



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A.,LL.B (HONS.)FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (VIII) – ACADEMIC YEAR .....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL804.6 CONSTITUTIONAL LAW, OPTIONAL PAPER- IV</b>	<b>HEALTH &amp; MEDIA LAW – II</b>	<b>4</b>		<b>1</b>	<b>4</b>	

- A. CODE AND TITLE OF THE COURSE: BL804.6, CONSTITUTIONAL LAW, OPTIONAL PAPER- IV, HEALTH & MEDIA LAW – II**
- B. COURSE CREDIT: 04 (TOTAL MARKS 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: HIMANGSHU RANJAN NATH**
- E. COURSE INSTRUCTOR: KANGKANA GOSWAMI, NIHAAL CHETRI**

## **1. COURSE OBJECTIVES**

- i. Media laws in India have a long history and are deeply rooted in the country's colonial experience under British rule. The earliest regulatory measures can be traced back to 1799 when Lord Wellesley promulgated the Press Regulations, which had the effect of imposing pre-censorship on an infant newspaper publishing industry. However, the most significant day in the history of Media Regulations was the 26th of January 1950 – the day on which the Constitution was brought into force. The colonial experience of the Indians made them realise the crucial significance of the 'Freedom of Press'. Such freedom was therefore incorporated in the Constitution; however, impliedly to empower the Press to disseminate knowledge to the masses.

The solemn object of this course is to analyse the laws, rules and regulations governing mass-media in India and to provide students an opportunity to assess the same.

- ii. In the Health law curriculum, the students are introduced Specific ethical issues within health law regime like Euthanasia, Medical termination of Pregnancy etc.
- iii. The course will also provide students an insight into the Competing theoretical positions in Medical Ethics and to the legal framework dealing with Medical ethics.

## **2. TEACHING METHODOLOGY**

This course is designed to bring the best of analytical aptitude in the students and to provide them best opportunity to make their ability to link theory with practical context. The teaching methodology shall be participatory teaching with discussions on constitutional norms, principles, doctrines, precedents and statutory laws relating to the subject. The students will be informed in advance about the topic of discussion, project and assignment. They are suggested to prepare their assignments from the sources suggested and are encouraged to research independently from other authentic sources. The students are required to present their assigned topic in the class room and the teacher will summarize the same, welcome questions and present critical reflection if any. Further, for greater interest of the students, it has been proposed to

take weekly class tests in the classroom after completion of a topic included in the course content.

### **3. EXPECTED OUTCOMES OF THE COURSE**

- i. Further, after completing the course the students are expected to understand the structure, composition, powers and functions of the authorities that regulates media in India. The students would be immensely benefited in their individual life as well as for practising in the court by well acquitting with the limits of media in advertising.
- ii. By the end of this course students will be equipped with philosophical tools to deal with various specific ethical issues in health
- iii. The course will help in acquainting a student with various theoretical positions and legislative mechanisms with respect to medical ethics.
- iv. A diligent student should, therefore, on completion of this course have an advantage in beginning a career within the domain of health laws to be able to then proceed into having expertise this field later in their lives.

### **4. COURSE EVALUATION METHOD**

The Course will be evaluated on 200 marks. The Evaluation Scheme would be as follows:

**Internal Assessment: 70% (140 marks)**

**Semester End Examination: 30% (60 marks)**

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

## **5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

### **MODULE I**

#### **Media – Regulatory Framework II**

Other Legislative Efforts – The Press and Registration of Books Act, 1867, Registration of Newspapers (Central) Rules, 1956, The Newspaper (Prices and Pages) Act, 1956, The Delivery of Books and Newspapers (Public Libraries) Act, 1954, Prashar Bharti Act, 1990, Copyright Act, 1957, The Young Persons (Harmful Publications) Act, 1956, Cinematography Act, 1952, Cable TV Networks (Regulation) Act, 1995, The Standards of Quality of Service (Broadcasting and Cable Services) Regulation, 2006, The Telecom Regulatory Authority of India Act, 1997, The Telecommunication Consumers Education and Protection Fund Regulations, 2007

### **MODULE II**

#### **Media – Advertisement & Emerging Trends**

1. Media and Advertisement – Concept of Advertisement, Advertisement & Ethics, The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, Indecent Representation of Women (Prohibition) Act, 1986, The Competition Act, 2002
2. The New Media of Internet – Evolution of Internet as New Media, Social Media, Information Technology Act, 2000, Other Regulatory Measures

### **MODULE III**

#### **Specific Health Law and Ethical issues:**

Assisted Reproduction, Reproductive Technology (Surrogacy), Euthanasia, Medical Termination of Pregnancy, Prenatal Diagnostic Techniques and Law, Human Organ Transplantation.

### **MODULE IV**

#### **Medical Ethics:**

Theoretical Approaches to Medical Ethics, Informed Consent, Full Disclosure, Confidentiality, Public Interest, Human Dignity etc., The Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002, Declaration of Geneva, 1948.

## **6. PRESCRIBED READINGS**

1. Basu, Dr. Durga Das, Law of The Press, 5<sup>th</sup> Edn., Lexis Nexis, Haryana, 2010
2. Bloy, Duncan & Hadwin, Sara, Law and the Media, 2<sup>nd</sup> Edn., Sweet & Maxwell, London, 2013
3. Carey, Peter, Media Law, 2<sup>nd</sup> Edition, Sweet & Maxwell, London 1996
4. Divan, Madhavi Goradia, Facets of Media Law, Eastern Book Company, Lucknow, 2010
5. Gallant & Epworth, Media Law: A Practical Guide to Managing Publication Risks, Sweet & Maxwell, London, 2000
6. Iyer, V. R. Krishna and Sethi, Vinod, Essays on Press Freedom, Capital Foundation Society, New Delhi, 1996
7. Iyerass, Venkat, Media Laws And Regulations in India; 1<sup>st</sup> Edition, Bahri Sons (India Research Press), New Delhi, 2000
8. Jethmalani, Ram and Chopra, D. S., Cases and Materials on Media Law, 1<sup>st</sup> Edition, Thomson Reuters, New Delhi, 2012
9. Paul, Sebastian, Ethics and The Media, 3<sup>rd</sup> Edition, Lexis Nexis, Haryana, 2015
10. Prasad, Kiran, Media Law in India, Kluwer Law International, Netherlands, 2011
11. Price, Monroe Edwin, & Verhulst, Stefaan G., Broadcasting Reform in India: Media Law from a Global Perspective, Oxford University Press, London, 2001
12. Shukla, V.N., Constitution of India, 11<sup>th</sup> Edition, Eastern Book Company, Lucknow, 2011
13. Sorabjee, Soli J., Constitution, Courts and Freedom of the Press and the Media, B.N. Tirpak et al (eds.), Supreme But Not Infallible : Essays In Honour Of The Supreme Court of India, Universal Law Publication, New Delhi, 2000