



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ARTS AND SOCIAL SCIENCES

COURSE CODE: JLS 711

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COURSE TITLE: PRINCIPLES TO JOURNALISM

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Describe the origins of writing and printing
 Explain how journalism started in Europe and America
 Highlight the different phases of journalism development in Nigeria

3.0 MAIN BODY

3.1 Journalism: What it Means

Journalism is the art and science of gathering, selecting and processing information or ideas, intelligence for dissemination to the public. The media of dissemination are usually the print or broadcast channels. In other words, there is journalism for the print and the broadcast. For both them, the journalist follows the same principles and is guided by the same determinants/values in gathering news materials. What makes them different, lies in the adaptation of the principles to bear upon or reflect the specific features of the medium. For instance, a news story for transmission in the radio medium should use words, which are simpler and mostly conversational. But, in the newspaper or magazines, words may not be as simple and less conversational.

Good journalism consists of the intelligent assembly of relevant facts. Getting the facts to work with is not an easy task. Yet, it is the most important responsibility of the reporter. Newsgathering therefore concerns the 'what', 'where' and 'How' of identifying, selecting, collating and processing of information for publication in the newspaper, magazine, radio, television. To achieve all this, demands the special skill of 'nose for news'.

3.2 Nose For News

This is a journalistic parlance that describes the pulling force, zeal, anxiety and sensitivity of a journalist in the process of newsgathering. It requires that extreme observational tendencies and the ability to make deductions or meanings from factual assumptions. It does not call for any invention of facts, instead, an ability to assess or weigh the usefulness of answers from questions, especially when people, of today are particularly observant to help a journalist give answers that they think the journalist wants, rather than the ones he needs. In summary therefore, the 'nose for News' is

- an ability to recognise possibilities of an item of information
- an ability to recognise clues which through their casual search, lead to the discovery of important information
- the capacity to recognise the relative importance of a number of facts concerning the same general subject

3.3.2 American Dominance

This showcases the developments in journalism technology as viewed from the United States. This is probably an appropriate view because, after the steam-powered rotary press was invented by Walter Koenig in German, and first used in 1811 (three years earlier than in America), most of the significant new journalism technologies emerged in America. These included the telegraph, telephone, radio news, and television.

This list, however, should only be used as a guide. There is a certain ethno-centric bias in the extract by Schramm (1975). For example, the town of Schenectady is credited as being the place from which the first regular television schedules were broadcast. Other countries make rival claims that such broadcasts were originated from their soil. The most widely accepted of these claims is that the honour goes to the British Broadcasting Corporation in London in 1936.

Today, the place of origin of new journalism technology is hardly relevant. It is not significant if John Logie Baird invented television. What matters is that there are more people involved with American television coverage at an Olympic Games than competitors. What matters is that Olympic officials time high points in the Games' schedules to coincide with prime time viewing in the Americas. What matters is that without the money generated through and by the American television networks, the Olympic Games as we know them may as well have some niches.

However, the present dominance of the mass media by America is not something that will last in perpetuity. Just as the focus of media technology shifted from China to Europe, and then to America, so, too, will the focus move on to Asia and Africa.

Already there are signs this is happening. For instance, the present dominance of American and/or Japanese media is largely due to the expensive and complex back-up systems these two societies can afford to support their dominant news media. Even today it normally takes many hundreds of people to bring an overseas item of news to the front pages of American daily newspaper, radio newscasts, or television screens. But the 1991 coverage by CNN of the gulf War from within Iraq showed that a story could be covered round-the-clock by fewer than ten people using portable satellite phones. Since then, satellite technology has been improved, and the cost of digital video has been reduced so that it can now come within many family budgets. Soon individual journalists will be able to afford the portable technologies to cover stories for all types of media, without the backup of a newspaper

empire, or a television network. Such a situation might lead to a new type of less-restricted, independent journalist, covering the world's news without political and economic interference.

On the other hand, it might lead to more restricted journalism as publishers no longer have to employ staff journalists, but can pick and choose which version of events pleases them and their customers most from the different ones offered by the many new technically-independent freelance journalists.

3.3.3 Politico-Economic Developments

The history of journalism in England is the next step. Cranfield (1975) of the University of Newcastle traces how the Tudor monarchy whittled away the freedoms gained in the 1484 Act until the Crown had total control of all publications. Even when Parliament gained ascendancy over the monarchy there was little inclination by the elected government to relax the controls on publishing. Only party politics prevented the Printing Act being renewed in 1695. This lapse in government control meant England was the only country in Europe at that time where the publishing of newspapers was unlicensed.

a) Freedom of the Press

A few weeks after he became king of Prussia in 1740, Frederick the Great introduced a process that partially freed the Press by removing virtually all censorship (Koser 1907: 158-9). He even tolerated attacks on himself in books, plays, pamphlets, and especially in the newspaper he ordered to be established in Berlin. Just across the border in Denmark, a young doctor from Prussia, Johann Struensee, took over the effective rule of the country in 1770 with the help of his lover, the queen Caroline Matilda (Williams (1907: 415 – 118). One of his first edicts was the granting of unrestricted freedom of the press. Unfortunately, a prime target of the new free press was Struensee and his relationship with Caroline Matilda. After a sustained press campaign, Struensee was put on trial and beheaded in 1772.

The concept of a free press jumped the 20km gap between Denmark's Copenhagen and Sweden's town of Malmo. In 1797, the world's first law to specifically guarantee the freedom of the press – including limitations to this freedom – was introduced in Sweden. Since then freedom of the press has been guaranteed in the laws of many nations. In the United States and the former Soviet Union such a guarantee is enshrined in each nation's constitution; although the Soviet guarantee differed from its Western counterparts by guaranteeing freedom of access of its citizens to the columns of the press.

b) Development of Newspapers

Anthony Smith (1979: 7 – 15) offers an explanation why the birthplace of printing. China was one of the last places to introduce mass-circulation newspapers. Smith also expands on Desmond's claim that modern newspapers and accompanying forms of journalism did not emerge in the West until about the 1850s. The author outlines four stages before the nineteenth century in the European development of publishing news. All were in book form, with the first stage being known as relations. These contained a description of a single event that was written long after the event occurred. The second stage was the collection of these relations into a publication known as a Coranto. The first English prototype of a daily newspaper was the *Daily Courant* (or Coranto) which appeared during the latter part of this stage, in 1702.

The publications in the third stage were known as *diurnals*. These dealt with more recent events and were published weekly – provided a sufficient number of significant events had occurred during the previous week. However, the diurnals ranked their information in chronological order.

The fourth stage was the mercury. Although these publications were still in book form, according to Smith, their writers adopted some of the basic practices used by today's journalists. For instance, for the time information was selected and ordered in ways that would most interest or influence the readers.

In another book by Smith (1978:147) that incorporates an historical view of journalism. The Politics of information, he quotes the nineteenth century poet Rev. George Crabbe as describing journalists as:

“Some champions for the rights that prop the crown.
Some sturdy patriots sworn to pull them down; some
neutral powers, with secret forces fraught. Wishing for
war, but willing to be brought.”

A pessimist might say that, in the intervening years, the role of journalists has not changed, only the technology. For instance, during the five years before the start of the nineteenth century, two New York newspapers “The World” (owned by Joseph Pulitzer) and “The Journal” (owned by William Randolph Hearst) were engaged in a circulation battle. After running the gamut of stories on local sex, crime and scandal, the World began to highlight often fictitious stories about the cruelty and excesses of the soldiers in the Spanish colony of Cuba.

and so, did not encourage radicalism of the nationalists. For this reason, the newspaper was unpopular. It died in 1936. Ernest Ikoli came into the scene with the AfricanMessenger on March 10, 1921. He is said to have been the first man outside Yoruba land to emerge into prominence in Lagos politics. The AfricanMessenger lasted for five (5) years before it metamorphosed into the Nigerian Daily Times, after being bought over by the then Nigerian Printing and Publishing Company in 1926.

Being a gentleman agreement between Adeyemo Alakija and Richard Barrow, the AfricanMessenger transformed into the DailyTimes, was headed by Ernest Ikoli as the first Editor under the management of Nigerian printing and publishing company, NPPC. Like its predecessor, the Nigerian Daily Times was pro-governmental and its relationship with the government was like that of the Times of London and the British government. The DailyTimes was later made a subsidiary of the London DailyMirror in 1948. This co-operation brought some positive changes to the Times of Nigeria in many ways. Notable among such development was the general treatment of news and page planning which witnessed remarkable improvement from what had existed before in the publishing scene then. The improvement were very much peculiar to the outlook of the Times and Mirror of London.

As a result to this relationship, the DailyTimes was solidly supported financially, dominating in a highly equal competition with other newspapers of that time. It virtually made the business of publishing practically uncomfortable for other papers by attracting good and competent personnel with the baits of mouth-watering incentives. It also expanded greatly and increased its circulation capacity to about 62,000 in 1956, when the SundayTimes was introduced. Generally, the Daily Times was not liked by most Nigerians due to nationalist radicalism. It relatively lost the respect of the general public and was not of any significant consequence in the aggressive pursuit of national independence for the country.

Few other papers that co-existed with the NigerianDailyTimes and afterwards were:

The LagosDailyNews by Herbert Macauley and Akilade Caulcrick in 1927.

The NigerianDailyTelegraph by Akin Fagbemo Beyioku on November 12, 1927.

AkedeEko by I. B. Thomas on June 1, 1929.

The NigerianDailyMail by Ernest Ikoli in 1930.

The WestAfricanPilot in 1937 by Dr. Nnamdi Azikiwe. This newspaper was a pillar in Nigerian Journalism. It was well positioned and could be compared to a local training school for journalists, because it produced great future journalists – amongst them were Chief Anthony Enahoro and Chief Tony Momoh. Also, the Pilot was the first newspaper to introduce cartoon strips into Nigerian Journalism.

The West African Pilot was the most popular nationalist newspaper of all times in Nigeria. Journalistically, the W/A Pilot brought about great innovations in the general newspaper outlook and typography. It was noted for its tremendous use of pictures and modern headline forms. Dr. Azikiwe also owned and edited other papers such as the Eastern Nigerian Guardian, The Eastern Sentinel, and the “Northern Advocates”.

By 1958, two newspapers, The DailyExpress and SundayExpress were launched from a partnership pact between Roy Thomson of Canada and the then ruling party in the Western Region. This resulted in the formation of Allied Newspapers of Nigeria, a new body that absorbed the former Amalgamated Press of Nigeria.

Self Assessment Exercise 2.3

Briefly outline the major policy thrust of the West African Pilot and the Nigerian Daily Times.

4.0 CONCLUSION

The early press in Nigeria set the pace for today's journalism. It is for this foundational thrust that made Nigerian press to be rated high amongst other nations.

5.0 SUMMARY

On the whole, the general picture of the press during the colonial or pre-independence of Nigerian history can be said to have been in the remarks of Dr. Azikiwe, thus:

If we analysed the earliest newspapers Published in this country in the first 70 years of existence, the following will emerge; The newspapers were mainly periodicals, published weekly, fortnightly or monthly; The

UNIT 4 THE JOURNALISM INDUSTRY: KEY STRUCTURAL MAKE UP

CONTENT

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Structure of News Industry
 - 3.2 The Editorial Department
 - 3.3 The Production Department
 - 3.4 The Business Department
 - 3.5 The Administrative Adjunct
- 4.0 Summary
- 5.0 Conclusion
- 5.0 Tutor Marked Assignment
- 6.0 References/Further Readings

1.0 INTRODUCTION

In this unit, the structural make-up of journalism industry is discussed. A reporter needs a thorough familiarity with the set-up of his organisation in order for him to understand and appreciate the intrigues of newspaper's production.

2.0 OBJECTIVES

On successful completion of this unit, you should be able to:

- Identify the major personnel in the news industry
- Highlight their key functions of their jobs

3.0 MAIN BODY

3.1 Structure of News Industry

The news industry is a complex one. The structure or organisation depends mainly on the resources available to the owner. The resources in turn influences the size of the organisation irrespective of the size of particularly the print media house, certain key personnel must be put in place to perform certain legitimate functions. Where the size of the organisation does not accommodate all of the key staff, then some functions are easily combined for adjunct personnel to perform. We shall now look at the key personnel and their duties.

3.2 Writing the News

Ordinarily, news writing begins from the time that a reporter sets out to gather facts. As the facts are gathered, the slants of news stories are also planned. Conventionally, news writing starts with the introduction. The introduction is technically called the Lead.

The Lead: The lead is the first paragraph or two or any news report. It does not extend to the third paragraph. The lead usually gives or provides answers to the basic questions of 5 Ws and H. A good lead must:

- Be appropriate for the story.
- Make the reader want to read the rest of the story.
- Should be kept short, brief and telegraphic.
- Be based on the key features of the story.

The 5 Ws refer to WHO, WHAT, WHEN, WHERE, WHY and then the H – How. In most cases, not all the Ws are found in the lead. The who, what, when, where and why are common. The how is normally left for the body of the story. Here is an example of a lead.

Five students were shot dead, yesterday,
In a clash between two rival cult groups
At university of Lagos main campus, reports
“The Campus Times”.

Analysis:

Who:	Five students
What:	Were shot dead
When:	Yesterday.
Where:	University of Lagos main campus
Why:	clash between cult groups.

The “HOW” is to be explained in the body of the story.

3.3 TYPES OF LEAD

There are many types of lead. The few notable ones are:

Cartridge Lead: presents the gist of the event in the fewest possible words. It is usually abrupt and breath taking e.g. Awo is dead.

Punch Lead: This is usually called the blind lead because it presents a non-specific angle of an event e.g. politics in Akwa Ibom House of Assembly took a new sour today.

Writing news requires the knowledge of its structure. This means the ways news reports are arranged or presented.

Three main structures are common in writing news stories. They are pyramidal structure from least important item to the most important; inverted pyramid – from the most important to the least important news item and, modified inverted pyramid

Presentation of the most important item followed by the least important and gradually leading to the penultimate important item of the news.

In writing new, there must be a lead. A lead is the opening paragraph of the news story. It basically summarizes the high points of the event by answering questions energize by the 5Ws – who, what, when, where and why.

6.0 TUTOR MARKED ASSIGNMENT

Choose one of the three structures of news writing and prepare a news copy of a recent news event in your campus, for publication in a national Daily. Your copy should not be more than two and a half pages, typewritten or typeset on an A4 paper.

7.0 REFERENCES/FURTHER READINGS

Macdongall, Curtis (1979) Interpretative Reporting. New York: Macmillan.

Ogunsiyi, M. A. (1989) Introduction to Print Journalism. Ikeja; Nigeria: Nelson Publishers.

UNIT 4 HEADLINE WRITING

CONTENT

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Headline Writing Defined
 - 3.2 Functions of the Headline
 - 3.3 Headline Schedule/Headline Writing
 - 3.4 Guides for Headline Writing
 - 3.5 Headline Counts
 - 3.6 Headline Order and Headline Copy
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignments
- 7.0 References/Further Readings

1.0 INTRODUCTION

This unit is about headline writing. Practical experience on casting headlines is gained from the exercises provided at the end of the unit. The unit also gives a detailed appreciation of functions, schedule, guides and writing final copy of the headline.

2.0 OBJECTIVES

On successful completion of this unit you should be able to:

- Define the headline
- Explain the function of Headline in journalism practice
- Identify the basic requirements for casting good Headlines
- Write headlines for select stories

3.0 MAIN BODY

3.1 Headline Writing Defined

Any single line or collection of display type that precedes a story and summarizes or introduces it can be called a headline. Such a headline has the following attributes.

A headline is a sentence built around action verb. It distinguishes a headline from a binder or label head. e.g., full text of Presidential broadcast; INEC Boss speaks on Transition Programme. The first is a label head, the second is a typical headline.

A headline must be adjusted to a predetermined length and number of sentence and characters respectively.

A headline is fashioned to save space. This, the headline writer does by omitting articles (i.e. the) and other unnecessary encumbrances, thereby leaving room for less detail in the restricted space.

A good headline uses a language symbols, singly and in groups, to convey or maximise meaning. Articles are hardly in use while commas take the place of “and” “in most cases.

A headline uses the present tense to convey immediacy and to save space. Often the present tense is shorter than the past with few exceptions.

The generic term, ‘headline’ comprises many specified terms including: jump heads, kickers and sub-heads. They should not be confused with outlines, captions and binders. A binder or label head is a display line identifying but not summarizing special material not handled as a news story.

The binder identifies the content of the material but does not summarize the content of the message. It also does not tell what the President says or what happens. Binders are also used over tabular matter accompanying a related news story.

3.2 Functions of the Headline

The headline performs various functions, one of which is to index the news by stating plainly what the story contains so as to save the reader’s time in finding the aspect of the news that interest him most.

The headline tells the news to the reader by way of conveying mandatorily the accurate information.

Again, it conveys the relative significance of the news as expressed in terms of type display through the use of type size and weight.

Headline convey to the reader the relative seriousness of the news using type families such as italics and other decorative typographical devices like dashes, stars, boxes etc. Some of these are indicative of

The headline order is always stated on the headline copy, which is usually a small clean sheet of paper. Each headline on a page must get its own separate head copy.

The headline order usually tells three things. First, it tells the number of columns in which the head is to be set. Second, it tells the size of the head. And thirdly, it tells the number of lines. e.g. 2-30-2 means two columns of 30 points in two lines while 2-42-3 means two columns of 42 points in three lines.

Heads to be set in all capitals must be written in all capital letters on the headline copy while those to be set in capitals and small letters are written in upper case and lower case. Those to be set in lower case must be written in small letters except the first letter of the head and the first letter of each proper noun, e.g.

(a)

HEAD COPY
 Slug: war Page: 3 Edition: 1
 Size: 3-40-2
 Size: 3-4-2
 Reagan Warns Mideast Of General War

(b)

HEAD COPY
 Slug: Duty Page: 2 Edition: 2
 Size: 2-40-1
 CJ RESUMES DUTY

(c)

HEAD COPY
 Slug: accident Page: 5 Edition: 2
 Size: 2 – 30 – 2
 Five girls die in road crash

4.0 CONCLUSION

The job of casting appropriate headlines is another specialised area of news writing that demands technical skill in perception of the story and in the use of language. It is the basic job of the sub-editor.

5.0 SUMMARY

In this unit, you have learnt that:

UNIT 2 ELEMENTS OF GOOD NEWS REPORTING

CONTENT

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Body
 - 3.1 Identification
 - 3.2 Attribution
 - 3.3 Capitalisation
 - 3.4 Abbreviation
 - 3.5 Numbering
 - 3.6 Punctuation and word Division
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Readings

1. INTRODUCTION

This unit is about good news reporting. The unit examines “background” information in a story that helps to put the written news story in a clearer perspective for the reader.

2.0 OBJECTIVES

After studying this module, you should be able to:

- Identify the various elements of good news reporting.
- Use each of the elements in news writing.

3.0 MAIN BODY

3.1 Identification

Identification in news reporting has to do with the distinctive physical attributes of persons used or involved in the news. Ordinarily, a name is sufficient to distinguish a person from another. But names, by their very

nature of common meaning within a culture, are no exclusive reserves of any person. Thus, other qualifiers are usually needed to give concrete and vivid description of the persons involved in the news. Such other forms of identification include: age, addresses, professions/jobs, titles, positions of authority. For example:

- (a) Edem Musa, a 17-year-old undergraduate of Kano State University. (age).
- (b) Governor Tinuba of Lagos State has declared... (status).
- (c) The defendant, Mr Okonkwo Ifeanyi, of Nos 3 Adebayo Street was yesterday arraigned before... (address)

However, it is uncommon to identify a juvenile in a court or police case except when the crime is serious as in murder, rape, drug pushing. Also uncommon is the identification of subjects or actors in an event by race or religion; well-known cities and capitals may not need an added identification. But small unpopular towns will need to be identified along the nearest big city or capital. For example..." the incident occurred at Obalune, a small town 50 miles from Ikot Ekpene municipal council".

3.2 Attribution

Attribution in news writing involves the disclosure of the identity of information source. Attribution functions to give credibility to the news report. It removes doubts from the readers mind about the authenticity of the report. Reports attributed to legitimate and credible sources often make such reports reliable. A newspaper may avoid mentioning the source of its information, if such disclosure may endanger the source. And if the report is sourced from documented materials, reporters are expected to disclose them too.

3.3 Capitalisation

To capitalise means to set a word in upper case. The main purpose is to lay emphasis on what is written. As a rule in English language constructions, all proper nouns, trade names, names of association, clubs' organisation, religious, and their appellations (e.g. Him, Thou, Lord,), nations, races must be capitalised.

3.4 Abbreviation

Abbreviated words are often the shorter versions of their full forms. They are used because spaces in the newspaper need to be saved, time in the radio and television need not be wasted. Abbreviation also reduces the cost of production or reproduction of news items.

debate and judgment as Super 'A' grade journalist. Once inside the court, contacts do not come into it, because you can only report what happens in the courtroom. Comment does not come into it. Do that and you may find yourself in contempt of court. Court reporting comes down to being able to apply the basics of journalism. *BEING ACCURATE, BEING FAIR, BEING ON TIME, and DEMONSTRATING NEWS SENSE.*

Finding the right angle on a court story could be the difference between it being buried as court filler or being national news. When you arrive at the courthouse, you are faced with the very same listings as the senior reporter. Every case is a potential story; whether it is two neighbours fighting over their fence, a back-street assault, a drink –driving arrest, or a mass murder...at the very least, there is a story to how it came to appear in court. There are always thousands of cases, which reflect our society's need for rules to govern the conduct of everyone and for the benefit of the majority.

2.0 OBJECTIVES

On successful completion of this module, you should be able to:

- Describe the system of courts in Nigeria
- List the types and hierarchy of courts
- Describe the types or kinds of cases handled by each of the courts
- Describe basic composition of such courts

3.0 MAIN BODY

3.1 The Courts In Nigeria

Court in Nigeria may be divided into several forms:

- Superior and inferior court.
- Court of records and court other than court of record.

For the first form of classification, superior courts are courts of unlimited jurisdiction and in the strict sense of the term "Unlimited jurisdiction". There is no such court in Nigeria. But superior courts are so described because the limits to their jurisdiction are minimal and they have the minimal jurisdiction limit depending on the subject matter. The high court of a state is therefore a superior court because it has unlimited jurisdiction throughout the state with respect to the value of the subject matter.

other judges appointed by the head of state. Judges of the court are so appointed after consultation of the advisory judiciary committee. A single judge duly appointed can constitute the court.

The court has civil and criminal jurisdiction referring to the revenue of the federal government connected with or pertaining to the taxation of companies, payment of custom, excise duties, banking, foreign exchange, currency and other fiscal measures. Such areas of jurisdiction usually recognize the operation of the company decree of 1968 as well as other enactment that relate to the copyright, patterns, designs, trade mark etc.

The three other court that come after the Federal Revenue court are:

- a) State High Courts
- b) Magistrate Court
- c) Customary and Area courts.

3.2.6 High Courts

On creation of Lagos state in 1967 a High Court was established by the constitution of the Federation as amended by the states decree, 1967. Similarly the constitution of Northern Nigeria as amended by the 1967 Decree established a high court for Kano and another for Kwara State. As amended by that same decree the constitution of Eastern Nigeria established a High Court for Rivers State in 1976. On creation of the new states, a High court for Bendel State was established by the court, for the Mid Western Nigeria as amended by the state Decree 1976. By the constitution of Western Nigeria a high court for each of the states of Ogun, Ondo, and Oyo was established as amended by the 1976 decree.

By that same decree a high court for each state of Anambra, Cross River, Imo and Rivers were established by the constitution of Eastern Nigeria and High court for the states of Bauchi, Benue, Borno, Gongola, Kaduna, Kano, Kwara, Niger, Plateau and Sokoto was established by the constitution of Northern Nigeria as amended by that same decree.

The structure, organization and jurisdiction of the state High courts are generally uniform. The High Court of each of the Northern states consists of the Chief Judge of the state and at least five other judges.

The high court of each of the states of Anambra, Bendel, Cross River, Imo, Ogun, Ondo, Oyo and Rivers consists of the chief judge of the state and at least 6 other judges.

Concerning jurisdiction, the High court of each of the Northern states is not empowered to issue in relation to any proceedings in any area court or in the Sharia court of Appeal an order of “Mandamus Certiorari” or prohibition or an injunction in lieu of ‘quo warranto’.

There is no such prohibition in any of the southern states. In all the states where customary or area courts exist, the high court has no original jurisdiction to try customary law cases. Such are reserved for the customary courts versed with the power in the applicable law.

In each state, the high court in the exercise of its original jurisdiction is constituted by a single judge. In the northern states, the high court sitting, as a court of appeal is constituted by 2 judges except when sited in its notice Appellate Division such cases are constituted by 3 judges including a judge from the Sharia Court of Appeal.

In Southern states, High court constituted by a single judge in its jurisdiction but in Lagos State, it may be constituted by 3 judges. High courts generally are court of unlimited jurisdiction being unlimited with respect to the monetary value of the subject matter of the case.

3.2.7 The Magistrate Court

It is constituted by a single Magistrate. Every state in Nigeria has a Magistrate court. Magistrates are divided into any of these classes, in each state i.e. the basis of defining the jurisdiction and powers of each magistrate.

In some states some persons are designated Magistrates of specified classes, which classes are not provided for under the law. Appointments to grades of Magistrate that are legally non-existent are irregular and do not confer any jurisdiction on appointee.

In each state, a person is appointed Magistrate, other than magistrate Grade III by the interim judicial Committee established for the state and the power to appoint a person magistrate Grade III is vested in the chief Judge of the state.

Under the law in force in some states, a person is not eligible for appointment as a magistrate unless he is qualified to practice as a barrister and solicitor in a court of unlimited jurisdiction in civil and criminal matters, and he has attained a specified minimum of post-qualification experience expressed in terms of years.

Civil Jurisdiction of Magistrate (in Southern States) is generally uniform but as a governing rule, a Magistrate has no original jurisdiction in any

3.0 MAIN BODY

3.1 The Tort of Defamation

Defamation is concerned with injury to reputation resulting from words written or spoken by others.

A defamatory statement may be defined as one, which tends to:

- i) Lower the plaintiff in the estimate of the right thinking members of the society or
- ii) To expose him to shame, contempt or ridicule or
- iii) To cause other persons to shun or avoid him or
- iv) To discredit him in his office, trade or profession
- v) To injure his financial credit.

The words contained of, must tend to injure the plaintiff/s reputation in the minds of right thinking people generally not merely in the minds of a particular section of the public. Any written or spoken words which fall within one or more of the five definitions listed above may be defamatory. The following are examples of statements held defamatory by the Nigerian courts:

- i) That a medical practitioner had a fake degree and that he exploited the public.
- ii) That a public official was corrupt or had been arrested on suspicion of corrupt practices.
- iii) That a legal practitioner had defrauded his clients.
- iv) That a university lecturer had committed adultery with a female student.
- v) That a female teacher was a bad woman etc.

It may be noted at this point that there is an initial presumption that a defamatory statement is untrue; but if the defendant can prove that the statement is substantially true, it will have a complete defence to an action for defamation. This is the defence of justification which will be considered later.

Libel and Slander

There are two types of defamation:

- (a) Libel

interest that persons should be able to state what they honestly believe to be true without fear of legal liability.

The main difference between the two is that a plea of qualified privilege will be defeated if the plaintiff proves that the defendant in publishing the words complained of was actuated by express malice whereas in absolute privilege, the malice of the defendant is irrelevant.

3.6.5 Malice

It destroys qualified privilege. See the case of OWEN VS. AMALGAMATED PRESS of Nigeria Ltd., reported in 1997, Lagos Law Report, Page 6.

Self Assessment Exercise 3.1

1. Distinguish 'defamation' from 'libel and slander'
2. What are the three basic essential element of defamation
3. Why are there exceptions in slander that is actionable per se?

4.0 CONCLUSION

The role of the editor is relevant here. Technically, in law, he is liable along with the writer for any libelous or seditious material in his newspaper. Care must therefore be taken to avoid infringements.

5.0 SUMMARY

In this unit, you have learnt that:

Defamation generally covers any statement made by someone towards another person or what the person does, with the established intent to disparage, or cause a person to be demeaningly estimated in the perception of right thinking people.

Defamation manifest in two forms namely, libel and slander

Justification, Fair comment, privileges (absolute and qualified and malice can be pleaded as defences to defamation.

6.0 TUTOR MARKED ASSIGNMENT

UNIT 5 COPYRIGHT LAW

CONTENT

- 1.0 Introduction
- 2.0 Objectives
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1.0 INTRODUCTION

The law of copyright is one of the most important legislative provisions that affect the journalists. The knowledge of such law by the journalist, helps him/her to avoid making claims of ownership, of creative works that are not rightly and originally his or hers. This unit, therefore takes you, the reader, through the basic provisions of the law of copyright in Nigeria. How the law affects you, will be best understood after you might have completed the study.

2.0 OBJECTIVES

On successful completion of this unit, you should be able to:

- Explain what copyright is
- Describe who is entitled to copyright
- Identify what is entitled to copyright
- List the conditions that govern copyright entitlement.
- Identify situations in which copyright is infringed
- Describe action for infringement
- Determine duration of copyright

3.0 MAIN BODY

3.1 Copyright Law: What it Means

The law of intellectual property protects things, which are created by people's skill, labour and investment of time and money. Patents protect scientific developments and trademarks prevent unfair advantage being taken of the goodwill of establishing businesses. The law of copyright protects two kinds of copyright in books script, etc. It also protects the investors who provide the technology necessary to produce broadcasts, films and records. Copyright is the exclusive right to use materials in certain ways. The law of copyright is important to journalists because it determines what they can quote or use in their reports. It is also important to establish what rights a journalist, newspaper or television has to prevent others from exploiting their own work and prevent others from taking the benefit of it.

The Nigerian copyright law was governed by the 1970 copyright Acts until it was replaced by a new copyright Acts of 1988. Today it is governed by the copyright Acts, CAP 68 1990 laws. So the copyright law in Nigeria confers on the copyright owner /holder the exclusive right to control inter-alia the reproduction, production, publication, performance, broadcasting adaptation and distribution of any of their literary, musical, graphic and architectural works in Nigeria. It is therefore the exclusive right of the owner of certain works, which qualify, for protection to reproduce, communicate to the public or broadcast, translate, or adapt the whole work or a substantial part of the work either in any other form, recognizably derived from the original.

The owner has a right to restrict others from using his work in any form without permission; unless such a user falls within certain recognized exception which amount to fair dealing, e.g. research, criticism and review. Copyright however, does not extend to ideas. It is confined to expression which are fixed in a definite / permanent medium, because copyright has been defined as a right which float in the air, only to crystallize, clutch or fasten unto and protect any work that satisfies the conditions for eligibility.

3.2 Who is Entitled to Copyright?

Under our law, certain categories of people are entitled to copyright. These include; the owner, the author, the assignee, the licensee and the government. The author of a work is the first owner of the copyright. He is the person who actually writes, compiles, composes or draws the work in question. Although the idea of the work may have been subsisted by another. Where the work is that of a joint authorship. Then

both of them are at the same time entitled to copyright provided the conditions stipulated by law are fulfilled.

By Section 9 sub-section 2 of the Copyright Act of 1988, if the author of a work was in the employment of some other person under a contract of service, or apprenticeship, and the work was made in the course of his employment by that persons, he is nevertheless entitled to copyright as the first owner of copyright. Where any work has been prepared, published or made by or under the direction or control of either the government, state authority or prescribed international authority, the copyright in the work belongs in the absence of any contrary agreement, with the author.

3.3 What is Entitled to Copyright?

Section 1 of the Act stipulates the different kinds of works eligible for copyright. These are:-

- i) Literary works
- ii) Musical works
- iii) Artistic works
- iv) Cinematograph films
- v) Sound recordings
- vi) Broadcast.

3.4 Conditions for the Entitlement

By the Act, both published and unpublished literary, musical or artistic works are covered, but such works must first be:

- i) Original and
- ii) Fixed in a definite medium.

3.5 Infringement of Copyright

By Section 14 of the copyright act, copyright is infringed by any person who without the license or authorization of the owner of the copyright:

- (a) Does or causes any other person to do an Act, the doing of which is controlled by copyright.
- (b) Imports into Nigeria, otherwise than for his private or domestic use any articles under which infringement takes place under (a).
- (c) Exhibits in public in respect of which copyright is infringed under (a).