CHAPTER III

LEGISLATIVE BACKGROUND OF NEWSPAPER INDUSTRY

3.1 BACKGROUND OF NEWSPAPER

In any democracy ‘Newspaper’ is considered to be most important medium of communication and is known as the ‘Fourth Establish’. All types of events and happening are made known to the society through this medium.

It was during the times of Chharapati Shivaji Maharaj that an attempt of printing was made by Shivaji and Sarfoji Bhonsaley of Tanjore. In 1805, ‘Bhagvat Gita’ was published due to inspiration of Nana Phadanvis. First Marathi book was published at Serampur (Bengal) in 1805 due to efforts taken by Mr. Willam Kerry.

The year 1980 marked the hi-centenary of Indian Journalism. The first newspaper in India on modern lines appeared in Calcutta in 1780. This was the ‘Bengal Gazette’ published in English by Mr. J. N. Hackey.

When India became free there was no any antagonism between the government and people and the press was free to play an entirely new role. In March 1947, government appointed Press Low Enquiry Committee as result of which the obnoxious provisions of the Press Act until then in force were removed and a policy of consultative co-operation between the government and the press was inaugurated. Vernacular Journalism appeared in India in the latter half of 19th century.

Press Information Bureau is the centralized agency handling the press and public relations of government of India. It acts as clearing houses for official data and information to be used by publicity media.

The Press Council of India was act up with effect from 1st March 1979. It safeguards the freedom the Press and helps in maintaining and improving the standards of newspapers in India. In pursuance of the policy decision as taken in 1978 under which
the four news agencies. **Press trust of India, United News of India, Hindustan Samachar** and **Samachar Bharari** started functioning as separate entities.

U. N. I. and **P.T. I.** provide information in English whereas **Hindustan Samachar** and **Samachar Bharathi** provide information in Hindi and Marathi. Further in this respect U.N. I. has taken lead in supplying information in Marathi. They have further planned to make all this information available in all important languages of the country.

### 3.2 REGISTRATION OF NEWSPAPERS

**19A. Appointment of Press Registrar and other officers.**

The Central Government may appoint a Registrar of newspapers for India and such other officers under the general superintendence and control of the Press Registrar as may be necessary for the purpose of performing the functions assigned to them by or under this Act, and may, by general or special order, provide for the distribution of allocation of functions to be performed by them under this Act.

**19B. Register of newspaper.**

(1) The Press Registrar shall maintain in the prescribed manner a Register of newspapers.

(2) The Register shall, as far as may be practicable, contain the following particulars about every newspaper published in India, namely:--

- the title of the newspaper;
- the language in which the newspaper is published;
- periodicity of the publication of the newspaper;
- the name of the editor, printer and publisher of the newspaper;
- the place of printing and publication;
- the average number of pages per week;
the number of day of publication in the year;

the average number of copies printed, the average number of copies sold to the public and the average number of copies distributed free to the public, the average being calculated with reference to such period as may be prescribed;

retail selling price per copy;

the names and addresses of the owners of the newspaper and such other particulars relating to ownership as may be prescribed;

any other particulars which may be prescribed.

(3) On receiving information from time to time about the aforesaid particulars, the Press Registrar shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections therein as may be required for keeping the Register up-to-date.

19C. Certificate of Registration.

On receiving from the Magistrate under section 6 a copy of the declaration in respect of a newspaper and on the publication of such newspaper, the Press Registrar shall, as soon as practicable thereafter, issue a certificate of registration in respect of that newspaper to the publisher thereof.

19D. Annual statement, etc., to be furnished by newspapers.

It shall be the duty of the publisher of every newspaper.

a. to furnish to the Press Registrar an annual statement in respect of the newspaper at such time and containing such of the particulars referred to in sub-section (2) of section 19B as may be prescribed; [72]

b. to publish in the newspaper at such times and such of the particulars relating to the newspaper referred to in sub-section (2) of section 19B as may be specified in this behalf by the Press Registrar.
19E. Returns and reports to be furnished by newspapers.

The publisher of every newspaper shall furnish to the Press Registrar such returns, statistics and other information with respect to any of the particulars referred to in sub-section (2) of section 19B as the Press Registrar may from time to time require.

19F. Right of access to records and documents.

The Press Registrar or any gazetted officer authorised by him in writing in this behalf shall, for the purpose of the collection of any information relating to a newspaper under this Act, have access to any relevant record or document relating to the newspaper in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

19G. Annual report

The Press Registrar shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the newspapers in India and giving an account of the working of such newspapers, and copies thereof shall be forwarded to the Central Government.

19H. Furnishing of copies of extracts from Register.

On the application of any person for the supply of the copy of any extract from the Register and on payment of such fee as may be prescribed, the Press Registrar shall furnish such copy to the applicant in such form and manner as may be prescribed.

19I. Delegation of powers

Subject to the provisions of this Act and regulations made thereunder, the Press Registrar may delegate all or any of his powers under this Act to any officer subordinate to him.

19J. Press Registrar and other officers to be public servants.
The Press Registrar and all officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

19K. Penalty for contravention of section 19D or section 19E, etc.

If the publisher of any newspaper

1) refuses or neglects to comply with the provisions of section 19D or section 19E;

2) of section 19D any particulars relating to the newspaper which he has reason to believe to be false. He shall be punishable with fine which may extend to five hundred rupees. Clause (b) omitted by Act 26 of 1960, sec.7 (w.e.f. 1-10-1960).

3) publishers in the newspaper in pursuance of clause

19 L. Penalty for improper disclosure of information.

If any person, engaged in connection with the collection of information under this Act willfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (45 of 1860), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

3.3 AMENDMENT TO PRESS COUNCIL ACT (27TH AUGUST, 2012)

Need for legislation for regulating the electronic media

When the Press Council Act was enacted, there was no electronic media, and hence there was no need for any legislation for regulating the electronic media. Subsequently, the electronic media has come into existence. Journalistic ethics apply not only to the print media but also to the electronic media, and hence there is no reason why electronic media be not regulated by a statutory body, when the print media is regulated.
Taking in to consideration the fact the Press Council was of the opinion that it is absolutely necessary now to do so in the prevailing circumstances of the country, The Press Council of India in its meeting held on 27th August, 2012, at New Delhi, passed the following resolution.

Resolved that “the Government of India be requested to initiate suitable legislation to amend the Press Council Act, 1978, by (i) bringing the electronic media (both broadcast and social media) within the purview of the Press Council Act, and renaming it as “The Media Council”, and ii) giving more powers to the Press Council” (to be renamed as The Media Council).

It is an independent statutory authority. The Press Council presently has 28 members (apart from the Chairman), of which, 20 are representatives of the Press. These 20 members are not appointed by the government but elected by press bodies. All important decisions are taken by majority vote. 

3.4 MISCELLANEOUS

[20] Power of State Government to make rules

(1) The State Government may, by notification in the Official Gazette, make such rules (not inconsistent with the rules made by the Central Government under section 20A) as may be necessary or desirable for carrying out the objects of this Act.

(2) Every rule made by the Statement Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.

20A. Power of Central Government to make rules.—

(a) The Central Government may, by notification in the Official Gazette, make rules prescribing the particulars which a declaration made and subscribed under section 5 may contain; [and the form and manner in which the names of the printer, publisher, owner and editor of a newspaper and the place of its printing and publication may be printed on every copy of such newspaper];

(b) Prescribing the manner in which copies of any declaration attested by the official seal of a Magistrate or copies of any order refusing to authenticate any declaration
may be forwarded to the person making and subscribing the declaration and to the Press Registrar.\[77\]

(c) Prescribing the manner in which copies of any newspaper may be sent to the Press Registrar under section 11B;

(d) Prescribing the manner in which a Register may be maintained under section 19B and the particulars which it may contain;

(e) Prescribing the particulars in which an annual statement to be furnished by the publisher of a newspaper to the Press Registrar may contain;

(f) Prescribing the form and manner in which an annual statement under clause (a) of section 19D, or any returns, statistics or other information under section 19E, may be furnished to the Press Registrar;

(g) Prescribing the fees for furnishing copies of extracts from the Register and the manner in which such copies may be furnished;

(h) Prescribing the manner in which a certification of registration may be issued in respect of a newspaper;

(i) Prescribing the form in which, and the time within which, annual reports may be prepared by the Press Registrar and forwarded to the Central Government.\[78\]

Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or \[79\] [in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.\[80\]

[20B. Rules made under this Act may provide that contravention thereof shall be punishable. Any rule made under any provision of this Act may provide that any]
contravention thereof shall be punishable with fine which may extend to one hundred rupees.]

21. Power to exclude any class of books from operation of Act. [The State Government may, by notification in the Official Gazette, exclude any class of books or papers from the operation of the whole or any part of parts of this Act [Provided that no such notification in respect of any class of newspapers shall be issued without consulting the Central Government.]

22. Extent. This Act extends to the whole of India [*]


3.5 GOVT. OF INDIA NOTIFICATION OF WAGE BOARDS FOR JOURNALISTS AND NON-JOURNALISTS.

This chapter deals with the Government rules and regulations which are applicable to employees of newspaper industry. Different Wage Boards are constituted to deal with the problems of employees working in newspaper industry. Taking in to consideration the size of this legislation it has been overlooked, and made an attempt to show the summery in few words. The current working wage board is Justice Majithia wage board (dated 11th November, 2011) For the purpose of allowing the Central Government to fix or revise rates of wages in respect of journalists and non-journalist newspaper, and news agency employees, two Wage Boards were constituted under Section 9 and Section 13 C of the Working Journalists and Other Newspaper Employees (Conditions of Service). The Manisana Wage Boards submitted their recommendations to the Central Government on the 25th day of July 2000. After examining the recommendations of the Wage Boards and also keeping in view the various rates of dissent, the Central Government decided to accept the recommendations of the Wage Boards subject to some modifications, and issued notification on 5th December, 2000. The present working Wage Board for newspaper industry is Majithia Wage Board. The said wage board was constituted under section 9 and section 13C of the Working Journalists and other Newspaper Employees (Conditions of Service), for the purpose of enabling the Central Government to fix or
The Wage Boards were given three years’ time to submit their Reports to the Central Government in the Gazette of India. The said Wage Boards submitted their recommendations to the Central Government on the 31st day of December, 2010. As the Writ Petition (C) No.246 of 2011 in the matter of ABP Pvt. Ltd. and another versus the Union of India and others was pending before the Hon’ble Supreme Court of India challenging the constitution and the recommendations of the Wage Boards. So for that purpose the Central Government has taken legal opinion and it has been advised to issue order under section 12 of the said Act, subject to the decision of the Hon’ble Supreme Court in the said case. And finally the recommendations of the Majithia Wage Boards were accepted by the Government of India on 25th October, 2011. After examining the recommendations of the Wage Boards and also keeping in view the various rates of dissent, the Central Government decided to accept the recommendations of the Wage Boards subject to some modifications, and finally issued notification vide S.O. no. 2532 (E) on dated 11th November, 2011 in the Gazette of India. This notification And Whereas the Central Government proposes to accept the recommendations of the said Wage Boards subject to certain modifications hereafter specified, being modifications which, in the opinion of the Central Government, do not effect important alterations in the character of the recommendations. [85].
References:

72) Part VA containing section 19A to 191, Ins. by Act 55 of 1955, sec.16 (w.e.f. 1-7-1956). Subs. by Act 26 of 1960, sec.6, for certain words (w.e.f.1-10-1960).

73) Source: Website: www.presscouncil.nic.in, PR/2/2012-2013-PCI, PRESS RELEASE (Dated: 28.8.2012)

74) Subs. by Act 20 of 1983, sec.2 and Sch., for section 20 (w.e.f.15.3.1984)

75) Ins. by Act 55 of 1955, sec.18 (w.e.f. 1-7-1956).

76) Ins. by Act 26 of 1960, sec.8 (w.e.f. 1-10-1960).

77) Subs. by Act 26 of 1960, sec.8, for clause (b) (w.e.f. 1-10-1960).

78) Subs. by Act 26 of 1960, sec.8, for sub-section (w.e.f.1-10-1960).

79) Subs. by Act 20 of 1983, sec.2 and Sch., for certain words (w.e.f 15-3-1984).

80) Ins. by Act 26 of 1960, sec.9 (w.e.f. 1-10-1960).

81) Subs. by the A.O. 1937, for certain words.

82) Ins. by Act 11 of 1915, sec.2 and Sch.I.

83) Ins. by Act 26 of 1960, sec.10 (w.e.f. 1-10-1960).

84) Ins. by Act 55 of 1955, sec.19, original section 22 was re. By Act 10 of 1890, sec.7 (w.e.f. 1-7-1956).8. (The words except the State of Jammu and Kashmir" omitted by Act 16 of 1965 (w.e.f. 1-11-1)

85) Govt. of India Notification of Wage Boards for journalists and non-journalists. Vide S.O. no. 2532 (E) on dated 11th November, 2011