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# CYBER JOURNALISTS: THE INFORMATION TECHNOLOGY ACT, 2000 AND ALL THE LAWS APPLICABLE TO CITIZENS OF INDIA WILL ALSO APPLY JOURNALISTS

**By: M.S.Yatnatti: Editor and Video Journalist Bangalore: Online Journalists are people who gather information that is relevant to the public and communicate this over various media. An online journalist would collect, write or edit news-reports, articles, features, interviews, opinion pieces, photographs or even podcasts and videos on news and events on an online platform.If you are located and work from India, all the laws applicable to citizens of India will also apply to you. These include the Constitution of India, Press Laws and Acts, provisions of the Indian Penal Code and the Criminal Procedures Code, Broadcasting regulations etc. The Press Council of India has a comprehensive list of acts applicable for journalists. Besides, the amended Information Technology Act, 2000, governs all electronic communication. So, if a print, television, radio or mobile media journalist transmitted any information electronically, the provisions of the IT Act would also be applicable.Print media content is governed by a number of laws, including the Constitution of India's provisions on freedom of expression and privacy, other specific laws on registration of publications, provisions in the Indian Penal Code, etc. An online article will attract different provision of the Information Technology Act, along with all the other laws.**

**If you are a print journalist and your report appears online in media company's website, Information Technology Act apply to you.Unlike print publications, online news sites or portals do not have to be registered in India. All you need is a domain name registration.Only some press laws will apply to a news website in India. Online media does not come under the purview of the Press Council of India, the Working Journalists Act, The Press and Registration of Books Act, 1867, The Young Persons (Harmful Publications) Act, 1956 and the Delivery of Books and Newspapers (Public Libraries) Act, 1954.However, since the amended Information Technology Act, 2000, governs all electronic communication, a news website will come under its purview. Reporters and web editors are legally responsible for content on a site. Under the amended IT Act, 2000, all responsibility for ensuring that no 'objectionable' content is uploaded online and for taking down content will vest with the intermediary. Facebook relies on its user community to determine if the content is offensive or not. Every wall post, photo, note etc. has a report abuse link embedded in it. Unlike Twitter, Facebook maintains no record of censorship.The intermediary hosting your site, your editor, reporter will be held responsible.Content on social media networks is usually public, unless users activate privacy settings to restrict viewers. So journalists can use content from social media networks but it is a good idea to be ethical in using material that can compromise privacy.If a blogger posts blogs that are journalistic in nature, i.e., the blogger uses the blogging platforms for posting reports, views, opinions, comments on events, then the blogger can be called a journalist. Bloggers and journalists share the same protection under the law because article 19 (1) (a) that defines freedom of expression applies to all citizens. The media in India does not enjoy special privileges under the law unlike US, where freedom of press was ratified by the First Amendment.A journalist can publish their stories on their personal blogs. A lot depends on the nature of contract with the concerned media organisation s/he works for. A journalist can publish their stories giving an attribution to the employer that published the story originally. If the contract is such that the journalist retains her/his copyright of the story, then the journalist ought to mention it clearly.An online journalistic report seeks to collect and provide information that has a public interest. A blog post can be about a wide range of subjects written in various styles- from one's opinions, reports and factual information to personal accounts of one's travels, cookery, pets, health, philosophy etc. Legally, both online journalistic reports as well as blog-posts have the same status under the IT Act.**

**The blog owner is responsible for the comments on his/her blog. The responsibility also extends to the websites offering free blogging services or the blog hosts.The intermediary is solely responsible for taking down content. If a report elicits comments that are deemed offensive, then the web editor, the reporter, the publisher of the website (if any) will be held primarily responsible and a suit can be filed against them even after takedown of the content. Currently, under the IT Act, there is no provision or forum for you to challenge a complaint or a take down notice. You will have to take down the content within 36 hour of receipt of the complaint and then challenge it in a court of law.Content on social media networks is usually public, unless users activate privacy settings to restrict viewers. So journalists can use content from social media networks but it is a good idea to be ethical in using material that can compromise privacy.If the content is part of a blog created by an individual blog creator, it will vest with the creator. It is a very good idea to state the terms of ownership and sharing of the content prominently on the site.If the content is part of a website, it will vest with the owner of the website.Several bloggers or website owners do try to share content for non-commercial use and obtain limited licences for this. More information can be obtained from CreativeCommons and Copyleft.Copyright comes into existence as soon as a work is created and no formality is required to be completed for acquiring copyright. However, it is advisable to state the terms of copyright at the bottom of your website.No. There is no copyright over news. However, there is copyright over the way in which a news item is reported. http://presscouncil.nic.in/norms.htm For photographers, refer Section 17(b) and for journalists, refer Section 17(a) of amended Copyright Act, 1957**

**Web journalism is search-based. A reader can locate the story of his choice by typing the search word or a search phrase. A news story once published on the site can be accessed 24/7 from the newspaper's online archives in contrast to a printed newspaper where one has to visit a library to locate a story that has been printed a month or a year ago. Newspapers can never match the convenience that media websites bring in terms of access and retrieval. The website can be updated round-the-clock in contrast to the printed newspaper which is printed only once in a day for a specific distribution area. This gives web journalism a big plus over the printed paper. A news website can publish news stories as video reports or multimedia stories, making web journalism a highly versatile news medium . A newspaper is limited to text. This limits the appeal of a newspaper considerably. Citizens can force every PA to create information every day strictly as per the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross cheeked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act .Promote transparency and accountability in the working of every public authority. Policy on Prevention, Detection, and Remediation of Fraud and Corruption by government is must and a major element of good governance is the control of corruption. For that reason, controlling corruption has been a key indicator. Good governance is a keystone of government. UPA government has given you RTI Act: Use It optimally :All opposition parties should use RTI optimally .Let they create booth wise RTI activists among their members or cadets and give them training and set of questions and gather that booth level information to perform better as opposition parties .Prime Minister should listen to opposition parties as they are voice of 66% voters. All responsible citizens should send RTI Question to each MP and each Minister and Prime Minister and get to know every day what they are doing and what they are performing and keep check on their performances and give them clear indication that India is awakened and want responsible Government which listens citizens.. All 70 MLAs and 543 MPs are public servants : After election are over all MLAs are public servants and they are MLA for all the constituency .All MLAs should chalk out their plans for development of their constituencies irrespective of who voted for them or who is not voted for them . THE RIGHT TO INFORMATION ACT, 2005 is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.**

**RTI Act provides transparency under Section 3 and 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 and accountability under 4(1) (d) RTI Act 2005 as the PA will create information; or to interpret information; or to solve the problems raised by the applicants under the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross cheeked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act .RTI is a total problem solving mechanism and not just record providing tool.RTI will provide transparency under 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 every day and Accountability can be ensured under 4(1) (a) (b) (c) (d) and 2(f) of RTI Act 2005 and this will reduces the corruption in every public authority .RTI Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The information under RTI Act is defined in, Section 2(f) of the RTI Act, which defines "information" under this Act, unless the context otherwise requires,- .(f) "information" means any material in any form, including records, documents, memos, e- mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;". This act can be called as the "law of transparency and accountability" which acts as the citizen's weapon to question and get information related to the government's functioning so that they can analyze its performance, and act accordingly.Information is essential for the efficient working of journalists and thus, the Right to Information (RTI) Act is one of the most useful legislations for a journalist.**

**The RTI Act has two basic divisions the first requiring public officials to *suo moto* publish information pertaining to their departments and the second enabling the public to access information from a public office. The official documentary proof can be obtained by simply filing an application with a fee of Rs. 10.Under Section 2 (j) (ii) of the Act, the applicant can ask for certified copies of the documents or records. This certified copy of the document giving information can be admitted in the Court as Secondary Evidence. Note that under the RTI Act, the right to information includes the right to inspection of work, documents and records; taking notes, extracts or certified copies of documents or records; and taking certified samples of material held by the public authority or held under the control of the public authority. A citizen has a right to obtain information from a public authority in any relevant form including in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print-outs provided such information is already stored in a computer or in any other device from which the information may be e-mailed or transferred to diskettes etc.RTI, one of the few weapons the common man has in his fight against the high and mighty, citizens have unlimited powers under RTI Act 2005.**

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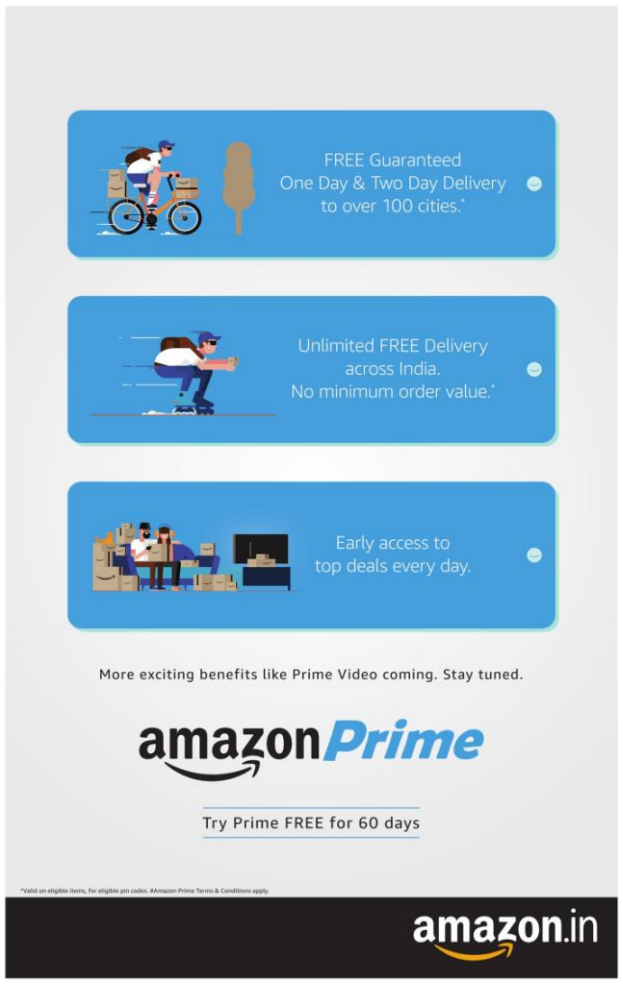
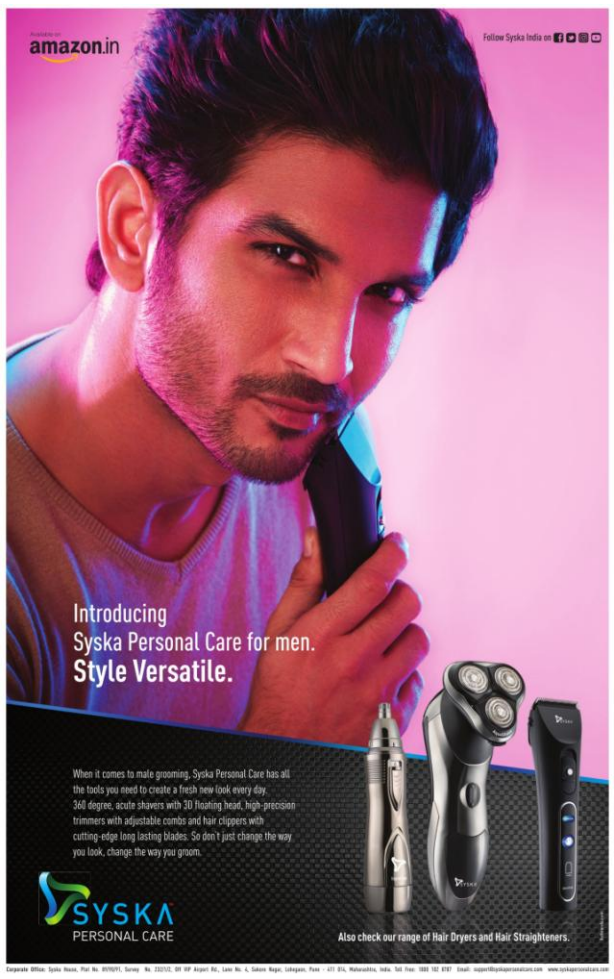
*Every PA* **must understand that "information" is not created in "Paraloka" or "Swargaloka" or in "CIC "or "SIC" which will be given by PA under Section 2(f) of the RTI Act.It is PA which creates the information every day 4(1) (a) (b) (c) and the "information" in any form, including records, documents, memos, e- mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form need to be created as per 4(1) (a) (b) (c) reasons under 4(1) (a) (b) (c) (d) need to be given by PA to the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act .The PA should be forced to function and create information strictly as per under 4(1) (a) (b) (c) on the applications and request of public and provide it under 2(f) of RTI Act and information should not be incomplete misleading and false and public is free to check accountability under 4(1) (d) RTI Act 2005.The Right to Information (RTI) Act is one of the most important tools that can empower the common man, it had become imperative to fight against corruption for the effective functioning of the three pillars of democracy — legislature, executive and judiciary. The three pillars of democracy had been included in the ambit of the RTI Act and people should make use of the provisions of the Act to bring down corruption. There was a need to create awareness among people on the wide range of powers enshrined in the RTI Act. The educated sections of society must take active part in the fight against injustice and use the provisions of the RTI Act to protect the rights of the people.**

**THE RIGHT TO INFORMATION ACT, 2005 is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.RTI Act provides transparency under Section 3 and 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 and accountability under 4(1) (d) RTI Act 2005 as the PA will create information; or to interpret information; or to solve the problems raised by the applicants under the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross cheeked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act .RTI is a total problem solving mechanism and not just record providing tool.RTI will provide transparency under 4(1) (a) (b) (c) and 2(f) of RTI Act 2005 every day and Accountability can be ensured under 4(1) (a) (b) (c) (d) and 2(f) of RTI Act 2005 and this will reduces the corruption in every public authority . RTI Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The information under RTI Act is defined in, Section 2(f) of the RTI Act, which defines "information" under this Act, unless the context otherwise requires,- .(f) "information" means any material in any form, including records, documents, memos, e- mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;". This act can be called as the "law of transparency and accountability" which acts as the citizen's weapon to question and get information related to the government's functioning so that they can analyze its performance, and act accordingly.*Every PA* must understand that "information" is not created in "Paraloka" or "Swargaloka" or in "CIC "or "SIC" which will be given by PA under Section 2(f) of the RTI Act.It is PA which creates the information every day 4(1) (a) (b) (c) and the "information" in any form, including records, documents, memos, e- mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form need to be created as per 4(1) (a) (b) (c) reasons under 4(1) (a) (b) (c) (d) need to be given by PA to the affected person and copy of the same can be given to any applicant under 2( f) of RTI Act .The PA should be forced to function and create information strictly as per under 4(1) (a) (b) (c) on the applications and request of public and provide it under 2(f) of RTI Act and information should not be incomplete misleading and false and public is free to check accountability under 4(1) (d) RTI Act 2005.The Accountability is checked by public under 4 (1) (d): The citizens who are affected by decisions made under RTI ACT 4(1) (a) (b) (c) can seek reasons for their administrative and quasi judicial decisions .PA can provide reasons to affected person and copy of such reasons can be provided to anybody under 2(f) of RTI Act. Public is fully authorized to ask how and why and under what rules and regulations such decision is arrived at under 4(1) (a) (b) (c) of RTI ACT 2005 using 4 (1) (d).An RTI application can force the PA to create information on his application to PA under 4(1) (a) (b) (c) of RTI ACT 2005 and at the same time he can check the information whether it is provided as per 4(1) (a) (b) (c) of RTI ACT 2005 by invoking 4 (1) (d) of RTI Act 2005.And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Government and their instrumentalities accountable to the governed.**



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