and stalking are prohibited over internet platforms as well. Cyber laws protect the victims and prosecute the offender against this offence.

Evolution of Cyber Law in India

With an increase in the dependency on the use of technology, the need for cyberlaw was necessary. Much like every coin has two sides, therefore, the dependency on technology has its pros and cons. The rise of the 21st century marked the evolution of cyberlaw in India with the Information Technology Act, 2000 (popularly known as the IT Act). The first-ever cybercrime was recorded in the year 1820[\[pdf\]](#).

The objective of the Information Technology Act in India is as follows:

- To provide legal recognition for all e-transactions
- To give legal recognition to digital signatures as a valid signature to accept agreements online
- To give legal recognition to keeping accounting books in electronic form by bankers as well as other organizations
- Protection of online privacy and stopping cyber crimes

The Indian IT law updated the Reserve Bank of India Act and the Indian Evidence Act. With the evolution of cyberlaw, almost all online activities came under scrutiny. However, one thing about cyber law is that there are certain areas on which cybercrime laws in India do not apply such as:

- Negotiable Instrument being other than cheque
- Power of Attorney
- Will
- The contract for Sale or Conveyance of Immovable Property
- Central Government notified documents or transactions

The Need for Cyber Laws

In the present world which is more tech-savvy, the words cyber law and cyber crimes have also become more sophisticated. Internet and technology were launched for research purposes and making the lives of humans easy but as the use and number of people on the internet increased, the need for cyber laws in India was felt. As the nature of the internet is anonymous it is easy to commit cybercrimes. Thereby many could misuse this aspect largely.

[Advocate Tanuj Aggarwal](#) says, "*With the exponential growth in the digital space, the establishment of certain reforms was highly needed for the security of the citizen's privacy and data protection.*"

What is the Information Technology Act, 2000?

When the emphasis was on the need for cyber law or cybersecurity laws, then, it was imperative to implement an IT law in India. Thus, the Information Technology Act, 2000^[1], or also known as the Indian Cyber Act or the Internet Law came to force in India. Since the enactment, the Indian Internet Laws were drafted to bring in view all the electronic records and online/electronic activities to legal recognition. The IT Act also addresses the important issues of security, which are critical to the success of electronic transactions. The Internet Laws in India not only validates digital signatures but also provides for how authentication of the documents, which has been accepted and generated by using the digital signatures, can be done.

As IT Act is a cybersecurity law introduced to secure cyberspace, the Information Technology Law was amended under;

- the Indian Penal Code
- the Indian Evidence Act
- the Banker's Book Evidence Act
- the Reserve Bank of India

The prime focus of cyber law in India is to prevent:

- computer crime
- forgery of electronic data & record in e-commerce

- electronic transaction

IT Act, 2000 went through amendments[2] in the year 2008. These were made in light of the laws on cybercrime - IT Act, 2000 by way of the IT Act, 2008. They were enforced at the beginning of 2009 to strengthen the cybersecurity laws. Modifications in the Information Technology Act, 2008 included the change in the definition of some terms such as communication devices. The amendment for the definition of communication device was to include:

- the current use
- to validate the digital signature
- to make the IP address owner accountable
- impose liability for data breaches

How to Prevent Cyber Crime?

No doubt that the cybersecurity laws or cyber laws in India provide protection from cybercrime. However, prevention is always better than cure. Therefore, one should take the following steps for preventing a cybercrime:

- Unsolicited text message - We all get text messages from an unknown number. One should be cautious and try to avoid responding to text messages or automated voice messages from an unknown number.
- Downloads on the mobile phone - Download everything on the mobile phone from a trustworthy source only.
- Rating and feedback - Always check for the seller's rating and feedback of customers for the seller. Be sure that you are checking current feedbacks. Also, beware of feedbacks that are 100% seller favoring or have an entry on the same date.
- Personal Information Request - Everyone must have received a call or mail. In which, the person on the other side asks for personal information. This includes your card CVV or an mail containing an attachment, which requires you to click on embedded links. Be sure to never respond to such emails or calls.

Frequently Asked Questions:

What is Intellectual Property and how it is protected?

Intellectual Property is the set of intangibles that you thought of, like logos, designs, symbols, taglines, books, slogans, product names, literature or businesses, and is legally protected by you or your company against outside use without permission. There are several cyber laws for the ownership and the right distribution of the Intellectual Property like Copyright, Patents, Trademarks or Service Marks, Trade Secrets, Domain Disputes, Contracts, Privacy, Employment, Defamation, Data Retention, and Jurisdiction.

What are the advantages of Cyber Laws?

- Secured E-Commerce Infrastructure for online businesses.
- Digitally sign your contracts/ papers
- Introduced new businesses for Certifying Authorities
- Proficient use of E-Forms as prescribed
- Secured websites with Digital Certificates
- Meticulous monitoring on the web traffics
- Electronic Transactions safeguarded
- Emails are a legal form of communication and are approved in the court of law.

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Laws relating to Cable and Satellite TV.

The Central Government today issued a notification amending the Cable Television Network Rules, 1994 thereby providing a statutory mechanism for redressal of grievances/complaints of citizens relating to content broadcast by television channels in accordance with the provisions of the Cable Television Network Act, 1995.

At present, there is an institutional mechanism by way of an Inter-Ministerial Committee to address grievances of citizens relating to violation of the Programme/Advertising Codes under the Rules. Similarly, various broadcasters have also developed their internal self-regulatory mechanism for addressing grievances. However, a need was felt to lay down a statutory mechanism for strengthening the grievance redressal structure. Some broadcasters had also requested for giving legal recognition to their associations/bodies. The Hon'ble Supreme Court in its order in WP(C) No.387 of 2000 in the matter of "Common Cause Vs Union of India & Others" while expressing satisfaction over the existing mechanism of grievance redressal set up by the Central Government, had advised to frame appropriate rules to formalize the complaint redressal mechanism.

In the aforementioned background, the Cable Television Network Rules have been amended to provide for this statutory mechanism, which would be transparent and benefit the citizens. At the same time, self-regulating bodies of broadcasters would be registered with the Central Government. At present there are over 900 television channels which have been granted permission by the Ministry of Information and Broadcasting all of which are required to comply with the Programme and Advertising Code laid down under the Cable Television Networks Rules. The above notification is significant as it paves the way for a strong institutional system for redressing grievances while placing accountability and responsibility on the broadcasters and their self-regulating bodies.

G.S.R. 416 (E). – In exercise of the powers conferred by section 22 of the Cable Television Networks (Regulation), Act, 1995 (7 of 1995), the Central Government

hereby makes the following rules further to amend the Cable Television Networks Rules, 1994, namely: -

1. Short title and commencement

(1) These rules may be called the Cable Television Networks (Amendment) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) In rule 6 of the Cable Television Networks Rules, 1994 (hereinafter referred to as the said rules), after sub-rule (6), the following sub-rule shall be inserted, namely: -

<file:///C:/Users/admin/Downloads/JMC%203%20Sem/JMC%20BA%203%20sem%20Media%20Laws%20&%20Ethics/Cable%20Tv.pdf>