

A Chronicle of Media and the State in India

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"It is that accursed wire that strangles us". - An 1857 rebel reflecting on the Telegraph

Age of Formulation

1857
1885
1918
1931

1885 Indian Telegraph Act

- 'Telegraph' means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means;
- Within India, the Central Government shall have the exclusive privilege of establishing, maintaining and working telegraphs.

1918 The Cinematograph Act

- 'Cinematograph' includes any apparatus for the representation of moving pictures or series of pictures;
- 'place' includes also a house, building, c [tent or any description of transport, whether by sea, land or air:] and
- 'prescribed' means prescribed by rules made under this Act.
- Cinematograph exhibitions to be licensed. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such license.

1923 Official Secrets Act

Aimed at maintaining the security of State against leakage of secret information, sabotage and the like.

1932 Indian Tariff (Wireless Broadcasting) Amendment Act

Custom duty on wireless receiving apparatus fixed at 50%.

1933 Indian Wireless Telegraphy Act. (with Possession Rules)

Indian Telegraph Act 1885 had given control only of the establishment, maintenance and working of wireless apparatus. There had been no restriction on the possession of wireless apparatus and it was impossible to obtain a conviction without proof that the apparatus had been used for reception or transmission. This Act gave powers to control the possession of wireless apparatus.

1939 January 16: First organised Anti-Piracy Drive throughout India.

1941 Department of Information and Broadcasting set up.

1948 Report of the Sub-Committee on Communication, National Planning Committee.

"One of the outstanding defects of modern democracies is the appalling ignorance, if not illiteracy, of the average citizen, on matters of moment affecting their own lives. Leaders, therefore, get an importance, which is not only out of all proportion to their real substance, they become hypnotised by their own slogans and clichés to become gradually the breeding ground of their own self-deception. Education, true enlightenment, comes to be at a discount, objective information or scientific data becomes simply so much brief for special pleaders. The less one knows the more one talks, the more one talks, the less is one understood, the more is one honoured and admired for the verbiage one spins out on any and every occasion, with a pretence to omniscience which is the trade mark of democratic leadership. The result is an easy elevation to the pinnacle of eminence and distinction; the only condition for maintaining it is the perpetual figuring in the headlines of the daily and periodical press".

Age of Consolidation

- 1951** The Indian Telegraph Act (1895) extended to the whole of India.
- 1952** The Cinematograph Act amended. Extends to all of India.
- 1957** Copyright Act
- 1966** Asok K Chanda Committee Report on Broadcasting & Information Media
 "...It is not possible in the Indian context for a creative medium like broadcasting to flourish under a regiment (sic) of departmental rules and regulations. It is only by an institutional change that AIR can be liberated from present rigid financial and administrative procedures of Government".
- 1970** The Lok Sabha informed by the Union Government that "the present is not an opportune time to consider the conversion of the All India Radio into an autonomous corporation".
- 1975** June 25: Proclamation of internal Emergency.
 Akashvani brought under censorship and the AIR Code discarded as obsolete.
- 1975** August 1: Satellite Instructional Television Experiment [SITE] was launched.
- 1977** Working Group on Autonomy for Akashvani and Doordarshan constituted by the Ministry of Information and Broadcasting. Chair: B.G.Vergheze.
- 1978** Akash Bharati Bill
 "The Govt has decided not to set-up an autonomous body of AIR and Doordarshan as recommended by the Vergheze Group because such an organisation is not considered necessary to enable those mass media to discharge their basic objective of serving the people who are not served by other media".
- 1978** Working Group on the Granting of Autonomy to Films Division of India.
 Government took the view that Films Division already enjoys adequate Functional Autonomy, particularly with respect to creative and production matters and great films; even dramatic and poetic films, can be and have been made within the framework of the existing Films Division. Accordingly, it was decided to wind up the Group.
- 1982** Working Group on Software for Doordarshan. Chair: P.C.Joshi.
 "...In an unequal society people live differently, think differently and feel differently. The process of communication or software production left to the freeplay of market forces does not act as a countervailing mechanism against the natural working of an unequal society. It reinforces the unequal society rather than correcting it".

"...The freedom of the communicator to produce must be harmonized with the right of the weaker sections constituting the vast majority in a developing country to be truly represented in software. The over-representation of the elite and the negligible representation or false representation of the weak in software is an issue which is as serious and fundamental as the issue of creative freedom..."

- 1982** April: INSAT 1-A, India's first domestic communication satellite, launched.
August 15: Colour transmission introduced.
20 low power transmitters (100W) imported and established in all corners of India. INSAT 1-A utilised to telecast National Programme from Delhi simultaneously on all Doordarshan transmitters.
November: live telecast of IXth Asian Games all over India.
- 1984** Copyright Act amended to include video and audio cassettes.
- 1986** Indecent Representation of Women (Prohibition) Act

Age of Uncertainty

- 1989** *Prasar Bharati* (Broadcasting Corporation of India) Bill introduced in the Lok Sabha. Bill was enacted in 1990 but not implemented.
- 1990** CNN available through cable.
- 1991** Star TV begins operation with a South Asia footprint.
- 1992** Doordarshan's Metro Channel begins.
Zee TV begins telecast on Asiasat.
- 1994** Doordarshan introduces 10 satellite channels offering regional language programmes.
December: 60,000 cable operators start functioning
Asiasat carries 6 channels to India - CNN, SunTV, JainTV, AsiaNet, E!TV & ATN
- 1995** ZeeTV launches SitiCable. Cable Operations expand rapidly.
Doordarshan International starts on the ZeeTV transponder.
- 1995** Supreme Court Judgement
by P. B. Sawant, S. Mohan and B. P. Jeevan Reddy
Ministry of Information and Broadcasting, Govt. of India vs. Cricket Association of Bengal.
"...It is also urged that there is no exclusive privilege or monopoly in relation to production, transmission or telecasting and such an exclusive monopoly, if claimed, is violative of Article 19(1)(a)..."
"...There is no doubt that since the airwaves/frequencies are a public property and are also limited, they have to be used in the best interest of the society and this can be done either by a central authority by establishing its own broadcasting network or regulating the grant of licences to other agencies including the private agencies..."
"...If the right to freedom of speech and expression includes the right to disseminate information to as wide a section of the population as is possible, the access which enables the right to be so exercised is also an integral part of the said right. The wider range of circulation of information or its greater impact cannot restrict the content of the right nor can it justify its denial. The virtues of the electronic media cannot become its enemies. It may warrant a greater regulation over licensing and control and vigilance on the content of the programme telecast. However, this control can only be exercised within the framework of Article 19(2) and

the dictates of public interests. To plead for other grounds is to plead for unconstitutional measures. It is further difficult to appreciate such contention on the part of the Government in this country when they have a complete control over the frequencies and the content of the programme to be telecast. They control the sole agency of telecasting. They are also armed with the provisions of Article 19(2) and the powers of pre-censorship under the Cinematograph Act and Rules. The only limitations on the said right is, therefore, the limitation of resources and, the need to use them for the benefit of all. When, however, there are surplus or unlimited resources and the public interests so demand or in any case do not prevent telecasting, the validity of the argument based on limitation of resources disappears”.

1995 Cable Television Networks (Regulation) Act

“No person shall operate a cable television network unless he is registered as a cable operator under this Act”.

1996 National Media Policy. Interprets the judgement in a Working Paper.

“There should be a regulatory body to oversee both public and private tele/broadcasting...”

“Adequate care should be taken to enable the setting up of non-commercial broadcasting stations to be run by universities, educational institutions, *panchayats*/local bodies, State Governments, etc.”.

“A new production style, which is people-oriented should be developed. In tune with the policy framework suggested here, the Indian private sector/State Government/NGOs/Local Government should be allowed to enter the field of broadcasting/telecasting”.

“The apex regulatory body should be an independent autonomous public authority representative of all sections and interests in the society and should control and regulate the use of air waves in the interests of the public and to prevent invasion of their rights encouraged”.

1996 Constitution of High Power Committee for the Implementation of the *Prasar Bharati* Act; Chair: Dr Nitish Sengupta.

“We recommend the setting up of an independent Radio and Television Authority of India, as strongly enjoined by the Supreme Court, to licence private channels, domestic and foreign, to impose appropriate terms and conditions on these licenses in accordance with the Broadcasting and Advertising Codes and also to receive and adjudicate on complaints of violations of these Codes, received from the public or representative bodies or consumers’ forums. These ‘complaints’ functions of the Authority will also cover the channels run by *Prasar Bharati*. This Authority will also serve as the regulatory mechanism for private radio and television stations/channels”.

“We recommend that local terrestrial TV and Radio stations should be permitted. These stations will also help municipal bodies and Panchayati Raj institutions in providing local broadcasting services to the community. For this purpose, the Indian Telegraph Act, 1885 could be suitably amended”.

1997 *Prasar Bharti* Corporation constituted.

Tussle over interpretation of autonomy begins and continues till date.

1998 Information Technology Action Plan. National Task Force on Information Technology & Software Development, constituted under the authority of the Office of the Prime Minister.

1998 VSNL blocks site the following sites: www.cultdeadcow.com; www.sensenet.net; www.vocaltec.com; www.NetSpeak.com; www.Net2phone.com.

2000

1999 VSNL blocks www.dawn.com.

2000 The Information Technology Act

(1)(a) "access" with its grammatical variations and cognate expressions means gaining entry into, instructing or communicating with the logical, arithmetical, or memory function resources of a computer, computer system or computer network.

(66) Hacking with Computer System:

(1) Whoever with the intent to cause or knowing that he is likely to cause wrongful loss or damage to the public or any person, destroys or deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means, commits hack:

(2) Whoever commits hacking shall be punished with imprisonment up to three years, or with fine which may extend up to two lakh rupees, or with both.

(43) Penalty for damage to computer, computer system, etc.

If any person without permission of the owner or any other person who is in charge of a computer, computer system or computer network:

(a) accesses or secures access to such computer, computer system or computer network;

(b) downloads, copies or extracts any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium;

(c) introduces or causes to be introduced any computer contaminant or computer virus into any computer, computer system or computer network;

(d) damages or causes to be damaged any computer, computer system or computer network, data, computer data base or any other programmes residing in such computer, computer system or computer network;

(e) disrupts or causes disruption of any computer, computer system or computer network;

(f) denies or causes the denial of access to any person authorised to access any computer, computer system or computer network by any means;

(g) provides any assistance to any person to facilitate access to a computer, computer system or computer network in contravention of the provisions of this Act, rules or regulations made thereunder;

(h) charges the services availed of by a person to the account of another person by tampering with or manipulating any computer, computer system, or computer network, he shall be liable to pay damages.

Explanation - For the purposes of this section:

(i) "computer containment" means any set of computer instructions that are designed :

(a) to modify, destroy, record, transmit date or programme residing within a computer, computer system or computer network; or (b) by any means to usurp the normal operation of the computer, computer system, or computer network.

2000 Guidelines and General Information for setting up Submarine Cable landings for International Gateways for Internet. Issued by the Ministry of Communications, Government of India.

2. The landing Station for International Gateway for Internet shall be used only for carrying Internet traffic.

7. The Telecom Authority or personnel authorized by the Telecom Authority reserves the right to carry out surprise inspection at the Landing Station to ensure that only Internet traffic is carried through the Landing Station and the Landing Station is not used for unlawful activities or against public interest.

13. Landing Station shall not be set up in security sensitive areas. The Internet nodes covering places of security importance shall be routed through VSNL only. The security sensitive areas would be identified from time to time. As on date the security sensitive areas are Punjab, J & K, North Eastern States, border areas of Rajasthan, Andaman & Nicobar Islands and coastal areas of Gujarat and Tamil Nadu (excluding Chennai).

14. The ISP licensee shall make available all the billing details of any subscriber on demand by Telecom Authority.

15. The ISP licensee shall block Internet sites and individual subscribers, as identified by Telecom Authority.

27. Agencies authorized by the Government should be able to monitor all types of traffic passed through the landing terminals, including data, FAX, speech, video and multi-media etc., both in interactive and non-interactive modes.

28. The monitoring should be possible on the basis of key words/key expressions/ addresses (IP address or e-mail address) of initiating or terminating subscribers.

29. It should be possible to scan through entire traffic passing through the gateway and filter the traffic as per the key words/key expressions and addresses defined by the security agencies. Filtered traffic should be stored in the memory/directory provided for the security agencies, which have defined the monitoring requirement. Before storing the monitored information, it should be segregated and stored in the directory in different files. The filtered information must be decoded and stored in such a way that direct hard copy of FAX and data or audio/video tapes of the speech/video recording could be produced. Log of recorded information for each agency must be created in the directory of the agency concerned displaying the details like date and time of recording, number of record etc.

30. Each of the security agencies should be provided with a specified dedicated space/memory/directory/storage in the Monitoring Centre computer.

34. Office space of 20 feet x 20 feet with adequate, uninterrupted power supply and air-conditioning which will be physically secured and accessible only to the personnel authorised by Telecom Authority, shall be provided by the licensee at each location, free of cost.

