

**BURNISHED LAW JOURNAL****AMARSH DUDEJA****SEMESTER VIII , BA.LLB SPZ. CRIMINAL LAW****UNIVERSITY OF PETROLEUM AND ENERGY STUDIES****INTERNET AS A NEW SOURCE OF MEDIA AND IT'S IMPACT ON MEDIA LAW****CONTENTS**

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## INTRODUCTION-

Media law across the world varies from country to country as it is subjected to the economy, polity, religion, culture of different societies. Countries which followed communism and totalitarianism like USSR (Union of Soviet Socialist Republics), in the past and China, there were certain limitations as to what they can publish, broadcast or communicate any kind of information against the government via any form of media as at such times it was necessary to censor certain information for the success of various revolutions which took place at that time. On the other hand in countries like USA (United States of America) where democracy prevailed media had comparatively a much free hand in its day to day regulations.

**INDIA-**India is a democratic country. Press is free but is subjected to some reasonable restrictions as per the constitution of India. prior to 1992 the media was controlled majorly by the government of India which only let media project what the government wanted the public to see but when globalization took place as of new economic policy adopted by India things changed for Indian media, now privatization of media happened which had a major impact on media information as government now did not had an entire authority over the same.

Earlier many major acts were adopted in India to regulate various modes of media; few of them are listed as the following-:

1. Press act of 1835
2. Gagging act of 1875
3. Press and Registration of Books Act of 1867
4. Vernacular Press Act of 1878
5. Newspapers (Incitement to Offences) Act, 1908
6. The constitution of India 1950
7. The Press (Objectionable Matters) Act, 1951
8. The Newspaper (Prices and Pages) Act, 1956

In this new age of media expansion various other sources of media has been identified across the world, the major one amongst them is Internet.

### CONCEPT OF INTERNET AND BRIEF HISTORY OF ITS ORIGIN

“The definition of internet is that it is a global computer network providing a variety of information and communication facilities, consisting of interconnected networks using standardized communication protocols.”<sup>1</sup>

“The origins of the Internet date back to research commissioned by the federal government of the United States in the 1960s to build robust, fault-tolerant communication with computer networks. The primary network, the ARPANET, initially served as a backbone for interconnection of regional academic and military networks in the 1980s. The funding of the National Science Foundation Network as a new backbone in the 1980s, as well as private funding for other commercial extensions, led to worldwide participation in the development of new networking technologies, and the merger of many networks. The linking of commercial networks and enterprises by the early 1990s marked the beginning of the transition to the modern Internet and generated a sustained exponential growth as generations of institutional, personal, and mobile computers were connected to the network. Although the Internet was widely used by academia since the 1980s, commercialization incorporated its services and technologies into virtually every aspect of modern life.”<sup>2</sup>

The internet has impacted the way to communication and transfer of data. There are many advantages of this new age era media and so are its disadvantages as well . it is the most used source for transfer of information and communication.

Just like other sources of media it also requires an infrastructure for its functioning mainly a router , a LAN wire , and a server to transfer data .

The internet carries various services, most prominently the World Wide Web, including social media , electronic mail (E-mail) , mobile applications, internet-telephony ,online streaming, multiplayer online games, storage of documents etc.

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<sup>1</sup> "Who owns the Internet?" 19 June 2014 at the Wayback Machine, Jonathan Strickland, *How Stuff Works*".

<sup>2</sup> "7.76 Terms like 'web' and 'Internet' University of Chicago, 16th edition"

## ADVERTISEMENT

Prior to digital media explosion newspaper , radios and televisions only were methods of advertisement available to a company but after the digital media came the things changed drastically, as now companies had more options for advertisements. They could now generate ad-revenue i.e. revenue from advertisements and make advertisements look more attractive to the customer , but a challenge before the govt. arose regarding taxation of revenue collected from such sources and their censorship as well.

There are still many websites which are launched daily as an ad-ware websites which redirects the customer to an external website which they had not consented to and forces them to download certain software's to further proceed. These websites usually download a temp file in windows folder which is in dll.exe format along with the software and such is not detected by firewall system of the computer, such files may modify the customers computer settings or may restrict some actions.

Censorship of advertisements – some advertisements are defamatory in nature or are usually uploaded on the internet as fakes pretending to be uploaded from a genuine company. Such advertisements usually result in scamming of the customer

For e.g.: an advertisement says that “if you buy bit-coins worth USD \$10k they will convert the same into shares of Google worth USD \$15k. These are an example of ponzi-scheme on the internet. Such advertisements shall be filtered before their publication on any media platform.



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## FREEDOM OF PRESS

New networks and services has democratized communication by lowering barriers to access and creating new space for publishing and peer-to-peer collaboration. Bypassing traditional caretakers of other forms of media, users can take on the role of authors, broadcasters or publishers on the Internet thus creating endless possibilities for producing, sharing and exchanging all kinds of information. From this view, the Internet has boosted up as a globally accessible means of communication that is free from traditional restrictions on free speech and expression. However, there are other unintended consequences that the Internet has had on both forms of power and control in the regulation of content, as online content has become increasingly contested, enclosed in a nationalized sphere challenging the free flow of information and freedom of expression.<sup>3</sup>

Media is the fulcrum that connects and influences the society . In such circumstances the social media these days is trying to take over the digital media news i.e. official publications by the printing media companies. The difference between social media news and official print media news on digital platform is of the authenticity if the information. There are more number of users on the internet using social media as compared to official online news web portals. The news on social media if it is fake but is self repeating it self via various fake websites then the user of such is made to believe that the information is true and the user is further misguided.

The press has its freedom under the constitution of India i.e. subjected to certain restrictions such as any information which is classified and can harm the national security of the nation cannot be broadcasted or published without prior permission from the respected authorities.

The sources are sometimes anonymous on the internet and since there is no fixed procedure to publish anything on the internet the role of prior permission from the authorities is ruled out .

In cases of Media trials the internet plays an important role due to its huge customer database . A news biased in favor of either parties can cause damage to the whole case as it make a perception in minds of the people that such person is guilty of the said offences.

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<sup>3</sup> <https://cis-india.org/internet-governance/events/freedom-of-expression-in-digital-age>

Swati Deshpande,<sup>4</sup> a Senior Assistant Editor (Law) at the Times of India, Mumbai, observes that, “As a good journalist one will always have more information than required, but whether you publish that information or exercise restraint is up to you.” In a span of 11 years of court reporting, as per her, there have been instances when she has exercised the option of not reporting certain information that could be defamatory and cannot be attributed. If an allegation is made in a court room, but is not supported by evidence or facts, then it is advisable that it be dropped from the report.

So anyone can publish or broadcast anything till such an information is reported and is taken down by the state I.T cells setup by the govt.

The government through its I.T cells tries to regulate information but the database is so huge that it is not possible for the govt. to regulate it

**SUGGESTION-** The govt. should only allow the official news to be published through the servers which it owns so that proper regulation can be there. All the print media publication on digital platforms shall be registered under it and the servers must be allowed to display information which its members wants to publish (subjected to the constitution of India and other guidelines which may be formed from time to time).

The logo for Burnished Law Journal is a stylized orange diamond shape with intricate white patterns inside. Below the diamond, the text "BURNISHED LAW JOURNAL" is written in a red, serif font. The logo is centered on the page and overlaid by a large, colorful circular graphic consisting of several overlapping rings in shades of cyan, yellow, and green.

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<sup>4</sup> Interview with Swati Deshpande, Senior Assistant Editor (Law), Times of India, on 15.04.11

## DEFAMATION

As per section 499 of the Indian penal code defamation means

“Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.”<sup>5</sup>

Internet publications have made people now more prone to defamation. There are many publication which go unreported on the internet which spread hatred in minds of people.

Since anonymity can easily be maintained on the internet it becomes tough for the officials to catch the culprit. So there is hardly any actions taken against such defamatory publications .

The use of spam buster software is higher in number these days such a software sends fake information to the people on their emails or phone numbers and prevents them from using their systems and also try to spread any information which is defamatory

Software's like Discord , raidcall or even forumation chat among its members cannot be brought into court as the parties of the same are unknown .

Since such software's are privately owned and have their own registered servers they cannot be regulated by government and their USP(unique selling point is anonymity ) is that ,they promote themselves as a platform to meet strangers and exchange opinions .

Now the owner cannot be held liable for the same as it is not him/her but rather a separate person on an online platform who is publishing such defamatory publications.

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<sup>5</sup> Section 499 of Indian penal code,1860

## CENSORSHIP

Censorship in India, which involves the suppression of speech or other public communication, raises issues of freedom of speech, which is protected by the Indian constitution.

The Constitution of India guarantees freedom of expression but places certain restrictions on content, with a view towards maintaining communal and religious harmony, given the history of communal tension in the nation<sup>6</sup>. According to the Information Technology Rules 2011, objectionable content includes anything that "threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign states or public order"<sup>7</sup>.

**NATIONAL SECURITY-** The protection of classified information related to national security is guaranteed by the official secrets act ,1923

Internet censorship norms has changed the media which we view these days be it either movies , video songs or a television broadcast via internet. The provider for such services has a censorship clause which is compulsion .

If there is any content which cannot be viewed by minors a special permission's by the software's are required to verify the age of the user.

**GAMES-** The publication of games which are not appropriate for a minor to play must come with a disclaimer and they must also verify the age of the user as per the Google play store guidelines. There are other downloading stores as well but usually companies across world operate via Google servers only so they have to abide by certain norms.

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<sup>6</sup> The constitution of India,1950

<sup>7</sup> "Uncle dictates, cyber boys dispose - Sibal to work on norms for social sites" *The Telegraph*.

**FILM-** The Central Board of Film Certification (CBFC), the regulatory film body of India, regularly orders directors to remove anything it deems offensive, including sex, nudity, violence or subjects considered politically subversive.

According to the Supreme Court of India

“Film censorship becomes necessary because a film motivates thought and action and assures a high degree of attention and retention as compared to the printed word. The combination of act and speech, sight and sound in semi darkness of the theatre with elimination of all distracting ideas will have a strong impact on the minds of the viewers and can affect emotions. Therefore, it has as much potential for evil as it has for good and has an equal potential to instill or cultivate violent or bad behaviour. It cannot be equated with other modes of communication. Censorship by prior restraint is, therefore, not only desirable but also necessary”

In *K.A Abbas v Union of India*, the petitioner Abbas was an award winning film producer. The Film Board denied unrestrained screening of his documentary named ‘A tale of four cities’ as it contained scenes from a Red light district situated at Bombay. The board asked the petitioner to edit a few scenes if he wanted his documentary to get qualified and obtain a screening certificate. The petitioner was not satisfied with the decision given by the film board and therefore he filed a suit in the Supreme Court stating that the board should be made liable for having violated his right of freedom of expression which was granted to him by the Constitution of India under Article 19(1)(a).<sup>8</sup>

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<sup>8</sup> AIR 1971 S.C 481

**PORNOGRAPHY-**

On 1 August 2015, 857 pornographic sites were blocked under section 79 3(b) of Information Technology Act, 2000, to restrict access to pornographic content. This list was given to government officials by petitioner Kamlesh Vaswani on 17 October 2014 in Supreme Court of India. The original list was generated by a Suresh Kumar Shukla, founder of Filtnet Foundation which makes pornography-blocking software and contained popular sites. The block was ordered by the government Department of Telecom on 31 July 2015.<sup>9</sup>

The ban was lifted on the 5th of August the same year, by Department of Telecommunications. Porn is major internet traffic (as high as 70%) and telecom companies were losing revenue. Additionally people criticized the law enforcement (section 67 of IT Act 2000).

**TERRORISM-** The Department of Telecommunications ordered blocking of 31 websites including the Internet Archives, GitHub, Dailymotion and Vimeo, as they could host terror content relating to ISIS but the sites are no longer blocked as of 1 January 2015 as the order had been reversed and the unblocking process has begun on compliant websites<sup>10</sup>

**HATE SPEECH-** The Constitution of India does not provide for a state religion. Article 25(1) states, "Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion"<sup>11</sup>. Article 19 gives all citizens the right to freedom of speech and expression but subject to "reasonable restrictions" for preserving *inter alia* "public order, decency or morality"<sup>12</sup>. Article 28 prohibits any religious instruction in any educational institution wholly maintained out of state funds.<sup>13</sup>

<sup>9</sup> Writ Petition(s)(Civil)No:177/2013

<sup>10</sup> "32 websites blocked in India after DoT circular". *lex-warrier.in*.

<sup>11</sup> Article 25 of the constitution of India,1950

<sup>12</sup> Article 19 of the constitution of India,1950

<sup>13</sup> Article 28 of the constitution of India,1950

India prohibits hate speech through various legislations such as Indian penal code,1860 , criminal procedure code,1973 and various other acts.

Section 153A of the Indian penal code says,*inter alia*:

Whoever (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, . . . shall be punished with imprisonment which may extend to three years, or with fine, or with both.<sup>14</sup>

Section 95 of the Code of Criminal Procedure gives the government the right to declare certain publications “forfeited” if the “publication ... appears to the State Government to contain any matter the publication of which is punishable under Section 124A or Section 153A or Section 153B or Section 292 or Section 293 or Section 295A of the Indian Penal Code.<sup>15</sup>

It is very easy to have an access to websites hosting hate speeches by just connecting the user’s computer to a VPN (virtual private network) service . which allows the user to use a different IP address where such broadcasting website is not blocked. Such problem still persists and no one has a solution to it.

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<sup>14</sup> Section 153(A),Indian penal code,1860

<sup>15</sup> Section 95, code of criminal procedure,1973

COMPARATIVE STUDY OF MEDIA LAW ACROSS THE WORLD DUE TO CHANGES BROUGHT BY THE INTERNET

“FRANCE-

The French legal system protects the right to privacy under: Article 9 of the Civil Code.

Article 9 of the Civil Code states:

Everyone has the right to respect for his private life. Without prejudice to compensation for injury suffered, the court may prescribe any measures, such as sequestration, seizure and others, appropriate to prevent or put an end to an invasion of personal privacy; in case of an emergency those measures may be provided for by an interim order. The right to privacy allows anyone to oppose dissemination of his or her picture without their express consent.

Article 9 covers both the public and private spheres, and includes not merely the publication of information but also the method of gathering information. Also, in France violation of one's privacy is a criminal offence. This includes recording or transmitting private conversations or picture of a person in a private place without the person's consent. This implies that privacy is not protected in a public place. Any picture taken of a person dead or alive, without their prior permission, is prohibited. Buying of such photographs where consent of a person also constitutes as an offence. Journalists, however, are not disqualified from the profession if they have committed such an offence.<sup>16</sup>

France has the Freedom of the Press of 29 July 1881 which protects minors from being identified and violent and licentious publication which targets minors. It punishes slander, publication of any information that would reveal the identity of a victim of a sexual offence, information on witnesses and information on court proceedings which include a person's private life.”

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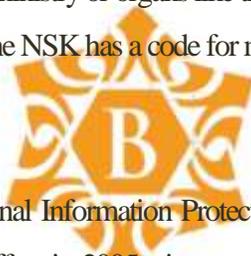
<sup>16</sup> Article 9 of civil code states, France

### JAPAN-

The Japan Newspaper Publishers & Editors Association or Nihon Shinbun Kyokai (NSK), was established in 1946 as an independent and voluntary organisation to establish the standard of reporting, and protect and promote interests of the media. The organisation as part of its mandate has developed the Canon of Journalism, which provides for ethics and codes members of the body should follow. The Canon recognises that with the easy availability of information, the media constantly has to grapple with what information should be published and what should be held back. The Code provides that journalists have a sense of responsibility and should not hinder public interests. In addition, to ensuring accuracy and fairness, the Code states that respect of human rights, includes respect for human dignity, individual honour and right to privacy. Right to privacy is acknowledged as a human right.

Japan does not have an information ministry or organs like the PCC in the U.K. or the Press Ombudsman in Sweden. Apart from the Canon, the NSK has a code for marketing of newspapers, an advertising code and the Kisha club guidelines.

Japan in 2003 formulated the Personal Information Protection Act, which regulates public and private sector. The Act, which came into effect in 2005, aims to ensure that all personal data collected by the public and private sector are handled with care. The Act requires that the purpose of collecting personal information and its use should be specified, information should be acquired by fair means, any information should not be supplied to third parties without prior consent of the individual concerned.



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## NETHERLANDS-

The right to privacy is protected under Article 10 of the Netherlands Constitution. Further, the Article also provides for the enactment of Rules for dissemination of personal data and the right of persons to be informed when personal data is being recorded.

Netherlands also has the Netherlands Press Council which keeps the media in check. The Code of the International Federation of Journalists and the Code of Conduct for Dutch Journalists was drafted by the Dutch Society of Editors-in-Chief to establish media reporting standards. These guidelines can be disregarded by the media only in cases involving social interest.

The Code recognizes:

- That a person's privacy should not be violated when there is no overriding social interest;
- In cases concerning public persons violation of privacy would take place, but they have the right to be protected, especially, if that information is not of public interest;
- The media should refrain from publishing pictures and images of persons without prior permission of persons. Similarly, the media should not publish personal letters and notes without the prior permission of those involved;
- The media should refrain from publishing pictures and information of suspects and accused; and
- Details of criminal offence should be left out if they would add to the suffering of the victim or his/her immediate family and if they are not needed to demonstrate the nature and gravity of the offence or the consequences thereof.

**SWEDEN-**

“Privacy is protected in Sweden under its Constitution. All the four fundamental laws of the country: the Instrument of Government, the Act of Succession, the Freedom of the Press Act, and the Fundamental Law on Freedom of Expression protect privacy. The Instrument of Government Act of 1974 provides for the protection of individual privacy. It states that freedom of expression is limited under Article 13 of the Constitution:

"Freedom of expression and freedom of information may be restricted having regard to the security of the Realm, the national supply, public safety and order, the integrity of the individual, the sanctity of private life, or the prevention and prosecution of crime. Freedom of expression may also be restricted in economic activities. Freedom of expression and freedom of information may otherwise be restricted only where particularly important reasons so warrant."

Sweden has a Press Council which was established in 1916. The Council consists of the Swedish Newspaper Publishers' Association, the Magazine Publishers' Association, the Swedish Union of Journalists and the National Press Club. The Council consists of "a judge, one representative from each of the above-mentioned press organisations and three representatives of the general public who are not allowed to have any ties to the newspaper business or to the press organisations."

Additionally, there is an office of the Press Ombudsman which was established in 1969. Earlier the Swedish Press Council used to deal with complaints on violations of good journalistic practice. After the setting up of the Press Ombudsman, the complaints are first handled by the Press Ombudsman, who is empowered to take up matters suo motu. "Any interested members of the public can lodge a complaint with the PO against newspaper items that violate good journalistic practice. But, the person to whom the article relates to must provide a written consent, if the complaint is to result in a formal criticism of the newspaper."

The Swedish Press Council reports that in the recent years, 350-400 complaints have been registered annually, of which most concern coverage of criminal matters and invasion of privacy.

Sweden, additionally, has a Code of Ethics which applies to press, radio and television. The Code of Ethics was adopted by the Swedish Co-operation Council of the Press in September 1995. The Code of Ethics for Press, Radio and Television in Sweden has been drawn up by the

Swedish Newspaper Publishers' Association, the Magazine Publishers' Association, the Swedish Union of Journalists and the National Press Club.

The Code of Ethics lay down norms to be followed in respect of privacy. It states that caution should be exercised when publishing information that:

- Infringes on a persons' privacy, unless it is obviously in public interest,
- Information on suicides or attempted suicides
- Information on victims of crime and accidents. This includes publication of pictures or photographs

Race, sex, nationality, occupation, political affiliation or religious persuasion in certain cases, especially when such information is of no importance, should not be published.

One should exercise care in use of pictures, especially, retouching a picture by an electronic method or formulating a caption to deceive the reader. In case a picture has been retouched, it should be indicated below the photograph.

Further, the Code asks journalists to consider “the harmful consequences that might follow for persons if their names are published” and names should be published only if it is in the public interest. Similarly, if a person's name is not be revealed, the media should refrain from publishing a picture or any particulars with respect to occupation, title, age, nationality, sex of the person, which would enable identification of the person. In case of court reporting or crime reporting, the Code states that the final judgment of the Court should be reported and given emphasis, as opposed to conducting a media trial. In addition, Sweden has incorporated the ECHR in 1994.”

## UNITED STATES OF AMERICA

All electronic communication in the USA is regulated by the Federal Communications Commission. In general the United States, in line with the free speech principle expressed in the First Amendment, has minimal content regulations. It does not mean, however, that the US has *no* regulations for the Internet.

The USA is the country with the most sophisticated regulations for the Internet. Its very sophistication is illustrated in the fact that it has laws of such broad definitions that even without amendments, the Internet can be captured. For example, a computer user in the USA can go to jail for transmitting and receiving pornography. A three-year Federal Bureau of Investigation crackdown that began in 1993 has resulted in 80 arrests, 66 convictions and more than 200 searches. Keeping in mind that the telephone and the computer, the heart of the Internet, were invented in the USA, this sophistication should not be surprising.<sup>17</sup>

## SOUTH KOREA

Probably the first country to have any Internet-specific censorship law is South Korea. In 1995, South Korea passed the Electronic Communication Business Law, which established the Information & Communication Ethics Office. The Office has broad powers to censor: its scope of coverage encompasses material on bulletin-board services (BBS), chat rooms, and other "public domain services" that "encroaches on public morals," "may cause a loss of national sovereignty," and "information that may harm youths' character, emotions and the sense of value."

Under the law, the Minister of Communication can order an information provider to delete and restrict the material. By one count, one of the three service providers for online and Internet content counted more than 220,000 deleted messages in the first eight months of 1996<sup>18</sup>.

South Korea stands out for its unique regulation of political speech: contact with and even expressions of sympathy toward North Korea are forbidden. Prosecutors in South Korea have stated that stern measures would be taken against anybody trying to access North Korean home

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<sup>17</sup> *Reuters* (11 December 1996). FBI Searches Internet in Child Porn Probe.

<sup>18</sup> Kim, Young Sik (23 August 1996). Computer Communication Censorship in Korea. President

pages on the World Wide Web <sup>19</sup>. A newspaper reported a government official as declaring that should a South Korean meet a North Korean on the Internet, he would have to report to police within seven days <sup>20</sup>. Anyone can be arrested for speaking in favor of North Korea (Kim citing NYT). According to a nonprofit activist group, at least one person has been denied access to the Internet under South Korea's National Security Law to prevent such contact .<sup>21</sup>

## CHINA

China has publicly declared that it is looking at Singapore's attempts at media regulation <sup>22</sup>. China's regulations, however, go much further than Singapore's: only the comp and sci newsgroups are allowed; access is through filters and even then using a handful of government-controlled access providers; besides pornography, political and linguistic matters are also censored <sup>23</sup>.

The Chinese have relaxed censorship recently. At one time, all users had to register with the police, a requirement that has since been waived <sup>24</sup>.

A common reply from those who argue against Internet censorship is that users can simply connect to the Net using an international call <sup>25</sup>.

However, a Chinese law promulgated in February 1996 bars such international calls. Violators face first a warning, then a fine of up to 15,000 yuan or about US\$2,000, equivalent to a year's salary of an average worker in China.

It appears that the laws that apply to the Internet are a subset of laws that apply to electronic media. Recently, China passed a law that compelled all economic news services provided by foreign companies, such as Reuters and Knight-Ridder, to be distributed only through the official Xinhua news agency <sup>26</sup>

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<sup>19</sup> *Reuters* (6 June 1996). Seoul battles Pyongyang in cyberspace. 8:50:09 PDT.

<sup>20</sup> Kim (*op cit*) citing *New York Times* (10 July 1996).

<sup>21</sup> Kim (*op cit*) citing *Dong-a il bo* (March 1996)

<sup>22</sup> Tefft, Sheila (5 August 1996). China attempts to have its Net and censor it too. *Christian Science Monitor*, p. 1.

<sup>23</sup> *International Herald Tribune* (30 October 1996). The Net booms in China: But filters block politics and pornography: Filters in Beijing Shanghai, p. 16.

<sup>24</sup> *Wall Street Journal* (16 January 1997). B4. cited in *Edupage* (17 January 1997)

<sup>25</sup> *Reuters* (16 January 1997). Unstoppable Internet will defy controls. 22:31:13 PST.

<sup>26</sup> *Wall Street Journal* (16 January 1997). B4. cited in *Edupage* (17 January 1997)

### SINGAPORE-

Singapore, which has a reputation for censorship, has made headlines for its recent attempt to regulate the Internet. Like most countries, Singapore had to amend its laws to capture the Internet.

Singapore has adopted a multipronged approach to Internet censorship. First, the Singapore Broadcasting Authority, which regulates Internet content, has said that the regulations are targeted only at the function of the Internet that is of a broadcast nature. Second, it has adopted the peculiar, perhaps even unique, idea of the class license: certain classes of content are deemed to be automatically licensed provided a code of practice is abided by. In effect, censorship is after, not before, publication. Matters of race, religion and politics are given special attention on the Internet. When the code is breached, the license is revoked<sup>27</sup>.

Although the regulators carry the name "broadcasting," the mechanism employed resembles those that apply to the print media. Singapore's regulations are, in the main, an attempt to rationalize regulation of the Internet with regulation of the print media.

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<sup>27</sup> Singapore Broadcasting Authority. <http://www.gov.sg/sba/netreg/regrel.htm>. launched 30 January 1997

In keeping with the reliance on technology, Singapore IAPs have to use proxy servers that have a refused-access list to block access to blacklisted sites--currently a little more than 100, mostly pornographic sites <sup>28</sup>.



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<sup>28</sup> Tong, Ming Chien (20 July 1996). Device to block out blacklisted Web sites. *Straits Times*.